



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

**Tuesday, July 11, 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. **Approval and Presentation of National Parks and Recreation Month Proclamation** - Mayor Shlomo Danzinger  
[National Parks & Recreation Month - Request - July 2023.pdf](#)  
[National Parks & Recreation Month - July 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  
[June 13, 2023 Budget Workshop Commission Meeting Minutes.pdf](#)  
[June 13, 2023 Regular Town Commission Meeting Minutes.pdf](#)

- 3B. **Board and Committee Reports/Minutes** - Sandra N. McCready, Town Clerk  
[December 21, 2022 Police Pension 185 Board Meeting Minutes.pdf](#)  
[May 1, 2023 Tourist Board Meeting Minutes.pdf](#)  
[May 15, 2023 Parks and Recreation Committee Meeting Minutes.pdf](#)  
[May 24, 2023 Planning and Zoning Board Meeting Minutes.pdf](#)  
[June 28, 2023 Charter Review Board Meeting Minutes.pdf](#)

- 3C. **FY 2023 Budget Amendment Resolution No. 8** - Hector Gomez, Town Manager

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 8 FOR THE FISCAL YEAR 2023 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Resolution Approving Budget Amendment No. 8](#)  
[Attachment A - "FY2023 Budget Amendment No.8 TCM 07112023"](#)

**3D. Fraternal Order of Police (FOP) Collective Bargaining Agreement - Hector Gomez, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF SURFSIDE AND FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE IN EFFECT FROM OCTOBER 1, 2022 THROUGH SEPTEMBER 30, 2025; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE COLLECTIVE BARGAINING AGREEMENT ON BEHALF OF THE TOWN; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Resolution Approving FOP Collective Bargaining Agreement Attachment A - FOP Collective Bargaining Agreement 2022-2025.pdf](#)

**3E. Public Works Department Fee Schedule - Hector Gomez, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING A PUBLIC WORKS DEPARTMENT FEE SCHEDULE FOR PERMITS AND RELATED SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Resolution Approving Public Works Department Fee Schedule Attachment A - "Fee Schedule"](#)

**3F. Nurse Enhancement Initiative for School Year 2023/2024 - Hector Gomez, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AMENDMENT NO. 6 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF SURFSIDE, THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, TOWN OF BAY HARBOR ISLANDS, BAL HARBOUR VILLAGE, AND THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION, INC. TO FUND A NURSE ENHANCEMENT INITIATIVE FOR SCHOOL YEAR 2023/2024 FOR RUTH K. BROAD BAY HARBOR K-8 CENTER; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE AMENDMENT TO THE MOU; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Reso Approving MOU - Amend. No. 6 to MOU School Nurse Initiative 23-24.docx Nurse Amendment #6 Municipalities 23-24.pdf](#)

**4. Ordinances**

**Second Reading**

**4A1. 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.**

[Ordinance Right-of-Way.DOCX](#)

**4A2. 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](#)

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

[Attachment B: Open Code Cases](#)

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

**4A3. 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 Restaurants in H120 SR.docx](#)

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

**First Reading**

**4B1. Pension Ordinance Implementing 2022-2025 Collective Bargaining Agreement with Fraternal Order of Police (FOP) State Lodge 135 - Hector Gomez, Town Manager**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE,**

**FLORIDA, AMENDING CHAPTER 2. – ADMINISTRATION, ARTICLE V. – EMPLOYEE BENEFITS, DIVISION 2. - PENSION PLAN, OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REGARDING THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; SPECIFICALLY, AMENDING SECTION 2-171 OF THE TOWN CODE TO INCLUDE SHIFT DIFFERENTIAL AND UP TO 75 HOURS OF OVERTIME AS PENSIONABLE FOR POLICE OFFICERS AND COMMUNICATIONS OPERATORS; AMENDING SECTION 2-176 OF THE TOWN CODE REGARDING EARLY RETIREMENT; AMENDING SECTION 2-187 OF THE TOWN CODE REGARDING THE USE OF PREMIUM TAX REVEUNE; AND AMENDING SECTION 2-193 OF THE TOWN CODE EXTENDING THE MAXIMUM PERIOD OF PARTICIPATION IN THE DROP PLAN FOR POLICE OFFICERS AND COMMUNICATIONS OPERATORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Pension Ordinance FOP CBA.docx](#)

**4B2. Average Setbacks in H30A and H30B Zoning Districts - 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 SECTIONs 90-2. – “DEFINITIONS” AND 90-45. -- “SETBACKS” TO MODIFY REGULATIONS PERTAINING TO AVERAGE SETBACKS IN H30A AND H30B DISTRICTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Ordinance Amending 90-45 H30 Average Setbacks](#)

**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. Emergency Replacement of Mechanical Air Conditioner Unit for the Town Community Center Facilities - Hector Gomez, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING EMERGENCY REPAIR WORK FOR THE REPLACEMENT OF THE MECHANICAL AIR CONDITIONER UNIT LOCATED IN THE TOWN COMMUNITY CENTER FROM SMART AIR SYSTEMS, INC.; FINDING THAT THE WORK IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 3-13(7)(F) OF THE TOWN CODE AS A PUBLIC WORKS REPAIR RELATING TO A TOWN FACILITY; AUTHORIZING THE TOWN MANAGER TO ENTER INTO A PURCHASE ORDER FOR SUCH WORK; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Resolution Approving Emergency Repair Work Town Community Center Air](#)

**5B. Emergency Pump Station Repair for Stormwater Pump Station Located at the 89 Street End - Hector Gomez, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE PURCHASE OF A STORMWATER PUMP AND MOTOR FOR THE 89th STREET PUMP STATION FROM LIFT STATIONS "R" US CORP.; FINDING THAT THE PURCHASE IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTIONS 3-13(6) AND (7)F OF THE TOWN CODE AS EQUIPMENT AVAILABLE FROM A SOLE SOURCE AND AS A PUBLIC WORKS AND UTILITIES PURCHASE FOR EQUIPMENT RELATED TO TOWN FACILITIES; AUTHORIZING THE TOWN MANAGER TO ENTER INTO A PURCHASE ORDER FOR SUCH PURCHASE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Resolution Approving and Authorizing Pump Stations R Us - Motor and Pump Replacement](#)

[Attachment A - "Town of Surfside Pump and Motor Repairs Proposal"](#)

**5C. Solid Waste Services Special Assessment Preliminary Rate Resolution - Hector Gomez, Town Manager,**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, RELATING TO SOLID WASTE MANAGEMENT SERVICES, INCLUDING COLLECTION, DISPOSAL AND RECYCLING OF RESIDENTIAL SOLID WASTE IN THE TOWN OF SURFSIDE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF SURFSIDE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023; DIRECTING THE PREPARATION OF AN UPDATED ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Preliminary Rate Resolution For Solid Waste Assessments July 2023.doc](#)

[Surfside July 11 CC - Preliminary Solid Waste Assessment.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**  
[2023 July Town Manager's Report.pdf](#)

**7B. Town Attorney's Report**  
[Town Attorney Report July 2023](#)

**8. Unfinished Business and New Business**

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

**9A. Tennis and Recreation Center Design Review**

- Hector Gomez, Town Manager

[Attachment A - "Presentation"](#)

[Attachment A - Surfside Tennis and Recreation Center Presentation.pdf](#)

**9B. Harding Avenue Front Yard Paving Allowance** - Hector Gomez, Town Manager

**9C. Allowed Carport Materials** - Hector Gomez, Town Manager

**9D. Tobacco and/or Vape Shops in Business District** - Commissioner Fred Landsman

**10. Adjournment**

Respectfully submitted,

Hector R. Gomez  
Town Manager

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

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

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT [www.townofsurfsidefl.gov](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. 1G.

**To:**

**From:** Mayor Shlomo Danzinger

**Date:** July 11, 2023

**Subject: Approval and Presentation of National Parks and Recreation Month Proclamation**

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For the Town Commission to approve the proclamation as presented.

The purpose of this proclamation is to recognize and celebrate National Parks and Recreation Month in the Town of Surfside, highlighting the significant contributions made by the parks and recreation department to enhance the quality of life and overall well-being of our residents. Throughout the years, the dedicated efforts of the department have transformed our community, creating spaces and programs that promote physical activity, cultural enrichment, and environmental stewardship.

The parks and recreation department has been instrumental in developing and maintaining a wide range of recreational facilities, including parks, pools, sports fields, and beaches, which are integral to our community. These spaces not only provide opportunities for leisure and recreation but also serve as gathering places that foster a sense of community and social interaction among our residents.

Moreover, the department's commitment to offering diverse and inclusive programs and activities has greatly enriched the lives of our residents. From after-school programs to youth sports leagues, from fitness classes to art workshops, these initiatives cater to a broad spectrum of interests and age groups, ensuring that everyone in our community has access to recreational opportunities that suit their needs.

The positive impact of the parks and recreation department on the physical and mental health of our residents cannot be overstated. The provision of safe and well-maintained outdoor spaces encourages physical activity and promotes a healthy lifestyle. Additionally, the department's dedication to environmental education initiatives raises awareness about our natural surroundings, fostering a sense of responsibility and sustainability among our residents.

As we appreciate the hard work and dedication of the parks and recreation department, we



present this proclamation to celebrate National Parks and Recreation Month in the Town of Surfside. We recognize their invaluable contributions in improving the quality of life and health of our residents, and we encourage all members of our community to take advantage of the wonderful parks, programs, and activities they provide.

[National Parks & Recreation Month - Request - July 2023.pdf](#)

[National Parks & Recreation Month - July 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: 06/25/2023

Name of Requestor: Retta Logan

Organization: Chair, T.O.S. Parks & Recreation Committee

Address: 9293 Harding Ave., Surfside FL 33154

Phone / E-Mail: rettalu@gmail.com

Name of Individual / Organization to be honored:  
Town of Surfside Parks & Recreation Department

Title for Proclamation or Certificate:  
National Parks and Recreation Month

Date of Recognition: July 11, 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 July 11, 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 \_\_\_\_\_

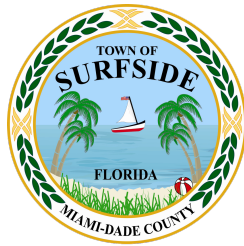
Approved: Yes \_\_\_\_\_ No \_\_\_\_\_ If no, state reason: \_\_\_\_\_

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

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

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

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



# Proclamation

*Whereas, parks and recreation is an integral part of communities throughout this country, including the Town of Surfside; AND*

*Whereas, parks and recreation promotes health and wellness, improving the physical and mental health of our residents; AND*

*Whereas, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; AND*

*Whereas, park and recreation programming and education activities, such as after-school programming, youth sports and environmental education, are critical to childhood development; AND*

*Whereas, our parks and recreation professionals daily maintain our parks, pools, beaches, street-ends, visitor centers, historic and cultural attractions, and many other recreational facilities and amenities normally as unsung services; AND*

*Whereas, the dedicated and hardworking staff of Surfside's Parks and Recreation Department tirelessly go above and beyond their regular duties, often sacrificing their weekends and working after hours to ensure the well-being and enjoyment of the residents they serve.*

*Now therefore I, Shlomo Danzinger, Mayor of the Town of Surfside, do hereby proclaim the Month of July, 2023 as:*

## *National Parks and Recreation Month*

*in the Town of Surfside, Florida, in accordance with the national observance of the same and encourage all citizens to support the effort to create a more active and healthy community through the programs offered by the Surfside Parks & Recreation Department.*

*Signed by my hand at Surfside Town Hall  
on this the 11<sup>th</sup> day of July 2023.*

*Shlomo Danzinger, Mayor  
Town of Surfside*



**Town of Surfside  
Town Commission Workshop  
MINUTES  
June 13, 2023  
5:00 PM  
Commission Chambers**

**1. Opening**

**1.A Call to Order**

Mayor Danzinger called the meeting to order at 5:06 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 Marianne Meisheid, Commissioner Nelly Velasquez and Commissioner Fred Landsman.

Also Present: Town Attorney Lillian Arango, Town Attorney Tony Recio, Town Manager Hector Gomez and Finance Director Javier Collazo.

**1.C Pledge of Allegiance**

Chief Healy provided the pledge of allegiance.

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

**2.A Budget Workshop, Discussion, and Direction for FY 2024 Budget - Hector Gomez, Town Manager**

Town Manager Gomez introduced the item and stated the objective of this meeting is to present to the Commission what the estimated value of the properties are and how it translates to ad valorem as well what they will use as the proposed millage rate and proposed budget. They will have a meeting to discuss the millage rate at a later date. He stated that what staff needs is a short list of the projects and program modifications the Commission would like to see.

Mayor Danzinger opened the floor to public comment.

The following individual from the public spoke:

George Kousoulas stated they have a number of good program modifications and would like to encourage them to approve the Freebie program.

Mayor Danzinger closed the floor to public comment.

Mayor Danzinger stated that they have a hard stop due to having dignitaries attending the 6:00 p.m. meeting.

Commissioner Velasquez asked if they should bring up what they have issues with.

Mayor Danzinger stated yes and if they have any to add to bring it back at the end.

### **Town Attorney - Non-Contract Professional Services**

Mayor Danzinger spoke regarding this item and he stated that it does seem a bit excessive, but he understands it is being allocated and set aside if needed.

Town Attorney Arango stated it would be for special projects and services and it is an estimate.

Mayor Danzinger asked how much was paid last year outside of the scope.

Town Attorney Arango stated she could come back with that information which includes employment, labor and appeals, charter review and referendum process, CTS and an item for land use specialty.

Commissioner Velasquez provided a suggestion if they could do it as budget amendments if it does happen instead of just budgeting a certain amount.

Town Attorney Arango stated some will be expended which includes labor and employment, litigation, charter review, undergrounding, etc. and you cannot foresee what lawsuits are coming. She stated it would be better to have it budgeted like it has been done in the past.

Vice Mayor Rose stated he agrees to budget for it.

Commissioner Landsman agrees to have it budgeted and if they leave it out they would not be able to pay their attorneys.

Commissioner Meisheid appreciates Commissioner Velasquez' comment but agrees that if the attorney feel it should stay budgeted she agrees.

Mayor Danzinger asked if they bill it to a specific file and if they go over the amount on a specific item do they borrow from another one.

Town Attorney Arango stated they do bill it to a specific file.

Town Manager Gomez addressed the comments and they usually budget it in a lump sum.

Consensus was reached to have it budgeted as stated.

Town Manager Gomez spoke regarding how the millage rate was forecasted and estimated.

Budget Officer Andria Meiri provided an overview of the millage rate and program modifications.

The Commission went over each item as listed below.

**Senior Management Team Building.**

Consensus was reached to have it budgeted as stated.

**Customer Guidance Outreach Materials.**

Consensus was reached to have it budgeted as stated.

**Landscape Inspection Services.**

Consensus was reached to have it budgeted as stated.

Mayor Danzinger would like to obtain an RFP for these services.

**Desktop/Laptop Replacement.**

Consensus was reached to have it budgeted as stated.

**Video Agenda Software Subscription.**

Consensus was reached to have it budgeted as stated.

Mayor Danzinger stated this is primarily initiated for ADA requirement compliance and asked for the Town Manager to look for grants to assist.

**Comprehensive Vulnerability Assessment and Adaptation Plan.**

Mayor Danzinger provided an overview of this section.

Consensus was reached to have it budgeted as stated.

**Parks and Recreation 96th Street Park Staffing.**

Consensus was reached to have it budgeted as stated.

**96th Street Park Grand Re-Opening Party & Ceremony.**

Consensus was reached to have it budgeted as stated.

**Crisis Communications Consultant.**

Commissioner Velasquez asked if this was discussed before and it was determined

they did not need someone in that position.

Mayor Danzinger addressed the comments made and agrees they do not need an individual on staff.

Consensus was reached to remove this from the budget.

### **Programming for Subscription Calendar Feature on Town Website**

Mayor Danzinger is not in agreement with this item and the software exists and all you need to do is plug and play. He understands the cost and requested to have a developer come up with the program for much less than the \$14,000. He would like for the Town to price this out with other vendors.

Commissioner Velasquez asked if they should put it as a discussion item and remove it from the budget.

Mayor Danzinger explained that gmail is for free and they could price this out and does not think \$14,000 is adequate.

Consensus was reached to remove this from the budget.

### **Parks and Recreation Customer Service Rep**

Consensus was reached to have it budgeted as stated and it will come out of the Tourist Fund.

### **On-Demand Freebee Transportation Service**

Vice Mayor Rose stated that he does not know why Bal Harbour, Bay Harbor and Surfside are so disconnected and why they cannot work together and be more efficient.

Mayor Danzinger stated that he will try again and speak to those Mayors and that they had stated they did an analysis but he will have the conversation again.

Commissioner Velasquez stated she likes the idea however the shuttle bus has more benefits because you are able to carry more people.

Commissioner Meisheid stated she rode the shuttle bus and she was the only Surfside resident on the bus.

Mayor Danzinger likes the idea but his recommendation would be to start with one Freebee and add another one as needed.

Commissioner Meisheid is fine with that and to keep in mind they have an extra \$39,000 that was just removed from the budget.

Mayor Danzinger stated this comes from the CITT Fund and not the General Fund and the money has to come out of the CITT Fund. He suggested starting with one to

see how it works.

Vice Mayor Rose stated he is good with two.

Commissioner Velasquez is good with one.

Commissioner Landsman stated that his concern is the level of service and not removing services from the shuttle bus and that is more important to service the community.

Mayor Danzinger stated that was also his concern and the seniors really liked it.

Commissioner Velasquez asked if they need to use an app.

Mayor Danzinger stated they have a phone number they can call.

Town Manager Gomez stated that if you go with two you will be in a deficit, but they are seeking a grant for next cycle to subsidize it but cannot guarantee they will receive the grant.

After further discussion the consensus was to go with one Freebee.

#### **Skid Steer - Capital Outlay Request**

Consensus was reached to have it budgeted as stated.

#### **96h Street Park Equipment and Security Cameras**

Consensus was reached to have it budgeted as stated.

#### **Police Department remodel and renovation**

Consensus was reached to have it budgeted as stated.

#### **Town Hall Commission Chambers renovation**

Consensus was reached to have it budgeted as stated.

#### **Community Center Exterior Doors**

Consensus was reached to have it budgeted as stated.

#### **Replacement of Police Vehicles**

Consensus was reached to have it budgeted as stated.

Mayor Danzinger stated they are not tied to the hybrids and to explore other vehicles.

#### **4x4 Work Utility Vehicle**



Consensus was reached to have it budgeted as stated.

### **Parking Division Handheld Radio Replacement**

Consensus was reached to have it budgeted as stated.

Mayor Danzinger stated that they are asking for 10 radios but they only have 3 parking officers.

Chief Healy stated they have 4 parking officers and one in the pipelines but this will also give them extra radios in the event any of them break.

Town Manager Gomez stated there is one more item which is a position that was discussed at a previous meeting which is a Capital Improvement Director in the amount of \$209,000 which includes benefits.

Mayor Danzinger stated that the amount sounds like a lot but when you take into account the amount they spend with different vendors doing these duties on our projects you actually have a savings.

Town Manager Gomez stated that if you look at the other project management services for the different projects you are looking at over \$6,000,000. He stated that they did discuss the position in a past meeting. He will provide the Commission with the information of the breakdown which he read into the record. He stated the actual salary will be \$140,000 a year which will be a seasoned and experienced individual.

Vice Mayor Rose asked if they could have it as a consultant.

Town Manager Gomez stated it will be a full time employee position.

Consensus was reached to approve the Capital Improvement Director position as budgeted.

Mayor Danzinger stated one of the items discussed during their budget visionary workshop which was missing here is the Police Safety Cameras and he would like to make sure it is added back to the budget.

Town Manager Gomez stated that it was an oversight and it will be added with the cameras and their locations.

Mayor Danzinger stated that they moved a lot of their events to 93rd Street across from Town Hall and possibly making it a bit different and have the streets paved with pavers to make it look better.

Commissioner Velasquez asked regarding the construction across the street if it would damage the pavers.

Mayor Danzinger stated they will be held liable to replace the pavers if they damage them.

Consensus was reached to add this item to the budget and to come back with a cost estimate.

Town Manager Gomez stated he will be bringing it back with a cost estimate.  
[FY2024 Budget Workshop Presentation.pdf](#)

### 3. Adjournment

There being no further business to discuss before the Commission, a motion was made by Commissioner Landsman to adjourn the meeting at 5:52 p.m., seconded by Commissioner Meisheid. The motion carried with a 5-0 vote.

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

\_\_\_\_\_  
Shlomo Danzinger, Mayor

Attest:

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



**Town of Surfside  
Regular Town Commission Meeting  
MINUTES  
June 13, 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 McCready called the roll with the following members present:

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

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

**1C. Pledge of Allegiance**

Chief Healy provided the pledge of allegiance.

**1D. Mayor and Commission Remark - Mayor Shlomo Danzinger**

Commissioner Landsman thanked the heroes attending and thanked everyone attending.

Commissioner Meisheid hopes that everyone had a good Memorial Day and spoke regarding the Charter Review Committee and the schedule has been set back due to lack of quorum and encouraged the Commissioners to contact their appointees.

Commissioner Velasquez thanked everyone in attendance and the Police Department and Fire Department for assisting during the collapse and also thanked our Senator Shevrin Jones.

Vice Mayor Rose stated this month of the month of remembrance and encouraged everyone to hug their loved ones. He thanked the Parks and Recreation Committee Meeting and the generosity of Committee Member Olchyk and thanked her.

Mayor Danzinger recognized the elected officials present, Senator Shevrin Jones, Israeli Consul General Mayor Elbaz Strarinsky, former Mayor Eli Tourgeman, former Vice Mayor Frank MacBride, Miami Dade County Public Safety Director Freddy Ramirez, Miami Dade County Fire Rescue Department Chief Ralph Baena and his command staff and Dr. Yonah Bardos, Hatzalah.

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

Mayor Danzinger requested the below changes to the agenda.

A motion was made by Vice Mayor Rose to add a new item (item 1K - Board and Committee Chairs Presentation) to be heard after item 1J (Approve and Present Proclamation-Code Enforcement Officers Appreciation Week), seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

A motion was made by Vice Mayor Rose to move item 9D (Recommendation from the Tourist Board for the Installation of SURFSIDE Word Monument at Town Hall as a Tourism Enhancement Feature) to be heard after item 2 (Quasi-Judicial Hearings), item 9B (Downtown Walkability and Improvements Design Phase) to be heard after item 9D (Recommendation from the Tourist Board for the Installation of SURFSIDE Word Monument at Town Hall as a Tourism Enhancement Feature) and item 9C (Abbott Avenue Stormwater Improvement Project Update) to be heard after item 9B (Downtown Walkability and Improvements Design Phase), seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

A motion was made by Vice Mayor Rose to add the appointment to the Tourist Board by Mayor Danzinger after item 9C (Abbott Avenue Stormwater Improvement Project Update) as new item 1L (Appointment to the Tourist Board), seconded by Commissioner Meischeid. The motion carried with a 5-0 vote.

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

Mayor Danzinger spoke regarding the past events that took place and appreciated the residents that were in attendance. He recognized the Town staff and stated that Priscilla Krutules, Assistant Town Clerk, has been here for 20 years and thanked her for what she does. He also thanked Captain Antonio Marciante for his 5 years of service with the Town of Surfside Police Department.

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

Florida State Senator Shevrin Jones provided a legislative update and spoke regarding the different Senate Bills including the condominium bill.

Mayor Danzinger thanked Senator Jones for all his hard work for the appropriations and thanked him for helping the Town obtain the additional \$500,000 for the Champlain Towers South investigation.

Commissioner Meischeid asked regarding the condominium town hall meeting that she attended and when they will get some updates.

Senator Jones stated they will be meeting with Senator Pizzo and provide an update.

**1H. Proclamation Presentation for Surfside Heroes Appreciation Month - Shlomo Danzinger, Mayor**

Mayor Danzinger introduced the item, read and presented the proclamation.

Town Manager Gomez thanked the Town of Surfside staff and Police Department for their hard work during the most difficult time in the history of Surfside.

Chief Healy thanked staff and his officers for their hard work during the collapse.

Miami Dade County Public Safety Director Freddy Ramirez thanked everyone and stated that two years ago a great tragedy hit this Town and all the decisions were made for the best of those family members.

Miami Dade County Fire Chief Ralph Baena thanked everyone for the proclamation and spoke regarding the hard work during the collapse.

Israeli Consul General Mayor Elbaz Strarinsky thanked Mayor Danzinger and provided an overview of his experience during the collapse.

Dr. Yonah Bardos, Hatzalah, thanked the Town for recognizing all the first responders

[Surfside Heroes Proclamation.pdf](#)

**1I. Approve and Present Proclamation - Code Enforcement Officers' Appreciation Week - Shlomo Danzinger, Mayor**

For the commission to approve the proclamation as submitted.

Mayor Danzinger introduced the item, read and presented the proclamation.

Code Enforcement Director Carmen Santos-Alborna thanked the Commission.

A motion was made by Vice Mayor Rose to approve the Code Enforcement Officer's Appreciation Week Proclamation, seconded by Commissioner Meischeid. The motion carried with a 5-0 vote.

[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**

For the commission to approve the proclamation as submitted.

Mayor Danzinger introduced the item, read and presented the proclamation. He thanked one of our residents who was named Teacher of the Year, Celida Cuenca.

Celida Cuenca, resident and Teacher of the Year thanked the Commission.

A motion was made by Vice Mayor Rose to approve the National Teachers Appreciation Week Proclamation, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

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

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

### **1K.) Board and Committee Chairs Presentation**

Planning and Zoning Board Chair Baumel provided an overview of the items and applications the Planning and Zoning Board have reviewed. She encouraged everyone to attend the meeting.

Mayor Danzinger stated the process of the items that go before the Planning and Zoning Board and thanked them for their service.

Tourist Board Chair Eli Tourgeman provided an overview of the items the Board have reviewed, future activities and provided a summary of those events.

### **1L.) Appointment to the Tourist Board**

Mayor Danzinger thanked the Tourist Board and he has received good comments regarding their events.

Mayor Danzinger passed the gavel.

A motion was made by Mayor Danzinger to appoint David Karp to serve on the Tourist Board, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

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

A motion was made by Commissioner Landsman to recess the meeting at 8:01 p.m. for 14

minutes until 8:15 p.m., seconded by Vice Mayor Rose. The motion carried with a 5-0 vote.

Meeting resumed at 8:18 p.m.

Town Clerk McCready called the roll with all members of the Commission present.

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

Approved on consent.

[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

Approved on consent.

[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](#)

[2023-04-27 Planning and Zoning Board Meeting Minutes.pdf](#)

**4. Ordinances**

**Second Reading**

**4A1. 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 provided an overview of the item.

Town Attorney Recio introduced the item and provided an update on the recommendations from the Planning and Zoning Board and the changes to the ordinance from first and second reading. He stated they would amend line 30 to properly reflect the recommendations from the Planning and Zoning Board.

A motion was made by Vice Mayor Rose to approve the ordinance as written for all single-family standard fences and gates within H30A and H30B to go to the Town Planner and anything else would go before the Planning and Zoning Board, seconded by Commissioner Landsman.

Mayor Danzinger opened the floor to public comments.

The following individual from the public spoke:

Eliana Salzhauer advised for them to go with the recommendation that they received from the Planning and Zoning Board.

Mayor Danzinger closed the floor to public comments.

Mayor Danzinger addressed the comments made.

Vice Mayor Rose explained that if they are standard fences and gates, it would be up to the Town Planner for approval and anything more intricate would go before the Planning and Zoning Board.

Commissioner Landsman stated that there will be an expert, which is the Town Planner, looking at this based on the design review guidelines and if need be it would go to the Board.

The motion carried with a 5-0 vote.

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

#### **4A2. 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.

Town Attorney Recio introduced the item and provided an update on the recommendations from the Planning and Zoning Board.

Mayor Danzinger opened 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 as written, seconded by Vice Mayor Rose. The motion carried with a 5-0 vote.

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

**4A3. 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 Attorney Recio introduced the item and provided an update on the recommendations from the Planning and Zoning Board.

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:

Eliana Salzhauer spoke in opposition of this ordinance.

George Kousoulas spoke regarding following the recommendations of the Planning and Zoning Board.

Mayor Danzinger closed the floor to public comments.

Mayor Danzinger addressed the comments made by the public speakers.

A motion was made by Commissioner Landsman to approve the ordinance on second reading within H30A and H30B to allow the Town Planner to review and approve fences and gates, and for all other districts to be reviewed by Planning and Zoning Board, seconded by Vice Mayor Rose. The motion carried with a 4-0 vote with Commissioner Velasquez absent for roll call.

[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

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).

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

Town Manager Gomez provided an overview of the item.

Town Attorney Recio introduced the item and provided an update on the recommendations from the Planning and Zoning Board.

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:

Eliana Salzhauer spoke in opposition of this ordinance.

George Kousoulas clarified the comment made by the previous speaker.

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

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

## First Reading

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

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.

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

Town Manager Gomez provided an overview of the item.

Town Attorney Recio introduced the item and provided an overview of the ordinance.

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:

Eliana Salzhauer spoke against the ordinance.

George Kousoulas spoke regarding looking at the landscape code.

Mayor Danzinger closed the floor to public comments.

Commissioner Landsman asked Town Attorney Recio to explain how this ordinance was drafted and how other portions of the Code will interact.

Town Attorney Recio provided an explanation of the requirements of landscape which are addressed in lines 84, 85 and 86 in the ordinance. He stated that lines 93, 94 and 95 count towards the pervious area. He addressed the comments made by the public. He explained all other components of this ordinance.

Commissioner Velasquez asked if this is only for new installs as it relates to the

barriers.

Town Attorney Recio stated that as of right now they would not require a visual barrier if it was already installed.

Mayor Danzinger spoke regarding the time frame and life span of the turf and at what time do you ask them to update it and they must still meet code. He asked if they could add a timeline for second reading.

Town Planner Frankel addressed the comment made regarding deterioration and color change. She referred to line 173 and it has to be reviewed every 3 years by Code Compliance and they could apply that to existing installations as well.

Further discussion took place among staff and the Commission regarding when it should be changed and/or replaced as well as landscape requirements.

A motion was made by Vice Mayor Rose to approve the ordinance on first reading with changes to line 123 and 124 to state installed by a "licensed contractor" and remove the word general and state, add to check the installation every 3 years or sooner and apply it to the grandfathered properties as well and for new constructions require trees and shrubs, seconded by Commissioner Landsman. The motion carried with a 4-1 vote with Commissioner Meischeid voting in opposition.

[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

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.

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

Town Attorney Recio introduced the item and provided an overview of the ordinance.

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:

Eliana Salzhauer spoke against the ordinance.

Gerardo Vildostegui spoke against the ordinance.

George Kousoulas spoke in favor of the ordinance.

Mayor Danzinger closed the floor to public comments.

Mayor Danzinger addressed the comments made and stated it is a conditional use and it must go before the Commission for approval and provided specifics of the requirements.

Commissioner Velasquez stated she is fine with this but wants to make sure they are not bringing a McDonalds or something like that.

Mayor Danzinger reiterated the requirements.

Vice Mayor Rose clarified misinformation that was posted on NextDoor which are lies.

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

A motion was made by Vice Mayor Rose to extend the meeting 45 minutes at 10:59 p.m., seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

[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

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.

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

Town Manager Gomez provided an overview of the item.

Town Attorney Recio introduced the item and provided an overview of the ordinance.

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:

Gerardo Vildostegui spoke against the ordinance.

George Kousoulas spoke regarding the setbacks.

Eliana Salzhauer spoke against the ordinance.

Mayor Danzinger closed the floor to public comments.

Mayor Danzinger stated that fences are not allowed on the right of ways, and this speaks to older homes. This is not to allow more fences on the right of way but to deal with what currently exists. He stated this is for the Town reserving the right to taking back their portion of the property and if they need to dig up anything that is on the right of way, they do not have to replace it since the owner encroached on the right of way.

Vice Mayor Rose asked the Town Attorney to clarify the ordinance.

Town Attorney Recio clarified the comments made and what is allowed and what is not allowed.

Further discussion took place regarding what can be done to address the issue being presented with the right of way.

A motion was made by Vice Mayor Rose to approve the ordinance on first reading as written, seconded by Mayor Danzinger. The motion carried with a 3-2 vote with Commissioner Velasquez and Commissioner Meischeid voting in opposition.

[Ordinance Rights-of-Way Creating Chapter 76.DOCX](#)

[Attachment A - Property Owners Encroachment Agreement 2023.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. 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**

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

Town Manager Gomez introduced the item.

Town Attorney Arango provided an overview of the resolution.

Mayor Danzinger opened the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

Mayor Danzinger stated there are other streets to consider and asked if it could come back next month with a more comprehensive plan where it address the other streets.

Town Manager Gomez addressed the comment by the Mayor and stated the ways it could be addressed.

Mayor Danzinger stated he is comfortable with adding a task order.

Commissioner Velasquez stated the funding was provided for this street not for other streets.

Mayor Danzinger requested a comprehensive design for the other streets. He stated he wants them to keep in mind that what you are building on 91st Street will impact the other streets.

A motion was made by Vice Mayor Rose to approve the resolution as written with the additional task order that this project can be scalable to the other streets without incurring additional cost and if there is additional cost it must come before the Commission, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

A motion was made by Vice Mayor Rose to extend the meeting 20 minutes at 11:45 p.m., seconded by Commissioner Landsman. The motion carried with a 4-0 vote.

Commissioner Velasquez left the meeting at 11:45 p.m.

[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.***

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:

Joshua Epstein spoke regarding the order of the agenda and flooding.

Jeff Platt spoke regarding the closure of the street and changing it to make it easier for pedestrians is not better.

Gerardo Vildostegui spoke regarding Damac regarding the design of the former Champlain Towers South site and the setbacks. He also spoke regarding the Mayor showing the expenses of his trip to Dubai.

George Kousoulas spoke regarding general design. He stated they have to evaluate if the design is the correct one.

Eliana Salzhauer spoke regarding the order of the agenda and moving items around. She spoke regarding the Downtown Walkability and no resident input. She spoke regarding the plans Damac presented.

Martin Langesfeld spoke regarding the memorial committee, and they are not receiving any updates.

Hanah Wasserman stated she is a member of the design committee for the memorial and supports Mr. Langesfeld. She spoke regarding having space for the memorial.

Mayor Danzinger closed the floor to public comments.

Commissioner Landsman thanked the speakers for their comments. He addressed the comments made by the speakers and have great respect for those that lost loved ones. He

stated this Commission is trying to do the best they can with what they have to work with. He stated this is dealing with private property and they will do the best they can and do it right.

Commissioner Meischeid spoke regarding the time of the meetings changing and obtaining consistency and possibly work better with that. She spoke regarding designs coming from Damac that they need to look at very carefully. She addressed the comments regarding the option of the wedding cake and the 10% vs. the 10 feet and they can work on that. She stated it is terrible that a resident has to lie about a commissioner.

Commissioner Velasquez stated that the changes in time and order of the agenda have always been done to accommodate residents and vendors that have to come and speak. She stated that the items that were moved up were discussion items, so the residents do not have to wait until 10 pm and it is a normal thing, and Ms. Salzhauer used to sit on the dais as a Commissioner and knew they did that in the past as well. She also spoke regarding the 10% and she remembers it being 10% and not 10 feet and she would request taking another look at that. She addressed the comments made regarding the memorial and she cannot guarantee it would be on the property itself because it is not in their jurisdiction, and it was not in the judge's jurisdiction. She stated that they will help and work on building the memorial.

Vice Mayor Rose agrees that the site is private property, and they cannot do anything about that, but the permanent memorial will take place on 88th Street. He addressed the flooding taking place all around town and spoke regarding permeability. He stated there is no P3 going on there and the meetings have been reorganized as before. He stated Ordinance 21-1716, under the previous commission spoke regarding 10 feet and never did it mention 10% and it went through 2 readings and the Planning and Zoning Board.

Mayor Danzinger addressed the comments made regarding the order of the agenda and explained the reasoning behind moving some items up and wanted to move item 9A up for the family members. He stated this is to be more accommodating to the residents. He addressed the comments regarding flooding and understories and artificial turf help with flooding. He spoke regarding outdoor dining. He addressed the other comments made by the public. He stated that there have been multiple public records requests regarding his Dubai trip and there is nothing to show. He stated that Damac did not put two plans violating code and they will see that once it goes before the Planning and Zoning. He thanked the families for coming out today. He stated 88th Street was dedicated for a memorial but never stated a size.

Town Manager Gomez provided an overview of the Champlain Tower South Memorial and the RFQ and what they are looking for in a design firm. He spoke regarding a resolution that was passed which gave the Town Manager the authority to start the process of the

closure of 88th Street and explained that resolution. He also provided a timeline of the involvement of the memorial.

Mayor Danzinger stated they can reach out to any members of the Commission or the Town Manager for any information.

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

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

Town Manager Gomez provided an overview of his Town Manager's Report.

A motion was made by Vice Mayor Rose to approve the Town Manager's Report, seconded by Commissioner Landsman. The motion carried with a 4-0 vote with Commissioner Velasquez absent..

[June 2023 Town Manager's Report.pdf](#)

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

Town Attorney Arango provided an overview of his Town Attorney's Report. She stated that the court found in favor of the Town in the Solimar case. She also provided an update on the other pending litigation cases.

Mayor Danzinger congratulated the Town Attorney on the ruling in the Solimar case.

A motion was made by Vice Mayor Rose to approve the Town Attorney's Report, seconded by Commissioner Landsman. The motion carried with a 4-0 vote with Commissioner Velasquez absent.

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

## **8. Unfinished Business and New Business**

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

Mayor Danzinger opened the floor to public comment.

The following individual from the public spoke:

George Kousoulas spoke regarding items 9B (Downtown Walkability and Improvements Design Phase Update), 9C (Abbott Avenue Stormwater Improvement Project Update) and 9D (Recommendation from the Tourist Board for the Installation of SURFSIDE Word Monument at Town Hall as a Tourism Enhancement Feature).

Mayor Danzinger closed the floor to public comment.

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

To discuss the recently approved State Legislature funding allocating \$500,000 towards the Champlain Tower South Investigation and the impacts towards



investigation status.

A motion was made by Vice Mayor Rose to move item 9A (Champlain Towers South Investigation and Appropriation Update) to be discussed immediately, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

Mayor Danzinger opened the floor to public comment.

The following individuals from the public spoke:

Eliana Salzhauer

Hanah Wasserman

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

Mayor Danzinger provided an update and overview of the Champlain Towers South Investigation and Appropriation.

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

Town Manager Gomez provided an update and overview of the Downtown Walkability and Improvements Design Phase.

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

Town Planner Frankel provided a presentation along with Consultant Town Planner Walter Keller, Marlin Engineering.

Commissioner Velasquez stated it is a good idea, but the bottom line of this project is to create more walkability and how do these parklets provide more walkability.

Consultant Town Planner Keller addressed the comment made and provided scenarios and alternatives.

Town Manager stated that they are looking for direction from the Commission on the options and define a location and the number of spots in order to not impact FDOT's project.

Mayor Danzinger spoke regarding the presentation, the parklets and number of spots.

Further discussion took place among the Commission members, staff and Mr. Keller regarding the project specifics, parklets and expansion of the downtown and possibly putting it all on one side.

A motion was made by Vice Mayor Rose to move forward with 30 spaces to be expanded out and move forward with this project, seconded by Commissioner Meisheid.

A motion was made by Vice Mayor Rose to amend his previous motion to move forward with Alternative 2 and 16 spaces, seconded by Commissioner Meisheid. The motion carried with a 5-0 vote.

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

A motion was made by Commissioner Landsman to table this item to be heard after Good and Welfare, seconded by Vice Mayor Rose. The motion carried with a 5-0 vote.

Town Manager Gomez provided an update and overview of the Abbott Avenue Stormwater Improvement Project.

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

Carl Morales, Keith Engineering, provided a presentation and update on the item.

Commissioner Velasquez asked if they are only doing half the job why don't they pay for only half of the job and also asked regarding placing the pumps in the streets that have the biggest problem.

Public Works Director Stokes explained that 91st Street is the worst one and the reason why they are placing it on 92nd Street is because of the water main that is there and because there is already a pipe there.

Mr. Morales addressed the comments made by Commissioner Velasquez.

Commissioner Landsman asked regarding the pricing which is based on the other contractors. He stated that they will be going out again with another RFP for a more concrete pricing.

Further discussion took place among the Commission and Mr. Morales regarding the pricing and specifics of the project, location and assessment.

A motion was made by Vice Mayor Rose to move forward with the drainage project with the money allocated from the grant money and seek further grant funding, seconded by Mayor Danzinger. The motion died with a 5-0 vote.

A motion was made by Vice Mayor Rose to move forward with the project for RFP for value and engineer, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

[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**

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.

Town Manager Gomez provided an overview of the recommendation from the Tourist Board for the installation of "SURFSIDE" word monument at Town Hall.

Mayor Danzinger asked for the Tourist Board Chair to come and speak on the item.

Tourist Board Chair Tourgeman spoke on the item and provided a presentation.

Commissioner Landsman spoke regarding the dimensions of the sign and letters.

Comments were made by the Commission regarding safety concerns, the sign not fitting into Surfside and should not be in front of Town Hall or any government buildings. Suggestion was made that the sign should be on the beach and that things like this should come before the Commission. They do appreciate them bringing it to the Commission.

Consensus was reached by the Commission not to move forward with this sign at Town Hall.

Mayor Danzinger suggested for the Tourist Board to come back with suggestions of placing the sign at another location.

A motion was made by Vice Mayor Rose for the Tourist Board to come back with alternate locations for the signage, painting the sign a way to match the color scheme of the Town and possibly to do a portable sign like the ones they use at other events, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

A motion was made by Vice Mayor Rose that any permanent structure that is to be installed in Town must come before the Town Commission, seconded by Commissioner Meisheid. The motion carried with a 5-0 vote.

[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**

For the Town Commission to consider requiring wells for in-ground pools.

Vice Mayor Rose introduced the item and explained the need for wells for in-ground pools built in Town. He stated that neighbors have been complaining about what is taking place when they are installing inground pools.

Mayor Danzinger asked what the next steps would be.

Town Manager Gomez stated they can add that to their Public Works Standard Manual. He suggested adding it as part of the permitting procedure and what the

requirement would be.

A motion was made by Vice Mayor Rose to require wells for inground pools being built in Town and for it to be made part of the permitting process, seconded by Commissioner Landsman. The motion carried with a 4-0 vote with Commissioner Velasquez absent.

**9F. Business District Service Fee / Gratuity Notification** - Commissioner Fred Landsman

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?

A motion was made by Commissioner Landsman for purposes of discussion, seconded by Commissioner Meisheid. The motion carried with a 4-0 vote with Commissioner Velasquez absent.

Commissioner Landsman introduced the item and spoke regarding the restaurants in Town providing more clarity when it comes to gratuity notification on checks and provided an example.

Commissioner Meisheid asked who will be policing that and believes this is a different department than Surfside.

Commissioner Landsman stated that he spoke with the Town Attorneys and they might be dealing with some home rule issue with the State and County. He continued with examples.

Mayor Danzinger stated he understands the frustration and it is misleading. He provided some of his concerns and issues which includes enforcement.

Town Attorney Arango stated what is allowed and required by restaurants.

Commissioner Landsman is looking for full disclosure by restaurants.

Mayor Danzinger understands he just wants to know if they are making themselves liable since there is legislation out there.

A motion was made by Commissioner Landsman asking the Town Attorney to look further into this and bring it back to the Commission as a discussion item, seconded by Vice Mayor Rose. The motion carried with a 4-0 vote with Commissioner Velasquez absent.

Vice Mayor Rose asked regarding the timing of the next meeting and do they have another budget workshop.

Town Manager Gomez stated there is another budget workshop and they will need at least an hour for that meeting.

A motion was made by Vice Mayor Rose to start the next regular meeting at 6:00 p.m. and cancel the special meeting, seconded by Commissioner Landsman. The motion carried with a 4-0 vote with Commissioner Velasquez absent.

**10. Adjournment**

There being no further business to discuss before the Commission, a motion was made by Vice Mayor Rose to adjourn the meeting at 12:09 a.m. (June 14, 2023), seconded by Commissioner Landsman. The motion carried with a 4-0 vote with Commissioner Velasquez absent.

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

\_\_\_\_\_  
Mayor Shlomo Danzinger

Attest:

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

CHAPTER 185 PENSION BOARD MEETING MINUTES

WEDNESDAY DECEMBER 21, 2022

4TH MEETING

LOCATION: TOWN OF SURFSIDE COMMISSION CHAMBERS

CALL TO ORDER: 7:18PM

ATTENDANCE: MICAH SMITH - PRESENT

JUAN DURAN - PRESENT

JOSEPH MATHEWS - PRESENT

MARENI STARRE - ABSENT

BILL BLUMENKRANZ - PRESENT

APPROVAL OF MINUTES: SMITH MADE THE MOTION, DURAN SECONDED IT. VOTE: 4 YES 0 NO

TREASURERS REPORT: SCHWAB ACCOUNT TOTAL: \$928,206.27 ON 12/21/2022

SECRETARY'S REPORT: NOTHING TO REPORT

**OLD BUSINESS**

-BILL BLUMENKRANZ WAS PLACED BACK ON THE BOARD AS A CIVILIAN MEMBER.

-2021'S STATE CHECK FOR \$63,765.73 WAS DEPOSITED INTO THE 185 BANK ACCOUNT ON 9/16/2022.

-CHECK #196 FOR \$991.44 WAS WRITTEN ON 10/21/2022 TO MUNICIPAL INSURANCE TRUST, CHECK #197 FOR \$300 WAS WRITTEN ON 6/21/2022 TO KLAUSNER KAUFFMAN JENSEN AND LEVINSON FOR THE AUDIT LETTER.

-DURAN NEEDS TO SPEAK WITH TOWN OF SURFSIDE REVENUE/PAYROLL MANAGER MAYTE GAMIOTE A TO FIND OUT WHAT AMOUNT IS DUE TO RETIRED SURFSIDE POLICE CHIEF JULIO YERO.

**NEW BUSINESSES**

-DURAN NEEDS TO SPEAK WITH TOWN OF SURFSIDE REVENUE/PAYROLL MANAGER MAYTE GAMIOTE A TO FIND OUT WHAT AMOUNT IS DUE TO RETIRED SURFSIDE POLICE CHIEF JULIO YERO AND RETIRED OFFICER EDWARD CARRASQUILLO.

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NEXT MEETING: WED 6/30/2023 AT 7:00PM

**Adjournment**

There being no further business to discuss before the Police Pension Board Smith made a motion to adjourn the meeting at 7:24pm, seconded by Duran. The motion carried with a vote of 4 yes and 0 no.

Respectfully submitted: this 30th day of June , 2023.



\_\_\_\_\_  
Micah Smith, Secretary

Attest:



\_\_\_\_\_  
Joseph Matthews, Treasurer



**Town of Surfside  
Tourist Board  
MINUTES  
May 1, 2023  
5:30 PM**  
Town Commission Chambers

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

Chair Tourgeman called the meeting to order at 5:31 p.m.

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

Present: Chair Eli Tourgeman, Vice Chair Ben Jacobson, Board Member Lisa Herman, Board Member Diana Gonzalez and Board Member Ezequiel Singer.

Also Present: Commission Liaison Mayor Shlomo Danzinger, Town Manager Hector Gomez, Town Attorney Daniela Cimo and Tourism and Communications Director Frank Trigueros.

**2. Agenda and Order of Business**

Chair Tourgeman recognized new Town Manager Hector Gomez and congratulated Mr. Gomez.

Town Manager Gomez thanked the Chair and the Board. He stated that he is here for anything they might need.

Mayor Danzinger provided his Commission Liaison Report and extended their appreciation to the Board for extending the two events which have been very successful. He stated they were very well attended and thanked them for the effort they have put into the events.

Chair Tourgeman stated that many residents have acknowledged the beach chairs at the community center and the great service they provide to the residents.

Vice Chair Jacobson stated that one of the Commissioners (Commissioner Velasquez) made a statement at the last meeting that this Board was using the funding from COVID to fund the events. He wanted to clarify that statement is incorrect and the funds being used

Minutes  
Tourist Board  
Monday, May 1, 2023



is from this year's Tourism budget and asked the mayor to take the correct information back to the Commission.

Mayor Danzinger reiterated that the funds being used for the events is from this year's budget from the Tourist Fund.

### **3. Approval of Minutes**

#### **3.A April 3, 2023 Tourist Board Meeting Minutes - Deputy Town Clerk Evelyn Herbello**

A motion was made by Vice Chair Jacobson to approve the April 3, 2023 Tourist Board Meeting Minutes, seconded by Board Member Singer. The motion carried with a 5-0 vote.

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

### **4. Resort Tax Collection and Vacancies Report**

#### **4.A Resort Tax Collection and Vacancies Report - Tourism and Communications Director Frank Trigueros**

Tourism and Communications Director Frank Trigueros provided an overview of the Resort Tax and Vacancies Report. He stated the report looks at the peak seasons to see how they did in those months. He stated there is a slight dip from last year's records. He went over the percentage for both. He stated they are doing a lot better than a few years ago.

[May Vacancies and Resort Tax Report.pdf](#)

### **5. Discussion Items**

#### **5.A Public Works Employee Appreciation, Gift Card Presentation - Chair Eli Tourgeman - Chair Eli Tourgeman**

Chair Tourgeman sponsored the item and recognized the Public Works Department Employees Derick Scott and Curtan Turner and presented them with a gift card. He stated that many times we overlook the individuals that work so hard in the background. He wanted to acknowledge them for their endless hard work. He stated that this Board wants to thank them for all they do for the Town and it's residents.

Vice Chair Jacobson thanked the Chair for bringing this forward.

#### **5.B Earth Day Plastic Fishing Festival Recap - Frank Trigueros, Tourism & Communications Director**

Tourism and Communications Director Frank Trigueros provided an overview of the item and a recap of the event.

Rodrigo Buttori, Plastic Fisherman provided a video presentation and specifics on the event.

Chair Tourgeman asked from his experience of this event would he change anything.

Mr. Buttori stated that he would not but he does believe that if they move the event to Sunday would allow more people to attend. He stated the next event would be on September 16.

Chair Tourgeman suggested having it on a Sunday instead of a Saturday.

Consensus of the Board was to hold the next event on a Sunday.

**5.C 2023 Summer Sundays Beach Party Events - Frank Trigueros, Tourism & Communications Director**

Tourism and Communications Director Frank Trigueros provided an overview of the item and a recap of the event.

Sara Liss provided an overview and presentation of the item along with the different activities at the events.

Tourism and Communications Director Trigueros asked regarding the additional food for the event.

Vice Chair Jacobson asked what type of food they had last time.

Ms. Liss stated that they had fresh fruits, pizza and Surf N Side provided food as well. She also stated they had hydration stations.

Chair Tourgeman asked what the budget amount was and was there any food included.

Tourism and Communications Director Trigueros stated it was \$18,500.

Chair Tourgeman asked regarding the attendance at the event.

Ms. Liss stated they had a good attendance.

Tourism and Communications Director Trigueros stated that it gradually picked up and August, September and October were very well attended.

Ms. Liss stated it covers snack foods not restaurant style food.

Vice Chair Jacobson asked if there is any movement in getting power at the back of the Community Center where the Town could have the generator in the back. He asked what the generator budget would be.

Ms. Liss stated that they need a generator and does not believe it is possible to use the electricity from the Community Center and does not believe it would be enough.

Town Manager Gomez addressed the comments made regarding the generator and

the issues that it could present.

A lengthy discussion took place among the Board members, staff and Ms. Liss regarding the additional food, the possibility of running a wire and power from the community center to the beach along with the logistics and issues it could address. It was determined to leave the event at the original location and not use the community center electricity.

**5.D Update - Official Surfside, Florida T-Shirt for Sale - Frank Trigueros, Tourism & Communications Director**

Chair Tourgeman sponsored the item and asked Tourism and Communications Director Frank Trigueros to introduce the item.

Tourism and Communications Director Frank Trigueros provided an overview and update of the item. He stated that they spoke to Publix and their corporate headquarters said no. He stated that they can still look into selling it via the vendor's Etsy website store (Human Prints). He provided the cost for each shirt and there is complications with the sales tax. He stated that if they sell the shirt for a specific price it might be easier.

Chair Tourgeman stated that they have done this before and the past Tourist Board sold them at the events and they had volunteers selling them. He is unaware of the logistics as to what account the money would go into.

Tourism and Communications Director Trigueros stated he will now check with CVS.

Chair Tourgeman suggested to limiting selling them for \$10 and sell them at our events if CVS falls through.

Town Attorney Cimo stated that there are two separate issues, and it needs to be dealt with the Finance Department and spoke regarding sales tax and does not know how it was done in the past. She stated that she will have Town Clerk McCready look into how it was done in the past. She stated that if you sell them at the Town it would cost \$14.00 each shirt and if you sell them at \$10.00 you are losing money.

Chair Tourgeman stated that they are not here to make money.

Vice Chair Jacobson does not have a problem selling them at a loss and use their promotion budget to subsidize.

Town Attorney Cimo stated that the shirts would be sold through Human Prints which is the vendor.

Board Member Singer stated it should be easy for the Town at a good negotiable price.

Board Member Gonzalez agrees and suggested trying with a smaller amount of shirts to see how it works out.

Board Member Herman is fine with using Human Prints.

Further discussion took place among the Board Members regarding the logistics of selling the shirts and the price for the shirt.

Tourism and Communications Director Trigueros stated that he needs to know which shirt the Board would like to move forward with.

Chair Tourgeman stated that if they have to give them money since they are subsidizing, then they will have to agree.

The Board will agree to go with the middle option.

Sara Liss stated that they use Human Prints as well, they do not give the t-shirts for free. She stated they pay them on an hourly rate and she provides the shirts.

Town Manager Gomez stated they have two events left and perhaps it is a task to subcontract with them and see what the hourly rate would be like how Sara does and possibly she would not mind adding this on as an additional part of her event.

Tourism and Communications Director Trigueros stated that they still have the Summer events and believes that he will be able to come out for the Summer Sundays.

Chair Tourgeman asked to see if this will work the way they are suggesting.

Town Attorney Cimo asked how much budgeted funds will be going towards the t-shirts and she would like to see a proposal from the vendor.

Vice Chair Jacobson stated that it is a time-consuming process if you do it onsite. He stated that they should have some inventory and just purchase the t-shirt and move on.

Chair Tourgeman agreed with Vice Chair Jacobson.

Further discussion took place among the Board members and staff regarding the logistics to include the amount of shirts to purchase as well as the cost for each shirt. The Board Members agreed to purchase adult shirts 100 Small, 100 Medium, 100 Large, 100 X-Large, 100 children small and 100 children medium.

A motion was made by Vice Chair Jacobson to move forward using Human Prints and purchase adult sizes of 100 Small, 100 Medium, 100 Large, 100 X-Large, 100 children small and 100 children medium at the wholesale cost, seconded by Board Member Herman. The motion carried with a 5-0 vote.

**5.E Community Center Sign Enhancement - Frank Trigueros, Tourism & Communications Director**

Chair Tourgeman sponsored the item and had Tourism and Communications Director Frank Trigueros to provide an overview.

Tourism and Communications Director Trigueros provided an overview of the item. He provided an update and a picture of what the sign would look like.

Chair Tourgeman stated that this is a worthwhile investment for the tourists.

Board Member Singer asked if this is the same style as the t-shirts. He stated if you are doing the brand of Surfside then stay consistent.

Mayor Danzinger suggested changing the letter "S" from blue to another color because the rest of the words are in blue.

Chair Tourgeman would like to adopt the standard with the block letters and color sequence like on page 33 in front of Town Hall.

Tourism and Communications Director Trigueros suggested changing the color "S" to red.

Board Member Gonzalez suggested making the rest of the words in black and leave the word "Surfside" in the colors as in page 33.

Vice Chair Jacobson asked if they are painting the whole sign or just the word Surfside.

Town Manager Gomez stated that they will be painting the whole sign.

After a lengthy discussion among the Board members and staff regarding the sign and color scheme, the following consensus was made.

Consensus was made to have the letters the way they are and make the rest of the words painted in white.

A motion was made by Vice Chair Jacobson to move forward with the letters that are on the t-shirts to match the design for the wall with the "Town of, Community Center in white letters and for the "Surfside" to match the colors on the t-shirts, seconded by Chair Tourgeman. The motion carried with a 5-0 vote.

[Community Center Colorful Sign.pdf](#)

#### **5.F Special Events Contractor Position Update - Frank Trigueros, Tourism & Communications Director**

Tourism and Communications Director Frank Trigueros provided an overview of the item.

Town Manager Gomez stated that this is an exhibit to the contract that still needs to be drawn up.

Vice Chair Jacobson asked Town Manager Gomez for his input.

Town Manager Gomez added some additional language to the job description duties.

He also suggested for this individual to be available to the Town as well.

Vice Chair Jacobson agrees and what they always wanted is to have a consultant that will work for them and bring things together.

Town Attorney Cimo asked Tourism and Communications Director Trigueros if they will be posting this on the website.

Tourism and Communications Director Trigueros stated that all consultant positions go through the Town Manager.

Town Manager Gomez stated that section will be defined in the Request for Proposal.

Tourism and Communications Director Trigueros stated that they will move forward with the recommendations.

A motion was made by Vice Chair Jacobson to move forward with the job description along with the additional comments made by the Town Manager to be added to the existing job description duties as well as there will be no additional fees charged, seconded by Board Member Gonzalez. The motion carried with a 5-0 vote.

**5.G Additional Funding for Promo Bike Locks, National Bike Safety Month - Vice Chair Ben Jacobson - Tourism and Communications Director Frank Trigueros**

Vice Chair Jacobson provided an overview of the item. He suggested partnering with the Police Department so they can give those away.

Tourism and Communications Director Trigueros stated that they did not find any bike locks that were brandable, and they cannot use promotional money if they cannot be brandable. He stated that the ones that are brandable that they looked into will take about 3-4 weeks to arrive and it will be after the event. He suggested some helmets and the Police Department can maybe move forward with the Master locks, but they cannot use tourist funding.

Chair Tourgeman asked if they can do the helmets.

Tourism and Communications Director Trigueros stated they can use the helmets and people can decorate them and brand them with "Surfside".

Vice Chair Jacobson asked what the cost of each helmet would be.

Tourism and Communications Director Trigueros stated about \$14.00 a helmet.

Mayor Danzinger asked if they limit them to children of a certain age.

Town Manager Gomez stated that this is not something like a souvenir and to what point would it be brandable. He stated if the Police Department is giving them out it would not be an event.

Tourism and Communications Director Trigueros stated it is for the event. He suggested if the Board wants to set a quantity.

Sara Liss stated it will be a mix of adult sizes and children sizes.

Consensus was reached to purchase 150 bicycle helmets for the event.

**5.H Tourism Budget, Promotional Activities & Special Events - FY 2023/24 - Frank Trigueros, Tourism & Communications Director**

Tourism and Communications Director Frank Trigueros provided an overview of the item.

Town Manager Gomez suggested going through the budget and see what they would like added.

Board Member Gonzalez asked regarding the walking tour and the cost for the tour guide.

Chair Tourgeman asked how successful the tour is.

Tourism and Communications Director Trigueros stated it is always sold out and spoke regarding the tours that have taken place.

Vice Chair Jacobson suggested going through the budget line by line.

Tourism and Communications Director Trigueros went through the budget line items.

Board Member Singer believes that they should promote more and bring back to the next meeting what can be done and the cost.

Tourism and Communications Director Trigueros stated that he will bring back more specifics at the next meeting.

Chair Tourgeman asked regarding the sign on Byron and what can be done to enhance that entrance signage. He also asked regarding upgrading the lighting of the veteran's park signage.

Vice Chair Jacobson asked regarding the pocket area that belongs to Surfside and monument sign.

Town Manager Gomez addressed the comments made by Chair Tourgeman and Vice Chair Jacobson. He stated that they will come back with a revised budget.

Vice Chair Jacobson stated that they have money in this year's budget to fix the signage discussed.

Consensus was reached to look at updating and fixing the signage with this year's budget.

Tourism and Communications Director Trigueros continued with the budget presentation.

Consensus was reached to keep the sign with block letters and put the sign on the website to promote.

Discussion took place among the Board Members and staff regarding how to make the car show better and make sure there are no other car shows taking place. Another suggestion was having other types of cars to include electric cars.

Alan Andai spoke regarding the classic car show and stated that he will see if they can open it up to other car clubs.

Board Member Singer stated that they need more input and see what other municipalities do.

Consensus was reached to have Mr. Andai look into different cars to bring.

Vice Chair Jacobson asked what they are doing with Paddletopia since the 96th Street park will still be under construction.

Tourism and Communications Director Trigueros stated that Paddletopia will not be taking place next year since the park is still under construction.

Vice Chair Jacobson asked how much money is left for everything at the end of this budget year. He suggested finding out to see what they can do for the summer.

Tourism and Communications Director Trigueros stated he will bring that information at the next meeting.

Chair Tourgeman asked what they can do to have news channels to cover some of the events and asked Tourism and Communications Director Trigueros if he has any contacts.

Tourism and Communications Director Trigueros stated that as it related to the more leisure tourism they do not have that contact and that is why they have the public relations firm.

Chair Tourgeman suggested having channel 7 to cover some of these events.

Discussion took place among the Board Members and staff regarding having more walking tours and adding 2 more walking tours and bring back to the Board.

Tourism and Communications Director Trigueros spoke regarding the undefined events portion of the budget.

[Current TB Budget.pdf](#)

[Special Events Budget Next Fiscal Year.pdf](#)

## **5.1 Music on the Beach Time and Location - Tourism and Communications Director**



Frank Trigueros

Chair Tourgeman sponsored the item and had Tourism and Communications Director Frank Trigueros provide an overview.

Tourism and Communications Director Trigueros provided an overview of the item. He asked the Board how they felt with the time and location change to 93rd Street. He stated that the new location looked good.

Vice Chair Jacobson stated that they should move it back to the original time and location because he noticed that the move of the time and location was less attended.

Consensus was reached to move the event back to the original date and location.

**5.J Taste of Surfside Proposal - Tourism and Communications Director Frank Trigueros**

Chair Tourgeman sponsored the item and had Tourism and Communications Director Frank Trigueros provide an overview.

Tourism and Communications Director Trigueros provided an overview of the item.

Alan Andai provided an overview of the item and presentation along with the tentative participating restaurants. He suggested a 5:30 p.m. to 8:30 p.m. time for the event since most of the restaurants are open in the evening.

Chair Tourgeman stated that in the past they sold these passports.

Mr. Andai stated that he was able to create a budget that would compensate for this event and cater to adults, and he averaged about 200 RSVPs, which would include 200 plates, passports and prosecco glasses.

Vice Chair Jacobson likes it and something to be added is a kids stamp.

Mr. Andai stated that they will also have water and hydration stations.

Vice Chair Jacobson stated that he does not see how the cost is effective.

Discussion took place among Mr. Andai and the Board regarding the cost for the passports and the specifics of the experience.

Mr. Andai stated that he will re-budget the item and bring it back to Tourism and Communications Director Trigueros.

Vice Chair Jacobson gave Town Manager Gomez an overview of the cost and figuring out a way to bring the budgeted line to a more cost-effective manner.

Mr. Andai asked how many guests they would feel comfortable to attend the event at a cost they are comfortable with.

Discussion continued among the Board, staff and Mr. Andai on the specifics and cost of this event.

Mr. Andai stated that he will go back to the restaurants to obtain a new budget.

**5.K Upcoming Activities and New Fiscal Year - Tourism and Communications**  
Director Frank Trigueros

Chair Tourgeman sponsored the item and requested Tourism and Communications Director Frank Trigueros to provide an overview.

Tourism and Communications Director Trigueros provided an overview of the item.

**5.L Permanent Surfside Letters Display - Frank Trigueros, Tourism & Communications Director**

Chair Tourgeman sponsored the item and requested Tourism and Communications Director Frank Trigueros to provide an overview.

Tourism and Communications Director Frank Trigueros provided an overview of the item. He stated they spoke to the company that did the one for Miami Beach and his recommendation is to add a funding up to \$5,500 which will come out of the website line item.

A motion was made by Vice Chair Jacobson to redirect \$55,000 from the website line item to the permanent surfside letter budget line item and recommend commission approval for the option on page 33, seconded by Board Member Singer. The motion carried with a 5-0 vote.

[Surfside Letters Display Harding.pdf](#)

**6. Public Comments**

Chair Tourgeman opened the floor to public comments.

There were no speakers.

Chair Tourgeman closed the floor to public comments.

**7. Next Meeting**

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

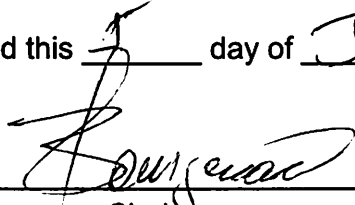
Consensus was reached to hold the next meeting on June 5, 2023 at 5:30 p.m.

**8. Adjournment**

There being no further business to conduct before the Board, a motion was made by Board Member Herman to adjourn the meeting at 7:57 p.m., seconded by Vice Chair Jacobson. The motion carried with a 5-0 vote.

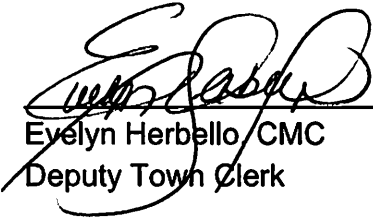
Respectfully Submitted,

Accepted this 5 day of JUNE, 2023.



\_\_\_\_\_  
Eli Tourgeman, Chair

Attest:



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



**Town of Surfside  
Parks and Recreation Committee  
MINUTES  
May 15, 2023  
5:30 PM  
Community Center Fish Bowl**

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

The meeting was called to order by Chair Logan at 5:30 p.m.

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

Present: Chair Retta Logan, Vice Chair Frank MacBride, Committee Member Marta Olchyk, Committee Member Becky Manuel and Committee Member Christopher Cook.

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

**2. Agenda and Order of Business**

**3. Commission Liaison Report**

No Commission Liaison Report was provided.

**4. Approval of Minutes**

**4.A April 17, 2023 Parks and Recreation Committee Meeting Minutes - Deputy Town Clerk Evelyn Herbello**

A motion was made by Vice Chair MacBride to approve the April 17, 2023 Parks and Recreation Committee Meeting Minutes, seconded by Committee Member Olchyk. The motion carried with a 5-0 vote.

[April 17, 2023 Parks and Recreation Committee Meeting Minutes.pdf](#)

**5. Discussion Items**

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

Parks and Recreation Director Tim Milian provided an update on the 96th Street Park construction. He stated they are still on schedule with the project and looking at ground breaking in 2024 and the lights have been ordered.

Minutes  
Parks and Recreation Committee  
Monday, May 15, 2023

Vice Chair MacBride asked if the field will be the same size as it was previously.

Parks and Recreation Director Milian stated there will be more usable and functional space and explained what is planned for that space.

**5.B Tennis Center Recreation Facility Design Review (Community Outreach) - Parks and Recreation Director Tim Milian**

Parks and Recreation Director Tim Milian provided an update on the Tennis Center Recreation Facility Design Review and introduced William Lane and Carlos Wong, William Lane Architect, Inc .

William Lane, Architect and Carlos Wong, William Lane Architect, Inc. provided a presentation of the project.

Mr. Lane provided a PowerPoint presentation with a narrative of the project. He also showed the site plan of that parcel. He continued with the specifics of the project and design.

Chair Logan asked regarding the multi-purpose room.

Mr. Lane addressed the comment made by Chair Logan.

Parks and Recreation Director Milian stated that these are just ideas regarding the gym equipment and they will later come back with a company and with more specifics on the equipment.

Mr. Lane continued with the PowerPoint presentation.

Chair Logan explained that today's meeting is strictly for the design of the building and not the gym equipment

Chair Logan opened the floor to public comments.

The following individuals from the public spoke:

Murielle Sanzey asked if the tennis courts will be closed during the construction.

George Kousoulas stated it is a very nice building and asked regarding the column line and the glass line.

Brandon Cuenca spoke regarding the age demographics of the individuals in Town are changing and suggested having more weight training and how do they provide access to the building. He spoke regarding the time the building would be closing.

Celida Cuenca thanked the committee members for doing this project.

Chair Logan closed the floor to public comments.

Mr. Lane addressed the comment made by speaker Sanzey and stated it will be closed for a bit.

Committee Member Olchyk asked regarding the color scheme arrangements of

yellow and green.

Mr. Lane addressed the comments made by Committee Member Olchyk.

Mayor Danzinger stated that one of the hallways in the gym creates a dark zone.

Mr. Lane addressed the comments made and stated that space is hard to do anything with it.

Mayor Danzinger stated that the idea is that woman will be working out and there is a spot that cannot be seen that is why he would like a straight hallway. He stated it is more of a safety issue. He explained his thoughts and ideas.

Mr. Lane addressed the comments made and provided suggestions for that section.

Mayor Danzinger suggested for the Committee to come up with a new name and do some branding with the names of the parks. He also provided suggestions with the paint color. He suggested having the Committee ask for some of the design patterns that the Tourist Board was looking at.

Mr. Lane stated that the shape of the building in itself is busy so you might not have to do too much on it. He also stated that the building will stand out.

Parks and Recreation Director Milian spoke regarding the branding and naming of the building.

Mr. Lane stated that the size of the gym and multi-purpose room makes this project more than just a tennis center.

Parks and Recreation Director Milian spoke regarding the original plan for this building and explained what it is now.

Mayor Danzinger stated that it would be good to have something like this that does open up at the back in the event the weather does not permit certain events.

Parks and Recreation Director Milian stated when you are limited in space you do not want to limit yourself without giving labels.

Committee Member Cook asked if it would be done at a later time. He asked if they have the option to use another entrance to the tennis court while the construction is going on.

Mr. Lane stated that once you get the shell up it will be pretty clear and be able to bring the courts back up in about 4 to 6 months.

Parks and Recreation Director Milian addressed the comment made by Committee Member Cook.

Committee Member Cook asked if they will be conducting any resident survey for the use of the gym and what type of gym the residents would like.

Chair Logan stated that they will include the public to come to the meeting but they will not be sending out a survey.

Parks and Recreation Director Milian addressed the comment regarding the gym equipment and spoke regarding what was done with 96th Street Park.

Vice Mayor Rose asked regarding the floor plan of the first floor and suggested on the multi-purpose room if you rotate the door you can add a room with a mirror wall and a bar and have additional classes.

Mr. Lane commented on the suggestions of Vice Mayor Rose.

Commissioner Meischeid asked what are some of the mixed use for the multi-purpose room.

Mr. Lane provided Commissioner Meischeid with the site plan on the PowerPoint and addressed her question.

Chair Logan addressed the question by Commissioner Meischeid and provided examples of what that room could be used for.

Commissioner Olchyk asked what would be the time frame from groundbreaking to finishing the project.

Mr. Lane stated about a year and a half.

Mr. Lane addressed the comments made by Mr. Kousoulas.

Parks and Recreation Director Milian addressed the comments by Mr. Cuenca and everything will be taken into consideration.

Chair Logan stated that there will be a staffing issue with the hours of the gym and the tennis center. She stated for example the tennis courts will be open until a certain time and the gym will also be open at the same time. She stated it is only for Surfside residents and you cannot bring a guest.

Further discussion took place among the Committee Members and staff regarding the hours of operation and staffing of the new facility as well as supervision at all times.

Committee Member Olchyk asked during construction how do they anticipate the tennis center not being used.

Mr. Lane addressed the comment made by Committee Member Olchyk and the process of the construction.

Chair Logan stated that the Town will try and find tennis courts with neighboring municipalities.

Parks and Recreation Director Milian stated that they will look at working with neighboring municipalities if available.

Committee Member Manuel asked when is the earliest they will break ground.

Town Manager Gomez stated it is scheduled to be designed until the end of this year. He stated it is part of the capital improvement list and by 2024 they will have the funding source. He stated you will not see anything until fiscal year 2025.

Vice Chair MacBride stated as they put money aside for the big park and suggested to place it in this budget coming up to put money aside just for this. He spoke regarding parking and they should encourage people to walk to the tennis court. He also asked when Surf Row will start construction.

Town Manager Gomez stated yes that you always put money aside for the projects and explained the process of the project.

Mayor Danzinger spoke regarding the cost of the projects and what happens when projects are being put on hold.

Discussion took place among the Committee Members and staff regarding the need of that multi-purpose room for events that are impacted by weather, extra bike racks and programming.

Chair Logan asked if Mr. Lane if he will send out other options on the color and asked if Parks and Recreation Director Milian could send it out to the Committee Members before the August meeting.

Parks and Recreation Director Milian stated that they will also put this PowerPoint presentation on the website so the residents can look at it if they were unable to attend.

Mr. Lane spoke regarding the shapes and color scheme.

Chair Logan asked Mr. Lane if they need anything from the Committee.

Mr. Lane stated that the program was the most important thing and if there are any other components they can do so. He spoke regarding the schematic design.

Town Manager Gomez stated this project does not take away from Veteran's Park.

Committee Member Olchyk stated that since she has been here there have been very few directors like Parks and Recreation Director Milian that have accomplished so many projects and buildings. She congratulated Parks and Recreation Director Milian and Town Manager Gomez.

Parks and Recreation Director Milian thanked the Commission for putting Parks and Recreation on their priority list.

## **6. Public Comments**



The public speakers spoke on item 5B (Tennis Center Recreation Facility Design Review (Community Outreach))

There were no more public speakers.

**7. Next Meeting Date**

**7.A Next Meeting Date: June 12, 2023 at 5:30 p.m. at Town Hall, 2nd Floor, Manny Crawford Conference Room. - Deputy Town Clerk Evelyn Herbello**

Consensus was reached to hold the next meeting on June 12, 2023 at 5:30 p.m.

Chair Logan and Committee Member Manuel will not be in attendance.

Deputy Town Clerk Herbello stated that there will be no meeting in July.

Deputy Town Clerk Herbello reminded the Committee Members that the meetings for the months of June, August and September will be held at Town Hall, second floor in the Manny Crawford Training Room due to summer camp.


**8. Adjournment**

There being no further business to discuss before the Committee, a motion was made by Vice Chair MacBride to adjourn the meeting at 6:34 p.m., seconded by Committee Member Olchyk. The motion carried with a 5-0 vote.

Accepted this 12 day of June, 2023.

*For*  
  
\_\_\_\_\_  
Retta Logan, Chair

Attest:

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



**Town of Surfside  
Planning and Zoning Board Meeting  
MINUTES  
May 24, 2023  
6:00 PM  
Town Commission Chambers**

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

The meeting was called to order by Chair Baumel at 6:02 p.m.

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

Present: Chair Carolyn Baumel, Vice Chair David Forbes, Board Member Ruben Bravo, Board Member Lindsey Lecour, Alternate Board Member Michael Szafranski and Alternative Board Member Grace Rais and Board Member Jonathan Edderai (arrived at 6:03 p.m.)

Also Present: Commission Liaison Commissioner Fred Landsman, Mayor Shlomo Danzinger, Town Manager Hector Gomez and Town Attorney Alex Uribe.

**2. Town Commission Liaison Report**

Commissioner Landsman provided a Commission Liaison Report and asked Town Planner Frankel regarding the status of the revision to the design review guidelines.

Town Planner Frankel stated they do not have an update at this time and will contact Consultant Town Planner Keller to provide an update at the next meeting.

Chair Baumel introduced Town Attorney Alex Uribe who is filling in for Town Attorney Tony Recio.

**3. Approval of Minutes**

**3.A April 27, 2023 Planning and Zoning Board Meeting Minutes - Deputy Town Clerk Evelyn Herbello**

A motion was made by Board Member Edderai to approve the April 27, 2023 Planning and Zoning Board Meeting Minutes, seconded by Chair Baumel. The motion carried with a 5-0 vote.

[April 27, 2023 Planning and Zoning Board Meeting Minutes.pdf](#)

#### 4. Ordinances

##### 4.A Zoning Code Correction - Balcony Projections - Town Planner Judith Frankel

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).

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

Town Planner Frankel introduced the item. She stated this came up at the Joint Meeting the Commission had with the Planning and Zoning Board. She provided an overview of the item and the proposed modifications.

Chair Baumel opened the floor to public comments.

The following individual from the public spoke:

George Kousoulas stated precision in the code is very important. He stated this is a minor example of it and thankfully it was caught.

Chair Baumel closed the floor to public comments.

Chair Baumel stated they did a good job with these revisions.

A motion was made by Board Member Lecour to recommend to the Town Commission to approve the ordinance on second reading, seconded by Vice Chair Forbes. The motion carried with a 5-0 vote.

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

##### 4.B Zoning Code Correction - Design Requirements for Front Yard Fences and Gates - Town Planner Judith Frankel

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.

As this ordinance only applies to fences and gates in the single-family zoning districts, staff suggest that The Board consider the criteria for the review of fences and gates in other districts as well.

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

Town Planner Frankel introduced the item. She spoke regarding the changes that are being required.

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 if they also eliminated PVC material. She also asked regarding hedges and setbacks.

Town Planner Frankel stated the PVC material was removed and also responded to the comment made regarding the hedges and setbacks.

Board Member Lecour suggested if they could push it back if they would like to add hedges.

Chair Baumel stated that they cannot require that and what is significant is the design aesthetics is more important than what type of landscape they will be using.

Board Member Bravo asked if it is clear the type of design they are allowing.

Town Planner Frankel stated it is not specified and the direction she heard previously from the Board was that they would be fine with that but did not want to put a barrier. She stated it has to meet the character of the existing house.

Board Member Lecour asked if the design guidelines show more decorative measures.

Town Planner Frankel stated yes it will.

Vice Chair Forbes stated he was in favor. He stated this is the one architectural feature you will look at. He stated that their job as board members is to keep the aesthetics of the house and it is a bit more and if they give that away it will be a mistake. He believes that all fences should come before the Board.

Town Planner Frankel stated the areas that it pertains to.

Further discussion took place among the Board members and the Town Planner as to the specifics of this ordinance and what would come back to the Board as well as possible changes and cleanups of the ordinance. They also provided examples of those new builds.

Chair Baumel would like to add to the ordinance allowing a fence that has to do with the safety of any kind of institution. She stated that she would never say no when it comes to the safety of children or people. She suggested adding something like that for special exceptions.

Town Planner Frankel stated as the code is written you cannot allow a variance for building higher.

Town Attorney Uribe stated you will need a totally different ordinance and that will need to be looked at and a rewrite of it which would change the structure of this ordinance. He suggested looking at what they have here right now and either vote in or down and have the Town Planner look at a code change that will be more flexible as to what they are looking to accomplish.

Chair Baumel stated she is looking at only the commercial section not the residential.

Town Attorney Uribe stated you are looking at two issues, the process (if it will go before this Board) and will you provide them with flexibility with height. He stated it is too different to discuss this with the scope they have in front of them.

Board Member Lecour suggested to keep having it come before the Board until they decide a different way.

Town Attorney Uribe stated that they can approve it with the caveat that it will continue to come before the Board.

After a lengthy discussion among the Board Members and Town Planner regarding the height of structures and the specifics of this ordinance, the following motion was made.

A motion was made by Board Member Lecour to recommend to the Town Commission to approve the ordinance on second reading with reverting from lines 47-51, seconded by Board Member Bravo. The motion carried with a 4-1 vote with Board Member Edderai voting in opposition.

Chair Baumel stated that it is their job that this community and people that come to these institutions are protected and it is important that the Commission put together an ordinance that piggybacks off of this one.

Town Attorney Uribe stated they can recommend to the Commission to consider that.

Board Member Lecour asked if they could bring it as a discussion item at a later meeting because she does not have enough information tonight to vote.

Chair Baumel stated that she is recommending for the Commission to discuss the possibility for them to consider the option.

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

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

**4.C Zoning Code Correction - Garage Conversion Criteria - Town Planner Judith Frankel**

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.

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

Town Planner Frankel introduced the item and provided the changes that were made to the ordinance.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Board Member Lecour asked that she was under the impression that they required planters.

Town Planner Frankel addressed the comments made.

Alternate Board Member Rais asked if there are any comments regarding the windows.

Town Planner Frankel addressed the comments made.

Board Member Lecour suggested adding a catch all phrase.

Town Planner Frankel addressed the comments made and explained what would usually happen.

A motion was made by Board Member Lecour to recommend to the Town Commission to approve the ordinance on second reading, seconded by Vice Chair Forbes. The motion carried with a 5-0 vote.

[Ordinance Re Garage Conversions.docx](#)

[Zoning Code with section highlighted](#)

#### **4.D Zoning Code Correction - Applicability of Planning and Zoning Board Review** - Town Planner Judith Frankel

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

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

Town Planner Frankel introduced the item and provided an overview of the ordinance and the recommended changes.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Board Member Bravo spoke regarding line 58 and what are they going to do with that application that is coming before the Board later tonight.

Chair Baumel stated they agreed that line 58 is off the list.

Board Member Lecour asked what the Board's thoughts are to add a catch all phrase.

Chair Baumel stated they already did that and explained what was mentioned before.

Town Planner Frankel stated that was as it relates to the fences.

Town Attorney Uribe stated that would be adding on another section. He also addressed the comment regarding adding a catch all phrase and an appeal in the situation that the applicant disagrees with the Town Planner and explained what would take place and possible factors. He stated he would recommend not disturbing this ordinance and that would be a separate discussion to be brought back.

Chair Baumel stated that the ordinance works well and manages well.

Board Member Lecour stated it would be a form of an appeal process.

Further discussion took place among the Board Members, Town Attorney and Town Planner regarding the ordinance and a possible appeal process, as well as stating that it would have to be a separate process and guideline.

A motion was made by Vice Chair Forbes to recommend to the Town Commission to approve the ordinance on second reading with the recommendation of removing line 58, seconded by Board Member Bravo. The motion carried with a 4-1 vote with Board Member Edderai voting in opposition.

[Ordinance Re Applicability of PZB Review.docx](#)

## **5. Applications**

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

Town Attorney Uribe asked Deputy Town Clerk Herbello to confirm notice requirements were met.

Deputy Town Clerk Herbello confirmed notice requirements were met.

Town Attorney Uribe polled the members of the Board.

Vice Chair Forbes stated he spoke with Rabbi Zalman Lipskar regarding item 5D (9540 Collins Avenue).

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

Deputy Town Clerk Herbello swore in all the applicants and individuals from the public that would wish to speak.

**5.A 9441 Harding Avenue - After-the-Fact Window Sign** - Town Planner Judith Frankel

**Suggested Action:** Staff recommends approval subject to the following conditions:

- **Per zoning code section 90-73(3)c**, the height of the sign letters may be no more than 8 inches in height.
- Permitting must be completed for the window signs to be in compliance with the zoning code.

Town Planner Frankel introduced the item and provided a presentation with the site plan.

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 Board Member Lecour to approve the application with staff recommendations, seconded by Vice Chair Forbes. The motion carried with a 5-0 vote.

[9441 Harding Avenue Agenda Packet.pdf](#)

**5.B 9124 Byron Avenue - Front and Rear Wall Openings, Rear Trellis** - Town Planner Judith Frankel

**Suggested Action:** Staff recommends approval of the proposed front and rear wall openings and the trellis addition to the rear of the home.

Town Planner Frankel introduced the item and provided a presentation with the site plan.

Johannie Noas and Manuel Castillo, applicants provided an overview of their 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 asked regarding the trellis mounted on the back as shown on the proposed site plan. She provided her recommendations.

Chair Baumel explained where in the plans it is shown.

Town Planner Frankel addressed the comment made and explained where she can find it.

Ms. Noas addressed the comments made by the Board Members.

A motion was made by Board Member Bravo to approve the application with staff recommendations, seconded by Vice Chair Forbes. The motion carried with a 5-0 vote.

[9124 Byron Avenue Images and Tables.pdf](#)

[9124 Bryon Agenda Packet.pdf](#)

**5.C 9208 Bay Drive - Rooftop Deck with Railing and Stairs, Rooftop Mechanical Equipment and Screen and Side Yard steps with Wall Opening change. -**

Town Planner Judith Frankel

**Suggested Action:** If design approval is granted by the Planning and Zoning Board, staff recommends approval of this application with the following conditions:

- **Per Section 90-67.3a**, All equipment and enclosures shall be set back from the roof perimeter so that it is not visible from eye-level view from grade at a distance of 75 feet from any property line of the subject lot. This shall be demonstrated by line-of-sight drawings submitted as part of a zoning approval or design review package.
- **Per Section 90-67.3c**, the footprint area of the equipment, as defined by the perimeter of the decorative and acoustic screen enclosure, shall not exceed seven and one-half percent of the total area of the roof upon which it is placed.
- **Per Section 90-67.3d**, rooftop equipment and all screening elements shall not exceed six feet above the roof slab for a flat roof. The screening should be no higher than the equipment.
- Rooftop deck guardrails must comply with the 2020 Florida Building Code for safety.
- The proposed fence and gates may not be approved until the Town has determined an agreement for the use of the space in front of the subject property.

Town Planner Frankel introduced the item and provided a presentation with the site plan.

Reuven Herssein, 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.

Chair Baumel spoke regarding the project.

A motion was made by Board Member Lecour to approve the application with staff recommendations, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

[9208 Bay Drive Images and Tables.pdf](#)

[9208 Bay Drive Agenda Packet.pdf](#)

[9208 Bay Drive Property Survey](#)

**5.D 9540 Collins Avenue - The Shul - Signs and Fence** - Town Planner Judith Frankel

**Suggested Action:** Staff finds the application meets the zoning code regarding signs with the exception of one sign that exceeds the maximum size of 45 SF. If the Planning and Zoning Board determines the design is appropriate, staff recommends approval of the sign portion of the application with the condition that no signs exceed 45 SF.

Staff finds that the proposed fence extension to the existing wall does not meet the zoning code. The applicant may extend the fence to a maximum height of 6-feet under the current zoning code. If the Planning and Zoning Board determines the glass fence design is appropriate, staff recommends approval of the fence with the condition that it be no more than 6-feet in total height.

Town Planner Frankel introduced the item and provided a presentation with the site plan.

Jaime Shapiro, architect of the project spoke regarding the application and what they are looking at doing is to extend it for security purposes.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Vice Chair Forbes asked if they are willing to get approval based on the fact that they were going to use bullet proof glass.

Mr. Shapiro stated yes that they were going to use bullet proof glass.

Vice Chair Forbes stated that he spoke with the Rabbi and the Rabbi stated he was not sure what material they were planning on using.

Mr. Shapiro stated even if it is not bullet proof it will be security glass.

Vice Chair Forbes asked the Town Planner if they can have as many signs as long as it is under 150 square feet.

Town Planner Frankel stated it is limited by the width of the façade and the maximum square footage is under 150 square feet.

Alternate Board Member Szafranski stated that it is clear because it is what the ordinance states.

Mr. Shapiro stated that height provides them with the security they need.

Alternate Board Member Szafranski stated he would want it to bulletproof glass and that is something that cannot be compromised which is the safety of the children.

Town Attorney Uribe stated that they can make their approval with the height not to exceed 6 feet but above that the Charter prevents it.

Board Member Bravo asked regarding the glass and provided suggestions.

Board Member Lecour spoke regarding the signage, and it is one sign and that should together be within the 45 feet and there is a lot of signage on that building. She also spoke regarding the fence and what is the code permitting them to do.

Town Planner Frankel addressed the comments made by Board Member Lecour.

Alternate Board Member Rais provided her recommendations.

Further discussion took place among the Board Members regarding recommendations on approval of the project and the wall.

Town Attorney Uribe stated that this Board does not have the authority to approve higher than a 6-foot wall based on the code.

Chair Baumel suggested that they have the ability to make the masonry wall to 6 feet tall and should it come to the Commission as a discussion item to then bring back as an ordinance. She also provided a suggestion that they could add a 2 foot bulletproof glass above the 6 foot masonry wall.

Town Attorney Uribe stated it is too speculative and they have to deal with what is in front of them.

A motion was made by Board Member Lecour to approve the application with staff recommendations plus each sign at 45 square feet including the sign that is being brought forward plus a 6-foot masonry wall, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

[9540 Collins Avenue Images and Tables.pdf](#)

[9540 Collins Agenda Packet for Sign and fence.pdf](#)

[9540 Collins Avenue Survey.pdf](#)

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

**Staff Recommendation:** Staff finds this application generally meets the zoning code. 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 in consideration of the zoning code. If the Planning and Zoning Board determines the design to be appropriate, staff recommends approval with the following conditions:

- **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. However, that area cannot be counted as part of the required average setback for the second floor.
- **Per Sec. 90-49**, the minimum pervious area for properties in H30B is 35%. **Per Sec. 90-2**, Pervious area is area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water directly into the ground. Pavers or pervious hard materials, including pervious concrete, may not be utilized for the calculation of pervious area. The steps on the south side of the home should be excluded from the pervious area calculation if hard materials are being utilized.
- **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. 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 Sec. 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 façade of the primary residential structure and extends beyond the plane of the front façade 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 Sec. 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.
- **Per Sec. 90-86.1**, All buildings, structures, new developments, redevelopment and changes of use requiring a permit shall require submittal of a landscape

and irrigation plan. Landscape plans for H30A and H30B may be prepared by the owner of the property or a representative thereof, provided it meets the requirements per this Code. The use of a landscape architect is encouraged. A complete and zoning compliant landscape plan will be required for zoning approval prior to the issuance of a building permit.

Town Planner Frankel introduced the item and provided a presentation with the site plan. She stated that there is a rooftop jacuzzi being proposed.

Jose Sanchez Reyes, architect provided an overview of the project.

Chair Baumel opened the floor to public comments.

The following individual from the public spoke:

Yadira Santos, a neighbor, stated it is a very nice design and was not expecting to have construction next door since they purchased her home 6 months ago. She stated she has issues with flooding in her front and back yard. She is concerned about the conversations of raising the grade in the front and back yard and how it would affect her property. She also spoke regarding the wall on the setback.

Chair Baumel closed the floor to public comments.

Town Planner Frankel addressed the comments made by Ms. Santos. She stated that they will work with the applicant and neighbor. She will relay that message to the Building Official. She suggested doing hedging for privacy and it will not be a retaining wall and the rain water that falls on the property is most likely to stay there.

Chair Baumel stated that it is very important, and the architect and owners are here, and Ms. Santos can communicate with them. She stated that the Building Official will be discussing the fact that any rainwater has to be filtered properly on the applicant's side of the property.

Board Member Lecour suggested for Ms. Santos to video tape the existing conditions of her home prior to construction that way she could have the documentation for her records. She also stated that by code they have to maintain their water on their side of the property.

Town Planner Frankel read Building Official McGuinness' recommendations into the record.

Alternate Board Member Rais provided her suggestions.

Mr. Sanchez Reyes addressed the comments made by Alternate Board Member Rais.

Board Member Lecour thanked Alternate Board Member Rais for her comments.

Chair Baumel spoke regarding the FEMA guidelines.

Vice Chair Forbes asked to get back on topic and speak on the property and not

what the code should read.

Vice Chair Forbes stated that he is their neighbor and welcomed them to the neighborhood. He stated it is a nice addition to what they are already building on that street.

Board Member Bravo asked regarding the roof deck material.

Mr. Sanchez Reyes addressed the comments made and the intent is to have a layer of 4-6 inches of sodded roof with the appropriate drainage and that will help with the insulation.

Board Member Bravo appreciates the articulation and materials of the house. He stated they need to abide by the code, and he thinks it is a beautiful house and it is the way this town is moving towards.

Board Member Lecour stated it is a beautiful design and thank you for preserving the large tree on the property. She stated it would have been helpful to have some landscape plans. She asked regarding the south façade on the wall as to what form of greenery will be on that side of the wall.

Mr. Sanchez Reyes stated the proposal is to have hedges in front of the wall.

Town Planner Frankel stated they can put shade trees and not hedges.

Board Member Lecour asked if they would be fine planting street trees.

Mr. Sanchez Perez stated that they are in agreement and are showing street and shade trees.

Board Member Lecour asked regarding the perforated roof and does that count as a roof for setback.

Town Planner Frankel stated they are not counting it.

Board Member Lecour stated that they are over the square footage and spoke regarding the massing of that roof and how it should count and does not believe the house meets code on the second floor.

Town Planner Frankel stated the second floor is less than the 80% allowed and stated she is working with the applicant with the recalculations.

A motion was made by Board Member Edderai to approve the application with staff recommendations, seconded by Vice Chair Forbes. The motion carried with a 4-1 vote with Board Member Lecour voting in opposition.

[8801 Emerson Avenue Images and Tables.pdf](#)

[8801 Emerson Ave Agenda Packet.pdf](#)

[8801 Emerson Avenue Survey](#)

**5.F 9064 Bay Drive - New Two-Story Single-Family Home - Town Planner Judith Frankel**

**Suggested Action:** Staff finds this application generally meets the zoning code. 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 in consideration of the zoning code.

The Board should consider the Design Guidelines regarding entryways. From the Guidelines "Entries should be prominent and oriented to the street. Voids should be distributed throughout all facades facing a public right-of-way so as to create balance in the facades mass-void proportions and relationships." The entry door is proposed to be entirely glass. Without the contrast of the glass door feature the 1st floor could appear completely solid due to the waterfall feature that covers the only other window on that level.

If the Planning and Zoning Board determine the design to be appropriate, staff recommends approval with the following conditions:

- **Per 90-49**, Minimum pervious area in the H30A zoning district is 35%. The applicant listed the pervious area as 3,432 SF; or 35%. However, there are steps along the seawall at the west side of the property that were included in the pervious area total and should not have been if there is concrete or cement providing the step structure. With this reduction the pervious may be less than 35%. However, the seawall could be raised to meet the current minimum height of 8 ft NGVD which would negate the need for steps in this area.
- **Per Sec. 90-67.3**, Installation of rooftop mechanical equipment requires a line-of-sight drawing showing that the equipment and screening will not be visible from 75 feet at eye level. The maximum footprint of the equipment may be not greater than 7.5% of the roof or about 225.6 SF in this case.
- **Per Sec. 90-48.6**, new balconies or decks located more than five feet above grade on new or existing single-family homes shall not encroach into any setbacks. Sheets A3.03 and A3.04 appear to show the balcony in the required setback whereas Sheet A1.03 shows the rear balcony as outside of the setback area. The balcony at the rear of the home may not extend into the required 50-foot setback.
- **Per Sec. 90-95 (3) a**, A minimum of 5 trees of two different species and 25 shrubs shall be planted per lot. On corner lots an additional 1 tree and ten shrubs shall be required. For all lots larger than 8,000 square feet in area, additional shrubs and trees shall be provided at the rate of one tree and ten shrubs per 2,000 square feet of lot area; however, there shall be no more than 15 trees and 100 shrubs required per acre. For this lot a minimum of 9 trees (5+4) and 65 shrubs (25+40) must be provided.
- **Per Ordinance No. 22-1729**, 40% of required pervious/landscaping must be a Florida Friendly Landscaping (FFL) species as identifies By the University of Florida. In this case 40% of the 9 required trees and 65 required shrubs must

be FFL.

- **Per Sec. 90-95 (3) d**, street trees are required. These should be located closer to the front property line.
- **Per Sec. 90-97**, a tree removed or relocated will require a tree removal permit from Miami-Dade County

Town Planner Frankel introduced the item and provided a presentation with the site plan.

Town Planner Frankel read into the record Building Official McGuinness' staff recommendations.

Eli Tourgeman, applicant provided an overview of the project.

Kirk Weng, architect also provided an overview of the project and addressed the recommendations and questions regarding the setbacks.

Board Member Lecour asked regarding the setbacks as it relates to the balcony and that has to be revised to meet code.

Chair Baumel opened the floor to public comments.

The following individual from the public spoke:

George Kousoulas stated this is a unique project and does a good job facing forward and opening up to the North.

Chair Baumel closed the floor to public comments.

Alternate Board Member Rais provided her recommendations.

Board Member Lecour likes the volumes and design of the project. The articulation and use of materials is interesting. She provided her suggestions.

Board Member Bravo stated it is a smart and beautiful design with different elements. He asked regarding the height shown and the height elevation.

Mr. Weng addressed the comments made by Board Member Bravo and stated that they do not go over 34 NGVD. He stated they are not proposing a parapet and the roof is flat.

Town Planner Frankel addressed the comments made regarding the elevation.

Further discussion took place among the Board Members, applicant and Town Planner Frankel regarding the elevation and to make sure the plans are submitted with the corrections.

Chair Baumel reminded everyone that there are a new set of design guidelines being developed. She spoke regarding the back balcony.

A motion was made by Board Member Edderai to approve the application with staff



recommendations, seconded by Vice Chair Forbes. The motion carried with a 4-1 vote with Board Member Lecour voting in opposition.

[9064 Bay Drive Images and Tables.pdf](#)

[9064 Bay Drive Agenda Packet.pdf](#)

[9064 Bay Drive - Signed Survey.pdf](#)

## 6. Next Meeting Date

### 6.A Next Meeting Date: June 29, 2023 at 6:00 p.m. - Deputy Town Clerk Evelyn Herbello

Deputy Town Clerk Herbello confirmed the next meeting being June 29, 2023 at 6:00 p.m.

Consensus was reached to hold the next meeting on June 29, 2023 at 6:00 p.m. Board Member Lecour will not be available on June 29, 2023.

## 7. Discussion Items

Consensus was reached to add to the June agenda for discussion fences and gates.

## 8. Adjournment

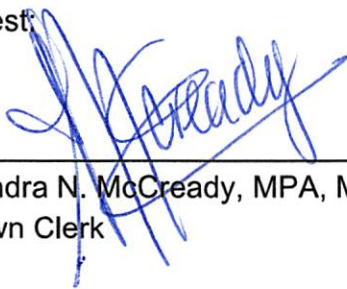
A motion was made by Board Member Edderai to adjourn the meeting at 8:45 p.m., seconded by Vice Chair Forbes. The motion carried with a 5-0 vote.

Accepted this 29<sup>th</sup> day of June, 2023.



Carolyn Baumel, Chair

Attest:



Sandra N. McCreedy, MPA, MMC  
Town Clerk



**Town of Surfside  
Charter Review Board  
MINUTES  
June 28, 2023  
5:30 PM  
Commission Chambers**

**1. Call to Order**

Chair Jacobson called the meeting to order at 5:30 p.m.

**2. Roll Call of Members**

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

Present: Chair Ben Jacobson, Vice Chair Laurie Swedroe, Board Member Ruben Bravo, Board Member Ezequiel Singer and Board Member Peter Zuckerman (arrived at 5:32 p.m.).

Also Present: Town Attorney Tony Recio, Town Attorney Roger Pou, Town Attorney Daniela Cimo, Town Manager Hector Gomez, Commissioner Fred Landsman and Commission Liaison Commissioner Marianne Meischeid (arrived at 5:33 p.m.)

**3. Public Comments**

Chair Jacobson opened the floor to public comments.

There were no public speakers.

Chair Jacobson closed the floor to public comments.

**4. Approval of Minutes**

**4.A May 3, 2023 Charter Review Board Meeting Minutes - Town Clerk Sandra McCready**

A motion was made by Vice Chair Swedroe to approve the May 3, 2023 Charter Review Board Meeting Minutes, seconded by Board Member Bravo. The motion carried with a 4-0 vote with Board Member Zuckerman absent at the time of the vote.  
[May 3, 2023 Charter Review Board Meeting Minutes.pdf](#)

**5. Discussion Items**

## **5.A Draft Charter Review Board Report - Town Attorneys**

See attached report.

Chair Jacobson thanked the Weiss Serota attorneys team for their help and hard work. He advised the Board to go over the changes and the goal is to submit to the Commission a final draft and explained the process coming forward.

Chair Jacobson asked if anyone has any questions or objections.

Chair Jacobson went over the Summary of Recommendations.

Town Attorney Pou went over the summary of recommendations and those suggestions made by this Board that will be brought to the Town Commission for their approval.

Chair Jacobson explained where the changes will be reflected. He asked the Board if they had any questions.

Vice Chair Swedroe acknowledged Commissioner Meischeid and recommended to acknowledge Commissioner Landsman as well.

Chair Jacobson acknowledged Commission Liaison Commissioner Meischeid and Commissioner Landsman for being at the meetings.

A motion was made by Board Member Zuckerman to give George Kousoulas two minutes to speak, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

Chair Jacobson reopened the floor to public comments.

The following individual from the public spoke:

George Kousoulas spoke regarding the FEMA requirement and that is a red flag and how the Commission may look at it. He spoke regarding Section IV on a limitation of the lease or sale of land.

Chair Jacobson closed public comment.

Chair Jacobson suggested going through them one by one.

### **Section 4. - General Powers of Town; Powers Not Deemed Exclusive**

Board Member Zuckerman stated it is necessary and the insurance rates are astronomical and they should build higher.

Chair Jacobson stated they are making sure the individuals do not lose their homes and giving the Commission the ability to make the changes.

Town Attorney Cimo stated there is no change made in that section and read what the section states.

Vice Chair Swedroe spoke about making it another amendment and make it more difficult.

Chair Jacobson stated that it is late in the game to make changes.

Consensus by the Board was not to add this and it is something that can be discussed with the Commission and leave it up to them to determine what they would like to do.

Town Clerk McCready stated that was added in 2020 by the previous commission.

Chair Jacobson stated the commission should look at it where it speaks about the leasing of land.

Commissioner Meischeid stated it is this Board's responsibility to suggest which amendments to the charter should go to the Commission.

Chair Jacobson stated they have spent plenty of time on this topic.

Board Member Zuckerman suggested going through the rest of the report.

Town Attorney Cimo stated the leasing and selling of land would be a separate charter section making it amendment number 11.

Chair Jacobson suggested to go over the entire report and then if anyone would like to motion to move forward with this topic later they can do so.

Town Attorney Pou asked if the Board would like to go over the language separately then the intent suggested.

Chair Jacobson suggested what the process should be when you are looking at the information of what they are explaining to the Board.

Chair Jacobson stated that everyone read Section 4.

Town Attorney Pou reiterated the report shows the text amendment with the flood elevation.

### **Section 7 - Salary**

Chair Jacobson would like to include family health insurance coverage not only for the commissioner but for their family members and believes that is the least they could do.

Vice Chair Swedroe asked if they have looked at what other municipalities do.

Board Member Zuckerman stated that he provides single coverage but family coverage the employee pays.

Town Manager Gomez stated the goal is to be consistent with what is offered to the Town employees. He stated that the Town pays for single coverage for the employees and the employee has to pay a certain amount for family coverage. He stated the language should then just say "plus health insurance" and remove the word "individual". If that is what they are looking at, he stated that the goal is to compensate the elected officials.

Discussion took place among the Board, Town Attorneys and Staff regarding the health insurance coverage as to it pertains to individual or family coverage and the proposed change to the language.

Town Attorney Pou stated that in the summary of recommendations it does state individual and they can remove it if they wish. He provided to Town Manager Gomez that on page 16, amendment 2 at the end the easy solution is removing the word "single" and make benefit plural ("benefits") which will make it consistent with all town employees. He stated the scrivener's error where it mentions "following election 2023" it should read "following election 2024".

A motion was made by Chair Jacobson change the scrivener's error from "following election in 2023" to "following election in 2024", to remove the word "single" and "individual" and benefits plural, seconded by Board Member Zuckerman. The motion was made by 5-0 vote.

### **Section 8 - Presiding Officers**

Town Attorney Pou summarized this section and explained this will create a 4 year term and will provide for staggered terms. He provided an example of how this will take place. He stated that in 2024 the mayor that is elected will get 4 years, the commissioners with the 2 highest votes will be afforded 4 year terms and the lowest 2 vote getters will get 2 year terms. The 4 year terms will run for election in 2028 and the other 2 year terms will be 2026. He also stated by virtue of this change the highest vote getter will no longer be vice mayor. He stated with this change the Town Commission will select the vice mayor from amongst themselves.

Town Attorney Pou stated that section 105 does touch upon the terms of office and they just want to keep everything in one section in the event there is anything that needs clarification.

Town Attorney Cimo stated that these changes were made under the Presiding Officer section.

Chair Jacobson stated this is the most important thing to do for the Town and hopefully it will create stability among the staff and commission in order to get these larger projects done.

Consensus was reached by the Board to move forward with this Section 8 as is.

### **Section 6 - Qualifications and Section 15 - Vacancies on Commission - When deemed to Exist**

Town Attorney Cimo provided an overview of this section which talks about maintaining residency requirements. She stated they asked them to create a position when a vacancy arises due to a commissioner not meeting the residency requirement. She spoke regarding the recommendation for this section and the two ways of instituting the policy.

Chair Jacobson stated that 25 signatures is a low threshold to initiate this form of proceeding. He stated they should have two safeguards in place to protect the commission and you cannot keep doing it every month and suggested a 6 month cool down period.

Board Member Zuckerman stated that it is black and white and they need to come up with a lease agreement showing they live in Town.

Chair Jacobson stated that they spoke regarding what would be needed.

Town Attorney Cimo stated they did not include it but they can.

Town Attorney Pou stated that if they are going to be qualified electors they should be registered already to vote in Surfside.

Chair Jacobson suggested having more than 25 signatures.

Board Member Singer stated that what they are talking about is how to start the process.

Further discussion took place among the Board, Town Attorneys and Staff regarding the policy to set in place as to what will be required to initiate the process of proving residency requirement and suggestion on the number of signatures required.

Town Attorney Recio spoke regarding a fail space and explained that they would advise the Commission to tread lightly in the case if a commissioner tore down their house and is building a new one.

Town Attorney Cimo spoke regarding the procedure and factors the commission would have to consider.

Chair Jacobson asked how a judge would be looking at this type of case.

Town Attorney Recio stated that the courts are reluctant to weigh in and here it would be the commission judging the evidence that is put forth.

Board Member Zuckerman stated this will give clarity to the Commission.

Town Attorney Pou stated that the Commission will be advised by the Town Attorney as to how to look at this but there are a lot of factors that go into the determination of residency.

Town Attorney Recio provided examples and it does become complicating.

A motion was made by Chair Jacobson to change 25 signatures of electors to 3% of qualified voters and adding a 6 month provision of a cool down period, seconded by Board Member Bravo. The motion carried with 5-0 vote.

Board Member Bravo asked who would decide how to fill that seat.

Town Clerk McCready addressed the question by Board Member Bravo and explained the process.

### **Section 19 - Induction of Commission into Office; Meetings of Commission**

Town Attorney Pou introduced this section and spoke regarding changing the meeting time from 8:00 p.m. to 7:00 p.m. and the Commission has the authority to change the time of the meetings at any given time.

Town Clerk McCready read the language in the charter currently.

Chair Jacobson asked Commissioner Meisheid if this helps the Commission. He asked if they want to this Board to give them all the corrections and then leave it to the Commission to decide or for the Board to take out other areas. He stated that if they are making a change then to just remove the time and leave it up to the commission.

Town Attorney Cimo stated that she suggested that there should be a specific time in the charter.

Chair Jacobson stated that it should just say that the time of the commission meeting will be set by the commission.

A motion was made by Chair Jacobson to change the language to "second Tuesday of each month and the time to be determined by the Commission", seconded by Board Member Bravo. The motion carried with a 5-0 vote.

### **Section 29 - Eligibility of the Employee; Section 40.1 - Nepotism**

Town Attorney Cimo introduced the section and the changes made and what the State of Florida Nepotism law states and the sections that were removed.

Board Member Zuckerman asked if that would help the Town.

Town Manager Gomez provided an example of what took place in Town and does believe this will help.

Consensus by the Board was reached to approve the changes to this section.

### **Section 31.1 - Personnel Appeals Board**

Town Attorney Cimo introduced this section and the changes made to this section.

Consensus by the Board was reached to approve the recommendations by the  
Minutes  
Charter Review Board  
Wednesday, June 28, 2023

Board.

**Section 39 - Duties of Other Town Manager Appointees**

Chair Jacobson stated this section had many areas that needed to be cleaned up.

Town Attorney Cimo went over this section and the amendments to this section.

Chair Jacobson stated that he believes they do not need this section.

Town Manager Gomez stated this section is mostly done to clean up the charter.

Town Attorney Pou suggested to roll this into Charter Amendment 10.

A motion was made by Chair Jacobson to roll it into Charter Amendment 10 and strike it as it is no longer applicable, seconded by Board Member Zuckerman. The motion carried with a 5-0 vote.

**Section 93 - Limitations on Indebtedness**

Town Attorney Pou provided an overview of this section and explained the debt indebtedness and provided examples.

Town Manager Gomez explained the different projects and stated that they cannot be limited when they need infrastructure that affects life and safety of the residents. He stated that if they are not able to seek a bond because of this referendum it would be a detriment to the life and safety of the residents.

Town Attorney Pou stated it also pertains to special assessments. He spoke regarding carving out the revenue bonds and special assessments.

Chair Jacobson asked if a section of the Town would like a special area and do a project, they would have the ability to impose a special assessment.

Further discussion took place among the Board, Town Attorneys and Staff regarding examples of how this would help the Town and how things are funded.

**Amendment No. 10 - Amend Charter by Removing Provisions Repealed or Superseded by Florida Law**

Town Attorney Pou stated that as a reminder there were multiple revisions that have been superseded by home rule or they encountered some that were superseded by State law and provided examples.

Chair Jacobson stated that the Commission should know the charter back and forth and if you clean it up it will get the information where it needs to go. He appreciates all the time the Town Attorney's took in doing this.

Town Attorney Pou stated that they are here for any questions or clarifications.



Chair Jacobson asked if any Board member would like to add any section or go back to anything in this charter that they want to bring up one last time.

Vice Chair Swedroe stated that she wants to make sure that Section 4 will be helpful to the Commission.

Town Attorney Cimo stated that they did not strike anything in that section, and it is being provided to the Commission as it is shown.

Chair Jacobson stated do they want to go back to discuss the three year limitation to buy, sell or lease property.

Board Member Zuckerman asked for clarification of this section.

Chair Jacobson provided a clarification and stated that if they want to remove the section you need a 4/5th vote of the commission.

Board Member Zuckerman stated this limits the Town to be able to enter into a public private partnership.

Chair Jacobson stated you cannot do anything for more than 3 years and provided examples. He stated you cannot do anything in the long term. He stated they are all in agreement that line should not be there, but do they want to make that recommendation.

Board Member Bravo suggested killing it.

After a lengthy discussion among the Board, Town Attorneys and Staff regarding this section, the following motion was made.

A motion was made by Vice Chair Swedroe to create a new amendment with the strike through language striking the provision relating to the three years as determined by the Town Attorney, seconded by Board Member Singer. The motion carried with a 4-1 vote with Board Member Bravo voting in opposition.

Town Attorney Cimo spoke regarding the summary in the letter and wanted to let them know they only listed a couple and do they want them to add the amendments.

Consensus was made by the Board members to move forward with providing the summary in a letter to the Commission.

Town Manager Gomez stated they will give the Town Commission 10 amendments and recommendations and then the Commission will reduce it.

Further discussion took place among the Board, Town Attorneys and Staff regarding the process with the Commission.

Town Clerk McCreedy stated that the resolution with all the questions must be at the Elections Department by September 8, 2023.

A motion was made by Board Member Singer to approve the recommendations on the report as amended and request for the Town Commission to approve the report with the Board's recommendations, seconded by Board Member Zuckerman. The motion carried with a 5-0 vote.

[Town Charter Review Board Report.DOCX](#)

[Exhibit A - Charter Review Board Text Amendments - Amendment No. 10.DOCX](#)

## 6. Future Meetings

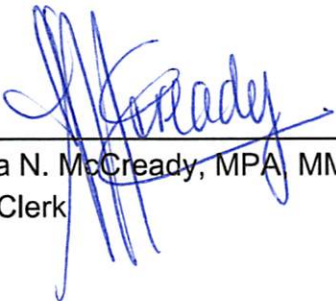
This is the last meeting and no further meetings of this Board will take place. This Board has sunsetted.

## 7. Adjournment

There being no further business to discuss before this Board, a motion was made by Board Member Bravo to adjourn the meeting at 7:10 p.m., seconded by Board Member Singer. The motion carried with a 5-0 vote.

\*These are the minutes of the last meeting held by the 2023 Charter Review Board. Therefore, these are the official final minutes.\*

Attested this 29<sup>th</sup> day of June, 2023.

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



## MEMORANDUM

ITEM NO. 3C.

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Hector Gomez, Town Manager  
**Date:** July 11, 2023  
**Subject:** **FY 2023 Budget Amendment Resolution No. 8**

---

Town Administration recommends approval of this resolution.

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

The Town Commission monitors the budget to actual summary at the fund level monthly on each agenda. The Town Manager is authorized by the Charter to make adjustments within funds so long as the appropriation for each fund is not exceeded. The purpose of this budget amendment is for the Town Commission to amend the FY 2023 annual budget and to recognize changes in revenues and expenditures that differ from the adopted budget. **Attachment A** - "FY2023 Budget Amendment No.8 TCM 07112023" represents the amendment that ensures compliance with State law, Town Charter, and sound financial management practices.

Staff has reviewed FY 2023 actual revenues and expenditures and recommends a change to the FY 2023 annual budget as follows:

### **STORMWATER FUND**

The Stormwater Fund is being amended to:

1. Record the use of \$141,002 of Federal Grant American Rescue Plan Act (ARPA) funds.
2. Appropriate \$141,002 of those funds for stormwater pump repairs.

Resolution Approving Budget Amendment No. 8

Attachment A - "FY2023 Budget Amendment No.8 TCM 07112023"

**RESOLUTION NO. 2023-\_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 8 FOR THE FISCAL YEAR 2023 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on September 28, 2022, the Town of Surfside (the “Town”) Commission adopted Resolution No. 2022-2922 approving the budget for Fiscal Year 2023 and establishing revenues and appropriations for the Town; and

**WHEREAS**, the Stormwater Fund is being amended to record the use of \$141,002 of American Rescue Plan Act (ARPA) funds and appropriate \$141,002 of those funds for stormwater pump repairs, as detailed in Attachment “A” attached hereto; and

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

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

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

**Section 2. Approving Amended Budget; Budget Amendment No. 8.** That the Town Commission approves the 2023 fiscal year budget amendment provided for in Attachment “A” attached hereto.

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

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

**PASSED AND ADOPTED** on this \_\_\_\_ day of July, 2023.

Motion By: \_\_\_\_\_

Second By: \_\_\_\_\_

**FINAL VOTE ON ADOPTION:**

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

\_\_\_\_\_  
Shlomo Danzinger, Mayor

Attest:

\_\_\_\_\_  
Sandra McCready, MMC  
Town Clerk

Approved as to Form and Legal Sufficiency:

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

**TOWN OF SURFSIDE  
BUDGET AMENDMENT  
ATTACHMENT A**

Fiscal Year            2022/2023  
 BA No.                 8  
 Fund Nos.            404 Stormwater Fund

7/11/2023

| Account Number         | Account Description                 | Justification         | Original/<br>Adjusted<br>Budget | Increase          | Decrease    | Adjusted<br>Budget |
|------------------------|-------------------------------------|-----------------------|---------------------------------|-------------------|-------------|--------------------|
| <b>STORMWATER FUND</b> |                                     |                       |                                 |                   |             |                    |
| <b>REVENUES</b>        |                                     |                       |                                 |                   |             |                    |
| 404-538-331-50-40      | Federal Grant -Treasury (ARPA)      | Use of ARPA funds     | \$ 1,000,000                    | \$ 141,002        |             | \$ 1,141,002       |
| <b>TOTAL</b>           | <b>STORMWATER FUND REVENUES</b>     |                       |                                 | <b>\$ 141,002</b> | <b>\$ -</b> |                    |
|                        |                                     |                       |                                 |                   |             |                    |
| <b>EXPENDITURES</b>    |                                     |                       |                                 |                   |             |                    |
| 404-5500-538-64-10     | Machinery & Equipment               | Emergency pump repair | \$ 82,000                       | \$ 141,002        |             | \$ 223,002         |
| <b>TOTAL</b>           | <b>STORMWATER FUND EXPENDITURES</b> |                       |                                 | <b>\$ 141,002</b> | <b>\$ -</b> |                    |



## MEMORANDUM

ITEM NO. 3D.

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Hector Gomez, Town Manager  
**Date:** July 11, 2023  
**Subject:** **Fraternal Order of Police (FOP) Collective Bargaining Agreement**

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The Town Administration is recommending that the Town Commission adopt the resolution approving the Collective Bargaining Agreement with the Fraternal Order of Police Local 135 for 2022-2025 contract period.

The Fraternal Order of Police (FOP) Local 135 has been representing the Town of Surfside bargaining unit members for over 18 years. Currently, there are 31 members, including Police Officers, Detectives, Sergeants, and Communications Operators. The process which governs collective bargaining is established under Florida Statute 447.

The Town entered into negotiations with the FOP on July 20, 2022. The Town's bargaining team included: Town Manager Hector Gomez, Finance Director Javier Collazo, Police Chief John Healy, Captain Antonio Marciante and Human Resources Director Yamileth Slate-McCloud. The FOP's bargaining team included: Officer / FOP President Tammy Campbell, Detective Diana Dulaney Leon, and FOP State Representative Sean Kelly. Five bargaining sessions were held. In addition, staff held two (2) Executive Sessions with the Town Commission.

The proposed agreement can be found in Attachment A - "FOP Collective Bargaining Agreement 2022-2025". A budget amendment will be required to cover the costs of the adjustments for FOP members retroactive to October 1, 2022, not budgeted. The Town does not typically budget for collective bargaining negotiations as there are many unforeseen and it is typical to address as a budget amendment. The negotiations also incurred pension changes which will be addressed through an ordinance.

[Resolution Approving FOP Collective Bargaining Agreement](#)

[Attachment A - FOP Collective Bargaining Agreement 2022-2025.pdf](#)



**RESOLUTION 2023-\_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF SURFSIDE AND FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE IN EFFECT FROM OCTOBER 1, 2022 THROUGH SEPTEMBER 30, 2025; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE COLLECTIVE BARGAINING AGREEMENT ON BEHALF OF THE TOWN; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Florida State Lodge Fraternal Order of Police (the “FOP”) represents a bargaining unit consisting of the Town of Surfside’s (the “Town”) covered sworn police employees; and

**WHEREAS**, the Collective Bargaining Agreement between the Town and the FOP containing the terms and conditions of employment for the Town’s Police Union expired on September 30, 2022; and

**WHEREAS**, the Town and the FOP have reached an agreement to enter into a successor Collective Bargaining Agreement covering the period of October 1, 2022 through September 30, 2025, attached hereto as Exhibit “A” (the “CBA”); and

**WHEREAS**, the Town Commission desires to ratify the CBA and authorize the Town Manager to execute the CBA on behalf of the Town; and

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

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

**Section 1. Recitals.** The foregoing whereas clauses are true and correct and are incorporated herein by this reference.

**Section 2. Approval.** The Town Commission hereby ratifies the CBA between the Town and the FOP attached hereto as Exhibit "A."

**Section 3. Authorization.** The Town Commission hereby authorizes the Town Manager to execute the CBA on behalf of the Town.

**Section 4. Implementation.** That the Town Manager and Town Officials are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of this Resolution and the CBA.

**Section 5. Effective Date.** This resolution shall take effect 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 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

AGREEMENT  
BETWEEN  
THE TOWN OF SURFSIDE, FLORIDA  
AND THE  
FLORIDA STATE LODGE  
FRATERNAL ORDER OF POLICE  
October 1, 2022 through September 30, 2025

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## **PREAMBLE**

THIS AGREEMENT is entered into by the Town of Surfside, Florida, hereinafter referred to as the "Employer" or "Town", and the Florida State Lodge Fraternal Order of Police, hereinafter referred to as the "FOP" or "Union", for the purpose of promoting harmonious relations between the Town and the Union, to establish an orderly and peaceful procedure to settle differences which might arise and to set forth the basic and full agreement between the parties concerning rates of pay, wages, hours of work and other conditions of employment.

## ARTICLE 1.

### RECOGNITION, STRIKES AND LOCKOUTS

1.1 The Town hereby recognizes the FOP as the sole and exclusive collective bargaining agent as to wages, hours and all other terms and conditions of employment for the following bargaining unit as certified by the Public Employees Relations Commission (PERC), Certification No. 1180, and Order No. RC-97-032:

**INCLUDED:** All employees in the classifications of Sergeant, Police Officer, Communications Supervisor and Communications Operator.

**EXCLUDED:** Chief of Police, Captain, Lieutenant, and all other employees of the Town of Surfside.

1.1.1. Any changes in the bargaining unit shall only be made upon proper application to PERC and/or an appropriate court of competent jurisdiction.

1.2 There will be no strikes, work stoppages, slowdowns, boycotts, concerted failure, or refusal to perform assigned work or other actions contained within the definition of a strike under Section 447.203(6), Florida Statutes, by the employees covered under this Agreement, and there will be no lockout by the Town for the duration of this Agreement. The FOP supports the Town fully in maintaining efficient operations. For the purposes of this clause, claimed illness by one-third (1/3) or more of the bargaining unit employees eligible for duty followed by claimed illness on the part of one-third (1/3) or more of those contacted as replacement personnel shall constitute prima facie evidence of concerted failure or refusal to perform.



1.2.1 Any employee who participates in or promotes a strike, work stoppage, slowdown, boycott, concerted failure or refusal to perform assigned work or any other actions contained within the definition of a strike under Section 447.203(6), Florida Statutes may be disciplined or discharged by the Town, and the sole and exclusive jurisdiction to review such discipline or discharge shall be determined by the Town Manager.

1.2.2 The parties agree that the Town is responsible for and engaged in activities which are the basis of the health, safety and welfare of the citizens of the Town and the public at large. In the event of any violation of this Article by either a Town employee or a Union employee, official or representative, the Town shall be entitled to seek and obtain immediate injunctive relief in a court of competent jurisdiction and utilize any other legal remedies provided for in Section 447.507, Florida Statutes.

1.2.3 The Union, its officers and representatives agree that it is their continuing obligation and responsibility to maintain compliance with this Article and the strike prohibitions contained in Section 447.505, Florida Statutes and the Constitution of the State of Florida, Article I, Section 6, including the responsibility to remain at work and to publicly disavow the strike during any interruption which may be initiated by other employees covered by this Agreement, and to encourage and direct other employees that are violating this Article to return to work.

## **ARTICLE 2.**

### **MANAGEMENT RIGHTS**

2.1 The Town has and will continue to retain, whether exercised or not, the right to operate, manage and direct its operations and all, powers and authority, not officially relinquished, abridged or limited by the express provisions of this Agreement. The Town shall have the sole, unilateral and unquestioned right, responsibility and prerogative to manage the affairs of the Town and direct the work forces, including, but not limited to, the following:

2.1.1 To determine the acquisition, care, maintenance and operation of equipment and property used for and on behalf of the purposes of the Town;

2.1.2 To establish or continue the mission, purpose, objectives, policies, practices and procedures for the conduct of the Town business, operation of the Police Department and other departments, and, from time to time, to change or abolish such policies, practices or procedures;

2.1.3 To discontinue processes or operations or to discontinue their performance by employees;

2.1.4 To select, determine and assign the number and types of employees required to perform the Town's operations, to meet the needs of the Town and the Department;

2.1.5 To employ, transfer, promote, demote, layoff, discipline, terminate, or otherwise relieve employees from duty for lack of work or for any legitimate reason when it shall be in the best interest of the Town or the Department;

2.1.6 To prescribe and enforce reasonable rules and regulations for the maintenance of ethical and professional standards, and for the performance of work, services to be offered to the public, control and discretion over the operation of the Police Department and its employees, the regulation of off-duty law enforcement duties for non-municipal employers and outside employment which could cause real or perceived conflicts of interest, or conduct which brings the Department real or perceived harm in accordance with the requirements of the Town, provided such rules and regulations are made known in a reasonable manner to the employees affected by them;

2.1.7 To ensure that the incidental police duties connected with departmental operations, whether enumerated in job descriptions or not, shall be performed by employees;

2.1.8 To establish contracts or subcontracts for municipal operations, or Mutual Aid Agreements provided that this right shall not be used for the purpose or intention of undermining the union or of discriminating against its members. All law enforcement work customarily performed by the employees of the bargaining unit shall be continued, except for exigent circumstances, to be performed unless in the sole judgment of the Town it can be done more economically or expeditiously otherwise. The above rights, responsibilities and prerogatives are inherent in the Town Commission and the Town Manager, by virtue of Statutory and Charter provisions and are not subject to delegations in whole or in part. Such rights may

not be subject to review or determination in any grievance or arbitration proceedings, but the manner of exercise of such rights may be subject to the grievance procedure in this Agreement.

2.2 The Union and the Town jointly recognizing the need to perform maximum municipal services at minimum cost, and the difficult problems facing the Town, hereby agree that the interest of both employee and the Town will best be served by attaining maximum efficiency and productivity. Therefore, the parties shall use their best efforts to create and maintain an atmosphere in which every employee can give a day's work for a day's pay. The FOP agrees that the efforts of all employees are required to achieve these objectives and will cooperate to this end.

2.3 The Town shall provide the Union written notice of its intent to subcontract law enforcement services. In the event that law enforcement services are subcontracted by the Town, the Town shall use its best efforts to have the subcontractor employ existing bargaining unit employees.

### **ARTICLE 3.**

#### **NON-DISCRIMINATION**

3.1 The Town agrees not to interfere with the rights of employees to become members of the FOP, and there shall be no discrimination, interference, restraint or coercion by the Employer because of Union membership or non-membership, or because of race, creed, gender, disability, color, sex, religion, national origin or marital status or any other protected status; provided that applicable anti-nepotism laws shall remain supreme.

## **ARTICLE 4.**

### **DUES DEDUCTIONS**

4.1 Upon receipt of a voluntary written individual notice from any of its employees, on a form provided by the Union, the Town will deduct from the pay due such employee those dues and assessments required to retain FOP membership.

4.2 The Union agrees to indemnify, defend and hold the Town harmless against any and all claims, suits, orders or judgments, brought or issued against the Town as a result of any action taken or not taken by the Town under the provisions of this Article.

## **ARTICLE 5.**

### **UNION REPRESENTATIVES**

5.1 Two (2) members of the Union shall be granted time off without loss of pay up to as much time that is needed to attend the negotiating sessions, mutually set, to renegotiate this Agreement.

5.2 The Town agrees to allow the Union and its representatives reasonable access to the Town Hall for the conduct of Union business provided that a room is available and the Union provides the Town Manager with reasonable written notice prior to such use.

5.3 The Town will permit accredited representatives of the Union, whether state, regional or national, to have reasonable access to the premises of the Town at any time during working hours to conduct Union business with individual members, with prior approval of the Chief of Police, if such visits will not disrupt normal work production. No Union related activity, meeting, solicitation of other employees, distribution of literature or business shall be discussed with on-duty personnel, or within Town facilities without prior written approval of the Chief of Police or his/her designee on a case by case basis so long as such business does not disrupt the work place.

## **ARTICLE 6.**

### **SERVICES TO THE UNION**

6.1 The Town agrees to furnish the Union's primary representative copies of all current police department rules and regulations and all memoranda pertaining thereto. The Town will make a copy of this contract available to the Union via a link on the Town's website. The Union agrees to provide a copy of this Agreement to all employees who are members of the bargaining unit.

6.2 The Town will furnish the Union with sufficient bulletin board space for Union notices in the Police Department building. The bulletin board shall be provided primarily for employee information and internal communications and not for the primary purpose of communicating with the general public. The Union shall only post written material or any material that is in good taste on such bulletin board. All routine notices of meetings, social events and other official Union business shall be sent to the Chief of Police or his/her designee at the same time the Union posts such materials.

6.3 Subject to the prior written approval of each member and as not otherwise prohibited by Chapter 119, Florida Statutes, the Town will provide the Union, on an annual basis, a complete roster of the bargaining unit including name, rank, address, telephone number, present assignment, and current pay scale.



## **ARTICLE 7.**

### **CONFIDENTIAL RECORDS/PERSONNEL FILES/LOCKER INSPECTION**

7.1 Except as otherwise required by law, or pursuant to Court order or the request of an appropriate governmental agency, the home address, telephone number and any photographs of a law enforcement officer or his/her Police Department personnel file shall be kept confidential and shall not be released to anyone without the consent of the employee, except where a photo identification of employee(s) may be required for a formal complaint or Internal Affairs investigation. If, however, the Town believes it is following the state law in good faith, or is acting on advice of the Town Attorney, the actions taken by the Town in connection with this section shall not be subject to arbitration.

7.2 It shall be the right of any employee to inspect and copy his/her Police Department personnel record, and such shall be available for their inspection during normal office hours.

7.3 Portions of personnel records which are exempt from inspection by state or federal law shall be kept confidential and only appropriate Town employees having an official need to know shall be granted access to such records.

7.4 The Town agrees to allow an employee, within thirty (30) calendar days of the date that a document is placed in his/her personnel file, to have included in their personnel file a written and signed refutation, based upon facts, (including signed eyewitness statements) of any material the member considers to be detrimental. Unless exempted under Chapter 119, Florida Statutes, the refutation is a public record subject to the Public Records Act.

7.5 All complaints, reprimands, other records of disciplinary actions, and all other disparaging items against each employee shall not be placed in an employee's personnel file until the employee has received a copy in advance. Failure by the Town to comply with this shall be grievable.

7.6 The Town retains the right to inspect and search issued property and equipment and all Town property. Whenever possible, the employee should be present when a department assigned locker is entered. If the employee is not present, the locker should be entered by a person with proper authority and be witnessed by another employee. The person entering the locker will complete a simple form in duplicate which states the date, time, name of persons entering locker, name of person assigned locker, and reason for such action. One copy shall be left in the locker and the other shall go to the departmental files, after review by the Chief of Police, who shall initial the form. In the event of a shift level investigation or internal affairs investigation these provisions may be waived by the Chief of Police (or designee) and the entering of the department assigned locker shall be documented in the appropriate investigative report.

## **ARTICLE 8.**

### **SENIORITY AND LAYOFF**

8.1 Seniority shall consist of full-time active continuous accumulated paid service with the Department. Department Seniority shall be computed from the date of appointment. However, Seniority in rank shall always supersede seniority in service for purposes of benefits or entitlements under this contract. Seniority shall accumulate during absences because of vacation, military leave or other authorized leave. Seniority will not accrue for time an employee is relieved of duty without pay, suspended, and on unpaid leave of absence. Such seniority shall govern the following:

8.1.1 In the event of a layoff for budgetary reasons, employees shall be laid off in the inverse order of their seniority in their rank. Any employee to be laid off who has advanced to a rank above police officer shall be given a position in a lower rank according to his/her total seniority with the Department. The Town Manager has the right to deviate from this procedure to retain employees with special skills or capabilities essential to the Town.

8.1.2 Employees shall be called back from layoffs according to the seniority in the classification from which the employee was laid off. No new employees shall be hired in any classification until all employees on layoff status on the callback list in that classification have had an opportunity to return to work. Employees will be notified by certified mail with delivery confirmation to their home address of record and shall be given twenty-one (21) calendar days to return to work, or be stricken from the list. An employee who has not been stricken from the list will be kept on the callback list for one (1) year. After this period, the Town will no longer be obligated to request that this employee be returned to Town employment.

8.2 Selection of days off shall be by seniority provided the Town's operational needs have been satisfied. Within ten (10) business days of an employee's request to change or modify the employee's selected days off, the Town shall provide the employee with a written response to the employee's request.

8.3 The Chief of Police shall determine how many employee(s) the Town needs for each shift assignment. Selection of shift assignments shall be by seniority only for those officers with full duty status at the time of shift bid provided the Town's operational needs have been satisfied. Officers not on full duty status must wait until next shift bid for seniority to be considered. Within ten (10) business days of an employee's request to change or modify the employee's shift assignment, the Town shall provide the employee with a written response to the employee's request.

## **ARTICLE 9.**

### **RIGHTS OF EMPLOYEES IN INTERNAL INVESTIGATIONS**

9.1 The following are the rights of employees subject to an internal investigation:

9.1.1 The Internal Affairs investigator will keep employees informed as to the nature of the investigation when they are questioned or interviewed concerning a complaint or allegation and to inform them if they are the subject of the investigation or a witness prior to any interview. Employees who are the subject of an investigation will be informed before being required to answer questions orally in a formal Internal Affairs investigation that they have the right to have legal counsel and/or a FOP representative present.

9.1.2 Prior to any sworn statement being taken from a law enforcement officer, the officer under investigation shall be informed in writing of the nature of the investigation and the name of the complainants immediately prior to the commencement of the proceedings.

9.1.3 Any disciplinary action initiated against an officer must be specific and clearly drawn and state a violation of law, Town rules and regulations, and/or Departmental rules, regulations, directives and orders.

9.1.4 The Town agrees to promptly furnish any employee with two (2) copies of any disciplinary action report against him/her prior to disciplinary action being taken against him/her.

9.1.5 The employee may, if he/she so requests, receive a copy of his/her written or recorded statement.

9.1.6 The employee who is the subject of a complaint or allegation shall be notified in writing of the disposition upon the conclusion of the investigation, and final decision by the Chief of Police within ten (10) working days of the date on which the investigation is concluded and the final decision is made.

9.1.7 The written Internal Affairs Investigation shall include a finding of facts, and a conclusion, a copy of which shall be provided to the employee concerned prior to any disciplinary action; or if none, then within thirty (30) days.

9.1.8 In cases where management chooses to suspend or relieve an employee from duty, who has not been charged criminally pending an investigation or other administrative action, the employee will remain on full salary allowance and shall not lose any benefits during this period of time.

9.1.9 The Chief of Police upon review by the Town Manager, may immediately suspend an employee without pay and benefits who has been indicted by any grand jury or upon criminal charges being filed against him/her by any prosecuting official.

9.1.10 Except when an employee has been arrested or indicted or charged by a prosecuting official, the Department, on its own initiative, shall not release a photograph or home address of an employee under investigation without the employee's written permission and the approval of the Town Manager.

9.1.11 No employee shall be required to submit to any device designed to measure the truthfulness of his/her responses during questioning.

9.1.12 Nothing in this Article shall apply to situations where an employee is requested to submit and/or clarify a written incident or activity report as part of his/her routine duties.

## **ARTICLE 10.**

### **SHIFT EXCHANGE, SUBSTITUTIONS AND MINIMUM STAFFING REQUIREMENTS**

10.1 Whenever possible, the Town will notify the employee at least ten (10) days in advance of any contemplated change in an employee's status, i.e. transfer, reassignment or normal change in shift, except in cases of manpower shortage or other exigent circumstances in the Department.

10.2 Upon application to the Chief of Police, shift exchanges will be arranged provided:

1. the shift exchange does not interfere with the regular and efficient operation of the Department; and
2. a fellow employee, satisfactory to the Chief of Police, like rank and experience volunteers for the exchange; and
3. it is requested and approved sufficiently in advance so as not to work a hardship on either the employee or the Town; and
4. the shift exchange will not impact the Department's overtime budget; and
5. the reciprocal shift exchange shall occur within thirty (30) days.

10.3 With the exception of specialized units all shifts shall have a minimum staffing requirement of one (1) Supervisor, two (2) Police Officers, and one (1) Communications Operator. In the event that staffing does not meet the above requirements, the supervisor shall make a reasonable effort to contact personnel to meet the minimum staffing requirements. No grievance shall be filed under Article 15 of this agreement if the supervisor is unable to attain the minimum staffing requirements.



## **ARTICLE 11.**

### **VEHICLES, EQUIPMENT AND SAFETY STANDARDS**

11.1 The Town and members of the bargaining unit will work together to make a reasonable effort to ensure that the Department's equipment, working conditions and the job environment will not jeopardize the health or safety of employees. Nothing in this Article limits the management rights expressed in Article 2. Employees will make a conscientious effort to maintain a safe working environment. It is recognized that law enforcement is a hazardous occupation with inherent risks which can be minimized, to an extent, but not eliminated entirely.

11.2 Within the limits imposed by the performance of duty, employees will make a conscientious effort to operate vehicles and maintain equipment in a safe and efficient manner in accordance with Departmental Rules and Regulations.

11.3 Whenever an employee is authorized in advance, to use his/her own vehicle in the performance of his/her official duties, he/she will be compensated at the current Internal Revenue Service mileage rate.

11.4 Normally before any marked patrol pursuit equipped vehicle is assigned to an officer, it must have the following equipment in working order: emergency lights, siren, loud speaker, two-way mobile radio, first aid kit, and cages, all to be checked by the law enforcement officer assigned to the car.

11.5 All non-probationary sworn bargaining unit Police Officers and Sergeants who reside within 50 miles from Town Hall in Miami-Dade, Broward or Palm Beach Counties shall be issued a take home vehicle as such vehicles become available in order of seniority.

11.5.1 Police Officers and Sergeants who are issued a take home vehicle will be required to pay a per pay period maintenance fee of \$40.00 if they reside within zero (0) to ten (10) miles from Town Hall, \$50.00 if they reside over 10 miles up to 20 miles from Town Hall, \$60.00 if they reside over 20 miles up to 30 miles from Town Hall, \$70.00 if they reside over 30 up to 40 miles from Town Hall, and \$80.00 if they reside over 40 miles from Town Hall. Distances shall be determined by Google maps from Town Hall 9293 Harding Avenue to member's residence, selecting the shortest distance. Detectives and Detective Sergeants who are issued a take home vehicle will not be required to pay a pay period maintenance fee. Police Officers and Sergeants who reside within the town's jurisdictional limits are not required to pay the pay period maintenance fee.

11.5.2 The take home vehicles shall only be used to and from work or any function within the scope of an employee's official duties and is considered ordinary and necessary for Town business purposes.

11.5.3 Any non-probationary sworn bargaining unit Police Officer or Sergeant who lives in the Town's limits may use the take home vehicle for minimum purposes within the Town's geographic boundaries. Family members are prohibited from riding in the vehicle unless authorized by the Chief of Police or his/her designee.

11.5.4 Any non-probationary sworn bargaining unit Police Officer or Sergeant whose take home vehicle is unavailable due to maintenance, repairs or damage shall receive a replacement vehicle until the maintenance and/or repairs are completed. If a Police Officer or Sergeant is working under light duty status, a vehicle will be provided only if available.

11.5.5 Vehicles determined by the Town to be unsafe to drive will be taken out of service.

## **ARTICLE 12.**

### **TRAINING**

12.1 The Town agrees that bargaining unit employees should be fully informed on any material which falls within the enforcement responsibility of the Employer. Therefore, the Department shall be responsible to convey information it receives regarding Town and County ordinances and State Statutes to the employees.

12.2 The Town shall attempt to provide a minimum of forty (40) equivalent hours training per year (e.g., commission approved continuing training or education, video tapes, computer-based-training, periodicals) for the purpose of improving the performance of bargaining unit employees, aiding bargaining unit employees to equip them for advancement to higher positions and greater responsibilities, and performing service rendered to the public.

12.3 Where the Department requires an employee to attend weapons training or qualify with his/her firearm, the Town will make reasonable efforts to facilitate the employee attending the firearms range during his/her normal working hours. In the event the Department is unable to schedule the employee to attend the firing range during his/her normal working hours, the employee shall be required to attend the firing range during his/her off-duty hours; provided, however, that the actual time spent by the employee in acquiring such training during his/her off-duty hours shall be compensated in accordance with Article 21, "Hours and Overtime." Every Sworn member of the Department will maintain their proficiency with assigned firearms as set forth by the Florida Department of Law Enforcement Criminal Justice Standards and Training Commission (FDLE-CJSTC). Each employee shall take firearms proficiency tests as scheduled by the Department. An employee whose test does not initially meet the FDLE-CJSTC standard shall be provided the opportunity to retest on the same day as the initial test.

If the employee does not meet the FDLE-CJSTC standard on the second attempt the Firearms Instructor shall notify the Chief of Police via the chain of command and relieve the employee of their firearm. The employee shall be assigned to an appropriate position not requiring the use of a firearm until a third attempt to meet the FDLE-CJSTC standard is scheduled. The third test will be scheduled within forty-five (45) days from the date of the original test. If the employee does not meet the FDLE-CJSTC standard on the third test, then the employee will remain assigned to an appropriate position not requiring the use of a firearm until a remedial training session (40 hours maximum) can be scheduled. If the employee does not meet the FDLE-CJSTC standard after the remedial training session then the employee shall either be transferred to a non-sworn classification or the employee may be terminated by the Town. The decision by the Town to terminate an employee under this Section shall be grievable to the Town Manager.

12.4 Where the department requires any employee to attend supervisory training and/or training in specialized police techniques, the department will make reasonable efforts to facilitate the employee attending such training during his/her normal working hours. In the event the department is unable to schedule the employee to attend such training during his/her normal working hours, the employee shall be required to attend such training during his/her off-duty hours; provided, however, that the time spent by the employee in such training during his/her off-duty hours shall be compensated in accordance with Article 21 "Hours and Overtime."

12.5 In the event that an employee requests to be sent to a job-related training program with the approval of the Chief of Police or his designee, on his/her own time, the Town agrees to reimburse the employee for the full tuition of such training program upon presentation of proof of successful completion. The Town will make a reasonable effort to adjust an employee's shift

to accommodate the training program schedule; provided, however, that not more than one such adjustment shall be in effect at any one time.

12.6 The Employer shall send out notices of training that the Employer deems appropriate for the Department. The Town will make a good faith effort to provide the Union's primary representative with a copy of all notices relative to training.

## **ARTICLE 13.**

### **PROMOTIONS**

13.1 Whenever the Town Manager determines that a promotional vacancy exists in a sergeant classification, the Town shall, within thirty (30) working days of the date on which the Town Manager determines that such promotional vacancy exists, fill such vacancy from an existing eligibility list. Any promotional testing for such vacancy shall be completed within one hundred and twenty (120) days from the date on which the Town Manager determines that such promotional vacancy exists.

13.2 The Town will announce sergeant examinations at least thirty (30) days in advance of said examinations. The Town will list the areas which the examination will cover and the sources from which the examination is drawn. The Town will provide a list of reference material that is available commercially.

13.3 The sergeant examination shall be restricted to present non-probationary Police Officers, with not less than three (3) years sworn full-time service in this Department and an overall rating on each of their previous two (2) yearly evaluations of "Good" (score of 3) or higher in order to take the Sergeant's test. Seniority for the purpose of the sergeant examination shall be calculated from the date of appointment as Surfside Police Officer to the date of sergeant examination and be in conformance with the provisions of section 8.1 of this contract. Notwithstanding the above-referenced provision, if an employee has served in another law enforcement department as a sworn officer for at least two (2) years, the Chief of Police may waive up to twelve (12) months of required employment with this Department. In addition, if an

employee has at least a Bachelor's degree from an accredited university or college, an advanced degree in an area approved by the Florida Department of Law Enforcement Criminal Justice Standards and Training Commission from a recognized institute of higher learning or has served in the United States military for a minimum of two (2) years with an honorable discharge, the Chief of Police may waive up to one (1) year of the required employment with this Department. Promotional candidates shall only be awarded one of the above listed waivers.

13.4 At the time a new sergeant examination is given, all eligible employees who wish to be on the new list must take the examination. No employee will be placed on the new list as a result of previous test scores.

13.5 The Town shall give a sergeant's examination when the Chief of Police deems necessary.

13.6 The sergeant's examination will consist of an assessment center evaluation and/or written examination worth ninety-five percentage points (95%); and seniority worth five percentage points (5%). Employees must have a minimum passing score of seventy (70%) percent including seniority points in order to be placed on the eligibility list.

13.7 A list of eligible candidates will be compiled in the order of their final cumulative score. All employees will be notified of their score.

13.8 Promotions shall be based on the rule of three (3). Accordingly, the Chief of Police may, in its sole and exclusive discretion, promote officers from the top three (3) names on the list. After each promotion, the top three (3) names on the sergeant promotional eligibility list will be considered for the next sergeant's promotional position, if a sergeant's position opening



becomes available. In the event a sergeant promotional eligibility list falls below three (3) names, or if an eligibility list is comprised of less than three (3) names, the Police Chief may, in its sole discretion, promote from the eligibility list or deem the list expired. The eligibility list will remain active for a one (1) year period from the date the list was published.

13.9 The assignment of an acting sergeant shall be at the discretion of the Chief of Police.

13.10 Sergeants promoted to a rank above Sergeant shall have two years from promotional date to return to the rank of Sergeant. If this occurs, the Sergeant will go back to the seniority earned as Sergeant.

13.11 In the event the employee promoted to a rank above Sergeant returns to the rank of Sergeant within 24 months from the date of promotion, the officer that was promoted to fill the sergeant vacancy will retain the rank of Sergeant.

## **ARTICLE 14.**

### **LABOR MANAGEMENT COMMITTEE**

14.1 The Union may request the formation of a Labor Management Committee which will consist of members of the Union and management. (The number to be decided by mutual consent.) The function of the committee shall be to meet as needed, to confer and recommend resolutions of problems related to employee relations in the administration of the Agreement; to explore ideas for the improvement in systems, schedules, procedures, and equipment; and to seek methods for improvement of personnel training, development, selection, promotions or reassignment. Time used for this purpose shall be considered as duty time and shall not be charged to regular leave, time provided that adequate and necessary protection to the Town is also being furnished. Only those employees who are on regular duty at the time of the meeting will be compensated. The meeting will be informal in nature. Any issue requiring the attendance of attorneys, public hearings or recorded minutes will not be considered under this Article.

## **ARTICLE 15.**

### **GRIEVANCE AND ARBITRATION PROCEDURE**

15.1 In a mutual effort to promote harmonious working relations between the parties of this Agreement, it is agreed to and understood by both parties that there shall be a procedure for the resolution of grievances or misunderstandings between the parties arising from the application and interpretation of this Agreement, as well as to address all disciplinary matters.

15.2 To simplify the grievance procedure, the number of "working days" in presenting a grievance and receiving a reply from different levels or steps shall be based on a forty (40) hour, five (5) day work week, Monday through Friday, excluding the holidays listed in Article 18.

15.3 A grievance shall be defined as an alleged violation or disagreement involving interpretation and/or application of specific terms of this Agreement. In accordance with Section 447.401, Florida Statutes, covered employees shall have the option of either utilizing this grievance procedure or utilizing an unfair labor practice procedure, but not both. Eligible employees may file a grievance whether or not they are dues-paying members of the Union.

15.4 A written reprimand shall be accompanied by copies of any supporting documents, memos, tape recordings and/or complaints, if any, which form the foundation for the issuance of the written reprimand.

15.5 No employee shall be disciplined without just cause.

15.6 Effective upon the execution of this Agreement, grievances shall be processed in accordance with the following procedures set forth below.

Failure of the Town to respond to the grievance within the time limits set forth below shall entitle the employee or union to proceed to the next step in the grievance process. The time limits may be extended by mutual written agreement.

Step 1: The aggrieved employee shall discuss the grievance with the Chief of Police or his designee within ten (10) working days of the occurrence which gave rise to this grievance. The Union representative may be present to represent the employee. The Chief of Police or his designee shall attempt to adjust the matter and/or respond to the employee within ten (10) working days.

Step 2: If, after a thorough discussion with the Chief of Police or his designee, the grievance has not been satisfactorily resolved, the aggrieved employee and/or the Union representative shall reduce the grievance to writing and present such written grievance to the Town Manager within ten (10) working days from the time the Chief of Police or his designee's response was due in Step 1. The Town Manager shall meet with the employee and/or the Union representative within ten (10) working days. The Town Manager shall respond in writing ten (10) working days from the date of the meeting.

Step 3: For grievances concerning interpretations of this Agreement, terminations, suspensions, and employee demotions, the Union may appeal the Town Manager's decision at Step 2 by submitting a written demand for arbitration to the Town Manager no later than ten (10)

working days after the rendering of the Town Manager's decision. It is the Union's responsibility to request an arbitration panel under Section 15.7.2 below, within ten (10) days thereafter. The time limits in Steps 1 through 3 may be waived or extended only by mutual agreement between the parties.

15.7 At the arbitration hearing, the aggrieved employee may be accompanied by his/her Union representative. The arbitrator shall have access to all written documents and audio statements pertaining to the grievance. The arbitrator shall render his/her decision within ninety (90) days unless there has been a mutual agreement otherwise between the parties. Copies of the findings of the arbitrator, made in accordance with the jurisdictional authority under this Agreement, shall be furnished to both parties and shall be final and binding on both parties.

15.7.1 Arbitration. An individual employee may only proceed to arbitration with the consent of the union.

15.7.2 Appointment of Arbitrator: The arbitrator may be an impartial person mutually agreed upon by the parties. In the event the parties are unable to agree upon said impartial arbitrator within ten (10) calendar days after the union request for arbitration; the union shall request a list of seven (7) potential arbitrators from the Federal Mediation and Conciliation Service (hereinafter, "FMCS"). Within ten (10) calendar days of receipt of the list the parties shall alternatively strike a name with the Town striking first. The remaining name on the FMCS list will be the mutually selected arbitrator.

15.7.3 Powers of the Arbitrator: The arbitrator's decision shall be in writing and shall set forth the arbitrator's opinion and conclusion on the issues submitted. The arbitrator shall limit his/her decisions to the application and interpretation of the disputed provisions of the Agreement, and shall not be such as to directly or indirectly cause modifications, amendments, additions to or subtractions from the Agreement.

15.7.4 Cost of Arbitration: The costs for the list, service, travel and accommodations of the arbitrator shall be equally shared by both parties to this Agreement.

## **ARTICLE 16.**

### **LEGAL SERVICES**

16.1 The Town will undertake the defense of employees against any civil action, arising from a complaint for damages or injuries suffered as a result of any act or omission of action of any of said members of the bargaining unit for an act or omission arising out of and in the scope of the bargaining unit member's employment or function, unless, in the case of a tort action, the employee acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety or property and shall file proper and appropriate counter suits, providing that such suit arose out of actions by the employee in the line of duty.

16.2 The defense of such civil actions shall include, but is not limited to, any civil rights law suit seeking relief personally against the bargaining unit member for an act or omission under color of State Law, custom, or usage wherein it is alleged that such bargaining unit member deprived another person of his/her rights secured under the U.S. Constitution or Federal Laws.

16.3 Any attorney's fees paid from Town funds for any employee who is found to be personally liable by virtue of acting outside the scope of his/her employment, or was acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property, may be recovered by the Town in a civil action against the employee.

## **ARTICLE 17.**

### **EDUCATIONAL ASSISTANCE AND INCENTIVE**

17.1 The Town, in its efforts to encourage its police personnel to acquire a greater knowledge of the more complex areas of the social system today, agrees to reimburse seventy five percent (75%) the cost of tuition (not to exceed three courses per term) when the employee receives a grade of "A" and one-half (1/2) the cost of tuition (not to exceed three courses per term) not otherwise reimbursed by the L.E.A.A. for educational courses in which the employee receives a grade of "C" or "B" or a satisfactory completion if no grade is given.

17.2 The course must be from an accredited public or private institution and must equip the officers for the performance of the particular job and/or position in which they are employed. Reimbursement for a course at a private institution shall be limited to the rate that the course would cost at a State of Florida public institution.

17.3 Subject to budgetary provisions, the Town Manager shall have the authority to approve those employees who are to participate in such courses and to approve the institution.

17.4 Courses must be taken for academic credit toward a degree. Any employee who receives a tuition reimbursement under this Article shall remain employed by the Town for a minimum of twelve (12) months from the date of completion of any course for which the Town has provided the employee a reimbursement. If the employee voluntarily leaves the employment of the Town prior to expiration of this time period, the employee shall repay the Town all tuition reimbursements received in the prior twelve (12) months.



## **ARTICLE 18.**

### **HOLIDAYS**

18.1 The Town recognizes the following paid holidays for bargaining unit employees:

New Year's Day  
Martin Luther King's Birthday  
President's Day  
Memorial Day  
Juneteenth (June 19)  
Independence Day (July Fourth)  
Labor Day  
Veterans Day  
Thanksgiving Day  
Friday after Thanksgiving Day  
Christmas Day

18.2 Full-time employees whose day off coincides with such holidays shall receive eight (8) or, ten (10), or twelve (12) hours of compensatory time depending upon assignment, subject to the limitations and requirements in Article 21.

18.3 Full-time employees who are required to work on a holiday shall have the option of receiving an additional eight (8) or, ten (10), or twelve (12) hours of compensatory time or pay depending upon assignment, subject to the limitations and requirements in Article 21.

18.4 In addition to the holidays listed in Section 18.1, the employee shall be entitled to take twenty-four (24) hours for personal day off. The employee must use his/her personal day before the end of the calendar year in which it was earned. There shall be no carryover or payout of this personal day from one calendar year to the next. If, due to operational necessity, the Town prevents an employee from taking the personal day off before the end of the calendar year the unused personal day will be carried over to the new year. The unused personal day must be used within 30 days or be forfeited.

## **ARTICLE 19.**

### **WAGES**

19.1 . Effective October 1, 2022, bargaining unit members will receive a five percent (5%) cost of living adjustment. October 1, 2023 and October 1, 2024 bargaining unit members will receive a four percent (4%) cost of living adjustment.

19.2 Effective October 1, 2022, bargaining unit members shall be paid in accordance with the pay plans attached as Addendum B.

19.3 Effective October 1, 2022, bargaining unit members who are not topped out, will continue to advance in their respective pay plans on their respective anniversary date.

19.4 The starting salary for a police officer promoted to the rank of sergeant shall be in accordance with Addendum B to this Agreement.

19.5 A police officer assigned to work as an acting sergeant will receive out of class pay equal to an additional 10% of the Police Officer's base salary during the police officer's assignment as an acting sergeant.

19.6 An employee assigned to work as a detective, Neighborhood Resource Officer (NRO), motorcycle officer, K-9 officer, Training Instructor or Field Training Officer (FTO) will receive pay equal to an additional 5% of the employee's base salary during the employee's actual assignment as a detective, motorcycle officer, K-9 officer, Training Instructor, Field Training Officer (FTO), Field Training Supervisor, or during a SWAT call out. However, an

employee is only permitted to receive one 5% additional pay at any given time regardless of how many different assignments that employee has at such time.

19.7 Any member regularly assigned to the working hours 1900 -0700 shall receive a shift differential of 5% of the employee's base salary.

19.7.1. Shift differential will be included in the definition of Pensionable Compensation under the Retirement Plan for Employees of the Town.

19.8 Employees are entitled to receive longevity pay beginning in their 7<sup>th</sup> year of continuous uninterrupted employment with the Town in the amounts set forth below. Effective after ratification of this Agreement, employees who become eligible for longevity pay as set forth in the longevity schedule below will receive the longevity pay to which they are entitled in 26 equal bi-weekly installments on an hourly rate basis, beginning in the first full pay period after each such employee becomes eligible for said payment. For example, assuming this Agreement is ratified effective on October 1, 2022, an employee who reaches his/her 6<sup>th</sup> anniversary of uninterrupted Town employment on October 15, 2022 (and thus commences his/her 7<sup>th</sup> year of employment with the Town on that date), will receive \$1,000 of longevity pay in 26 equal bi-weekly installments on an hourly rate basis, beginning in the first full pay period after October 15, 2022.

| <u>YEARS OF SERVICE</u> | <u>ANNUAL STIPEND</u> |
|-------------------------|-----------------------|
| Beginning of 7th year   | \$1,000.00            |
| Beginning of 11th year  | \$1,500.00            |
| Beginning of 15th year  | \$1,750.00            |
| Beginning of 20th year  | \$2,000.00            |

19.9 Members shall receive a stipend in the amount of \$300 per year (during the month of October) in recognition for obtaining and maintaining Accreditation Status by the State Commission for Florida Law Enforcement Accreditation.

## **ARTICLE 20.**

### **SPECIAL WAGE PROVISIONS**

20.1 Back Pay - An employee shall be entitled to recover, as soon as possible, without penalty to the Town of Surfside, funds due him/her by reason of errors in the implementation or administration of the Town's pay plan and other applicable regulations affecting pay.

20.2 Insofar as it is practical to do so, except for final vacation or sick leave pay out, if any, all wages, overtime and supplemental payments due to employee will be furnished in one (1) paycheck.

20.3 The Town will continue to offer the Internal Revenue Service Section 125 (Pre-tax) payroll deduction program to include health insurance, dental insurance, and disability insurance premiums, the payments of which will be deducted from an employee's paycheck at his/her discretion.

20.4 Pensionable Wages means the basic salary or wages, including longevity, and deferred compensation under section 457 of the Internal Revenue Code, paid by the town to an employee, but excluding bonuses, or any other nonregular payments.

## **ARTICLE 21.**

### **HOURS AND OVERTIME**

21.1 The regular work week for each full-time employee shall consist of forty (40) hours per week. A work week is defined as 12:01 am Monday thru midnight Sunday. Employees exceeding forty (40) "hours worked" in any week shall be paid overtime in accordance with the provisions of the Fair Labor Standards Act ("FLSA") or the employee shall have the option of receiving compensatory time at time and one-half. For the purpose of this Article "hours worked" shall have the meaning as defined by the FLSA.

21.1.1 Employees may earn up to a total of three hundred (300) hours of compensatory time, but may replenish the bank throughout the year. Subject to operational needs as determined by the Chief of Police or his designee, each employee may choose the option of being paid the remaining compensation bank balance on the last payroll of the fiscal year at the existing pay rate or continue the current balance of the compensation bank to the next fiscal year. Compensatory time off shall not be unduly denied.

21.1.1.1 Employees who are normally assigned to a 12-hour workday and work eighty (80) hours per pay period shall earn overtime for all hours worked in excess of eighty (80) hours in a pay period. Overtime compensation will not be paid, unless the normal pay period is actually worked in full or substituted by annual leave, military leave, compensatory leave, holiday leave, administrative leave, Kelly leave, bereavement leave, jury duty leave, contractual personal leave days, or approved shift swaps. It is understood and agreed that paid absences for sick leave and disability leave shall not be included as part of the normal pay period work hours for purposes of computing eligibility for overtime payment, but paid absences for other annual

leave types will be included as part of the normal pay period hours worked for purposes of computing eligibility for overtime payment.

21.1.1.2 Employees who are normally assigned to an eighty (80) hour per pay period schedule shall earn overtime for all hours worked in excess of eighty (80) hours in a pay period. Overtime compensation will not be paid, unless the normal pay period is actually worked in full or substituted by annual leave, military leave, compensatory leave, holiday leave, administrative leave, kelly leave, bereavement leave, or jury duty leave, contractual personal leave days, or approved shift swaps. It is understood and agreed that paid absences for sick leave and disability leave shall not be included as part of the normal pay period work hours for purposes of computing eligibility for overtime payment, but paid absences for other annual leave types will be included as part of the normal pay period hours worked for purposes of computing eligibility for overtime payment.

21.1.1.3 All hours worked by an employee outside his/her regular schedule during a declared State of Emergency in Miami-Dade County or during a Critical Incident as determined by the Chief of Police or his designee shall be paid at the employee's premium overtime rate.

21.1.1.4 In the computation of work hours constituting the normal work week period, or work hours during a pay period, or overtime hours, the time spent by employees on Extra-Duty Jobs or authorized Secondary Employment shall not be included.

21.1.1.5 Employees will have the option of utilizing up to forty (40) hours of accrued compensatory time for the purpose of extending annual leave subject to the Chief of Police approval.

21.2 Shift rotation will be by seniority in rank and shall occur every six (6) months and will take effect during the months of October and April each year at the beginning of a biweekly payroll period. When shift rotation occurs, no employee shall be forced to work a continuous shift beyond a normal eight or twelve hours except during a declared emergency.

21.3 Shift assignments will be based upon operational needs, in accordance with Article 10, and shall not be punitive in nature.

21.4 When it is necessary for the Employer to require the employee to return to work, not on his/her assigned shift or not contiguous with his/her scheduled workday, the Employer agrees to compensate the employee for a minimum of three (3) hours pay at one and one-half times the employee's regular hourly rate of pay. When it is necessary for the department to require an employee to report to work directly before his/her scheduled workday or to work beyond the scheduled end of the employee's workday, the employee shall be compensated in accordance with the provisions of the FLSA.

21.5 For mandatory court appearances during off-duty hours related to an employee's employment with the Town, employees shall be provided with pay at the rate of one and one-half times the employee's regular hourly rate for such court appearances, with the following minimum hourly guarantees in accordance with section 21.1.1., 21.1.2 and .21.5.1 During an employee's off-duty hours, a minimum of four (4) hours per day shall be guaranteed.



However, if the employee's first court appearance begins within one (1) hour of the start of the employee's shift or within one (1) hour of the end of the employee's shift, a minimum of two (2) hours per day shall be guaranteed.

21.5.2 For the employee's second off-duty appearance in the same day which does not occur within the time period for which the minimum guaranty under 21.5.1 above applies, an additional two (2) hour minimum shall apply.

21.5.3 For the employee's third off-duty appearance in the same day which does not occur within the time period for which the minimum guaranty under 21.5.1 or 21.5.2 above applies, an additional one (1) hour minimum shall apply.

21.6 Any employee who is called in to work reference a hurricane, storm related event or any other emergency as determined by the Chief of Police, shall be paid one (1) additional hour for travel time (from home to work) on the initial call out.

21.7 Any employee who is either under department or internal affairs investigation or who is required to appear as a witness to such investigation, who is required to appear on his/her normal off-duty hours, will be compensated at the overtime rate established in Paragraph 21.1 for the actual time spent in attendance at such investigation.

21.8 Notwithstanding the provisions of subsection 21.1, the Chief of Police may institute a work schedule for those bargaining unit members that work uniform patrol consisting of two (2) twelve (12) hour shifts per day. This schedule shall be designed, instituted and discontinued

at the sole and absolute discretion of the Chief of Police. The Chief's decisions with respect to this schedule shall not be grievable or arbitrable.

21.8.1 In the event that the alternate schedule specified in subsection 21.8 is instituted, the following provisions shall govern hours of work and overtime for those bargaining unit members assigned to the twelve (12) hour shift: Eighty (80) hours in a fourteen (14) day cycle shall constitute the normal work period. Such hours shall be compensated at straight time. Nothing herein shall guarantee a minimum number of hours per day, per week or per month. Employees who work in excess of eighty (80) hours in a fourteen (14) day cycle shall be paid overtime in accordance with the provisions of the Fair Labor Standards Act (FLSA) and Section 21.1.1.1 "Hours worked" shall be determined in accordance with and as defined in the FLSA.

## **ARTICLE 22.**

### **FRINGE BENEFITS**

22.1 Permanent full-time employees will be provided, at no cost to the Employee, with full medical, surgical and hospitalization benefits equivalent to those paid to other Town employees. For those permanent full-time employees who request dependent medical coverage under the Town's plan, the Town shall pay no less than 60% of the cost of such coverage. The Town provides other plan options that the employee will have the option of paying the difference.

22.2 Sick leave shall be earned at the rate of eight hours per month based on a forty (40) hour work week and added to the employee's sick leave bank. The remaining days of sick leave may be accumulated up to a maximum of 1050 hours. Sick leave may be used for the following reasons:

22.2.1 Personal illness or physical incapacity to such an extent as to be rendered thereby unable to perform the duties contained in the employee's job description or assigned by the Town Manager or that he/she may be assigned by the Town Manager pursuant to Town ordinance.

22.2.2 Enforced quarantine when established by the Department of Health for the period of such quarantine.

22.3 Employees who terminate their employment after completion of ten (10) years of service will be paid 35% of their accumulated sick time. Employees who retire under regular retirement will be paid the first 100 hours of accumulated sick time at 80% and of the remaining accumulated

balance will be paid at 60%. Employees who are killed in the line of duty will have 100% of their accumulated sick time paid to their survivors or heirs. Employees who die of natural causes will have 75% of their accumulated sick time paid to their survivors or heirs. Accumulated sick leave shall be paid at the rate being earned at the time of retirement, resignation or death. Employees who are terminated by the Town as a result of disciplinary action shall not be paid for any unused sick time.

22.4 As an incentive against the unnecessary use of sick leave, employees who do not utilize sick time during a calendar quarter (i.e. October – December), are eligible to earn four (4) vacation hours. The incentive shall be credited to the employee's vacation leave balance and subject to previously established vacation maximum and payout provisions.

22.5 Sick leave hours may be used to purchase prior law enforcement and/or military service in accordance to the provision of the Town's Retirement Plan. The request for cash conversion must be submitted to the Human Resources Director no later than August 15<sup>th</sup> of each fiscal year. The maximum conversion rate is at 35% for employees with 10 or more years of service or 60% for employees who retire under regular retirement.

22.6 Bereavement Leave: When there is a death in the immediate family of an employee, that employee shall be granted three (3) days off without loss of pay or benefits. If the funeral is out of state, an additional two (2) days shall be allowed. Employees may be asked to demonstrate that they actually attended the services or to the needs of the family to be eligible for the additional out of state leave time.

22.6.1 Immediate family is described as father, mother, father-in-law, mother-in-law, spouse, children, grandchildren, grandparents, brother or sister, brother-in-law, or sister-in-law.

22.6.2 Bereavement leave will not be charged against sick leave, vacation or holiday time, or accumulated overtime.

22.7 Vacation leave is granted to full-time employees and is accrued as follows:

| <u>YEARS OF SERVICE</u> | <u>VACATION LEAVE</u>   |
|-------------------------|---|
| 0 through 2 years       | Ten (10) days per year. Eligibility for use of accrued vacation time begins only after successful completion of initial six (6) months of employment. |
| 3 through 15 years      | Fifteen (15) days per year.   |
| Beginning at 16 years   | Twenty (20) days per year.  |

22.7.1 The maximum amount of vacation leave that may be carried from one calendar year to the next is 300 hours. If, due to operational necessity, the Town prevents an employee who is at 300 hours from taking vacation leave before the end of the calendar year the unused vacation will be carried over to the new year. The unused vacation must be used within 90 days or be forfeited.

22.7.2 Seniority within each rank or classification shall be determinative in the scheduling of vacations.

22.8 Paid Parental Leave will be paid in accordance with the Town Administrative Policy.

**ARTICLE 23.**

**UNIFORMS, SAFETY AND EQUIPMENT**

23.1 All employees shall be furnished by the Town, at no cost to the employee a uniform. The uniform issued for law enforcement officers shall consist of four (4) pairs of trousers, one (1) hat, five (5) blue shirts, two (2) badges, cloth sewn-on name tag, a gun belt and accessories to include handcuffs and case, cartridge case and authorized ammunition, appropriate service weapon and holster, and one (1) winter jacket. A pair of shoes shall be provided each employee upon request. If shoes are requested, the employee shall wear the shoes with the uniform. All torn, worn, or damaged equipment shall be replaced, as needed by the employee, subject to approval of the Chief of Police. Each law enforcement officer shall be provided with department approved emergency medical first aid kits and gloves.

23.2 Any employee who shall incur any breakage, loss or damage to his/her uniform or personal equipment in the line of duty, and not through his/her own negligence, shall have it replaced by the Employer at no cost to the employee. Personal equipment only includes prescription glasses, contact lenses, non-prescription sunglasses, watches and wedding bands. The Employer shall provide the replacement/repair cost of personal equipment lost or damaged in the line of duty in accordance with the following schedule:

|                               |             |
|-------------------------------|-------------|
| Prescription glasses/contacts | Full amount |
| Watches                       | \$ 75.00    |
| Wedding Ring                  | \$ 75.00    |
| Non-prescription sunglasses   | \$ 20.00    |

23.3 The Employer shall provide for cleaning of uniforms at no cost to the employee.

23.4 Employees who are assigned to perform detective duties and required to wear non-issued clothing in the course of their job shall receive a clothing allowance of one hundred (\$100.00) dollars per month.

23.5 Town will provide a body armor vest.

23.5.1 Body armor vests will be replaced upon expiration of warranty, and in accordance with the same conditions set forth in section number 23.5.

23.6 To protect employees while they are away from their patrol cars, or when working off-duty jobs while in the Town of Surfside, the Employer will provide each employee with a two-way hand-held portable radio, if available. On-duty personnel shall have priority over employees on approved off-duty jobs.

## **ARTICLE 24.**

### **WAIVER AND ZIPPER CLAUSE**

24.1 The parties acknowledge that during the negotiations which resulted in this Agreement each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective bargaining and that the understanding and agreement arrived at by the parties after the exercise of that right and opportunity are set forth in this Agreement. Therefore, unless otherwise specified in this Agreement, the Town and the Union, for the life of this Agreement, each voluntarily and unqualifiedly waive the right, and each agrees that the other shall not be obligated to bargain collectively with respect to any subject or matter referred to or covered by this Agreement and with respect to any subject or matter not specifically referred to or covered in this Agreement, even though such subject or matter may not have been within the knowledge and contemplation of either or both of the parties at the time they negotiated or signed this Agreement.

24.2 This Agreement contains the entire contract, understanding, undertaking and agreement of the parties hereto and finally determines and settles all matters of collective bargaining for and during its terms, except as may be otherwise provided herein.

24.3 The parties to this Agreement jointly agree that all matters of past practice and custom prior to the execution of this Agreement and not specifically included herein shall not be asserted by the Parties and shall not be considered to bind the parties, or have any cause or effect. No prevailing rights shall be acknowledged or asserted by either party during the life of this Agreement.



**ARTICLE 25.**

**WORKERS' COMPENSATION / LIGHT DUTY**

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

Supplemental pay means that pay which is paid to an employee above the amount of workers' compensation payment to which they may be entitled as a result of any in-line-of-duty injury.

Working day means the normal working day of the employee, regardless of the shift involved or whether such working day encompasses two calendar days.

(a) All employees of the Town who receive in-line-of-duty injury shall be entitled to a supplemental pay from the Town in an amount in addition to their workers' compensation payment to so equal their normal weekly pay in the following manner:

(1) The injured employee shall be entitled to the supplemental pay for the first sixty 60 working days of the period in which they are receiving workers' compensation.

(2) After the first sixty 60 days of supplemental pay the employee may request additional supplemental pay from the Town Commission.

(3) The employee shall submit their request for an extension of supplemental pay to the Town Commission in writing to the Town

Manager. The request for extension shall be presented to the town commission with the written recommendation of the Town Manager, the Chief of Police and the Town doctor.

(4) The Town Commission shall determine eligibility, and, if eligible, the number of additional working days the employee shall be eligible for supplemental pay, pursuant to the criteria set forth in this section.

(5) In evaluating and determining eligibility and, if eligible, the length of supplemental pay, the town commission shall consider the following:

- a. The facts of the occurrence of the injury.
- b. The medical extent of the injury.
- c. The town manager and Chief of Police's recommendations.
- d. Whether the extent of injury is medically determined to be caused by the incident before the town commission or an aggravation of a pre-existing condition.
- e. All the attendant circumstances which would be germane to the foregoing evaluation.
- f. Any matters or facts the employee desires to present. The employee shall be notified when the matter is to be presented to the Town Commission, so that such employee or a representative may be afforded an opportunity to appear before the Town Commission at the time the matter is being considered.

(b) If a medical evaluation, conducted by a physician approved by the town manager, indicates the employee is not able to assume his regular duties but is able to return to a less strenuous assignment, when such assignment is available, the employee shall accept the lesser assignment to be eligible to receive supplemental pay.

25.1.1. All employees who suffer any injury during an off-duty detail shall be entitled to the supplemental pay reference under section 25.1 for the first 60 working days of the period in which he / she is receiving workers' compensation

25.2 All employees who suffer any injury or who are exposed to toxic or hazardous substances during on-duty time or off-duty details shall immediately notify the communications operator and on-duty supervisor, then follow-up reporting in accordance with Town procedures. Failure to do so may result in a loss of benefits and incursion of penalties. All employees suffering on-the-job injuries as contemplated under Chapter 440, Florida Statutes, shall be entitled to select their own physician for medical care from a list of practitioners approved by the Employer or its insurance carrier pursuant to Section 440.211, Florida Statutes. This does not preclude the Town and/or its insurance carrier from requiring certain medical examinations from doctors of their choice.

25.3 Any employee injured on the job shall be paid a full day's wages for the day of the accident if his/her treating physician advises that he/she could not or should not return to work that day.

25.4 Any employee who is returning to full time work from sick leave/Worker's Compensation leave may return to work in his/her assigned position upon the recommendation

of his/her physician if he/she is able to perform the essential functions of their position. If the employee cannot perform the essential functions of his/her assigned position upon the recommendation of his/her physician, the employee may be allowed to return to work on light duty status if a light duty position is available. This placement of the employee in a position which does not require him/her to perform the essential functions of the job (light duty) will be made through a recommendation by a physician and may be approved by the Town Manager or the Chief of Police or his/her designee only if there is a reasonable expectation that the employee can perform the essential duties of the position within ninety (90) working days and maintain his/her current pay grade. The Town Manager or the Chief of Police or their designee, has discretion to approve light duty status based upon the recommendation of competent medical authority. The decision of the Chief of Police, Town Manager or his/her designee to assign or not assign light duty shall not be grievable.

25.5 Fitness for duty assessments are to be performed by the employee's physician and, if deemed necessary, by the Town's physician at the Town's expense.

If a conflict exists between both Doctors' assessments, a third-party medical professional shall be chosen by both sides for a final analysis as to the employee's fitness for duty, which will be binding on the parties.

25.6 An employee who does not return to work after remaining on medical leave for one (1) consecutive year or on family medical leave for twelve weeks will be terminated, notwithstanding the use of leave entitlements. In each situation, an individual assessment will be conducted by the Town to determine the employee's fitness for duty capabilities and, insofar as is practicable, if some reasonable form of accommodations can be made for a return to work without causing an undue hardship to the Town.

25.7 Employees who are on sick time, or who are on disability leave or workers' compensation, or light duty status who are observed engaging in activities inconsistent with claimed injuries or illnesses have demonstrated *prima facie* evidence of malingering and/or falsification of medical claims and may be disciplined, suspended, demoted or terminated. Additionally, any employee who receives compensation from the Town or its insurance carrier based upon a fraudulent claim shall reimburse the Town or the insurance carrier all funds received by the employee as a result of such fraudulent claim.

## **ARTICLE 26.**

### **EMPLOYEE WELLNESS PROGRAM**

26.1 Each member may voluntarily submit to a wellness physical examination at a location selected by the Town and at the Town's expense. Each Party recognizes that maintaining the health and fitness of the member can be a matter of life or death. Results of said wellness physical examination are confidential between the Wellness Center and the employee only and will not, under any circumstances, be furnished to the Town.

26.2 This wellness examination shall be yearly for all employees over the age of forty and every two years for employees under the age of forty.

## **ARTICLE 27.**

### **DRUG TESTING**

27.1 Whenever the Town, or any of its managerial or supervisory employees, has a reasonable suspicion that an employee in the bargaining unit represented by the FOP has reported for duty under the influence of alcohol or illegal drugs, been involved in an on-duty accident or assigned off-duty job incident where there is a reasonable suspicion that the employee has used controlled substances or alcohol is suspected, or has used alcohol or illegal drugs while on duty, or has used illegal drugs off duty, the Town may require the employee to furnish a urine, hair or blood specimen, for chemical analysis to determine the presence of illegal drugs or determine the presence of alcohol.

27.2 Reasonable suspicion testing shall be limited to circumstances where two (2) Police Department supervisory or Police Department managerial employees have reasonable grounds to suspect that the employee has recently used or is under the influence of alcohol on duty or illegal drugs on or off duty.

27.3 The Chief of Police or his/her designee shall approve any mandatory test for the presence of alcohol or illegal drugs pursuant to this paragraph.

27.4 An employee required to submit to a mandatory test for the presence of alcohol or illegal drugs shall be entitled to have a FOP or other employee representative present when the blood is drawn or when the urine specimen is obtained. However, under no circumstances will the taking of blood or taking of a urine specimen be delayed for more than one (1) hour to allow for the presence of a FOP or other employee representative. The collection will be conducted

with as much privacy as possible to maintain assurance of a reliable chain of evidence. If the laboratory is closed, the sample may be drawn at a hospital. The employee shall view the sealing and packaging of the sample and initial the same.

27.5 In addition to the "reasonable suspicion" testing provided for above, the Town may institute a program of random drug testing utilizing a computer-based program that will randomly select employees from the bargaining unit with no greater frequency than on a monthly basis. No employee shall be randomly tested in excess of three (3) times in any calendar year. The Town shall notify the supervisor of each employee selected for random testing. The supervisor shall be responsible for ensuring that the employee is immediately taken to the testing site.

27.6 The parties agree to be bound by the Drug-Free Workplace Act as set forth in Chapter 440 and Chapter 112 of the Florida Statutes, and the Drug-Free Workplace Standards promulgated by the Agency for Health Care Administration.

27.7 All tests for the presence of illegal drugs shall be conducted using recognized technologies. In the event an employee's initial test results are positive (i.e., indicate the presence of an illegal drug), a second test will be conducted utilizing a different procedure, the Gas Chromatography/mass Spectrometry (G.C.M.S.) except that alcohol will be confirmed using Gas Chromatography testing method. A certified Medical Review Officer (MRO) who will be a medical professional chosen by the Town will review all negative and confirmed positive laboratory results. The MRO for the Town will be designated by Mt. Sinai Medical Center Occupational Health Department or an alternate as may be determined by the Town. Confirmed



positive results will only be communicated to the Town's Human Resources Director after the MRO has ascertained that personal prescriptions or other legal substances do not account for the laboratory findings. Investigations may include, as appropriate, telephone contact with the employee and any prescribing physician. Employees may consult the Town appointed MRO concerning drugs and/or drug groups that may be tested for under this procedure.

Employees may contact the Town's MRO to ask questions concerning prescribed medications they are taking for clarification purposes involving fitness for duty assessments. The standards to be used for employee drug testing are as established by Florida Administrative Code Rules 59A-24 and 11B-27.

An employee will be considered to test positive for alcohol at the level equal to or exceeding 0.04g%. Other drugs and substances listed in Schedule I through V the Controlled Substance Act, 21 U.S.C. 812 may be tested for on behalf of the Town. In any event, they will be tested at levels according to generally accepted toxicology standards.

Copies of the test results shall be made available to the employee, upon the employee's request, at the Town Police Station within twelve (12) hours after the Town has received the test results. Additionally, if the employee so requests, within twelve (12) hours after the test results have been made available, he/she shall be given a sample of the specimen tested.

27.8 It is understood and agreed that the employees in the bargaining unit represented by the FOP are prohibited from using illegal drugs on or off duty. "Illegal drugs" means any controlled substance as defined in the Drug-Free Workplace Standards Act and, not used in accordance with a lawful prescription.

27.9 The results of such tests shall be handled as if part of an internal affairs investigation. The taking of a blood, hair or urine specimen from an employee does not constitute an interrogation within the meaning of Section 112.532, etc., Florida Statutes, unless questions are asked at the time the blood alcohol test or urine specimen is taken.

## **ARTICLE 28.**

### **JOB DESCRIPTION AND APPEAL**

28.1 No employee covered by this Agreement shall be required to do work outside his/her classification, except under emergency conditions as declared by the Town Manager or authorized representative.

28.2 Whenever there is a proposed change in the job description or title of a class within this Bargaining Unit, the Town of Surfside shall discuss with the Union the proposed change in job description. The Union shall receive a copy of the current job description and the proposed job description. Proposed changes shall be publicized among employees.

28.3 If the Union is not satisfied with the proposed change, it may in writing, within five (5) days of the conclusion of the discussion stated in Section 28.2 above, request a meeting with the Town Manager. The meeting shall be held at a mutually agreeable time, within thirty (30) days.

28.4 It is understood by the parties that the duties enumerated in job descriptions are not always specifically described and are to be construed liberally within present job descriptions. The Town of Surfside may assign tasks and duties which involve minor and occasional variations from the job descriptions to employees, so long as the tasks and duties assigned fall within skills and other factors common to the classification.

## **ARTICLE 29.**

### **FLORIDA LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS**

29.1 To the extent not contractually modified in Article 9 of this Agreement, Sections 112.531, 112.532, 112.533 and 112.534, Florida Statutes, known as the "Florida Law Enforcement Officer's Bill of Rights," as may be amended from time to time, are applicable to this Agreement. Any violation of the above-referenced Florida Statutes shall be redressed through applicable judicial proceedings and shall not be subject to the grievance or arbitration provisions of the Agreement.

**ARTICLE 30.**

**SEVERABILITY CLAUSE**

30.1 If any provision, section, subsection, service, clause, or phrase of this Agreement is held to be invalid by a court of competent jurisdiction, the remainder of this Agreement shall not be affected by such invalidity and shall remain in full force and effect with it being presumed that the intent of the parties herein was to enter into Agreement without such invalid portion or portions.

## **ARTICLE 31.**

### **RETIREMENT PLAN**

31.1 The Town agrees to maintain a defined benefit pension plan (the “Plan”) for members of the bargaining unit as set forth in Section 2-171 through 2-193 of the Town Code.

31.2 As soon as practicable following ratification of this Agreement, the Town shall amend the Plan as follows:

31.2.1 Normal retirement date for police officers shall be:

- The attainment of age 50 and the completion of 20 years of creditable service; or
- The attainment of age 59 and the completion of 5 years of creditable service; or
- The completion of 25 years of creditable service

31.2.2. Cost of living adjustments for retired members and their beneficiaries shall be two percent (2%) for those members who retire or enter the DROP after ratification of this Agreement. All other provisions of Section 2-192 will remain the same.

31.2.3 The parties mutually consent that Chapter 185 premium tax revenues shall be used as follows:

- The members agree to pay the \$88,266 increase in net Town minimum funding required of covered payroll to include the first

75 hours of overtime per year in the definition of pensionable compensation.

- Beginning October 1, 2023 and each year thereafter one third (33.3%) of all Chapter 185 premium tax revenues received by the Plan shall be allocated in accordance with Section 2-187 of the Town Code. Any premium tax revenues received each year in excess of that amount, or two thirds (66.7%), shall be provided to the Town. The portion belonging to the Town shall be used to offset the Town's contribution to the Plan.

## **ARTICLE 32.**

### **PROBATIONARY EMPLOYEES**

#### 32.1 New Employees:

32.1.1 All new full-time employees of the Department shall be deemed in a probationary status for twelve (12) months, beginning with the first day of employment with the Town as a State Certified Police Officer or Communications Operator, or Communication Supervisor

32.1.2 An employee's probationary period shall be tolled and extended during any time period that the employee is not at work performing his/her regular, normal duties for more than thirty (30) consecutive calendar days (e.g., sick leave, light duty, and workers' compensation leave). The probationary period will commence running only when the employee returns to his/her normal duties.

32.1.3 The Town shall notify, in writing, the probationary employee of his/her completion of the probationary period. Failure to notify the employee shall not extend the probationary period. The probationary period may be extended by the Chief of Police at his/her sole discretion up to a maximum of six (6) months.

32.1.4 During an employee's probationary period, he/she serves at the will and pleasure of the Town. Accordingly, no probationary employee may grieve, or otherwise challenge, any decision involving assignment, layoff or discipline, including discharge (for whatever reason). Probationary employees may otherwise utilize the grievance/arbitration procedure contained in this Agreement.



## 32.2 Promotions

32.2.1 In the event an employee receives a promotion from a lower to a higher bargaining unit position, that employee shall serve a probationary period of twelve (12) months of continuous employment from the effective date of the promotion.

32.2.2 An employee's promotional probationary year shall be tolled and extended during any time period that the employee is not at work performing his/her regular, normal duties for more than thirty (30) consecutive calendar days (e.g. sick leave, light duty, and workers' compensation leave). The promotional probationary period will commence running only when the employee returns to his/her normal duties.

32.2.3 Upon completion of the promotional probationary period, the Chief of Police or his/her designee shall make a determination as to whether the employee shall become permanent in the position to which he/she was promoted. In the event the Chief of Police or his/her designee fails to make a positive recommendation, the employee shall automatically revert to his/her former classification from which he/she has been promoted. Such reversion shall be final with no rights of appeal to any authority including the grievance procedure contained in this Agreement.

**ARTICLE 33.**

**TERM OF AGREEMENT**

33.1 Except as specifically provided otherwise in Article 19, this Agreement shall take effect upon ratification by both parties and shall continue in full force and effect through September 30, 2025 unless amended in writing by mutual agreement of the parties.

**ARTICLE 34.**

**SIGNING OF AGREEMENT**

AGREED TO this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between the respective parties through an authorized representative or representatives of the Union and by the Town Manager, as directed by the Town Commission.

FOR THE FLORIDA STATE LODGE  
FRATERNAL ORDER OF POLICE

FOR THE TOWN OF SURFSIDE,  
FLORIDA

\_\_\_\_\_  
Sean Kelly  
FOP Staff Representative

\_\_\_\_\_  
Hector Gomez  
Town Manager

\_\_\_\_\_  
Tammy Campbell  
Local Representative

\_\_\_\_\_  
Lily Arango  
Town Attorney

## **ADDENDUM "A"**

### **DEFERRED RETIREMENT OPTION PROGRAM**

The Town has established a Deferred Retirement Option Program ("DROP") for members of the Town's pension plan who are either sworn law enforcement officers or dispatchers (communications supervisor and communications operators) as follows:

A. A sworn law enforcement officer or dispatcher 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 seventy-two (72) 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 seventy-two (72) 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 seventy-two (72) months.

B. An Eligible Member may elect to become a participant in the DROP ("Participant") with thirty (30) days advance written notice to the Town during the applicable DROP period; however, in no event shall the DROP period be extended beyond the seventy-two (72) months from the date the sworn law enforcement 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.

C. An Eligible Member may participate in the DROP only once and, after commencement of DROP participation, he or she shall never have the right to be a member of the Plan again.

D. A Participant may elect to terminate DROP participation and Town employment earlier than the maximum DROP participation period by providing thirty (30) days advance written notice to the Town and the Pension Board.

E. Participants will be subject to the same employment standards and policies that are applicable to Town employees who are not DROP participants. Participation in the DROP is not a guarantee of employment with the Town. Participation in the DROP will end if the Town terminates the Participant for any reason.

F. Upon the effective date of the Eligible Member's entry into the DROP, the Participant will be considered retired for purposes of the Plan and membership in the Plan shall be terminated. No further member contributions shall be required after the Participant enters the DROP. Compensation and creditable service shall remain as they existed on the effective date of the Eligible Member's commencement of participation in the DROP. The monthly service retirement allowance that would have been payable had the Eligible Member instead elected to

cease Town employment and receive retirement benefits shall be paid into the Participant's DROP account.

G. During the DROP participation period, the Participant's monthly service retirement allowance will be paid into the Participant's DROP account. After each fiscal quarter, the average daily balance of the Participant's DROP account shall be credited or debited at a rate equal to the actual net investment return realized by the Plan for that quarter. "Net investment return" for purposes of this paragraph is the total return on the assets in which the participant's DROP account is invested by the Pension Board net of brokerage commissions, transaction costs, investment management fees and other investment-related charges.

H. If a Participant does not terminate Town employment at the end of the maximum DROP participation period, no benefit payments will be made either to the Participant's DROP account or to the Participant until the Participant terminates his or her employment with the Town. In addition, for the duration of employment beyond the end of the maximum DROP participation period, the Participant's DROP account shall be debited with any negative net investment returns but shall not be credited with any positive net investment returns.

I. Within one hundred and twenty (120) 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 Pension 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 Pension Board shall take no action which would jeopardize the tax qualification of the Plan.

J. DROP payments to a beneficiary shall be in addition to retirement benefits payable under any optional form of retirement benefit elected by the Participant.

K. All benefits payable under the DROP shall be paid only from the assets of the DROP, and neither the Town nor the Pension Board shall have duty or liability to furnish the DROP with any funds, securities or other assets except to the extent required by applicable law.

L. The Pension Board is authorized to adopt any additional rules necessary for proper administration of the DROP.

**ADDENDUM "B"**  
**Fraternal Order of Police Collective Bargaining Agreement**  
**October 1, 2022**  
**Pay Table Minimums**

**Certified Police Officers**

| Steps    | FY 2022      |            | 5% COLA Year 1 |            | 4% COLA Year 2 |            | 4% COLA Year 3 |            |
|----------|--------------|------------|----------------|------------|----------------|------------|----------------|------------|
|          | FY 2023      |            | FY 2024        |            | FY 2025        |            |                |            |
| Starting | \$ 61,247.00 | \$ 29.4457 | \$ 64,309.35   | \$ 30.9180 | \$ 66,881.73   | \$ 32.1547 | \$ 69,557.00   | \$ 33.4409 |
| 1        | \$ 67,371.72 | \$ 32.3903 | \$ 70,740.31   | \$ 34.0098 | \$ 73,569.92   | \$ 35.3702 | \$ 76,512.72   | \$ 36.7850 |
| 2        | \$ 70,740.31 | \$ 34.0098 | \$ 74,277.32   | \$ 35.7103 | \$ 77,248.41   | \$ 37.1387 | \$ 80,338.35   | \$ 38.6242 |
| 3        | \$ 74,277.32 | \$ 35.7103 | \$ 77,991.19   | \$ 37.4958 | \$ 81,110.84   | \$ 38.9956 | \$ 84,355.27   | \$ 40.5554 |
| 4        | \$ 77,991.19 | \$ 37.4958 | \$ 81,890.75   | \$ 39.3706 | \$ 85,166.38   | \$ 40.9454 | \$ 88,573.03   | \$ 42.5832 |
| 5        | \$ 81,890.77 | \$ 39.3706 | \$ 85,985.31   | \$ 41.3391 | \$ 89,424.72   | \$ 42.9927 | \$ 93,001.71   | \$ 44.7124 |
| 6        | \$ 85,985.31 | \$ 41.3391 | \$ 90,284.58   | \$ 43.4060 | \$ 93,895.96   | \$ 45.1423 | \$ 97,651.80   | \$ 46.9480 |
| 7        | \$ 88,562.42 | \$ 42.5781 | \$ 92,990.55   | \$ 44.7070 | \$ 96,710.17   | \$ 46.4953 | \$ 100,578.57  | \$ 48.3551 |
| 8        | \$ 91,221.81 | \$ 43.8566 | \$ 95,782.90   | \$ 46.0495 | \$ 99,614.22   | \$ 47.8915 | \$ 103,598.79  | \$ 49.8071 |

\*At the Town's discretion, a newly hired certified police officer may begin between steps 1 thru 5, based on the officer's prior years of experience.

**Communications Operators**

| Steps    | New Pay Scale |            | FY 2023      |            | FY 2024      |            | FY 2025      |            |
|----------|---------------|------------|--------------|------------|--------------|------------|--------------|------------|
| Starting | \$ 52,000.00  | \$ 25.0000 | \$ 54,600.00 | \$ 26.2500 | \$ 56,784.00 | \$ 27.3000 | \$ 59,055.36 | \$ 28.3920 |
| 1        | \$ 53,560.00  | \$ 25.7500 | \$ 56,238.00 | \$ 27.0375 | \$ 58,487.52 | \$ 28.1190 | \$ 60,827.02 | \$ 29.2438 |
| 2        | \$ 55,166.80  | \$ 26.5225 | \$ 57,925.14 | \$ 27.8486 | \$ 60,242.15 | \$ 28.9626 | \$ 62,651.83 | \$ 30.1211 |
| 3        | \$ 56,821.80  | \$ 27.3182 | \$ 59,662.89 | \$ 28.6841 | \$ 62,049.41 | \$ 29.8314 | \$ 64,531.39 | \$ 31.0247 |
| 4        | \$ 58,526.46  | \$ 28.1377 | \$ 61,452.78 | \$ 29.5446 | \$ 63,910.89 | \$ 30.7264 | \$ 66,467.33 | \$ 31.9554 |
| 5        | \$ 60,282.25  | \$ 28.9819 | \$ 63,296.36 | \$ 30.4309 | \$ 65,828.22 | \$ 31.6482 | \$ 68,461.35 | \$ 32.9141 |
| 6        | \$ 62,090.72  | \$ 29.8513 | \$ 65,195.26 | \$ 31.3439 | \$ 67,803.07 | \$ 32.5976 | \$ 70,515.19 | \$ 33.9015 |

**Sergeants**

| Steps    | FY 2022       |            | FY 2023       |            | FY 2024       |            | FY 2025       |            |
|----------|---------------|------------|---------------|------------|---------------|------------|---------------|------------|
| Starting | \$ 98,161.56  | \$ 47.1931 | \$ 103,069.64 | \$ 49.5527 | \$ 107,192.42 | \$ 51.5348 | \$ 111,480.12 | \$ 53.5962 |
| 1        | \$ 99,301.59  | \$ 47.7412 | \$ 104,266.67 | \$ 50.1282 | \$ 108,437.34 | \$ 52.1333 | \$ 112,774.83 | \$ 54.2187 |
| 2        | \$ 100,441.64 | \$ 48.2892 | \$ 105,463.72 | \$ 50.7037 | \$ 109,682.27 | \$ 52.7319 | \$ 114,069.56 | \$ 54.8411 |
| 3        | \$ 101,697.17 | \$ 48.8929 | \$ 106,782.02 | \$ 51.3375 | \$ 111,053.30 | \$ 53.3910 | \$ 115,495.44 | \$ 55.5267 |
| 4        | \$ 102,952.67 | \$ 49.4965 | \$ 108,100.30 | \$ 51.9713 | \$ 112,424.32 | \$ 54.0502 | \$ 116,921.29 | \$ 56.2122 |
| 5        | \$ 104,239.59 | \$ 50.1152 | \$ 109,451.57 | \$ 52.6209 | \$ 113,829.63 | \$ 54.7258 | \$ 118,382.81 | \$ 56.9148 |
| 6        | \$ 105,526.49 | \$ 50.7339 | \$ 110,802.82 | \$ 53.2706 | \$ 115,234.93 | \$ 55.4014 | \$ 119,844.33 | \$ 57.6175 |



## MEMORANDUM

ITEM NO. 3E.

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Hector Gomez, Town Manager  
**Date:** July 11, 2023  
**Subject:** **Public Works Department Fee Schedule**

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Town Administration is seeking Town Commission approval to adopt the fee schedule for permits and related services per **Attachment A** - "Fee Schedule" for Public Works Department permitting functions.

Currently, the Public Works Department charges a minimum charge of \$20.00 for all Public Works Department permits and functions. The fee does not cover the cost of plans review, inspections and processing. Additionally, the Public Works Department does not have a fee structure for plans review, municipal road closures and re-inspections which are an ongoing operation with costs incurred. Other functions with costs include supervision of utility connections when a new development connects to the Town system. As a result, the Public Works Department studied costs and determined a fee schedule suitable to maintaining a sustainable operation. This fee schedule can be found in **Attachment A** - "Fee Schedule".

[Resolution Approving Public Works Department Fee Schedule](#)

[Attachment A - "Fee Schedule"](#)

**RESOLUTION NO. 2023-\_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING A PUBLIC WORKS DEPARTMENT FEE SCHEDULE FOR PERMITS AND RELATED SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside (the “Town”) Public Works Department (the “Department”) is responsible for the effective management and maintenance of the Town’s roadways, infrastructure systems, and buildings, as well as the management and supervision of the solid waste collection operation and the storm water, water/sewer utilities; and

**WHEREAS**, the Department currently charges a minimum fee of \$20.00 for all permits and functions, however the fee does not cover the cost of plans review, inspections, and processing, municipal road closures, re-inspections, or utility connections for new developments; and

**WHEREAS**, the Department has recommended a fee schedule for certain permits and related services, as set forth in the Public Works Department Fee Schedule attached hereto as Attachment “A” (the “Fee Schedule”); and

**WHEREAS**, the Town Commission has determined that the Fee Schedule is necessary for the proper conduct of the Town’s business; and

**WHEREAS**, the Town Commission desires to adopt the Fee Schedule, as may be amended from time to time by resolution; and

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



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

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

**Section 2. Approval of Fee Schedule.** The Town Commission desires to approve and adopt the Fee Schedule attached hereto as Attachment "A."

**Section 3. Implementation.** The Town Manager and/or his designee are directed to take any and all action necessary to implement the Fee Schedule and the purposes of this Resolution.

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

**PASSED AND ADOPTED** on this \_\_\_\_ day of July, 2023.

Motion By: \_\_\_\_\_

Second By: \_\_\_\_\_

**FINAL VOTE ON ADOPTION:**

Commissioner Fred Landsman \_\_\_\_\_  
Commissioner Marianne Meisheid \_\_\_\_\_  
Commissioner Nelly Velasquez \_\_\_\_\_  
Vice Mayor Jeff Rose \_\_\_\_\_  
Mayor Shlomo Danzinger \_\_\_\_\_

\_\_\_\_\_  
Shlomo Danzinger, Mayor

Attest:

\_\_\_\_\_  
Sandra McCready, MMC  
Town Clerk

Approved as to Form and Legal Sufficiency:

---

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



Town of Surfside  
Public Works Department  
Fee Schedule

---

**Exhibit A – Permit & Inspection Fee Table**

| <b>Item</b>                   | <b>Description</b>                         | <b>Fee</b>                     |
|-------------------------------|--|--------------------------------|
| <b>Permit Application</b>     | To perform work in the Town's Right-of-way | \$80.00                        |
| <b>Re-Inspection</b>          | After Second Fail Inspection               | \$50.00 / Each                 |
| <b>Road Closure</b>           | Municipal                                  | \$200.00 / Day                 |
|                               | Arterial                                   | \$400.00 / Day                 |
| <b>Utility Connection</b>     | Water, Sewer & Stormwater                  | \$250.00 Each + Permit App Fee |
| <b>After Hours Inspection</b> | Based on availability                      | \$250.00 Each                  |



## MEMORANDUM

ITEM NO. 3F.

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

**From:** Hector Gomez, Town Manager

**Date:** July 11, 2023

**Subject:** **Nurse Enhancement Initiative for School Year 2023/2024**

---

Town Administration recommends approval of the resolution which authorizes the execution of the Memorandum of Understanding, with an Amendment 6, for the continuation of expanded participation in the Nurse Enhancement Initiative for school year 2023/2024 in the amount of \$8,112 in October 2023.

Surfside would again be joining the neighboring communities of Miami Beach, North Bay Village, Bay Harbor Islands, and Bal Harbour, as well as the Miami Beach Chamber Education Foundation, in support of this program that benefits the students. This service is being continued at twice a week for the 2023/2024 school year.

The City of Miami Beach through the Office of Organizational Development Performance Initiatives has kept note of students seeking mental health support on the Nurse Enhancement Initiative at Ruth K. Broad. As of April 2023, 152 mental health interventions were provided to Ruth K. Broad Bay Harbor K-8 youth. Additionally, 773 mental health sessions were provided to youths at Miami Beach Sr. High School.

[Reso Approving MOU - Amend. No. 6 to MOU School Nurse Initiative 23-24.docx](#)

[Nurse Amendment #6 Municipalities 23-24.pdf](#)

**RESOLUTION NO. 2022- \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AMENDMENT NO. 6 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF SURFSIDE, THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, TOWN OF BAY HARBOR ISLANDS, BAL HARBOUR VILLAGE, AND THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION, INC. TO FUND A NURSE ENHANCEMENT INITIATIVE FOR SCHOOL YEAR 2023/2024 FOR RUTH K. BROAD BAY HARBOR K-8 CENTER; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE AMENDMENT TO THE MOU; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on May 17, 2018, the Town of Surfside (“Town”) entered into a Memorandum of Understanding (“MOU”) with the City of Miami Beach, North Bay Village, the Town of Bay Harbor Islands and Bal Harbour Village (“Participating Municipalities”), and the Miami Beach Chamber Education Foundation, Inc. (“MBCEF”), to fund and implement the Nurse Enhancement Initiative for the Ruth K. Broad Bay Harbor K-8 Center; and

**WHEREAS**, the MOU provides that Participating Municipalities will provide their proportionate share of funds for the Nurse Enhancement Initiative; and

**WHEREAS**, the MOU was amended by Amendment No. 2 to the MOU, executed on July 9, 2019, to extend the Nurse Enhancement Initiative for FY 2019-20 and set forth the proportionate share of funding for Participating Municipalities; and

**WHEREAS**, the MOU was amended by Amendment No. 3 to the MOU dated August 19, 2020, to extend the Nurse Enhancement Initiative for FY 2020-2021 and set forth the proportionate share of funding for Participating Municipalities; and

**WHEREAS**, the MOU was amended by Amendment No. 4 to the MOU dated July 21, 2021, to extend the Nurse Enhancement Initiative for FY 2021-22 and set forth the proportionate share of funding for Participating Municipalities; and

**WHEREAS**, the MOU was amended by Amendment No. 5 to the MOU dated May 10, 2022, to extend the Nurse Enhancement Initiative for FY 2022-23 and set forth the proportionate share of funding for Participating Municipalities; and

**WHEREAS**, the parties wish to further amend the MOU in order to assign the proportionate share of funding to Participating Municipalities for FY 2023-24, requiring the Town to contribute \$8,112.00, as set forth in Amendment No. 6 to the MOU (“Amendment”), attached hereto as Exhibit “A”; and

**WHEREAS**, the Town Commission finds that the Amendment is in the best interest and welfare of the Town and its residents and wishes to approve the Amendment in substantially the form attached hereto as Exhibit “A.”

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

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

**Section 2. Approval of Amendment to MOU; Authorization.** The Amendment between the Town, Participating Municipalities and MBCEF, substantially in the form attached hereto as Exhibit “A”, is hereby approved. The Town Commission authorizes the Town Manager to execute the Amendment on behalf of the Town, together with such changes as may be approved by the Town Manager and Town Attorney as to form and legal sufficiency.

**Section 3. Implementation.** The Town Manager is authorized to take all action necessary to implement the purposes of this Resolution and the Amendment.

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

PASSED AND ADOPTED this 11<sup>th</sup> day of June, 2023.

Motion By: \_\_\_\_\_

Second By: \_\_\_\_\_

**FINAL VOTE ON ADOPTION:**

|                                |       |
|--------------------------------|-------|
| Commissioner Fred Landsman     | _____ |
| Commissioner Marianne Meisheid | _____ |
| Commissioner Nelly Vazquez     | _____ |
| Vice Mayor Jeffrey Rose        | _____ |
| Mayor Shlomo Danzinger         | _____ |

\_\_\_\_\_  
Shlomo Danzinger, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra McCready, MMC  
Town Clerk

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

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

**AMENDMENT NO. 6  
TO  
THE MEMORANDUM OF UNDERSTANDING  
AMONG  
THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, THE TOWN OF BAY HARBOR  
ISLANDS, THE TOWN OF SURFSIDE, BAL HARBOUR VILLAGE, AND  
THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION, INC.  
TO  
IMPLEMENT A NURSE ENHANCEMENT INITIATIVE FOR SCHOOL YEAR 2023/2024**

Amendment No. 6 (“**Amendment**”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2023, by and among the **City of Miami Beach, Florida (“CMB”)**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 1700 Convention Center Drive, Miami Beach, Florida 33139; **North Bay Village (“NBV”)**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 1666 John F. Kennedy Causeway, #3, North Bay Village, Florida 33141; the **Town of Bay Harbor Islands (“TBHI”)**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154; the **Town of Surfside (“TS”)**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 9293 Harding Avenue, Surfside, Florida 33154; **Bal Harbour Village (“BHV”)**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 655 96<sup>th</sup> Street, Bal Harbour, Florida 33154; and the **Miami Beach Chamber Education Foundation, Inc. (“MBCEF”)**, a Florida not-for-profit corporation, having its principal place of business at 100 16<sup>th</sup> Street, Suite 6, Miami Beach, Florida 33139 (collectively, the “Parties”) to amend the Memorandum of Understanding entered into on May 17, 2018 (“**MOU**”), as amended by Amendments No. 1 through No. 5, as follows:

**RECITALS**

**WHEREAS**, the Parties have determined that a program to provide healthcare services to students attending underserved public schools is in the best interests of the health and public welfare of the City of Miami Beach, North Bay Village, the Town of Bay Harbor Islands, the Town of Surfside, and Bal Harbour Village (the “**Participating Municipalities**”); and

**WHEREAS**, following the Parties’ determination that students at Miami Beach North Beach Elementary, Treasure Island Elementary, and Ruth K. Broad Bay Harbor K-8 Center (the “**Participating Schools**”) did not have full-time on-site healthcare services and were, thus, underserved as compared to other public schools in the feeder pattern that falls within the City of Miami Beach, the Parties entered into a Memorandum of Understanding on August 19, 2013 for a Nurse Initiative, and another Memorandum of Understanding on April 23, 2014, to provide healthcare services to the Participating Schools during the 2013/2014 and the 2014/2015 School Years; and

**WHEREAS**, due to the success of Nurse Initiatives during the 2013/2014 and 2014/2015 School Years, the Parties implemented an enhanced nurse initiative (“**Nurse Enhancement Initiative**”) for the 2015/2016, 2016/2017, and the 2017/2018 School Years for the Participating Schools because the basic healthcare services previously funded in the Nurse Initiative by the Participating Municipalities, the MBCEF, and the Children’s Trust (“**TCT**”), were provided by TCT via the new School Health Programs; and



**WHEREAS**, on May 17, 2018, CMB, NBV, TBHI, TS, BHV, and MBCEF executed the MOU for the continuation of the Nurse Enhancement Initiative for the Participating Schools for the 2018-2019 School Year; and

**WHEREAS**, the Parties executed Amendment No. 1 to the MOU, dated December 24, 2018, adding an additional day of service at Ruth K. Broad Bay Harbor K-8 Center; and

**WHEREAS**, on September 11, 2019, the Mayor and City Commission adopted Resolution No. 2019-30956, approving Amendment No. 2 to the MOU and approving funding of CMB's contribution for each subsequent School Year, on a recurring basis, subject to funding approval during CMB's budgetary process and provided that CMB's contribution amount does not exceed \$15,400.00; and

**WHEREAS**, the Parties executed Amendment No. 2 to the MOU, dated September 19, 2019, extending the Nurse Enhancement Initiative for the Participating Schools for the 2019-20 School Year; and

**WHEREAS**, the Parties executed Amendment No. 3 to the MOU, dated August 19, 2020, extending the Nurse Enhancement Initiative for the Participating Schools for the 2020-21 School Year; and

**WHEREAS**, the Parties executed Amendment No. 4 to the MOU, dated July 21, 2021, extending the Nurse Enhancement Initiative for the Participating Schools for the 2021-22 School Year; and

**WHEREAS**, the Parties executed Amendment No. 5 to the MOU, dated July 26, 2022, extending the Nurse Enhancement Initiative for the Participating Schools for the 2022-23 School Year; and

**WHEREAS**, The MOU and Amendments No. 1 through No. 5 to the MOU shall be collectively referred to herein as the "MOU"; and

**WHEREAS**, due to the success of the Nurse Enhancement Initiative services, the Parties wish to provide the Nurse Enhancement Initiative for the 2023-2024 School Year; and

**WHEREAS**, a Nurse Enhancement Initiative should be established at the Participating Schools for School Year 2023-2024 as herein provided and pursuant to a separate agreement between MBCEF and TCT; and

**WHEREAS**, MBCEF shall provide funding to TCT for the 2023-2024 Nurse Enhancement Initiative in the amount of \$7,000.00.

**NOW, THEREFORE**, in consideration of the mutual conditions and promises contained herein, the Parties agree to amend the MOU as follows:

**1. ABOVE RECITALS.**

The above recitals are true and correct and are incorporated as part of this Amendment.

**2. MODIFICATIONS.**

The MOU is hereby amended (deleted items ~~struck through~~ and inserted items underlined) as follows:

Paragraph 3 of the MOU is hereby deleted in its entirety and replaced with the following:

3. On or before October 31, 2023, the Participating Municipalities shall provide their proportionate share of the funds for the 2023-2024 Nurse Enhancement Initiative to MBCEF, subject to budget approval by the Participating Municipalities, which funds MBCEF shall hold in escrow pending the execution of its agreement with TCT, referenced in paragraph 1 of the MOU. The Participating Municipalities' proportionate share of funding for the 2023-2024 School Year shall be paid by October 31, 2023, in the following amounts for 44 weeks, from October 1, 2023 to June 5<sup>th</sup> 2024 and August 1, 2024 to September 30, 2024:

- i) CMB shall provide funding in the amount of \$15,400;
- ii) NBV shall provide funding in the amount of \$6,600;
- iii) TBHI shall provide funding in the amount of \$8,112 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center;
- iv) TS shall provide funding in the amount of \$8,112 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center; and
- v) BHV shall provide funding in the amount of \$8,112 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center.

**9. RATIFICATION.**

Except as amended herein, all other terms and conditions of the MOU shall remain in full force and effect. In the event there is a conflict between the provisions of this Amendment and the MOU, the provisions of this Amendment shall govern.

**(THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK)**

**IN WITNESS THEREOF**, the Parties hereto have executed by their respective and duly authorized officers the day and year first above written.

**ATTEST:**

**CITY OF MIAMI BEACH, FLORIDA**, a municipal corporation of the State of Florida

By: \_\_\_\_\_  
Rafael E. Granado, City Clerk

By: \_\_\_\_\_  
Alina T. Hudak, City Manager

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

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*[Signature]*  
City Attorney *[Signature]*

04/17/23  
Date

**ATTEST:**

**NORTH BAY VILLAGE**, a municipal corporation of the State of Florida

By: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

Village Clerk

\_\_\_\_\_

Village Manager

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

Approved as to Form and Language  
and for Execution

\_\_\_\_\_

**ATTEST:**

**TOWN OF BAY HARBOR ISLANDS**, a municipal corporation of the State of Florida

By: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Mayor/Town Manager

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

Approved as to Form and Language  
and for Execution

\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

**ATTEST:**

**TOWN OF SURFSIDE**, a municipal corporation of the State of Florida

By: \_\_\_\_\_  
Town Clerk

By: \_\_\_\_\_  
Mayor/Town Manager

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

Approved as to form and Language  
and Legal sufficiency

\_\_\_\_\_

**ATTEST:**

**BAL HARBOUR VILLAGE**, a municipal corporation of the State of Florida

By: \_\_\_\_\_  
Village Clerk

By: \_\_\_\_\_  
Mayor/Village Manager

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

Approved as to form and Language  
and Legal sufficiency

\_\_\_\_\_

**ATTEST:**

**MIAMI BEACH CHAMBER EDUCATION  
FOUNDATION, INC., a Florida not-for-profit  
corporation**

By: \_\_\_\_\_

By: \_\_\_\_\_

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





## MEMORANDUM

ITEM NO. 4A1.

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

**From:** Hector Gomez, Town Manager

**Date:** July 11, 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. 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. The ordinance allows for the creation of Public Works permitting and inspection services fees.

[Ordinance Right-of-Way.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; 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

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-

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 utility facilities, improvements, and encroachments within the Town’s public rights-of-way,  
19 and any construction or maintenance work in the public-rights-of-way, and provide for a  
20 methodology and permit process for the placement and installation of facilities,  
21 improvements and encroachments thereon; and

22 **WHEREAS**, it is the intent of the Town to promote the public health, safety and  
23 general welfare by: providing allowances for the placement and maintenance of non-utility  
24 and telecommunications facilities in appropriate locations within rights-of-way, including  
25 without limitation the public streets, alleys, easements, and pedestrian paths within the  
26 Town; and adopting and administering reasonable rules and regulations not inconsistent  
27 with state and federal law; and

28 **WHEREAS**, Section 56.11 of Section 90-56 “Fences, Walls and Hedges” of the  
29 Town Code currently provides for some restrictions on the placement of fences, walls and  
30 hedges, and plant and groundcover in the public rights-of-way, and the Town Commission  
31 wishes to revise these provisions and incorporate them into the new Chapter 76  
32 regulations comprehensively addressing all encroachments and facilities placed in the  
33 public right-of-way; and

34 **WHEREAS**, at the Town Commission meeting on May 9, 2023, the Town Commission  
35 generally discussed regulations related to the placement of improvements and  
36 encroachments within appropriate locations of the public rights-of-way, provided a permit  
37 is obtained and the owner complies with established requirements, including the execution  
38 of a Right-of-Way Encroachment Agreement; and

39 **WHEREAS**, the Town Commission finds it in the best interest and welfare of the Town  
40 to regulate the public–rights-of-way and the placement of maintenance of facilities and  
41 encroachments, and any construction or maintenance work thereon; and

42 **WHEREAS**, the Town Commission held its first public hearing on June 13, 2023 and,  
43 having complied with the notice requirements in the Florida Statutes, approved the  
44 proposed amendments to the Code with changes; and

45 **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the  
46 Town, held its hearing on the proposed amendments to the Code on \_\_\_\_\_,  
47 2023 with due public notice and input, and recommended \_\_\_\_\_ of the proposed  
48 amendments to the Code; and

49       **WHEREAS**, the Town Commission has conducted a second duly noticed public  
50 hearing on these Code amendments as required by law on \_\_\_\_\_, 2023 and  
51 further finds the proposed changes to the Code are necessary and in the best interest of  
52 the Town.

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 any  
71    construction or maintenance work in the Town’s public rights-of-way, and minimizing  
72    disruption to the public rights-of-way, and providing for a methodology and permit process  
73    to allow facilities, improvements and encroachments thereon a limited and permitted basis.

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  
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

---

<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.

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 Chapters 72 and 78,  
89 respectively. Examples of encroachments include, but are not limited to, pavers,  
90 driveways, drains, mailboxes, fences, walls, trash collection bins, trees, bushes, hedges,  
91 shrubs and other vegetative and non-vegetative mater, including synthetic turf.

92 “In public right-of-way” shall mean in, on, over, under or across the public right-of-way.

93 “Place or maintain” or “placement or maintenance or placing or maintaining” shall mean  
94 to erect, construct, install, maintain, place, repair, extend, expand, remove, occupy,  
95 locate or relocate.

96  
97 “Property Owner,” “Applicant,” or “Occupant” shall mean the owner or occupant of private  
98 property abutting an encroachment within the public right-of-way.

99  
100 “Right-of-way” shall mean a public right-of-way, public utility easement, highway, street,  
101 street end, bridge, tunnel or alley for which the town is the authority that has jurisdiction  
102 and control and may lawfully grant access to pursuant to applicable law, and includes  
103 the surface, the airspace over the surface and the area below the surface. “Public right-  
104 of-way” shall not include private property. “Public right-of-way” shall not include any real  
105 or personal town property except as described above and shall not include town  
106 buildings, fixtures, poles, conduits, facilities or other structures or improvements,  
107 regardless of whether they are situated in the public right-of-way.

108  
109 “Right-of-way Encroachment Agreement” shall mean an agreement and covenant  
110 running with the property executed by a property owner in favor of the Town whereby  
111 the Town grants permission for an encroachment to be placed or maintained on the Town  
112 public right-of-way in accordance with the Right-of-Way Permit issued by the Town, and  
113 whereby the property owner agrees to the conditions of and requirements for placement  
114 and maintenance of the encroachment on the public right-of-way.

115 “Right-of way permit” shall mean a permit issued by the Town’s ~~Public Work’s~~  
116 ~~Department Manager~~ or ~~Director~~ Designee permitting the placement and maintenance  
117 of non-utility facilities, improvements, and/or an Encroachment in the Town’s public right-  
118 of-way, or permitting any form of construction or maintenance work in the public rights-  
119 of way, which may include conditions and requirements on the placement and/or  
120 maintenance of such facilities or work.

121 **Sec. 76-4 - Encroachments and facilities on or in the Public Right-of-Way.**

122  
123 (a) Encroachments. No Encroachment, as defined herein, shall be permitted to  
124 be placed or maintained in, on, under, over, upon, or across the public right-of-way.

125 except as approved by the Town Public Works Department or Director by Right-of-Way  
126 Permit pursuant to this section. Applications for a Right-of-Way Permit within the public  
127 right-of-way shall be governed by this Chapter.  
128

129 (b) Application. An application for a Right-of-Way Permit ~~for an Encroachment~~  
130 shall be submitted to the Town ~~Manager or designee Public Work's Department~~ by the  
131 property owner/applicant in the form prescribed by the Town and shall pay an application  
132 fee, as may be established by resolution, at the time of submission of the application.  
133 The Town ~~Manager or designee Public Works Department or Director~~ may grant a Right-  
134 of-Way Permit for an Encroachment upon a finding that:  
135

- 136 a. The proposed Encroachment will not unreasonably restrict or obstruct  
137 the public right-of-way;
- 138 b. The proposed Encroachment will not be detrimental to the health, safety  
139 or welfare of the Town, and the rights of ingress and egress of the  
140 surrounding property owners, and the rights and obligations of utility and  
141 telecommunication providers will not be impacted or obstructed and  
142 c. The proposed Encroachment will not be visually or aesthetically  
143 impactful to the Town or surrounding neighborhood or community  
144 character.  
145

146 No permit for work or the placement and maintenance of an Encroachment on the  
147 Town public-right-of-way described in this subsection (b) shall be issued unless a written  
148 application for the issuance of a Right-of-Way Permit is submitted to the Town ~~Manager~~  
149 or ~~designee Public Works Director~~ in accordance with the following:  
150

- 151 a. The written application shall state the name and address of the  
152 applicant, the nature, location and purpose of the work, the date of  
153 proposed commencement and date of proposed completion of the  
154 work, and such other information as may be required by the Town  
155 Manager or designee ~~Public Works Director~~.  
156
- 157 b. The application shall be accompanied by plans showing the  
158 proposed facilities and work, the location of the work and cross-  
159 sectional drawings showing existing underground facilities and  
160 utilities, and proposed installations, and such other information as  
161 may be required by the Town ~~Manager or designee Public Works~~  
162 Director.  
163
- 164 c. As a condition of granting a Right-of-Way Permit, the Town  
165 Manager or designee ~~Public Works Director~~ may impose reasonable  
166 conditions governing the location, placement, or maintenance of  
167 Encroachment on the public right-of-way, including the payment of  
168 fees and costs or the provision of improvements on the public right-  
169 of-way, including improvements intended to mitigate impacts to the  
170 right-of-way, such as without limitation, drainage facilities.

171  
172 d. The granting of a Right-of-Way Permit to permit an Encroachment  
173 shall be ~~at the discretion of discretionary with the Town Manager or~~  
174 ~~designee Public Works Director~~ and the Town reserves the right to  
175 ~~deny an application for any reason for reasonable or good cause.~~  
176

177 (c) *Right-of-Way Encroachment Agreement.* As a condition of a Right-of-Way  
178 Permit permitting the Encroachment, the Town ~~Manager or designee Public Works~~  
179 ~~Director shall~~ may require the applicant to execute a Right-of-Way Encroachment  
180 Agreement, in form and substance acceptable to the Town Manager and Town Attorney,  
181 imposing such requirements and conditions as deemed necessary or prudent, including,  
182 but not limited to, requiring insurance and security, providing that the Right-of-Way  
183 Permit may be revoked and the Encroachment may be removed, at the will of the Town  
184 ~~Manager or designee Public Works Director~~, and providing for any other conditions that  
185 the Town ~~Manager or designee Public Works Director~~ may deem necessary to protect  
186 the interests of the Town.  
187

188 (d) Any Right-of-Way Permit granted by the Town ~~Manager or designee Public~~  
189 ~~Works Director~~ to create, preserve or maintain an Encroachment on the public right-of-  
190 way, and any and all unpermitted Encroachments preexisting as of the date of this  
191 Ordinance, constitute a mere revocable permit or permission by the Town regarding the  
192 temporary use of Town right-of-way, which permit or permission is revocable at will. The  
193 granting of any such Right-of-Way Permit or unpermitted Encroachments preexisting as  
194 of the date of this Ordinance do not provide a property owner or applicant with any  
195 property rights, vested or otherwise, in any portion of any property in or upon which such  
196 Encroachment rests or occurs, nor is any right of use granted beyond that which is  
197 specifically provided for herein.

198 (e) The Town ~~Manager or designee Public Works Director~~ may terminate  
199 permission for any Encroachment by notifying, in writing, the abutting property owner or  
200 occupant to remove any such Encroachment based on the Town ~~Public Works~~  
201 ~~Director~~ ~~Manager's or designee's~~ determination that it is in the public interest to have the  
202 ~~Encroachment permission terminated and the Encroachment removed.~~ The Town ~~Public~~  
203 ~~Works Director~~ ~~Manager or designee~~ shall establish a reasonable time for termination or  
204 removal pursuant to the procedures set forth in subsection (f) below.

205 (f) The Town ~~Manager or designee Public Works Director~~ is hereby authorized  
206 and empowered to notify, in writing, the abutting property owner or occupant who has  
207 created, caused or maintained an Encroachment and to direct said owner or occupant  
208 to remove or alleviate the Encroachment. The following procedures shall apply:

209 a. Such notice shall be by regular mail and registered or certified mail,  
210 addressed to the property owner, occupant or agent of the owner at his or  
211 her last known address, and shall be posted visibly on the property.

212 b. Upon the failure, neglect or refusal of any property owner or occupant  
213 notified pursuant to this section to remove or eliminate the Encroachment  
214 described therein within the time limits stated in the notice, or to obtain  
215 permission from the Town ~~Manager or designee~~~~Public Works Director~~ to  
216 maintain said Encroachment, the Town ~~Manager or designee~~~~Public Works~~  
217 ~~Director~~ may authorize the removal of said Encroachment without any  
218 further notice to the property owner or occupant.

219 c. The procedures of this subsection shall also apply upon the Town Public  
220 Works Director's revocation of any Right-of-Way Permit granted for the  
221 creation or maintenance of an Encroachment. The cost of any such  
222 removal conducted by or at the direction of the Town shall be billed to the  
223 property owner and upon the Town's failure to receive payment of the bill  
224 within thirty (30) days of its receipt, the charges for such services shall be  
225 a lien against the abutting property which lien may be foreclosed as  
226 provided by law. The procedures set forth in this subsection are in addition  
227 to, and not in lieu of, any and all other enforcement procedures available to  
228 the Town under this Code or by law.

229 (g) The failure of the Town ~~Manager or designee~~~~Public Works Director~~ to require  
230 removal of any Encroachment existing without a Right-of-Way Permit or to act within any  
231 specific time period to remove Encroachments after notice is provided pursuant to  
232 subsection (f) above, shall not serve as a waiver by or an estoppel against the Town's  
233 right and authority to require the removal of any such Encroachments at any time the  
234 Town deems it desirable or appropriate to do so.

235 (h) In the event of a public emergency, such as a hurricane, tropical storm, flood  
236 or any other act of God, or any other condition that merits immediate removal of the  
237 Encroachment, the requirements of this section may be waived and the Town ~~Manager~~  
238 ~~or designee~~~~Public Works Director~~ may authorize the removal of any Encroachment  
239 without prior notice, and without regard to the notice provisions set forth in subsection  
240 (f).

241  
242 (i) The Town ~~Manager or designee~~~~Public Works Director~~ shall have the power  
243 to prohibit or limit the placement of new Encroachments within the public right-of-way, if  
244 there is insufficient space to accommodate all of the requests to place or maintain  
245 Encroachments in that area, for the protection of existing facilities, or to accommodate  
246 Town plans for public improvements or projects that the Town ~~Manager or~~  
247 ~~designee~~~~Public Works Director~~ determines are in the public interest and to the extent  
248 not prohibited by applicable law.

249  
250 (k) The Town ~~Manager or designee~~~~Public Works Director~~ may waive the  
251 permitting procedure of this section in cases of extreme emergency. The term  
252 "emergency" shall mean a condition that affects the public's health, safety or welfare,  
253 which includes an unplanned out-of-service condition of a pre-existing service.  
254



255 (k) A permittee under this section shall take appropriate measures to ensure that  
256 during the performance of the permitted work, traffic conditions as nearly normal as  
257 practicable shall be maintained, provided that the Town ~~Manager or designee~~~~Public~~  
258 ~~Works Director~~ may permit the closing of streets to traffic for a period of time prescribed  
259 by him or her if in his or her opinion it is necessary. The permittee shall route and control  
260 traffic as directed by the police department.

261  
262 (m) A permittee under this section shall not interfere with any existing utility or  
263 telecommunications facilities without the written authorization of the Town ~~Manager or~~  
264 ~~designee~~~~Public Works Director~~ and the owner of such facilities. Prior to the interruption  
265 of any telecommunications or utility service, reasonable notice must be given to the  
266 public through the use of newspapers or electronic media, except that repairs,  
267 maintenance, or removal of Encroachments determined by the Town ~~Manager or~~  
268 ~~designee~~~~Public Works Director~~ to be of an emergency nature pursuant to subsection (h)  
269 are not subject to this notification procedure.

270  
271 (n) A permittee under this section shall at all times, and at its own expense,  
272 preserve and protect from injury any adjoining property by providing proper foundations  
273 and taking other measures suitable for such purpose.

274  
275 (o) Any public or private property which is affected by an encroachment must be  
276 preserved from damage during the operation and restored to its original or better  
277 condition upon completion or cessation of the work. All damage resulting from work  
278 under this subsection shall be repaired by the permittee.

279  
280 (p) Any person who may cause any damage to a public right-of-way is liable to  
281 the Town for the damages and is responsible to the Town for the actual cost to repair  
282 Town property. The Town may recover all costs to repair damage to Town property,  
283 including reasonable attorney's fees and costs.

284  
285 (q) The Town ~~Manager or designee~~~~Public Works Director~~ may suspend a permit  
286 issued under this section, or deny an application for a new or subsequent permit under  
287 this section, for failure to satisfy permit conditions or requirements set forth in this  
288 section, including without limitation, failure to take reasonable safety precautions, or  
289 failure to restore any affected property. After the suspension or denial of a permit  
290 pursuant to this section, the Town ~~Manager or designee~~~~Public Works Director~~ shall  
291 provide written notice to the permittee.

292  
293 (r) Prior to issuance of a permit, the applicant shall provide assurance that such  
294 owner and all persons or entities performing work (and those acting on its behalf) have  
295 adequate insurance, which shall be such insurance coverage as the Town deems  
296 necessary depending upon the nature of the Encroachment.

297  
298 (s) *Security.* As required by the ~~Public Works Director~~~~Town Manager or designee~~,  
299 each applicant may be required to obtain a performance bond or a letter of credit to  
300 ensure the performance of its responsibilities under this subsection, including sufficient

301 funds to cover removal of Encroachments or facilities. The amount of the performance  
302 bond or letter of credit shall be in the amount determined by the Town to be 100 percent  
303 of the removal cost of the Encroachment. The bond or letter of credit shall be in a form  
304 acceptable to the Town Manager and Town Attorney.

305  
306 \* \* \*

307  
308 **Section 3. Town Code Amended.** Section 90-56.11 of Section 90-56 “Fences,  
309 Walls and Hedges” of the Code is hereby amended as follows:

310 \* \* \*

311  
312 90-56.11 No Fences, walls or hedges may be placed within the public right-of-way  
313 prior to the effective date of this ordinance shall be regulated by and in accordance with  
314 the requirements of Chapter 76 of this Code. except that landscaped islands surrounded  
315 by circular driveways on lots no more than 115 feet in width shall be permitted, subject  
316 to all requirements of Chapter 76 of the Code, provided that it is understood by the  
317 property owner that the town does not waive its right to demand removal without notice  
318 as deemed necessary within the town's discretion and the town shall not be liable for any  
319 damages arising from such removal. Property owner shall install or plant such materials  
320 at own risk. Property owner shall install or plant such materials at own risk. All  
321 improvements, other than groundcovers, as defined in the landscape section, shall be  
322 placed on private property. No new fences, walls, or hedges shall be permitted to  
323 encroach in the right-of-way.

324  
325 \* \* \*

326  
327  
328 **Section 4. Severability.** If any section, sentence, clause or phrase of this  
329 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,  
330 then said holding shall in no way affect the validity of the remaining portions of this  
331 Ordinance.

332 **Section 5. Inclusion in the Code.** It is the intention of the Town Commission, and  
333 it is hereby ordained that the provisions of this Ordinance shall become and made a part of  
334 the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be  
335 renumbered or re-lettered to accomplish such intentions; and the word “Ordinance” may be  
336 changed to “Section” or other appropriate word.

337  
338 **Section 6. Conflicts.** Any and all ordinances and resolutions or parts of  
339 ordinances or resolutions in conflict herewith are hereby repealed.

340  
341 **Section 7. Effective Date.** This ordinance shall become effective upon adoption  
342 on second reading.

343

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

345  
346 **PASSED** and **ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2023.

347  
348  
349 On Final Reading Moved by: \_\_\_\_\_

350  
351 On Final Reading Second by: \_\_\_\_\_

352  
353 **First Reading:**

354 Motion by: \_\_\_\_\_  
355 Second by: \_\_\_\_\_

356  
357  
358 **Second Reading:**

359 Motion by: \_\_\_\_\_  
360 Second by: \_\_\_\_\_

361  
362  
363 **FINAL VOTE ON ADOPTION**

364 **ATTEST:**  
365  
366  
367 \_\_\_\_\_  
368 Sandra N. McCready, MMC  
369 Town Clerk

370  
371 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**  
372 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

373  
374  
375 \_\_\_\_\_  
376 Weiss Serota Helfman Cole & Bierman, P.L.  
377 Town Attorney



## MEMORANDUM

ITEM NO. 4A2.

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

**From:** Hector Gomez Town Manager

**Date:** July 11, 2023

**Subject:** **Synthetic Turf**

---

Town administration 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. The Planning and Zoning Board recommended approval of this ordinance at their meeting on June 29th, 2023.

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.

**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".

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.

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](#)

[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 June 13, 2023 and  
57 approved the proposed amendments to the Code with changes, having complied with the  
58 notice 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 June 29, 2023 with  
61 due public notice and input, and recommended adoption of the proposed amendments to  
62 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~~  
85 Synthetic turf installed in accordance with the requirements of Section 90-  
86 87(15) may be 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~~ Synthetic turf installed in  
94 accordance with the requirements of Section 90-87(15) may be counted  
95 towards minimum 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. For compliance with these maintenance standards and conditions of the  
174 respective permits, synthetic turf shall be inspected as follows: Synthetic turf  
175 installed within the public right-of-way shall be inspected ~~reviewed~~ by the Public  
176 Works Department at least every three (3) years from the date of issuance of the  
177 right-of-way permit. ~~and~~ Synthetic turf installed on private property shall be  
178 inspected ~~reviewed~~ by the Code Compliance Department, at least every three (3)  
179 years from the date of issuance of the ~~right-of-way permit or building permit.~~  
180 Unpermitted synthetic turf described in subsection i., shall be inspected by the Code

181 Compliance Department at least every three (3) years from the effective date of this  
182 ordinance respectively for compliance with these maintenance standards and  
183 conditions of the respective permits

184 g. The following uses are prohibited:

185 i. Synthetic turf in the public rights-of-way or swales, except as may be permitted  
186 and maintained in accordance with this subsection.

187 ii. Synthetic turf shall not be used as a screening material where screening is  
188 required by the Code.

189 h. All uses of synthetic turf shall require a building permit. The building permit application  
190 shall include, at a minimum, all of the following information:

191 i. A complete landscape plan showing the area of synthetic turf, area of living plant  
192 material, and area and method of separation between these areas. Minimum  
193 landscape requirements shall include minimum required trees and shrubs for new  
194 construction and pervious area calculations for all properties.

195 ii. Details regarding existing or proposed irrigation proximate to the synthetic turf.

196 iii. Brand and type of synthetic turf, including all manufacturer specifications, ~~and~~  
197 warranties, and product lifespan.

198 iv. A scaled cross section and details of the proposed materials and installation,  
199 including but not limited to subgrade, drainage, base or leveling layer, and infill.

200 v. A survey of the property with a signed affidavit from the property owner that no  
201 changes have occurred since the date of the survey.

202 i. ~~Previously installed synthetic turf. Within one year of the effective date of the ordinance~~  
203 ~~from which this section derived, all owners of property where synthetic turf has previously~~  
204 ~~been installed shall submit proof satisfactory to the town that the property is in compliance~~  
205 ~~with this section. If the town determines such proof of compliance satisfactory, the~~  
206 ~~synthetic turf may continue to remain on the property. Properties with previously~~  
207 ~~unpermitted synthetic turf existing as of May 9, 2023, as documented by the Town's~~  
208 Code Compliance Department as to open and unresolved cases in a Report attached to  
209 this Ordinance as Exhibit "A", may retain their synthetic turf located on private property  
210 subject to compliance with all maintenance standards in this subsection. For unpermitted  
211 synthetic turf installed in the public right-of-way, an adjacent property owner shall be  
212 required within 90 days of the adoption of this ordinance (July , 2023) to obtain a public  
213 works permit and comply with all requirements of this subsection for installation and  
214 maintenance of synthetic turf in the public right-of-way. Failure to ecomply with the  
215 permitting requirements of this subsection within the 90-day period one year of the  
216 effective date of the ordinance from which this section derived shall constitute a continued

217 violation of the Code and the property owner shall be required to immediately remove the  
218 synthetic turf from the right-of-way.

219 \* \* \*

220  
221 **Section 4. Town Code Amended.** Section 90-90.1 “Florida Friendly,” of Article  
222 VIII, “Landscape Requirements,” of Chapter 90 of the Code is hereby amended as follows:

223 \* \* \*

224 **90-90.1 Florida Friendly.**

225 (1) A minimum of ~~20 percent of the pervious area on single family and duplex~~  
226 ~~dwelling~~ must be in Florida Friendly landscape, ~~except that as of the effective date~~  
227 ~~of the ordinance codified in this subsection, the pervious area of 40 percent of~~  
228 required trees and shrubs for all new single family and duplex dwelling construction  
229 ~~shall provide at least 40 percent be Florida Friendly landscape~~ Landscaping species  
230 ~~and 40 percent of required trees and shrubs.~~

231 (2) A minimum of 40 percent of the pervious area of multifamily dwellings must be  
232 Florida Friendly ~~landscape~~ Landscaping.

233 (3) A minimum of 50 percent of the pervious area of all other development uses  
234 must be in Florida Friendly ~~landscape~~ Landscaping.

235 \* \* \*

236 **Section 5. Town Code Amended.** Section 90-95 “Single-family H30A and  
237 H30B district landscape requirements,” of Article VIII, “Landscape Requirements,” of  
238 Chapter 90 of the Code, is hereby amended as follows:

239  
240 **Sec. 90-95. - Single-family H30A and H30B district landscape requirements.**

241 All new H30A and H30B dwellings shall conform to the following minimum  
242 landscaping requirements:

243 \* \* \*

244  
245  
246 (2) General landscape treatment: Trees, turf grass, groundcover, shrubs and other  
247 decorative landscape material, ~~and artificial synthetic turf installed in accordance with~~  
248 Section 90-87(15), shall be used to cover all disturbed ground not covered by building  
249 and paving, subject to the Florida Friendly landscape requirements of this Code.

250 \* \* \*

251  
252 **Section 6. Severability.** If any section, sentence, clause or phrase of this  
253 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,

254 then said holding shall in no way affect the validity of the remaining portions of this  
255 Ordinance.

256 **Section 7. Inclusion in the Code.** It is the intention of the Town Commission, and  
257 it is hereby ordained that the provisions of this Ordinance shall become and made a part of  
258 the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be  
259 renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be  
260 changed to "Section" or other appropriate word.

261  
262 **Section 8. Conflicts.** Any and all ordinances and resolutions or parts of  
263 ordinances or resolutions in conflict herewith are hereby repealed.

264  
265 **Section 9. Effective Date.** This ordinance shall become effective upon adoption  
266 on second reading.

267  
268 **PASSED and ADOPTED** on first reading this 13<sup>th</sup> day of June, 2023.

269  
270 **PASSED and ADOPTED** on second reading this \_\_\_ day of \_\_\_\_\_, 2023.

271  
272  
273 On Final Reading Moved by: \_\_\_\_\_

274  
275 On Final Reading Second by: \_\_\_\_\_

276  
277 **First Reading:**

278 Motion by: \_\_\_\_\_

279 Second by: \_\_\_\_\_

280  
281  
282 **Second Reading:**

283 Motion by: \_\_\_\_\_

284 Second by: \_\_\_\_\_

285  
286  
287 **FINAL VOTE ON ADOPTION**

288 **ATTEST:**

289  
290  
291 \_\_\_\_\_  
292 Sandra N. McCready, MMC  
293 Town Clerk

294  
295 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**  
296 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

298  
299  
300 Weiss Serota Helfman Cole & Bierman, P.L.  
301 Town Attorney  
302

|  | 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.

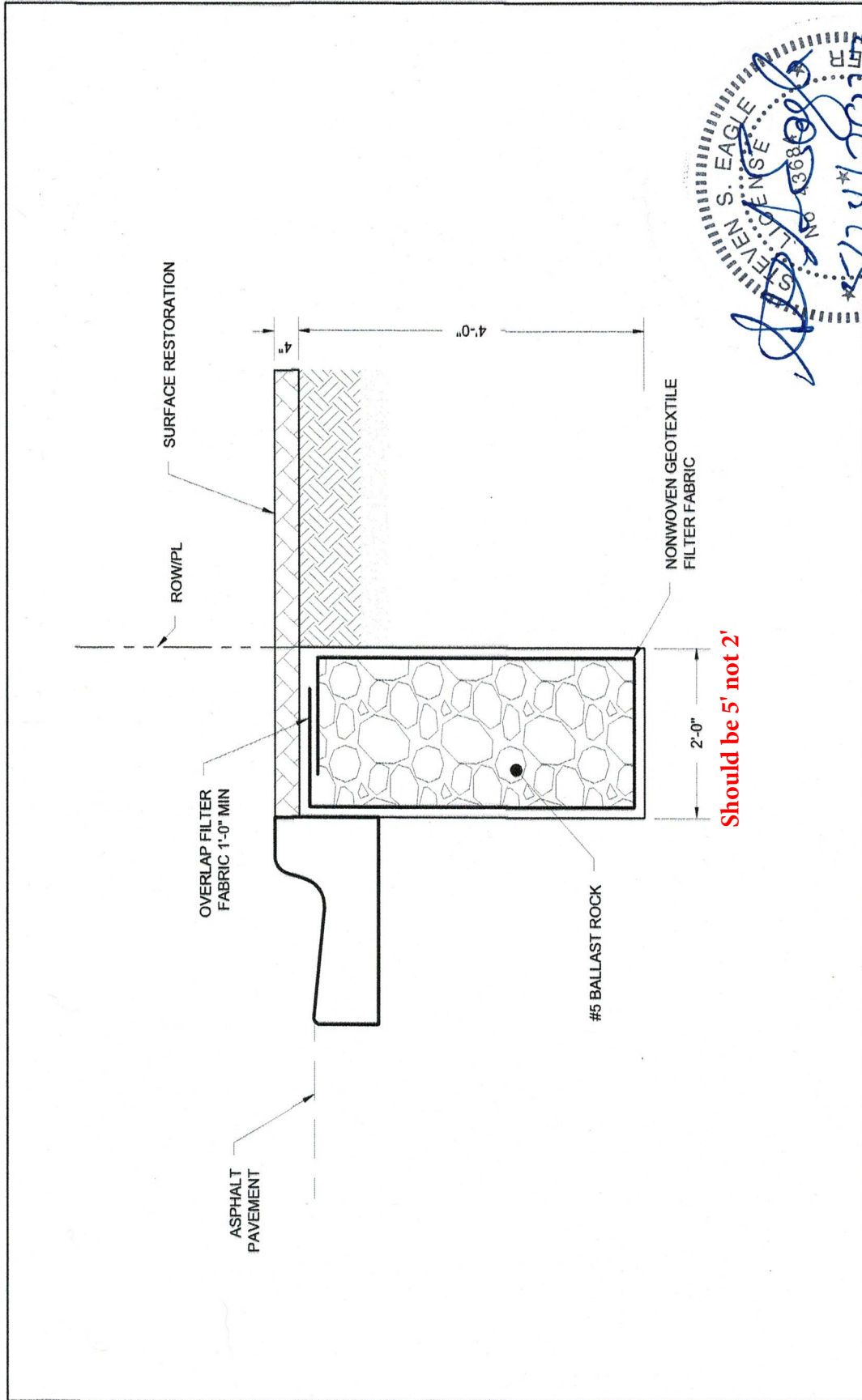


Code Compliance "on hold" Synthetic Turf Cases

|  | 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



FRENCH DRAIN DETAIL  
N.T.S.



## MEMORANDUM

ITEM NO. 4A3.

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Hector Gomez, Town Manager  
**Date:** July 11, 2023  
**Subject:** Zoning Code Amendment: Restaurants in H120 as an Accessory Use

Town administration 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. The Planning and Zoning Board recommended approval of the ordinance at their meeting on June 29th, 2023.

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 Restaurants in H120 SR.docx](#)

[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 June 13, 2023 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 June 29, 2023  
33 with due public notice and input, and recommended adoption of the proposed amendment  
34 to the Code subject to adding a new sub-paragraph in Use Table Note (36) (approximately  
35 at line 94) stating: “The accessory use/restaurant must comply with all provisions of the  
36 Florida Building Code(s) in effect at time of application“ as proposed by the Town Building  
37 Official; and

38       **WHEREAS**, the Town Commission has conducted a second duly noticed public  
39 hearing on these Code amendments as required by law on \_\_\_\_\_, 2023 and  
40 further finds the proposed changes to the Code are necessary and in the best interest of  
41 the Town.

42  
43       **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**  
44 **TOWN OF SURFSIDE, FLORIDA<sup>1</sup>:**

45  
46       **Section 1. Recitals.** The above Recitals are true and correct and are incorporated  
47 herein by this reference:

48  
49       **Section 2. Town Code Amended.** Section 90-41 “Regulated uses” of the Code,  
50 is hereby amended as follows<sup>1</sup>:

---

<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 **Sec. 90-41. Regulated uses.**

52 Applicability and validity of tables. Nothing shall be used to misconstrue or  
 53 reinterpret the provisions, limitations and allowances made here in.

54 (a) *Purpose.* Permitted uses are considered to be fundamentally appropriate within  
 55 the district in which they are located and are deemed to be consistent with the  
 56 comprehensive plan. These uses are permitted as of right, subject to the required  
 57 permits and procedures described in this section. Permitted uses require final site  
 58 plan review and approval for compliance with the standards applicable to a  
 59 particular permitted use as provided in this zoning code.

60 (b) *Permits required.* Except as explicitly provided herein, no use designated as a  
 61 permitted use in this chapter shall be established until after the person proposing  
 62 such use has applied for and received all required development permits.

63 (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,<br>31, 32,<br>33, 34) | P(7) | -      |
| Suite-Hotel              | -    | -    |      | P(7,<br>31, 32,<br>33, 34) | P(7) | -      |

64  
65

\* \* \*

|   |   |   |   |   |               |       |
|---|---|---|---|---|---------------|-------|
| <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                             | - | - | - | - | <u>CU(36)</u> | P(13) |
| Outdoor dining facilities               |   |   |   |   | <u>CU(36)</u> | P(24) |

66

\* \* \*

67 Key: P: Permitted      Blank: Not Permitted      (#): Refer to Notes      CU: Conditional  
68 Use

69 \* \* \*

70 (d) *Uses table notes.*

71 \* \* \*

72 (36) A restaurant with or without outdoor dining may be permitted as a  
73 conditional use accessory to multifamily residential uses in the H120 district  
74 provided:

75 a. The restaurant is a full-service restaurant providing table service  
76 employing server staff to take orders and deliver food;

77 b. Restaurant use(s) (including outdoor dining area) may comprise no  
78 more than 5% of the multifamily project's total floor area;

79 c. The building includes sufficient parking to provide one parking space  
80 for every four seats in the restaurant (including outdoor dining area)  
81 without diminishing the parking provided for the multifamily dwellings  
82 below current requirements, as amended from time to time;

83 d. The building provides access to such parking through a valet service  
84 that provides sufficient queuing to avoid impacting Collins Avenue;

85 e. Outdoor dining areas shall not operate outdoor speakers and ~~all~~  
86 restaurant operations and activities shall close ~~all activities~~ no later  
87 than 11 PM;

88 f. Lighting for outdoor dining areas shall be internally oriented so as to  
89 avoid any spillover or impact onto adjacent residential areas.

90 g. One wall sign of up to 20 square feet may be permitted for the  
91 restaurant use(s) with Planning and Zoning Board approval provided it  
92 is smaller and less prominent than the primary sign for the residential  
93 building; and

94 h. Other conditions and requirements as may be imposed by the Town  
95 Commission.

96 \* \* \*

97

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

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

107

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

110

111 **Section 6. Effective Date.** This ordinance shall become effective upon adoption  
112 on second reading.  
113

114 **PASSED** and **ADOPTED** on first reading this 13<sup>th</sup> day of June, 2023.  
115

116 **PASSED** and **ADOPTED** on second reading this \_\_\_ day of \_\_\_\_\_, 2023.  
117

118 On Final Reading Moved by: \_\_\_\_\_  
119

120 On Final Reading Second by: \_\_\_\_\_  
121

122  
123 **First Reading:**

124 Motion by: \_\_\_\_\_  
125

126 Second by: \_\_\_\_\_  
127

128 **Second Reading:**

129 Motion by: \_\_\_\_\_  
130

131 Second by: \_\_\_\_\_  
132

133 **FINAL VOTE ON ADOPTION**

134 **ATTEST:**

135 \_\_\_\_\_  
136  
137

138 Sandra N. McCready, MMC  
139 Town Clerk  
140

141 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**  
142 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**  
143

144 \_\_\_\_\_  
145  
146 Weiss Serota Helfman Cole & Bierman, P.L.  
147 Town Attorney  
148



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. 4B1.

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

**From:** Hector Gomez, Town Manager

**Date:** July 11, 2023

**Subject:** **Pension Ordinance Implementing 2022-2025 Collective Bargaining Agreement with Fraternal Order of Police (FOP) State Lodge 135**

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Town administration is recommending approving pension ordinance changes for first reading as a result of 2022-2025 Collective Bargaining Agreement with Fraternal Order of Police (FOP) State Lodge 135

The Town of Surfside sponsors a defined benefit retirement plan for employees (the "Retirement Plan"), which is administered by a five-member Pension Board of Trustees (the "Pension Board"). The Town and the Florida State Lodge of the Fraternal Order of Police (FOP) recently ratified a new collective bargaining agreement which necessitates amendments to the Retirement Plan for sworn law enforcement officers and communications operators.

The proposed Ordinance amends the following provisions of the Retirement Plan:

- Section 2-171: Amends the definition of pensionable "compensation" to include shift differential and up to seventy-five hours of over-time;
- Section 2-187: Provides for the transfer of Chapter 185 premium taxes to the Town to offset the cost of negotiated benefit enhancements as follows: (i) during the first year of the CBA the sum of \$88,266 shall be paid to the Town and (ii) each year thereafter two-thirds of the annual Chapter 185 premium taxes shall be paid to the Town and one-third of the annual Chapter 185 premium taxes shall be allocated to the "Special Police Retirement Trust Fund";
- Section 2-193: Extends the maximum period of DROP eligibility from sixty to 72 months for sworn law enforcement officers and communications operators.

As calculated by the Pension Board's actuary, the cost of this Pension Ordinance will be approximately \$88,266 per year (representing approximately 1.3% of pensionable payroll). In the first year of the 2022-2025 FOP CBA \$88,266 of Chapter 185 premium taxes shall be paid

to the Town. Thereafter two-thirds of the annual premium taxes shall be paid to the Town.

All proposed amendments would apply to sworn law enforcement officers and communications operators, including existing DROP participants. The amendments would not apply to former employees or retirees who have already separated from Town employment. The proposed Ordinance is retroactive to October 1, 2022.

[Pension Ordinance FOP CBA.docx](#)





68  
69 Article V. – Employee Benefits

70  
71 \*\*\*

72  
73 Division 2. – Pension Plan

74  
75 \*\*\*

76  
77 **Sec. 2-187. Special police retirement trust fund.**

78  
79 \*\*\*

80  
81 (m) Annual distribution to the Town. Effective October 1, 2022, during the first year of the  
82 2022-2025 FOP CBA the sum of \$88,266 shall be paid to the Town from premium tax  
83 revenues received pursuant to Chapter 185, Fla.Stat. Thereafter, effective October 1, 2023,  
84 two-thirds (2/3) of the annual premium tax distribution shall be paid to the Town and one-  
85 third (1/3) the annual premium tax distribution shall be distributed as shares to the  
86 members, as set forth in this Section.  
87

88 **Section 4.** Section 2-193, “Deferred retirement option plan (DROP)”, of Division 2. –  
89 “Pension Plan”, of Article V. – “Employee Benefits”, of Chapter 2. – “Administration”, of the  
90 Town Code is hereby amended, as follows:

91  
92 Chapter 2 – Administration

93  
94 \*\*\*

95  
96 Article V. – Employee Benefits

97  
98 \*\*\*

99  
100 Division 2. – Pension Plan

101  
102 \*\*\*

103  
104 **Sec. 2-193. – Deferred retirement option plan.**

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

- 106 (1) *Eligibility.* A member of the plan who reaches normal retirement age shall be eligible  
107 to participate in the DROP ("eligible member"). An eligible member may participate  
108 in the DROP for a maximum of 60 months from the date the member reaches his or her  
109 normal retirement date. Anything herein to the contrary notwithstanding, if an eligible

110 member has reached his or her normal retirement date on or before the date the DROP  
111 plan is implemented, then the eligible member shall have 60 days from the date the  
112 DROP plan is implemented to elect in writing to participate in the DROP for the  
113 maximum DROP participation period of 60 months. Effective October 1, 2022, the  
114 maximum period of DROP participation shall be 72 months for sworn law enforcement  
115 officers and communications operators.  
116

117 (2) *Participation.*

118 a. An eligible member may elect to become a participant in the DROP ("participant")  
119 with 30 days advance written notice to the town and the board during the applicable  
120 DROP period; however, in no event shall the DROP period be extended beyond  
121 sixty months or 72 months for sworn law enforcement officers and communications  
122 operators. As a condition of participating in the DROP, the eligible member must  
123 agree to terminate town employment at the conclusion of the DROP period and  
124 must submit a letter of resignation to the town, which letter shall be coupled with  
125 an interest and shall be irrevocable, prior to entering the DROP.

126 \*\*\*

127 **Section 5. Conflicts.** All sections or parts of sections of the Town Code, all  
128 ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith,  
129 be and the same, are hereby repealed to the extent of such conflict.

130 **Section 6. Severability.** Should this ordinance or any part thereof be declared invalid  
131 by a Court of competent jurisdiction, the invalidity of any part of this ordinance shall not otherwise  
132 affect the validity of the remaining provisions of this ordinance, which shall be deemed to have  
133 been enacted without the invalid provision.

134 **Section 7. Codification.** It is the intention of the Town Commission that the  
135 provisions of this ordinance shall become and be made a part of the Code of the Town of Surfside,  
136 and that the word "ordinance" may be changed to "section," "article," or such other appropriate  
137 word or phrase in order to accomplish such intentions.

138 **Section 8. Effective Date.** This ordinance shall become effective upon adoption at  
139 second reading and shall apply to existing sworn law enforcement officers and communications  
140 operators currently in the DROP.  
141

142 **PASSED** on first reading this \_\_\_\_\_ day of \_\_\_\_\_ 2023.  
143 **PASSED** and **ADOPTED** on second reading this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

144  
145 **First Reading:**

146 Motion by: \_\_\_\_\_  
147 Second by: \_\_\_\_\_

148  
149 **Second and Final Reading:**

150 Motion by: \_\_\_\_\_  
151 Second by: \_\_\_\_\_

152  
153 **FINAL VOTE ON ADOPTION**

154 Commissioner Fred Landsman \_\_\_\_\_  
155 Commissioner Marianne Meisheid \_\_\_\_\_  
156 Commissioner Nelly Velasquez \_\_\_\_\_  
157 Vice Mayor Jeffrey Rose \_\_\_\_\_  
158 Mayor Shlomo Danzinger \_\_\_\_\_

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160  
161 \_\_\_\_\_  
162 Shlomo Danzinger, Mayor

163 **ATTEST:**

164  
165 \_\_\_\_\_  
166 Sandra N. McCready, MMC  
167 Town Clerk

168  
169 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**  
170 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

171  
172  
173 \_\_\_\_\_  
174 Weiss Serota Helfman Cole & Bierman, P.L.  
175 Town Attorney



## MEMORANDUM

ITEM NO. 4B2.

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Hector Gomez, Town Manager  
**Date:** July 11, 2023  
**Subject:** **Average Setbacks in H30A and H30B Zoning Districts**

---

Town Administration recommends consideration of this ordinance change to allow for additional options in the design of new homes and the potential for increased ground floor setbacks.

**Background:** At the Joint Planning and Zoning Board and Town Commission meeting held on January 31st, 2023, the issue of setbacks in the H30A and H30B zoning districts was discussed. Meeting members requested staff draft an ordinance that allows for the use of average setbacks across both levels of a home. It was also important that the front face of the home have articulation and not have a full continuous front plane.

The intent of average setbacks, as opposed to absolute setbacks, is to allow for flexibility in the design of homes. At present the use of average setbacks is limited to only the second floor of home in H30A and H30B. Meeting participants suggested allowing designer to average the setbacks across both floors of a home. This would mean use of a floor area ratio (FAR) in determining total buildable spaces. This is a tool commonly used in zoning codes.

The ordinance as written here still provides the same minimum setbacks. A single-story home would still have to comply with the same minimum setbacks on the first floor. A two-story home would need to apply the average setbacks as laid out in the table in the ordinance. This would allow a home to have greater ground floor setbacks and achieve the same interior square footage. Homes may still be designed with a first floor that is larger than the second floor in the style that has been typical on new two-story homes.

The ordinance also includes language to prevent a continuous wall face on either the front or side facade walls. It states that:

- The front façade of each home shall include at least one inside corner of at least 5 feet by 5 feet that is open on two sides or at least 50% open to the sky.



- A continuous wall along a consistent plane shall not exceed 55 feet in length.
- A space counted towards average setback on the second floor may not be covered and must be fully open on at least two sides.

[Ordinance Amending 90-45 H30 Average Setbacks](#)

ORDINANCE NO. 2023 - \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTIONS 90-2. – “DEFINITIONS” AND 90-45. -- “SETBACKS” TO MODIFY REGULATIONS PERTAINING TO AVERAGE SETBACKS IN H30A AND H30B DISTRICTS; 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 90-45 of the Code provides for setbacks for zoning districts, and  
11 as to the single family zoning districts, the H30A and H30B districts in particular, provides  
12 a number of tables that impose varying setback regulations depending on the size of the  
13 second floor compared to the first; and

14       **WHEREAS**, Section 90-45 imposes a second floor average setback in the single  
15 family districts over and above the minimum setback with the intent of limiting massing  
16 and encouraging compatibility between new homes and existing homes; and

17       **WHEREAS**, imposing an average setback only on the second floor has unintended  
18 consequences such as limiting design options and encouraging continuous walls at the  
19 ground floor along the minimum setback that lend to the perception of massing, while not  
20 resulting the compatibility between neighboring properties that was intended; and

21       **WHEREAS**, the Town Commission finds that applying average setbacks across both  
22 first and second floors provides more design optionality, better avoids the continuous walls  
23 at the minimum setback that presents compatibility concerns and results in greater

24 variation and more opportunities for greater setbacks and spacing between structures at  
25 the ground level; and

26 **WHEREAS**, at a special joint meeting of the Town Commission and Planning and  
27 Zoning Board held on January 31, 2023, the Town Commission directed the Town  
28 Manager to present an ordinance addressing average setbacks in the H30A and H30B  
29 districts; and

30 **WHEREAS**, the Town Commission held its first public hearing on \_\_\_\_\_ and,  
31 having complied with the notice requirements in the Florida Statutes, \_\_\_\_\_ the  
32 proposed amendments to the Code; and

33 **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the  
34 Town, held its hearing on the proposed amendment to the Code on \_\_\_\_\_,  
35 2023 with due public notice and input, and recommended \_\_\_\_\_ of the proposed  
36 amendments to the Code; and

37 **WHEREAS**, the Town Commission has conducted a second duly noticed public  
38 hearing on these Code amendments as required by law on \_\_\_\_\_, 2023 and  
39 further finds the proposed changes to the Code are necessary and in the best interest of  
40 the Town.

41  
42 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**  
43 **TOWN OF SURFSIDE, FLORIDA<sup>1</sup>:**

44  
45 **Section 1. Recitals.** The above Recitals are true and correct and are  
46 incorporated herein by this reference:

47  
48 **Section 2. Town Code Amended.** Section 90-2. -- “Definitions” of the Code, is  
49 hereby amended as follows:

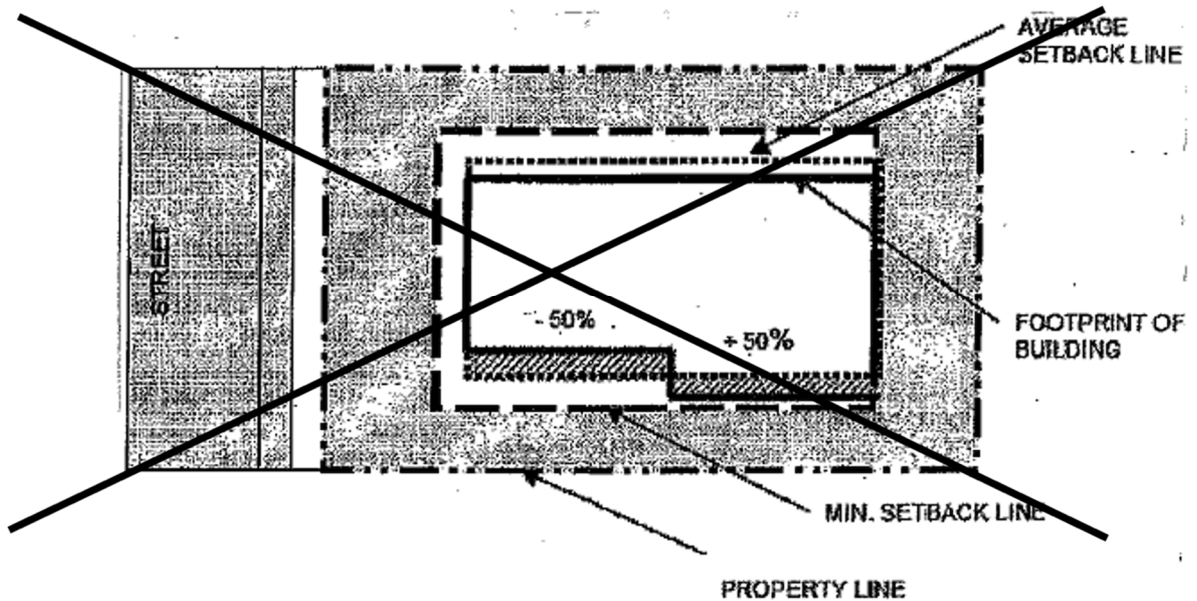
50 **Sec. 90-2. -- Definitions.**

51 \* \* \*

52 ~~Setback (average): The average minimum distance required by a zoning district~~  
53 ~~that all structures shall be from front, side and rear lot lines. The following~~  
54 ~~diagram illustrates how the average setback is utilized.~~

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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.



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### How an Average Setback Works

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The diagram above shows the building footprint varying around the average setback line. If the builder chooses to construct in the area between the minimum setback lines and the average set back lines (area shaded red), an equal area within the average setback line must be sacrificed (area shaded blue). In this example a simple 50/50 split is made at the mid point of the side yard facade of the building.

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Note that any number of variations can occur around the average setback line just as long as the sum of the areas outside of the average setback line balance with the sum of the areas sacrificed within the average setback line.

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The builder has the option of building continuously along the average set back line without variation. The builder also can construct any where within the average setback line in any variation.

69

\* \* \*

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**Section 3. Town Code Amended.** Section 90-45. – “Setbacks” of the Code, is hereby amended as follows:

74

#### **Sec. 90-45. Setbacks.**

75

##### (a) Setbacks in H30A and H30B

76

##### (1) Minimum Setbacks:

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a. Front Setback: 20 feet

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b. Interior Side: 5 feet or 10% of the lot frontage, whichever is greater

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c. Secondary Frontage: 10 feet

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d. Rear: 20 feet

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(2) Setback modifications -- Average setbacks for front and side (both interior side and secondary frontage): In addition to minimum setbacks, homes shall provide additional average front and side setbacks based on the floor area ratio of the home, as follows:

| <u>Floor Area Ratio</u>                         | <u>Additional Average Side Setback Required for each side (including secondary frontage)</u> | <u>Additional Average Front Setback Required</u> |
|---|--|--|
| <u>0.5 or less</u>                              | <u>No additional setback required</u>  | <u>No additional setback required</u>            |
| <u>Greater than 0.5 up to 0.64</u>              | <u>1.25 feet or 2.5% of frontage, whichever is greater</u>                                   | <u>2.5 feet</u>                                  |
| <u>Greater than 0.64 up to a Maximum of .72</u> | <u>2.5 feet or 5% of frontage, whichever is greater</u>                                      | <u>5 feet</u>                                    |

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a. Additional average front setback shall be provided as follows:

- i. Multiply the required additional average front setback by the width of the allowable building along the frontage (lineal feet between minimum side setbacks)
- ii. Multiply the resulting figure, in square feet, by the number of stories to arrive at the total area of required additional front setback, in square feet.
- iii. The total area of required additional front setback must be applied in any one or multiple areas throughout the height and width of the first and (if applicable) second stories of the home (further reducing the building envelope created by the minimum required front setback of 20 feet) to reduce the floor width (i.e. parallel to the front lot line) and/or depth (i.e. perpendicular to the front lot line), at the discretion of the design professional. Average front setback may be applied at any point along a floor, or mixed and matched among the floors of the home, as long as the average setback area is contiguous with the minimum front setback. Covered exterior areas may not be used to meet average setback requirements.

b. Additional average side setback shall be provided as follows:

- i. Multiply the required additional average side setback by the depth of the allowable building on that side (lineal feet between minimum front and rear setback)

- 112 ii. Multiply the resulting figure, in square feet, by the number of  
 113 stories to arrive at the total area of required additional side  
 114 setback for each side, in square feet.
- 115 iii. The total area of required additional side setback for each side  
 116 shall be applied in any one or multiple areas throughout the  
 117 height and depth of the first and (if applicable) second stories of  
 118 the home (further reducing the building envelope created by the  
 119 minimum required side setbacks) to reduce the floor width (i.e.  
 120 parallel to the front lot line) and/or depth (i.e. perpendicular to  
 121 the front lot line), at the discretion of the design professional.  
 122 Average side setback may be applied at any point along a floor,  
 123 mixed and matched among floors, and/or joined with setbacks  
 124 taken from the opposite side elevation, as long as the average  
 125 side setback area is contiguous with the minimum side setback  
 126 for that side. Area used to satisfy average front yard setback  
 127 area shall not be counted to satisfy average side setback.

128 (3) The front façade of each home shall include at least one inside corner of at  
 129 least 5 feet by 5 feet that is open on two sides or at least 50% open to the sky.

130 (4) A continuous wall along a consistent plane shall not exceed 50% of the lot  
 131 depth.

132 (5) A space counted towards average setback on the second floor may not be  
 133 covered and must be fully open on at least two sides.

134

135 *Massing.*

136 ~~(1) *Required massing—Generally.* The development of new single-family structures~~  
 137 ~~and additions to existing single-family structures shall abide by height and~~  
 138 ~~massing regulations.~~

139 ~~Massing regulations are based on the height of the structure and are delineated~~  
 140 ~~between a. single and multi-story structures; b. new structures or additions to~~  
 141 ~~existing structures; and c. the ratio of area of the first story to the area of the~~  
 142 ~~upper stories. The area of the upper stories (wall plane greater than 15 feet in~~  
 143 ~~height) for new structures and additions to existing single-story structures shall~~  
 144 ~~not exceed 80 percent of the area of the first story.~~

145 ~~(2) *Required Massing—New single-story structures and single-story additions to*~~  
 146 ~~*single-story structures in H30A and H30B districts.* The following table shall be~~  
 147 ~~utilized for new single-story structures and single-story additions to existing single-~~  
 148 ~~story structures (up to 15 feet in height) in both the H30A and H30B districts.~~

| H30A and H30B<br>(SINGLE STORY STRUCTURES UP TO 15 FEET IN HEIGHT) | PERCENTAGE         |
|--|--------------------|
| Maximum Lot Coverage   | 40%                |
| SINGLE STORY STRUCTURES  | MINIMUM<br>SETBACK |

|   |                     |
|---|---------------------|
| Primary frontage  | 20 ft               |
| Interior side (lots equal to or less than 50 feet in width) | 5 ft                |
| Interior side (lots over 50 feet in width)                  | 10% of the frontage |
| Rear  | 20 ft               |
| Secondary frontage (corner only)                            | 10 ft               |

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~~(3) Required Massing—Single-family homes within the H30A and H30B districts. For single-family homes within the H30A and H30B districts, the following table shall be utilized for new multi-story structures or multi-story additions (additions greater than 15 feet in height) to existing single-story structures where the upper-story floor area is less than 50 percent of first-story floor area. Where provided both the minimum and average setback shall be utilized.~~

| H30A AND H30B<br>UPPER STORY FLOOR AREA IS LESS THAN 50% OF FIRST<br>STORY FLOOR AREA | PERCENTAGE                     |
|---|--------------------------------|
| Maximum Lot Coverage  | 40%                            |
| FIRST STORY (UP TO 15 FT IN HEIGHT)   | SETBACK                        |
| Primary frontage  | Minimum 20 ft                  |
| Interior side (lots equal to or less than 50 feet in width)                           | Minimum 5 ft                   |
| Interior side (lots over 50 feet in width)  | Minimum 10% of<br>the frontage |
| Rear  | Minimum 20 ft                  |
| Secondary frontage (corner only)  | Minimum 10 ft                  |
|   |                                |
| UPPER STORY OR WALL PLANES GREATER<br>THAN 15 FT IN HEIGHT                            | SETBACK                        |
| Primary frontage  | Minimum 20 ft                  |
|   | Average 22.5 ft                |
| Interior side (lots equal to or less than 50 feet in width)                           | Minimum 5 ft                   |
|   | Average n/a                    |
| Interior side (lots greater than 50 feet in width)                                    | Minimum 10% of lot<br>frontage |
|   | Average n/a                    |
| Rear  | Minimum 20 ft                  |
|   | Average n/a                    |
| Secondary frontage (corner only)  | Minimum 10 ft                  |
|   | Average 12.5 ft                |

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~~(4) Required massing—New multi-story structures or multi-story additions. For single-family homes within the H30A and H30B districts, the following table shall be utilized for new multi-story structures or multi-story additions (additions greater than 15 feet in height) to existing single-story structures where the upper-story floor area is 50 percent to 64 percent of first-story floor area. Where provided, both the minimum and average setbacks shall be utilized.~~

|  |   |  |
|--|---|--|
| H30A AND H30B<br>UPPER STORY FLOOR AREA IS 50% TO 64% OF FIRST<br>STORY AREA |   | PERCENTAGE   |
| Maximum Lot Coverage   |   | 40%  |
| FIRST STORY (UP TO 15 FT IN HEIGHT)  |   | SETBACK  |
| Primary frontage   |   | Minimum 20 ft  |
| Interior side (lots equal to or less than 50 feet in width)                  |   | Minimum 5 ft   |
| Interior side (lots over 50 feet in width)                                   |   | Minimum 10% of<br>the frontage                                   |
| Rear   |   | Minimum 20 ft  |
| Secondary frontage (corner only)   |   | Minimum 10 ft  |
| UPPER STORY OR WALL PLANES GREATER THAN 15 FT IN<br>HEIGHT                   |   | SETBACK  |
| Primary frontage   |   | Minimum 20 ft<br>Average 25 ft                                   |
| Interior side (lots<br>equal to or less<br>than 50 feet in<br>width)         | H30A—Wall length is equal to or less than<br>20% of the lot depth | Minimum 5 ft<br>Average n/a                                      |
|  | H30A—Wall length is greater than 20% of<br>the lot depth          | Minimum 5 ft<br>Average 7.5 ft                                   |
|  | H30B—Wall length is equal to or less than<br>25% of the lot depth | Minimum 5 ft<br>Average n/a                                      |
|  | H30B—Wall length is greater than 25% of<br>the lot depth          | Minimum 5 ft<br>Average 7.5 ft                                   |
| Interior side (lots<br>greater than 50 feet<br>in width)                     | H30A—Wall length is equal to or less than<br>20% of the lot depth | Minimum 10% of lot<br>frontage<br>Average n/a                    |
|  | H30A—Wall length is greater than 20% of<br>the lot depth          | Minimum 10% of lot<br>frontage<br>Average 15% of the<br>frontage |
|  | H30B—Wall length is equal to or less than<br>25% of the lot depth | Minimum 10% of<br>the frontage<br>Average n/a                    |
|  | H30B—Wall length is greater than 25% of<br>the lot depth          | Minimum 10% of lot<br>frontage<br>Average 15% of the<br>frontage |
| Rear   |   | Minimum 20 ft<br>Average n/a                                     |
| Secondary frontage (corner only)   |   | Minimum 10 ft<br>Average 15 ft                                   |

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*(5) Required Massing—New multi-story structures or multi-story additions (additions greater than 15 feet in height) to existing single-story structures where the upper*



166 *story floor area is 65 percent to 80 percent of first-story floor area. For single*  
 167 *family homes within the H30A and H30B districts, the following table shall be*  
 168 *utilized for new multi-story structures or multi-story additions (additions greater*  
 169 *than 15 feet in height) to existing single-story structures where the upper-story*  
 170 *floor area is 65 percent to 80 percent of first-story floor area. Where provided,*  
 171 *both the minimum and average setbacks shall be utilized.*

| H30A AND H30B<br>UPPER STORY FLOOR AREA IS 65% TO 80% OF FIRST<br>STORY FLOOR AREA |  | PERCENTAGE   |
|--|--|--|
| Maximum lot coverage   |  | 40%  |
| FIRST STORY (UP TO 15 FT IN HEIGHT)  |  | SETBACK  |
| Primary frontage   |  | Minimum 20 ft  |
| Interior side (lots equal to or less than 50 feet in width)                        |  | Minimum 5 ft   |
| Interior side (lots over 50 feet in width)   |  | Minimum 10% of the frontage                                |
| Rear   |  | Minimum 20 ft  |
| Secondary frontage (corner only)   |  | Minimum 10 ft  |
| UPPER STORY OR WALL PLANES GREATER THAN 15 FT IN<br>HEIGHT                         |  | SETBACK  |
| Primary frontage   |  | Minimum 20 ft<br>Average 30 ft                             |
| Interior side (lots equal to or less than 50 feet in width)                        | H30A—Wall length is equal to or less than 20% of the lot depth | Minimum 5 ft<br>Average n/a                                |
|  | H30A—Wall length is greater than 20% of the lot depth          | Minimum 5 ft<br>Average 10 ft                              |
|  | H30B—Wall length is equal to or less than 25% of the lot depth | Minimum 5 ft<br>Average n/a                                |
|  | H30B—Wall length is greater than 25% of the lot depth          | Minimum 5 ft<br>Average 10 ft                              |
| Interior side (lots greater than 50 feet in width)                                 | H30A—Wall length is equal to or less than 20% of the lot depth | Minimum 10% of lot frontage<br>Average n/a                 |
|  | H30A—Wall length is greater than 20% of the lot depth          | Minimum 10% of lot frontage<br>Average 20% of the frontage |
|  | H30B—Wall length is equal to or less than 25% of the lot depth | Minimum 10% of lot frontage<br>Average n/a                 |
|  | H30B—Wall length is greater than 25% of the lot depth          | Minimum 10% of lot frontage<br>Average 20% of the frontage |
| Rear   |  | Minimum 20 ft  |

|                                  |               |
|----------------------------------|---------------|
|                                  | Average n/a   |
| Secondary frontage (corner only) | Minimum 10 ft |
|                                  | Average 20 ft |

172

173 (b) Setbacks in the H30C, H40, H120, and SD-B40 zoning districts.

174 (1) ~~Required setbacks—Tables.~~ The following tables shall be utilized for structures in  
 175 the H30C, H40, H120, and SD-B40 zoning districts.

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\* \* \*

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

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

187

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

190

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

193

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

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

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198

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

200

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

202

203 **First Reading:**

204 Motion by: \_\_\_\_\_

205 Second by: \_\_\_\_\_

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208 **Second Reading:**

209 Motion by: \_\_\_\_\_

210 Second by: \_\_\_\_\_

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**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. 5A.

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

**From:** Hector Gomez, Town Manager

**Date:** July 11, 2023

**Subject:** **Emergency Replacement of Mechanical Air Conditioner Unit for the Town Community Center Facilities**

---

Town Administration is seeking Town Commission authorization to expend a not to exceed amount of \$142,722 for the replacement of the air conditioning mechanical system in the Community Center and contract with Smart Air per proposal provided for scope of services. Funds were budgeted for current fiscal year 2023.

The Air Conditioner Mechanical System in the Community Center is over 12 years old has excessive wear due to its operation under a highly corrosive environment caused by pool equipment and saline environment (beach). This includes the main unit in the community center, the concession stand unit and the split unit inside the aquatic office. The Parks and Recreation department budgeted \$140,000 for FY 2022-2023 in anticipation of this replacement. Currently the system is operating on bypass of two compressors since they have failed. This leads to inefficient use.

Town administration obtained various proposals from mechanical companies and determined **Attachment A** - "Proposal One" to be the most cost effective to serve the facility's needs. **Attachment B** - "Proposal Two" was beyond Town budgeted funding and consultation with Town 96th Street Park Contractor concluded that Attachment A proposal was a sound price for the scope of work.

The purchase is being made per sec. 3-13 - Exemptions from competitive building as an "A public works and utilities purchase or contract for materials, supplies, equipment, public improvements or services, repairs, maintenance and replacements, related to all town facilities, properties, fleet and infrastructure, including but not limited to, stormwater, electric, lighting, water, sewer, telecommunications, roads, buildings, and sidewalks". The work has been deemed an emergency as the system is leaking gasses, not working to full efficiency and may fail at any point.

[Resolution Approving Emergency Repair Work Town Community Center Air Conditioner](#)

Unit.DOCX

Attachment A - Proposal One

Attachment B - "Proposal Two"

RESOLUTION NO. 2023 \_\_\_\_\_

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING EMERGENCY REPAIR WORK FOR THE REPLACEMENT OF THE MECHANICAL AIR CONDITIONER UNIT LOCATED IN THE TOWN COMMUNITY CENTER FROM SMART AIR SYSTEMS, INC.; FINDING THAT THE WORK IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 3-13(7)(F) OF THE TOWN CODE AS A PUBLIC WORKS REPAIR RELATING TO A TOWN FACILITY; AUTHORIZING THE TOWN MANAGER TO ENTER INTO A PURCHASE ORDER FOR SUCH WORK; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside (“Town”) is in need of emergency repair work for the replacement of the mechanical air conditioner unit located in the Town Community Center (the “Work”); and

**WHEREAS**, pursuant to Section 3-13(7)(f) of the Town’s Code, public works or utilities maintenance and repair purchases for Town facilities are exempt from competitive bidding; and

**WHEREAS**, the Town solicited two (2) quotes and received the lowest quote from Smart Air Systems, Inc. (the “Vendor”) in the amount of \$122,974.00, which quote is attached hereto as Attachment “A” (the “Quote”); and

**WHEREAS**, the Town Commission wishes to approve the purchase of the Work consistent with the Quote and authorize the Town Manager to enter into a purchase order with the Vendor, subject to approval by the Town Attorney as to form, substance, and legal sufficiency; and

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

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

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

**Section 2. Approval and Authorization to Purchase Work from Vendor; Exemption from Competitive Bidding.** The Town Commission hereby approves the purchase of the Work in an amount not to exceed \$122,974.00, consistent with the Quote attached hereto as Attachment "A," and authorizes the Town Manager to enter into a purchase order with the Vendor, subject to approval by the Town Attorney as to form, substance, and legal sufficiency. The Town Commission finds that pursuant to Section 3-13(7)(f) of the Town's Code, the Work is exempt from competitive bidding.

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

**Section 4. Effective Date.** This Resolution shall be 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 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



June 19, 2023

Surfside Community Center  
9301 Collins Avenue  
Surfside, FL 33154  
Attn: Adrian Hernandez



**Work to be performed on: Main Unit & Fish Bowl Room  
RE; UNIT REPLACEMENTS**

Dear Adrian,

Smart Air Systems, Inc. is pleased to provide you with this proposal to furnish all labor and material necessary to perform the scope of work listed below.

**Total cost to perform this job is:.....\$122,974.00**

**This proposal includes the following:**

- Remove and dispose of the existing unit per EPA Regulations.
- Furnish and install a new Trane system to match the specifications of the existing. This includes (2) Trane 15-ton Condensers with condenser coil coatings, Trane Performance Climate Changer AHU with SS Drain pan, Coil casing, and an Energy Recovery Ventilator.
- Place new condensers on Aluminum I-Beams to help prevent dirt and debris from corroding the units.
- Furnish and install a new auxiliary drain pan.
- Connect to the existing ductwork.
- Furnish and install piping and electrical to connect to the new units.
- Pressure tests existing line set.
- Evacuate and charge system with new R-410 refrigerant.
- Start up and check operation.
- Mechanical permit.
- Crane service.
- Remove section of drop ceiling to access 5-ton split system air handler.
- Remove and dispose of the existing 5-ton split system.
- Furnish and install a new 5-ton Ruud split system with heat and auxiliary drain pan. Condenser coil and cabinet to be coated for longer lifespan due to the salt environment.
- Connect to the existing electrical and piping.
- Evacuate and charge system with new refrigerant.
- Start up unit and confirm proper operation.
- Install the disturbed section of drop ceiling.
- Tie down detail.
- Freight.
- Work to be performed during normal operating hours (Monday-Friday 8-5)

**This proposal does not include:**

- Repairing or replacing underground piping due to refrigerant leaks.
- Anything not stated above.

**Warranty:**

- There is a 5-year compressor and 1-year parts and labor warranty.

**Payment Terms:**

- Progressive.

If this proposal meets with your approval, please issue your purchase order to my attention or sign and return a copy of this letter as your authorization to proceed. If you have any questions or concerns regarding this proposal please feel free to contact me at (954) 968-1288.

We thank you for the opportunity to be of service.

Sincerely,

ACCEPTED BY: \_\_\_\_\_

*Mike Meekins*

Mike Meekins  
Smart Air Systems, Inc.  
CAC056916

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

June 21, 2023

Surfside Community Center  
9301 Collins Avenue  
Surfside, FL 33154  
Attn: Adrian Hernandez



**Work to be performed on: Concession stand  
RE; UNIT REPLACEMENT**

Dear Adrian,

Smart Air Systems, Inc. is pleased to provide you with this proposal to furnish all labor and material necessary to perform the scope of work listed below.

**Total cost to perform this job is:.....\$13,872.00**

**This proposal includes the following:**

- Remove and dispose of the existing unit per EPA Regulations.
- Furnish and install a new Trane package unit with heat and motorized outside air damper.
- **Provide a full aftermarket coating on the coil and cabinet** to help extend its lifespan due to salt environment. The current Trane model is no longer manufactured. The new model is a 4TCC036
- Furnish and install a new curb adapter.
- Connect to the existing roof curb, condensate line, and electrical.
- Secure unit to existing roof curb.
- Evacuate and charge system.
- Start up and check operation.
- Rigging/crane cost.
- Work to be performed during normal operating hours (Monday-Friday 8-5)

**This proposal does not include:**

- Mechanical permit and associated fees.
- Anything not stated above.

**Warranty:**

- There is a 5-year compressor and 1-year parts and labor warranty.

**Payment Terms:**

- Progressive.

If this proposal meets with your approval, please issue your purchase order to my attention or sign and return a copy of this letter as your authorization to proceed. If you have any questions or concerns regarding this proposal please feel free to contact me at (954) 968-1288.

We thank you for the opportunity to be of service.

Sincerely,

ACCEPTED BY: \_\_\_\_\_

*Mike Meekins*

TITLE: \_\_\_\_\_

Mike Meekins  
Smart Air Systems, Inc.  
CAC056916

DATE: \_\_\_\_\_

June 21, 2023

Surfside Community Center  
9301 Collins Avenue  
Surfside, FL 33154  
Attn: Adrian Hernandez



**Work to be performed on: Life Guard Office  
RE; UNIT REPLACEMENT**

Dear Adrian,

Smart Air Systems, Inc. is pleased to provide you with this proposal to furnish all labor and material necessary to perform the scope of work listed below.

**Total cost to perform this job is:.....\$5,876.00**

**This proposal includes the following:**

- Remove and dispose of the existing unit per EPA Regulations.
- Furnish and install a new Mitsubishi Mini split to match the specs of the existing.
- *Provide a full aftermarket coating on the coil and cabinet* to help extend its lifespan due to salt environment.
- Furnish and install a new stainless-steel wall bracket.
- Connect to the existing electrical and piping.
- Pressure tests connections.
- Evacuate and charge system.
- Start up and check operation.
- Work to be performed during normal operating hours (Monday-Friday 8-5)

**This proposal does not include:**

- Mechanical permit and associated fees.
- Anything not stated above.

**Warranty:**

- There is a 5-year compressor and 1-year parts and labor warranty.

**Payment Terms:**

- Progressive.

If this proposal meets with your approval, please issue your purchase order to my attention or sign and return a copy of this letter as your authorization to proceed. If you have any questions or concerns regarding this proposal please feel free to contact me at (954) 968-1288.

We thank you for the opportunity to be of service.

Sincerely,

*Mike Meekins*

Mike Meekins  
Smart Air Systems, Inc.  
CAC056916

ACCEPTED BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_



**Project Proposal**

|  |                                      |   |                            |
|--|--------------------------------------|---|----------------------------|
| <b>Customer Name:</b><br>Town of Surfside Community Center |                                      | <b>Job Name:</b><br>4 New Trane Units for Town of Surfside CC |                            |
| <b>Customer Address:</b><br>9301 Collins Ave               |                                      | <b>Job Address:</b><br>9301 Collins Ave                       |                            |
| <b>City, State, Zip:</b><br>Surfside, FL 33154             | <b>Phone Number:</b><br>305-866-3635 | <b>City, State, Zip:</b><br>Surfside, FL 33154                | <b>Date:</b><br>10/27/2022 |

**SCOPE OF WORK:**

Hill York is pleased to present this proposal for 4 new Trane Units at the above referenced facility. The proposed scope of work consists of the following:

- Provide and Install QTY-1 Trane 30-Ton AHU Indoor Unit for Main Mechanical Room
- Provide and Install QTY-2 Trane 15-Ton C/U Outdoor Units
- Provide and Install QTY-1 Trane 3-Ton RTU Concession Stand Unit
- Provide and Install QTY-1 Trane 5-Ton AHU Indoor Unit for Conference Room
- Provide and Install QTY-1 Trane 5-Ton C/U Outdoor Unit for Conference Room
- Provide and Install QTY-1 Trane Mitsubishi 1-Ton AHU Indoor Unit for Lifeguard Office
- Provide and Install QTY-1 Trane Mitsubishi 1-Ton C/U Outdoor Unit for Lifeguard Office
- Provide and Install New Stainless-Steel Stands and Disconnects for C/U 1 & C/U 2-Large Outdoor Condensers
- Provide and Install New Stainless-Steel Stands and Disconnects for 5-Ton Condenser- Conference Room
- Provide Heresite Protective Coating for all AHU/CU Coils, Interior components, and exterior panels.  
Heresite Protective coating -ASTM B117 15000-hour Salt spray testing with 5-year coating warranty.
- Provide and Install 2 Exterior concrete pads for C/U 1 & C/U 2- Large Outdoor Condensers  
Concrete pad will consist of 12" thickness, size 48" x 96" x 12", with 6" exposed above ground level.  
Pad area will be reformed, rebar installed, poured concrete, with new footings designed by Engineer.
- Provide temporary concrete lintel support 8"x10"x8' with 2 coarse concrete blocks for the mechanical room.  
Concrete blocks will be removed and reinstalled for Large Trane AHU access
- Provide 75-ton Crane with 70G main boom base CWT.
- Pre-con/ Engineering with tie down details included
- Stainless-steel drain pan included for Large Trane 30-ton air handler.
  
- Technician will lockout and tagout the main power for each unit when repairs are being made.
- Remove and dispose of all existing units per EPA Regulations.
- Furnish and install all new units to match the specifications of the existing on-site units.
- Disconnect all ductwork where required to allow for the removal of units.
- Connect to the existing ductwork where required for all new units.
- Remove the acoustic ceiling where required to access the 5-ton air handler for the conference room.
- Furnish and install new copper piping and electrical to connect to the new units.
- Furnish and install new CPVC drain lines where required.
- Pressure tests existing copper line sets and leak check all newly soldered joint.
- Perform a 500-micron vacuum to remove moisture and non-condensable gases.
- New R-410 refrigerant will be added to complete the refrigerant charge per manufacturer recommendations.
- All new units will be operated and tested thoroughly to ensure proper function.
- Work to be performed during normal business hours (Monday-Friday 8am-5pm)
- The Trane Units have a current estimated lead time of 12-24-weeks from the ordering date.
- The availability manufacturer equipment is not guaranteed and can be subject to change.

**EXCLUSIONS:**

Any item or service that is not listed above is not included, premium labor unless specified, fire/smoke/building management controls, life safety/fire alarm interface, any electrical modifications and or upgrades, any low voltage modifications and or upgrades, any structural modifications and or upgrades (outside of scope above), any roofing modifications and or upgrades (outside of scope above), any ductwork modifications and or upgrades (outside of scope above), any building code upgrades that may be required, bonding, patching/plastering/painting, plumbing, general contracting services, hazardous material mitigation, lighting protection, temporary cooling, ASHRAE Standard 15 upgrades, certified air/water test and balance services, any site specific required safety training or badging, coincidental issues arising from shutdown / startup of existing equipment, BAS Controls, Smoke detectors, communication interface, additional electrical junction boxes beyond scope listed above, new high voltage wiring, new low voltage wiring, new main electrical panels, UV lights, Ionization devices, Permits, Permit fees, Road Closure permits and associated fees, Sensors, actuators, additional controls or control components

**ADDITIONAL EXCLUSIONS:** Sale price excludes permit fees and road closure permit fees. The cost of the permit fees will be passed onto the customer. Hill York will facilitate the permit submission.

**WARRANTY:**

Manufacturer provides parts warranty. Hill York will provide (1) year labor warranty on all workmanship inclusive of this contract and does not apply to any other part of the system.

- Trane standard 2-5-year Warranty for large split system, RTU, and 5-ton split system.
- Trane Mitsubishi warranty for 1-ton mini split consist of 5 years parts and 7 years compressor. If product is registered within 90 days of installation @ [www.mitsubishicomfort.com](http://www.mitsubishicomfort.com), 10 years parts, 10 years compressor
- 5-year warranty on equipment and coil coating

We propose to furnish material and labor required in accordance with the above specifications for: **\$ 244,147**

- Payment terms to be made as follows: **35% Deposit, 15% Ordering Equipment, 25% Start of Job, balance due at completion**

**Acceptance of Proposal:** The above price and specifications are satisfactory and hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

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

**Hill York Authorized Representative:**

Sales Rep: Mitchell Delgado

Phone: 954-270-5002

[Email: MitDelgado@HillYork.Com](mailto:MitDelgado@HillYork.Com)

**NOTE:** This proposal may be withdrawn by us if not accepted within 7 days.

**Due to current market conditions some equipment lead times may vary as determined by equipment manufacturer. Time is of the essence to process submittals and release equipment.**

**General Conditions:** I have authority to order the work as outlined above. It is agreed that the seller will retain title to any equipment or materials that may be furnished until final payment is made. The undersigned acknowledges that all accounts are due and payable within 30 days of the invoice date. An interest charge of 1.5% per month will be applied to any unpaid balance after thirty (30) days. In the event this account is in default, customer agrees to pay all costs of collection, including collection agency fees, court costs and attorney fees, whether suit is filed or not. If suit is filed, venue will be Broward County, Florida. All matters are guaranteed to be as specified. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond the control of Our Company. Owner is to carry necessary insurance. Any (i) schedule issues (including, but not limited to, delays, access issues, or allowed work hours/off-hours work), (ii) overtime hours, or (iii) additional protocols, altered working conditions, or extra costs relating thereto, that arise, either directly or indirectly, as a result of the COVID-19 pandemic or Corona virus will entitle contractor to an equitable adjustment for time for performance and costs. If CUSTOMER elects to cancel this contract, they will be responsible for paying HILL YORK for all incurred costs, inclusive of equipment cost if it is not returnable or the restocking fee if it is returnable. Any warranty work / service call will be done during normal working hours. After hours calls are available at a premium charge.

**Supply Chain Disruption**

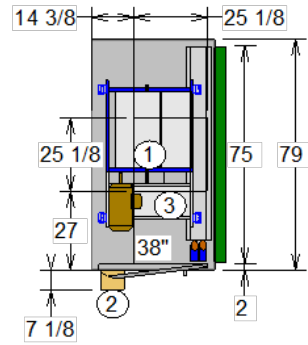
The parties understand and agree that (i) there are current issues with the manufacture and supply of various materials and equipment (all, collectively, "Goods"), which issues generally are referred to as "supply chain disruption" ("Disruption"), (ii) the Disruption arises from a variety of global, national, and local factors, all of which are beyond the control of Hill York Service Company LLC, and (iii) the Disruption has impacted suppliers' ability to provide Goods by dates certain, in the quantities ordered, and/or for the specified price. The delivery date of the equipment / parts is guaranteed only to the same extent as supplier('s/s') commitment to Hill York Service Company LLC. Such delivery may be delayed in part or whole due to the Disruption, and customer shall



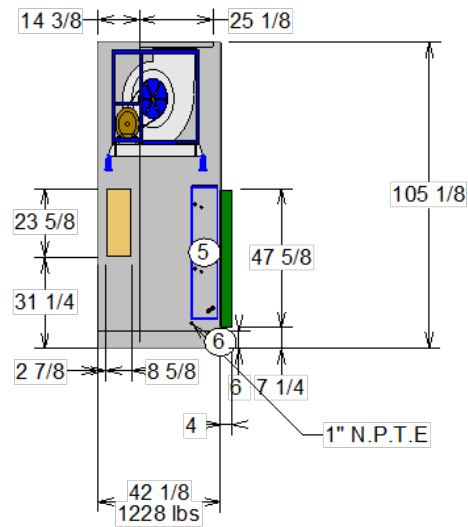
not seek to hold Hill York Service Company liable for any loss or damage arising from delays or unavailability of such items if due solely to the Disruption.

This proposal is conditioned on Hill York Service Company LLC confirming the price, delivery time, and availability of goods with Hill York Service Company LLC's subcontractors, vendors, and/or suppliers at the time this proposal is executed by the customer. Hill York Service Company LLC reserves the right to (i) adjust the proposal price and schedule in the final contract if needed due to such confirmation, and (ii) condition the final contract on, and include in it, any reservations and/or limitations that Hill York Service Company LLC must accept from its subcontractors, vendors, and/or suppliers to obtain any goods.

Due to supply chain disruption, lead time on equipment has grown substantially. The approximate lead time on this unit is 12-24 weeks from when order is placed and subject to change. Due to this lead time, there may be an increase in the contract price for the materials and sub-contractors, but only if the price increased 4% above the price that Hill York had secured at the time of order



- 1 Housed fan
  - 2 External control box RH  
23.6 x 8.65
  - 3 Opening top  
25.1 x 25.1
  - 4 1" N.P.T.E
  - 5 Cooling coil
  - 6 Unit filters flat
- Doors  
38 width x 45 height

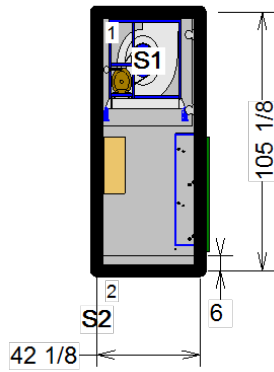


OPENING AND DIMENSIONS MAY VARY FROM CONTRACT DOCUMENTS / RETURN OF APPROVED DRAWINGS CONSTITUTES ACCEPTANCE OF THESE VARIANCES / NOT TO SCALE

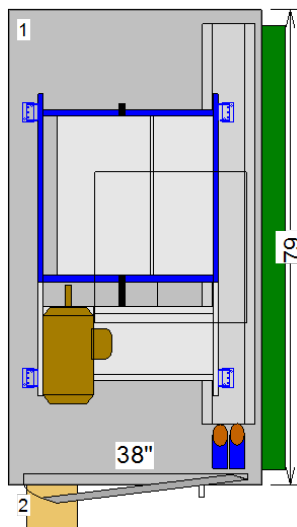
|                          |                                 |   |
|--------------------------|---------------------------------|---|
| Unit size: 21            | Job Name: Town of Surfside Repl | Unit Casing: 2in Double Wall Foam               |
| Unit 256 Indoor unit     | Design airflow: 8000 cfm        | Proposal Number                                 |
| Pipe 256 Suburb / paint: | Sales Office                    | Tags: AHU-1                                     |
|                          |                                 | Rigging/Installed Weight: 1228.1 lb / 1228.1 lb |







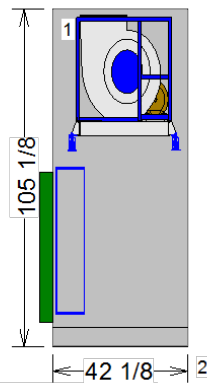
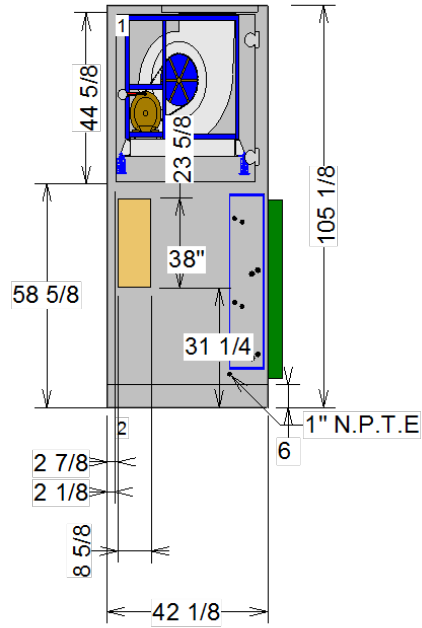
| Pos #                 | Module                         | Length | Weight      |
|-----------------------|--------------------------------|--------|-------------|
| 1                     | Base Unit                      | 42 1/8 | 1228.10     |
| 2                     | Filter / mixing / econ section | 0.00   | 26.00       |
| Installed Unit Weight |                                |        | 1254.10 lbs |



Basic Overall Plan View: Top - Measurements in inches

OPENING AND DIMENSIONS MAY VARY FROM CONTRACT DOCUMENTS / RETURN OF APPROVED DRAWINGS CONSTITUTES ACCEPTANCE OF THESE VARIANCES / NOT TO SCALE

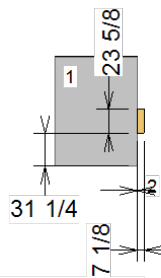
|                          |                                 |   |
|--------------------------|---------------------------------|---|
| Unit size: 21            | Job Name: Town of Surfside Repl | Unit Casing: 2in Double Wall Foam               |
| Unit type: Indoor unit   | Design airflow: 8000 cfm        | Proposal Number                                 |
| Pipe cab / curb / paint: | Sales Office                    | Tags: AHU-1                                     |
|                          |                                 | Rigging/Installed Weight: 1228.1 lb / 1228.1 lb |



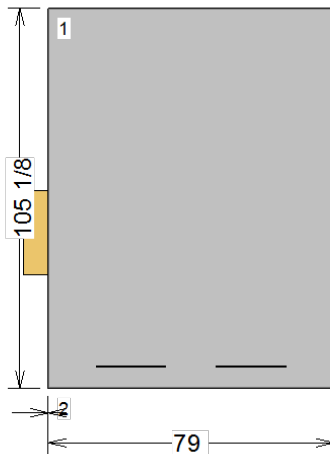
Detailed Elevation View: Left - Measurements in inches

OPENING AND DIMENSIONS MAY VARY FROM CONTRACT DOCUMENTS / RETURN OF APPROVED DRAWINGS CONSTITUTES ACCEPTANCE OF THESE VARIANCES / NOT TO SCALE

|                          |                                 |   |
|--------------------------|---------------------------------|---|
| Unit size: 21            | Job Name: Town of Surfside Repl | Unit Casing: 2in Double Wall Foam               |
| Unit type: Indoor unit   | Design airflow: 8000 cfm        | Proposal Number                                 |
| Pipe cab / curb / paint: | Sales Office                    | Tags: AHU-1                                     |
|                          |                                 | Rigging/Installed Weight: 1228.1 lb / 1228.1 lb |



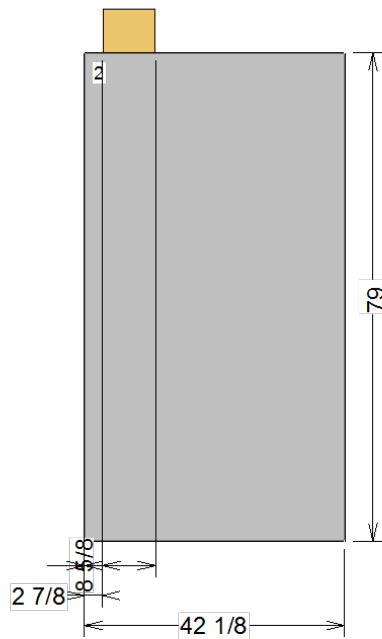
Detailed Elevation View: Front - Measurements in inches



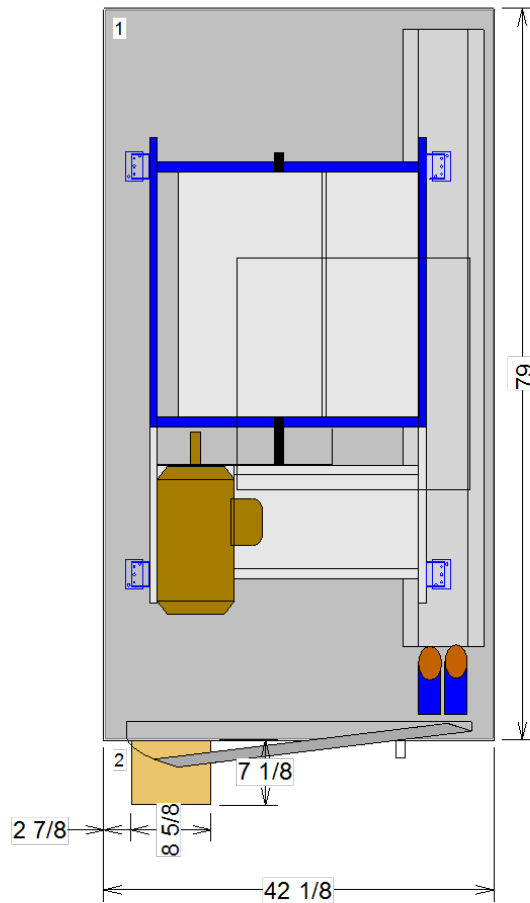
Detailed Elevation View: Back - Measurements in inches

OPENING AND DIMENSIONS MAY VARY FROM CONTRACT DOCUMENTS / RETURN OF APPROVED DRAWINGS CONSTITUTES ACCEPTANCE OF THESE VARIANCES / NOT TO SCALE

|                          |                                 |   |
|--------------------------|---------------------------------|---|
| Unit size: 21            | Job Name: Town of Surfside Repl | Unit Casing: 2in Double Wall Foam               |
| Unit type: Indoor unit   | Design airflow: 8000 cfm        | Proposal Number                                 |
| Pipe cab / curb / paint: | Sales Office                    | Tags: AHU-1                                     |
|                          |                                 | Rigging/Installed Weight: 1228.1 lb / 1228.1 lb |



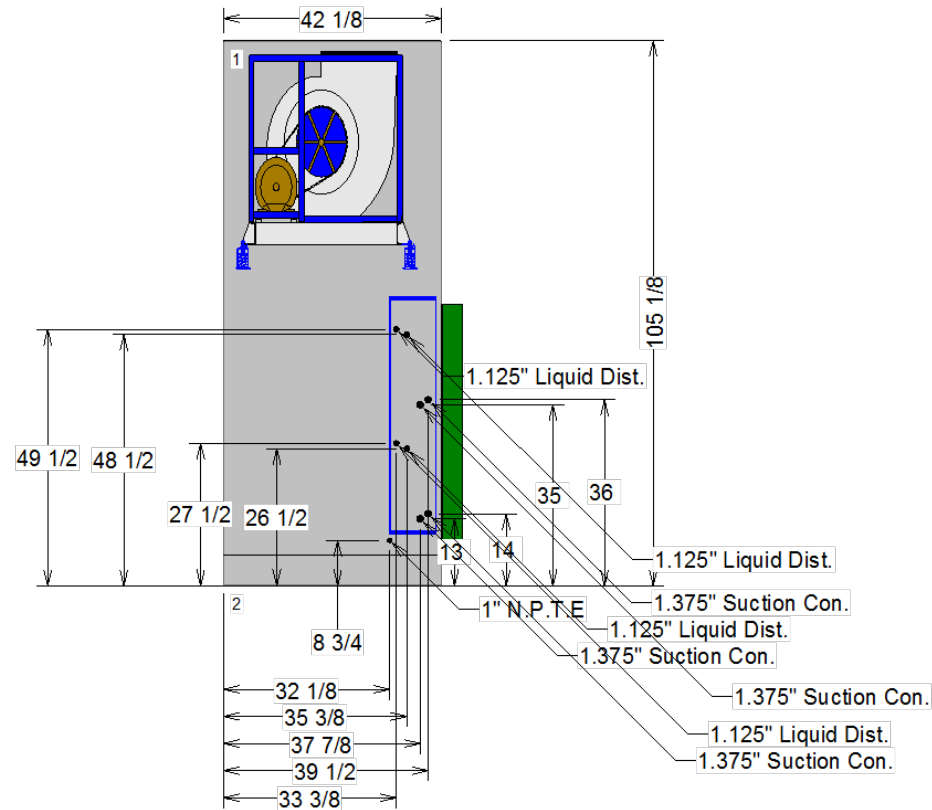
Left Side of Unit Detailed Plan View: Bottom - Measurements in inches



Right Side of Unit Detailed Plan View: Top - Measurements in inches

OPENING AND DIMENSIONS MAY VARY FROM CONTRACT DOCUMENTS / RETURN OF APPROVED DRAWINGS CONSTITUTES ACCEPTANCE OF THESE VARIANCES / NOT TO SCALE

|                          |                                 |   |
|--------------------------|---------------------------------|---|
| Unit size: 21            | Job Name: Town of Surfside Repl | Unit Casing: 2in Double Wall Foam               |
| Unit type: Indoor unit   | Design airflow: 8000 cfm        | Proposal Number                                 |
| Pipe cab / curb / paint: | Sales Office                    | Tags: AHU-1                                     |
|                          |                                 | Rigging/Installed Weight: 1228.1 lb / 1228.1 lb |



OPENING AND DIMENSIONS MAY VARY FROM CONTRACT DOCUMENTS / RETURN OF APPROVED DRAWINGS CONSTITUTES ACCEPTANCE OF THESE VARIANCES / NOT TO SCALE

|                        |                                 |   |
|------------------------|---------------------------------|---|
| Unit size: 21          | Job Name: Town of Surfside Repl | Unit Casing: 2in Double Wall Foam               |
| Unit 261 Indoor unit   | Design airflow: 8000 cfm        | Proposal Number                                 |
| Pipe 261 curb / paint: | Sales Office                    | Tags: AHU-1                                     |
|                        |                                 | Rigging/Installed Weight: 1228.1 lb / 1228.1 lb |





## MEMORANDUM

ITEM NO. 5B.

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

**From:** Hector Gomez, Town Manager

**Date:** July 11, 2023

**Subject:** **Emergency Pump Station Repair for Stormwater Pump Station Located at the 89 Street End**

---

Town administration is seeking authorization from the Town Commission to execute a proposal agreement dated March 23, 2023, with Lift Stations R Us for emergency pump and motor repair work with authorization to expend a not to exceed amount of \$141,001.98.

In 2011, the Town of Surfside installed three street end stormwater pump stations with pumps and motors as part of a drainage improvement and water quality improvement project. The system has operated under normal operating procedures with periodic maintenance as required. Due to corrosive environment and wear and tear, the pump station at 89 street requires repairs that exceed normal maintenance operation costs.

Town administration is foreseeing the same type of issues to arise at the other sites as well. It is typical for a stormwater pump and motor to operate approximately 10-12 years before needing a replacement or refurbishment. The Town sent off the pump and motor to Lift Station R Us (contractor) for review and evaluation. Proposal from contractor with detailed work breakdown can be found in **Attachment A** - "Town of Surfside Pump and Motor Repairs Proposal".

Purchase is being made pursuant sec 3-13 of Town code. Town will use American Rescue Plan (ARPA) funding earmarked for stormwater for purchase. The pump and motors are sole source since the stormwater system was designed to the specification of FLYGT pumps. If another pump and motor were to be used, the pump station would need to be modified to accommodate the different system. All required installation will be completed by the Public Works Department.

[Resolution Approving and Authorizing Pump Stations R Us - Motor and Pump Replacement](#)

[Attachment A - "Town of Surfside Pump and Motor Repairs Proposal"](#)

RESOLUTION NO. 2023-\_\_\_\_\_

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE PURCHASE OF A STORMWATER PUMP AND MOTOR FOR THE 89TH STREET PUMP STATION FROM LIFT STATIONS “R” US CORP.; FINDING THAT THE PURCHASE IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTIONS 3-13(6) AND (7)F OF THE TOWN CODE AS EQUIPMENT AVAILABLE FROM A SOLE SOURCE AND AS A PUBLIC WORKS AND UTILITIES PURCHASE FOR EQUIPMENT RELATED TO TOWN FACILITIES; AUTHORIZING THE TOWN MANAGER TO ENTER INTO A PURCHASE ORDER FOR SUCH PURCHASE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside (“Town”) is currently in need of a replacement pump and motor system (the “Pump Station Purchase”) for the 89<sup>th</sup> Street Pump Station due to the age of its pump and motor system, which was designed to the specifications of the FLYGT pump technology; and

**WHEREAS**, Lift Stations “R” Us Corp. (the “Vendor”) has submitted a proposal, attached hereto as Exhibit “A,” for the Pump Station Purchase at a cost of \$141,001.98; and

**WHEREAS**, pursuant to Section 3-13(6) of the Town Code of Ordinances (“Code”), equipment available from a sole source may be exempted from competitive bidding requirements if there is only one source for the required supply; and

**WHEREAS**, pursuant to Section 3-13(7)(f) of the Town’s Code, public works or utilities purchases of equipment for Town facilities are exempt from competitive bidding; and

**WHEREAS**, the Town desires to approve and authorize the Pump Station Purchase from the Vendor in an amount not to exceed \$141,001.98, in accordance with

the Proposal attached hereto as Exhibit "A" and pursuant to a Purchase Order to be entered into by the Town and Vendor; 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 and Authorization to Purchase the Pump Station Purchase from the Vendor.** The Town Commission approves and authorizes the Pump Station Purchase from the Vendor in an amount not to exceed \$141,001.98, in accordance with the Proposal attached hereto as Exhibit "A." Pursuant to Sections 3-13(6) and 3-13(7)F, the Town Commission finds that the Pump Station Purchase is exempt from competitive bidding as a sole source purchase of equipment available from one source and as a public works or utilities purchase of equipment related to Town facilities, respectively.

**Section 3. Implementation.** That the Town Commission hereby authorizes the Town Manager to execute a purchase order or required documentation for the Pump Station Purchase described in this Resolution, subject to approval by the Town Attorney as to form and legal sufficiency, and to take any action which is reasonably necessary to implement the purpose of this Resolution.

**Section 4. 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 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



# LIFT STATIONS "R" US

**SEWER WASTE MANAGEMENT SERVICE PROVIDER**

5761 NW 37 Avenue Bldg. 101

Miami, Florida 33142

Phone: (305) 324 – 2121 Fax: (786) 242 - 5665

*Manufacturing, Servicing & Repairing Sewage Pump Stations*

*24 Hours 7 Days*

March 23, 2023

**Attn: Mr. John Nelson**      **Via Email: [jnelson@townofsufsidefl.gov](mailto:jnelson@townofsufsidefl.gov)**  
**Town of Surfside**

**Re: Storm Water Pump**

Dear Mr. Nelson

Thank you for the opportunity to serve you. As you are aware we conducted and evaluation of your storm water pump and our findings are as follows:

**Pump** = The pump will need the following: seals, seal holder, roller bearing unit, bearing housing, bearings, couplers, shafts, lowers, splints mechanical bearing casing, O-ring kits with cooling jackets drive units with cooling jacket, machine shop machining of all nuts and bolts as part of hardware to exterior of pump, machining to remove extensive rust from internal housing, top layer midsection, lower volute, machining and proper balancing high pot reducers to main conductors, internal re-tapping and threading of main and secondary restrain hardware, new/refurb impeller as available, impeller alignment for proper fit and blasting of all pump housing, prep, paint and test in shop tank; the cost would be \$97,222.36.

**Motor** = the motor will need special laithe time for extraction, motor to be cleaned and sanitized, motor time allowed, 16 hours of bake time, relayed with insulation varnish, rebaked twice estimated bake time 32 hours; new motor rewind with new motor cooper windings, insulation, lead wire, new bearings, seals, double dip and bake in epoxy, dip, and bake twice in varnish, housing sandblast, shaft resurface, prep and paint with primer, seal coat, RPM test, deliver for a total cost of \$43,779.62.

Payment terms as follows: 50% upon acceptance and 50% upon completion. If the terms and conditions set herein are in accordance with your needs and understanding, please sign in the space provided below and return to our office to expedite scheduling.

Sincerely,  
Danette Suarez

**Pump Mechanical Repairs** \_\_\_\_\_ **(Initials)**    **Motor Repairs** \_\_\_\_\_ **(Initials)**

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

Please Print: \_\_\_\_\_

Note: LIFT STATIONS "R" US CORP. may charge a service charge of 1.5% or \$25.00 whichever is greater per month, which will be assessed on all unpaid balance, place the CUSTOMER on C.O.D. basis only, or terminate this agreement in the sole discretion of LIFT STATIONS "R" US. In the event this account is placed for collection for any reason, then all attorney fees, costs and expenses incurred in the collection shall be the responsibility of the CUSTOMER whether for trial or any appeal proceedi  
Lift Stations "R" Us will retain title to all equipment and component parts until the equipment is installed at the jobsite and Lift Stations "R" Us has been paid in ful. **266**  
equipment being provided is the sole property of Lift Stations "R" Us. Only authorized Lift Stations "R" Us representatives are to handle, service, inspect run, etc. said equipment. In the even any unauthorized tampering, damage, or loss of said equipment should occur, the customer will be held liable accordingly.



## MEMORANDUM

ITEM NO. 5C.

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

**From:** Hector Gomez, Town Manager,

**Date:** July 11, 2023

**Subject:** **Solid Waste Services Special Assessment Preliminary Rate Resolution**

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Town Administration recommends that the Town Commission adopt the resolution as a matter precedent to the final assessment resolution. This resolution does not levy the assessment, but merely notices the public of the Town's intent to again assess for this service and sets the place, date, and time for the final hearing.

The Town annually special assesses residential properties of 4 units or more per parcel for the cost of solid waste services those properties will receive during the fiscal year. This assessment process uses the property tax bill as the billing and collection method for the revenue needed to help pay for the services the residents receive. This billing is done by the Town's Finance Department.

The billing department will collect about \$363,979.00 from this process, which will be used to pay for the cost of solid waste services. The Town budgets 96% of the estimated revenue of \$379,144.48. It is recommended that the rate remains at \$331.42.

This resolution will set the place, date, and time of the public hearing on the final assessment resolution. This notice will be placed on the property tax bill and a newspaper display ad will also be published. The final hearing is scheduled for September 12th. Once approved, the assessment roll will be given to the property appraiser and tax collector for billing and collection on the property tax bills that typically are mailed out in November. Property owners that fail to pay any part of their property tax bill, including this assessment, could lose title to their property.

[Preliminary Rate Resolution For Solid Waste Assessments July 2023.doc](#)

[Surfside July 11 CC - Preliminary Solid Waste Assessment.docx](#)

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**TOWN OF SURFSIDE, FLORIDA**

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**PRELIMINARY RATE RESOLUTION  
FOR SOLID WASTE MANAGEMENT SERVICES**

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**ADOPTED July 11, 2023**

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RESOLUTION NO. 2023-\_\_\_\_\_

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, RELATING TO SOLID WASTE MANAGEMENT SERVICES, INCLUDING COLLECTION, DISPOSAL AND RECYCLING OF RESIDENTIAL SOLID WASTE IN THE TOWN OF SURFSIDE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF SURFSIDE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023; DIRECTING THE PREPARATION OF AN UPDATED ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Commission (the "Commission") of the Town of Surfside, Florida (the "Town"), has enacted Ordinance No. 2018-1687 (the "Ordinance"), which authorizes the annual reimposition of annual Solid Waste Service Assessments for Solid Waste collection, disposal and recycling services for Residential Property and certain Assessed Property within the Town; and

**WHEREAS**, the imposition of a Solid Waste Service Assessment for Solid Waste collection, disposal and recycling services for each Fiscal Year is an equitable and efficient method of allocating and apportioning Solid Waste Costs among parcels of Assessed Property; and

**WHEREAS**, the Commission desires to reimpose an annual Solid Waste Service Assessment for collection, disposal and recycling services, through an assessment program within the Town, using the tax bill collection method for the Fiscal Year beginning on October 1, 2023.

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

**SECTION 1. AUTHORITY.** This Resolution is adopted pursuant to the provisions of the Solid Waste Management Services Assessment Ordinance (Ordinance No. 2018-1687), the Initial Assessment Resolution (Resolution No. 2018-2524), the Final Assessment Resolution (Resolution No. 2018-2534), Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

**SECTION 2. PURPOSE AND DEFINITIONS.** This resolution constitutes the Preliminary Rate Resolution as defined in the Ordinance which initiates the annual process for updating the Assessment Roll and directs the reimposition of Solid Waste Service Assessments for the Fiscal Year beginning October 1, 2023. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance, the Initial Assessment Resolution and the Final Assessment Resolution. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

**SECTION 3. PROVISION AND FUNDING OF SOLID WASTE SERVICES.**

(A) Upon the imposition of Solid Waste Service Assessments for Solid Waste collection, disposal and recycling services against Assessed Property located within the Town, the Town shall provide Solid Waste collection, disposal and recycling services to such Assessed Property.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property will be benefited by the Town's provision of Solid Waste

Management Services in an amount not less than the Solid Waste Service Assessment imposed against such parcel, computed in the manner set forth in this Preliminary Rate Resolution.

**SECTION 4. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT.** The legislative determinations of special benefit and fair apportionment embodied in the Ordinance, the Initial Assessment Resolution and the Final Assessment Resolution are affirmed and incorporated herein by reference.

**SECTION 5. ESTABLISHMENT OF ANNUAL SOLID WASTE SERVICE ASSESSMENT RATE.**

(A) For the Fiscal Year beginning October 1, 2023, for which Solid Waste Service Assessments for Solid Waste collection, disposal and recycling services are to be reimposed, the Solid Waste Cost shall be allocated among all parcels of Assessed Property, based upon the methodology and procedures set forth in the Ordinance. The total Solid Waste Cost for the Fiscal Year beginning October 1, 2023 is estimated to be \$379,144. Accordingly, a rate of assessment equal to \$331.42 for each of the 1,144 current number of Dwelling Units for solid waste management services, including collection, disposal and recycling services is hereby approved for the Fiscal Year beginning October 1, 2023.

(B) In accordance with Section 2.08 of the Ordinance, a maximum assessment rate of \$400.00 per Dwelling Unit for solid waste collection, disposal and recycling services was approved for the Fiscal Year beginning October 1, 2019, and future fiscal years.

(C) The Town Manager is hereby directed to prepare, or cause to be prepared, an updated Assessment Roll for the Fiscal Year beginning October 1, 2023 in the manner provided in the Ordinance. Such updated Assessment Roll shall contain the following: (1) a summary description of all Assessed Property within the Town conforming to the description contained on the Tax Roll, (2) the name and address of the Owner of record of each parcel as shown on the Tax Roll, and (3) the amount of the Solid Waste Service Assessment attributable to each Dwelling Unit for Solid Waste collection, disposal and recycling services.

(D) A copy of this Preliminary Rate Resolution, the Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution and the updated Assessment Roll is maintained on file in the office of the Town Clerk and open to public inspection. The foregoing shall not be construed to require that the updated Assessment Roll be in printed form if the amount of the Solid Waste Service Assessment for each parcel of property can be determined by use of a computer database available to the public.

(E) The Solid Waste Service Assessment for each parcel of Assessed Property shall be computed by multiplying the assessment rate by the number of Dwelling Units on such parcel.

(F) It is hereby ascertained, determined, and declared that the foregoing method of determining the Solid Waste Service Assessments for Solid Waste collection, disposal and recycling services is a fair and reasonable method of apportioning the Solid Waste Cost therefore among parcels of Assessed Property.



**SECTION 6. AUTHORIZATION OF PUBLIC HEARING.** There is hereby established a public hearing to be held at 7:00 p.m. on September 12, 2023, at Town of Surfside Town Hall, Commission Chambers, 9293 Harding Avenue, Surfside, Florida 33154, for the purpose of (A) receiving and considering any comments on the Solid Waste Service Assessments from affected property owners and (B) authorizing the reimposition of such Solid Waste Service Assessments for Solid Waste collection, disposal and recycling services for the Fiscal Year beginning October 1, 2023 and collecting such assessments on the same bill as ad valorem taxes.

**SECTION 7. NOTICE BY PUBLICATION.** The Town Manager shall publish a notice, as required by Section 2.04 of the Ordinance, in substantially the form attached hereto as Appendix A. Such notice shall be published no later than August 23, 2023 in a newspaper generally circulated in Miami-Dade County.

**SECTION 8. NOTICE BY MAIL.** The Town Manager shall provide notice by first class mail to the Owner of each parcel of Assessed Property which has been reclassified or issued a new Certificate of Occupancy (C.O.) pursuant to a building permit for a Dwelling Unit that was not included on the Assessment Roll approved for the prior fiscal year, and in the event circumstances described in Section 2.08(F) of the Ordinance so require. Such notice shall be in substantially the form attached hereto as Appendix B. Such notices shall be mailed not later than August 23, 2023.

**SECTION 9. EFFECTIVE DATE.** This Preliminary Rate Resolution shall take effect immediately upon its passage and adoption.

**PASSED, ADOPTED AND APPROVED THIS 11<sup>th</sup> day of July, 2023.**

Motion By: \_\_\_\_\_

Second By: \_\_\_\_\_

FINAL VOTE ON ADOPTION

Commissioner Fred Landsman \_\_\_\_\_

Commissioner Marianne Meisheid \_\_\_\_\_

Commissioner Nelly Velasquez \_\_\_\_\_

Vice Mayor Jeff Rose \_\_\_\_\_

Mayor Shlomo Danzinger \_\_\_\_\_

\_\_\_\_\_  
Shlomo Danzinger, Mayor

Attest:

\_\_\_\_\_  
Sandra McCreedy, MMC  
Town Clerk

Approved as to Form and Legal Sufficiency:

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

## **APPENDIX A**

### **FORM OF NOTICE TO BE PUBLISHED**

#### **To Be Published by August 23, 2023 NOTICE OF HEARING TO REIMPOSE AND PROVIDE FOR COLLECTION OF SOLID WASTE SERVICE SPECIAL ASSESSMENTS**

Notice is hereby given that the Town Commission of the Town of Surfside, Florida will conduct a public hearing to consider reimposing solid waste service assessments for the Fiscal Year beginning October 1, 2023, against certain improved residential properties located within the incorporated area of the Town, to fund the cost of solid waste collection, disposal and recycling services provided to such properties and to authorize collection of such assessments on the tax bill.

The public hearing will be held at 7:00 p.m. on September 12, 2023, at Town of Surfside Town Hall, Commission Chambers, 9293 Harding Avenue, Surfside, Florida 33154, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the Town Commission within 20 calendar days of the date of this notice. If a person decides to appeal any decision made by the Town Commission with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Clerk at (305) 861-4863, Ext. 226, at least 7 days prior to the date of the hearing.

The total annual solid waste assessment revenue to be collected within the Town of Surfside for the upcoming fiscal year is estimated to be \$379,144. The rate of assessment for the upcoming fiscal year shall be \$331.42 per Dwelling Unit. The

maximum rate of assessment that can be imposed in the fiscal year commencing October 1, 2019 and future fiscal years shall be \$400.00 per Dwelling Unit. Copies of the Solid Waste Management Services Assessment Ordinance (Ordinance No. 2018-1687), the Initial Assessment Resolution (Resolution No. 2018-2524), the Final Assessment Resolution (Resolution No. 2018-2534), the Preliminary Rate Resolution initiating the annual process of updating the Assessment Roll and reimposing the Solid Waste Service Assessments, and the updated Assessment Roll for the upcoming fiscal year are available for inspection at the Town Clerk's office, located at 9293 Harding Avenue, Surfside, Florida 33154.

If you have any questions, please contact the Town at (305) 861-4863, Ext. 226, Monday through Friday between 8:00 a.m. and 5:00 p.m.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2023, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

**TOWN COMMISSION OF  
TOWN OF SURFSIDE, FLORIDA**

**APPENDIX B**

**FORM OF NOTICE TO BE MAILED**

**\* \* \* \* \* NOTICE TO PROPERTY OWNER \* \* \* \* \***

**Town of Surfside  
9293 Harding Avenue  
Surfside, Florida 33154**

TOWN OF SURFSIDE, FLORIDA  
NOTICE OF HEARING TO IMPOSE AND  
PROVIDE FOR COLLECTION OF NON-AD  
VALOREM ASSESSMENTS

NOTICE DATE: August \_\_, 2023

**Owner  
Address  
City, State Zip**

*Sequence #  
Tax Parcel #  
Legal Description:*

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As required by section 197.3632, Florida Statutes, and the direction of the Town Commission, notice is given by Town of Surfside, Florida, that annual assessments for solid waste services using the tax bill collection method, may be reimposed and levied on your property. The use of an annual special assessment to fund solid waste services benefiting improved property located within the Town of Surfside, Florida, in the past has proven to be fair, efficient and effective. The total annual solid waste assessment revenue to be collected within the Town of Surfside, Florida is estimated to be \$\_\_\_\_\_. The annual solid waste service assessment is based on the number of residential dwelling units contained on each parcel of property.

The following is a summary of the non-ad valorem special assessments being reimposed on the above parcel for the fiscal year beginning October 1, 2023.

The above parcel is subject to the solid waste service assessment:

The total number of residential dwelling units on the above parcel is \_\_\_\_\_.

The annual solid waste service assessment for the above parcel is \$ \_\_\_\_\_ (\$331.42 for each residential dwelling unit) for fiscal year commencing October 1, 2023.

The maximum annual solid waste service assessment for the above parcel is \$ \_\_\_\_\_ (\$400.00 for each residential dwelling unit) for the Town's fiscal year commencing October 1, 2023, and each fiscal year thereafter.

A public hearing will be held at 7:00 p.m. on September \_\_, 2023, Town of Surfside, Town Hall, Commission Chambers, 9293 Harding Avenue, Surfside, Florida 33154, for the purpose of receiving public comment on the proposed assessments. All owners of improved property within the Town were mailed individual notices similar to this one when the assessments were first imposed. Subsequently, only owners of reclassified property which resulted in an increased assessment, or owners of property not included on the prior year's assessment roll will receive updated mailed notice in addition to the annual published notice. You and all other affected property owners have a right to appear at the hearing and to file written objections with the Town Commission within 20 calendar days of the date of this notice. If you decide to appeal any decision made by the Town Commission with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Clerk at (305) 861-4863, Ext. 226, at least seven (7) days prior to the date of the hearing.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Town Commission action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Copies of the legal documentation for the assessment program are available for inspection at the Town Clerk's office, located at 9293 Harding Avenue, Surfside, Florida 33154.

The special assessment amount shown on this notice and the ad valorem taxes for the above parcel will be collected on the ad valorem tax bill mailed in November of each year that the assessment is imposed. Failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions, please contact the Town Finance Department at (305) 861-4863, Monday through Friday between 9:00 a.m. and 5:00 p.m.



## MEMORANDUM

ITEM NO.

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

**From:** Town Manager, Hector Gomez

**Date:** July 11, 2023

**Subject:** **Solid Waste Services Special Assessment Preliminary Rate Resolution**

Town Administration recommends that the Town Commission adopt the resolution as a matter precedent to the final assessment resolution. This resolution does not levy the assessment, but merely notices the public of the Town's intent to again assess for this service and sets the place, date, and time for the final hearing.

The Town annually special assesses residential properties of 4 units or less per parcel for the cost of solid waste services those properties will receive during the fiscal year. This assessment process uses the property tax bill as the billing and collection method for the revenue needed to help pay for the services the residents receive.

The billing department will collect about \$363,979.00 from this process, which will be used to pay for the cost of solid waste services. It is recommended that the rate remains at \$331.42. The Town bills other properties, including residential parcels that have more than 4 units, for commercial solid waste services. This billing is done by the Town's Finance Department.

This resolution will set the place, date, and time of the public hearing on the final assessment resolution. This notice will be placed on the property tax bill and a newspaper display ad will also be published. The final hearing is scheduled for August 9th. Once approved, the assessment roll will be given to the property appraiser and tax collector for billing and collection on the property tax bills that typically are mailed out in November. Property owners that fail to pay any part of their property tax bill, including this assessment, could lose title to their property.



## TOWN MANAGER'S REPORT

JULY 11, 2023

### I. TOWN DEPARTMENTS

#### *Building Department*

**A.** Foundation work for the 96<sup>th</sup> Street Park main building is substantially complete. The concrete auger-cast piles and pile caps have been completed and the project will now go vertical with the construction of the main building.

**B.** The original historic Seaway Building has been successfully returned, via an engineered foundation ram-track system, 100 feet back to its original location, per the site plan approval requirements of the Miami-Dade County Historic Preservation Board. The 3 million dollar preservation, reinforcement, relocation and return of the original building was necessary to construct the underground garage for the new Seaway Building currently under construction.

**C.** Deep Soil Mixing, which is a non-vibrational form of below grade construction, has begun for the Foundation (only) of the new condominium proposed for the site formerly known as the Hillcrest Condominium. The new modern 12 story structure, located at 9165 Collins Avenue, will be called Surf Club Residences North.

**D.** Building Department permit and inspection numbers as of June 27, 2023, are as follows:

- Building Permits issued – 126
- Inspections performed – 250
- Lien search – 15
- TCOs/COs/CCs issued – 7

#### *Code Compliance Division*

**A.** As of June 27, 2023, the total number of open cases being managed is 184. Of these cases, 68 are actively working towards compliance; 20 cases are on-hold; 9 cases are in the Special Master hearing queue; 19 cases are in post-hearing status; 16 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 123 inspections from June 1, 2023, to June 27, 2023.

**B.** The Division presented ten cases to the Special Magistrate on Wednesday June 21, 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 June 27, 2023, 68 cases have paid/settle for a total monetary collection of \$ \$37,913.74.
- 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 24 Code lien searches from June 1, 2023 to June 27, 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. Successful Remembrance Events** – Tourism and Communications worked extensively on the 2023 remembrance events, setting up the HistoryMiami exhibition display on the tennis courts with the help of a cross-departmental crew as well as last minute additions to the event footprint. The Team coordinated media logistics, photography, flower arrangements and the numerous assets displayed throughout the event. The Team also provided photography for the 1:22 a.m. torch lighting.

**B. Summer Special Events** – Tourism and Communications continues its summer events including the Summer Sunday's beach party on July 2<sup>nd</sup>. Additionally, the Tourist Board has voted to expand the Music on the Beach series through July, August and September. The Board will also be entertaining a sand castle competition event that will be presented for approval at the July 10 Tourist Board meeting. Additional events being considered include an art market, and a food event showcasing local restaurants.

**C. Town Website Refresh** – Tourism and Communications finalized the suggested design for the Town website's updated layout is awaiting further direction on

implementation and any additional requests. The new design aims to offer a more modern aesthetic, cleaner organization, and a customer-friendly portal for each main department.

**D. Resident Brochure** – Tourism and Communications is working on the resident brochure that will include an overview of all Town Hall services and information on Surfside's parks and facilities.

**E. Town Social Media** – Tourism and Communications continues to grow and expand the new social media accounts for the Town, securing upwards of 500 users for the Town's Instagram account.

### ***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)** – A collective bargaining meeting was held on June 1, 2023. FOP members have ratified the agreement and the collective bargaining agreement is included in the agenda for Town Commission ratification.

**B. Risk Management** – Initiated the insurance renewal process for all employee related insurance (health, dental, life, vision, short term / long term, life etc). Submitted claims, responded to adjuster questions, and coordinated appraisal regarding to damaged Town property and Town liability related claims.

**C. Positions Filled** – Certified Police Officer, Lifeguard (FT) and Seasonal Lifeguards.

**D. Interviews** – Communications Operator, Parking Enforcement Officer, Lifeguard Seasonal, and Recreation Leader I, were conducted.

**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** – 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 May 31, 2023 – *Attachment "A"*

### ***Parks and Recreation Department***

**A. Facilities/Hours of operation** – Parks and Recreation 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 and are in place. 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. to 8:00 p.m. for month of July and the Lifeguard Tower form 9:00 a.m. to 6:00 p.m.

**B. YMCA Summer Camp Update** – Summer Camp is now in session 2 and session 3 will begin mid-July with session 4 starting at the end of July. At this time the camp had been popular with residents and we look forward to the partnership to continue to grow with the YMCA.

**C. YMCA After School Programming** – Fall After School registration will begin the second week of July. The Fall program will begin the first day of school August 17, 2023.

**D. Fall Programing** – Dates and registration dates have been announced. Registration will begin in August for most programs.

**E. Junior Lifeguard Camp:** P&R has added a Jr. Lifeguard Camp in partnership with Miami Lifeguards. Session I will begin July 10, 2023 and run for 2 weeks. Session II will begin July 31 and run for 2 weeks.

**F. Events** – 4th of July Events are set and as expected each year will be a large turnout. This year's show will include a Drone Show along with fireworks to begin on the beach at 9pm. Numerous other events for the day to include swim races, music, arts and crafts and give-aways.

**G. Beach Chair Service** – The hours of Beach Chair have been adjusted for the summer months of June, July and August 9:00 a.m. - 6:00 p.m. Beach Chair Service

continues to be very popular with Surfside residents. Beach Time Max at this time will adjust on day-to-day basis and as needed if more than 2 chairs per family can be provided. The service continues to operate as scheduled.

**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 design concept will be presented at the Town Commission Meeting on July 11, 2023. Public input will be received and will be reviewed for future design and equipment options.

### ***Planning Department***

Development Application Process (2012 – Present) – *Attachment "B"*

### ***Police Department***

#### **A. Police Department Statistics (June 1 – June 23, 2023)**

- Traffic Citations – 274
- Parking Citations – 521
- Arrests – 9
- Dispatch Events – 1,041
- Incident/Crime Reports – 54

#### **B. Fourth of July**

On Tuesday, July 4<sup>th</sup>, 2023, the Town of Surfside Parks and Recreation Department will host their annual 4<sup>th</sup> of July Holiday Celebration featuring swimming races, live music, DJ sets, crafts, a photo booth and outdoor games. The event will conclude with a beachside fireworks exhibition and a drone show at 9:00 p.m. This event draws hundreds of families and visitors.

Additional police officers will be assigned from 1:00 p.m. to 10:00 p.m. to ensure safety and security at the Community Center, on the beach, during the fireworks set-up and display, beach escorts for trucks carrying equipment to the Community Center and on Collins Avenue to assist with pedestrian crossing.

#### **C. Police Events/Community Outreach**

- The Surfside Police Department will host two community blood drives on July 5 and July 30, 2023 from 11:00 a.m. – 4:30 p.m. in the Town Hall municipal parking lot.
- Captain Antonio Marciante will attend the Florida FBINAA 2023 Annual Retraining Conference in Jacksonville, Florida from July 9 -13, 2023.

- The Parks and Recreation Junior Lifeguard Camp will be held in two sessions from July 10 to July 21, 2023 and July 24 to August 4, 2023. The Police Department will participate in both sessions by incorporating law enforcement and pertinent topics into the program.
  - Marine Patrol Presentation at the Indian Creek Police Department – July 12 and July 26, 2023
  - All About Sea Turtles Presentation and Beach Cleanup from the Miami-Dade Sea Turtle Conservation Program at Haulover Beach - July 19, 2023
  - K-9 Demonstration from Aventura Police Department – August 2, 2023
- The monthly Coffee with the Cops – July 27, 2023 at 10:00 a.m. at Starbucks.

**II. SEE CLICK FIX REPORT**

Requests filtered by request category that have been created  
06/01/2023 - 06/30/2023

| Request Category                 | Created in period | Closed in period | Average days to close |
|----------------------------------|-------------------|------------------|-----------------------|
| Beach Issue                      | 1                 | 1                | 0.5                   |
| Code Compliance (Safety Concern) | 1                 | 1                | 3.2                   |
| Code Compliance (Violation)      | 0                 | 0                |                       |
| Dog Stations (P & R)             | 0                 | 0                |                       |
| Drainage/Flooding (PW)           | 1                 | 0                |                       |
| Other                            | 1                 | 0                |                       |
| Police (Safety Concern)          | 0                 | 0                |                       |
| Solid Waste (Commercial) (PW)    | 1                 | 0                |                       |
| Solid Waste (Residential) (PW)   | 0                 | 0                |                       |
| Street lights (PW)               | 0                 | 0                |                       |
| Beach Patrol                     | 0                 | 0                |                       |
| Parking Issue                    | 3                 | 3                | 0.5                   |
| Construction Issues              | 2                 | 0                |                       |

**III. TOWN PROJECTS**

Projects Detail Sheets – Attachment “C”

Respectfully submitted by:



Hector Gomez, Town Manager

**TOWN OF SURFSIDE, FLORIDA**  
**MONTHLY BUDGET TO ACTUAL SUMMARY**  
**FISCAL YEAR 2023**  
**As of MAY 31, 2023**  
**67% OF YEAR EXPIRED (BENCHMARK)**

Page

1 of 3

07/11/2023

| GOVERNMENTAL FUNDS                          | ACTUAL               | ANNUAL BUDGET | % BUDGET |
|---|----------------------|---------------|----------|
| <b>GENERAL FUND - 001</b>                   |                      |               |          |
| REVENUE                                     | \$ 16,785,451        | \$21,293,192  | 79%      |
| EXPENDITURES                                | 15,328,239           | \$21,293,192  | 72%      |
| Net Change in Fund Balance                  | 1,457,212            |               |          |
| Fund Balance-September 30, 2022 (Unaudited) | 15,743,982           |               |          |
| Fund Balance-May 31, 2023 (Reserves)        | <u>\$ 17,201,194</u> |               |          |
|   |                      |               | <b>A</b> |
|   |                      |               | <b>B</b> |
| <b>TOURIST RESORT FUND - 102</b>            |                      |               |          |
| REVENUE                                     | \$ 4,140,110         | \$6,857,455   | 60%      |
| EXPENDITURES                                | 3,711,474            | \$6,857,455   | 54%      |
| Net Change in Fund Balance                  | \$ 428,636           |               |          |
| Fund Balance-September 30, 2022 (Unaudited) | 6,340,662            |               |          |
| Fund Balance-May 31, 2023 (Reserves)        | <u>\$ 6,769,298</u>  |               |          |
|   |                      |               | <b>C</b> |
|   |                      |               | <b>D</b> |
| <b>POLICE FORFEITURE FUND - 105</b>         |                      |               |          |
| REVENUE                                     | \$ -                 | \$48,400      | 0%       |
| EXPENDITURES                                | \$ 34,707            | \$48,400      | 72%      |
| Net Change in Fund Balance                  | \$ (34,707)          |               |          |
| Fund Balance-September 30, 2022 (Unaudited) | 172,082              |               |          |
| Fund Balance-May 31, 2023 (Reserves)        | <u>\$ 137,375</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-May 31, 2023 (Reserves)        | <u>\$ 204,003</u>    |               |          |
| <b>BUILDING FUND - 150</b>                  |                      |               |          |
| REVENUE                                     | \$ 885,028           | \$1,673,327   | 53%      |
| EXPENDITURES                                | 1,243,800            | \$1,673,327   | 74%      |
| Net Change in Fund Balance                  | (358,772)            |               |          |
| Fund Balance-September 30, 2022 (Unaudited) | 3,079,893            |               |          |
| Fund Balance-May 31, 2023 (Reserves)        | <u>\$ 2,721,121</u>  |               |          |
| <b>CAPITAL PROJECTS FUND - 301</b>          |                      |               |          |
| REVENUE                                     | \$ 5,933,514         | \$18,087,627  | 33%      |
| EXPENDITURES                                | 10,874,736           | \$18,087,627  | 60%      |
| Net Change in Fund Balance                  | (4,941,222)          |               |          |
| Fund Balance-September 30, 2022 (Unaudited) | 12,354,395           |               |          |
| Fund Balance-May 31, 2023 (Reserves)        | <u>\$ 7,413,173</u>  |               |          |

**NOTES:**

1) Many revenues for May 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 \$8,479,700 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 \$5,919,452 is unassigned fund balance (reserves).

| PROPRIETARY FUNDS  | ACTUAL       | ANNUAL BUDGET | % BUDGET |
|--|--------------|---------------|----------|
| <b>WATER &amp; SEWER FUND - 401</b>                      |              |               |          |
| REVENUE  | \$ 3,021,880 | \$5,131,739   | 59%      |
| EXPENDITURES   | 2,488,007    | \$5,131,739   | 48%      |
| Change in Net Position                                   | 533,873      |               |          |
| Unrestricted Net Position-September 30, 2022 (Unaudited) | (944,589)    |               |          |
| Unrestricted Net Position-May 31, 2023 (Reserves)        | \$ (410,716) |               |          |
| <b>MUNICIPAL PARKING FUND - 402</b>                      |              |               |          |
| REVENUE  | \$ 1,357,040 | \$1,616,544   | 84%      |
| EXPENDITURES   | 829,684      | \$1,616,544   | 51%      |
| Change in Net Position                                   | 527,356      |               |          |
| Unrestricted Net Position-September 30, 2022 (Unaudited) | 2,292,492    |               |          |
| Unrestricted Net Position-May 31, 2023 (Reserves)        | \$ 2,819,848 |               |          |
| <b>SOLID WASTE FUND - 403</b>                            |              |               |          |
| REVENUE  | \$ 1,356,766 | \$1,910,784   | 71%      |
| EXPENDITURES   | 1,336,725    | \$1,910,784   | 70%      |
| Change in Net Position                                   | 20,041       |               |          |
| Unrestricted Net Position-September 30, 2022 (Unaudited) | (192,856)    |               |          |
| Unrestricted Net Position-May 31, 2023 (Reserves)        | \$ (172,815) |               |          |
| <b>STORMWATER FUND - 404</b>                             |              |               |          |
| REVENUE  | \$ 654,636   | \$5,250,749   | 12%      |
| EXPENDITURES   | 837,093      | \$5,250,749   | 16%      |
| Change in Net Position                                   | (182,457)    |               |          |
| Unrestricted Net Position-September 30, 2022 (Unaudited) | 2,992,167    |               |          |
| Unrestricted Net Position-May 31, 2023 (Reserves)        | \$ 2,809,710 |               |          |
| <b>FLEET MANAGEMENT FUND - 501</b>                       |              |               |          |
| REVENUE  | \$ 1,228,629 | \$1,525,537   | 81%      |
| EXPENDITURES   | 1,393,540    | \$1,525,537   | 91%      |
| Change in Net Position                                   | (164,911)    |               |          |
| Unrestricted Net Position-September 30, 2022 (Unaudited) | 1,349,421    |               |          |
| Unrestricted Net Position-May 31, 2023 (Reserves)        | \$ 1,184,510 |               |          |

*Andria Meiri*

Andria Meiri, Budget Officer

*Hector Gomez*

Hector Gomez, Acting Town Manager

**Town of Surfside**  
**Net Funds Historical Balances**  
**Period 2019 - May2023**

| FUND                  | 9/30/2019            | 9/30/2020            | 9/30/2021            | 9/30/2022            | 5/31/2023            | CAGR <sup>(a)</sup> |
|-----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|---------------------|
| General               | \$ 14,984,105        | \$ 18,286,748        | \$ 21,091,150        | \$ 15,743,982        | \$ 17,201,194        | 1.7%                |
| Tourist Resort        | 1,640,525            | 2,109,658            | 4,264,457            | 6,340,662            | 6,769,298            | 56.9%               |
| Police Forfeiture     | 105,725              | 168,289              | 221,034              | 172,082              | 137,375              | 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            | 2,721,121            | 6.3%                |
| Capital Projects      | 3,048,582            | 4,899,128            | 5,894,823            | 12,354,395           | 7,413,173            | 59.4%               |
| Water & Sewer         | (2,367,098)          | (1,733,610)          | (1,389,877)          | (944,589)            | (410,716)            | 35.8%               |
| Municipal Parking     | 1,198,948            | 1,293,993            | 1,657,883            | 2,292,492            | 2,819,848            | 24.1%               |
| Solid Waste           | 641,636              | 219,615              | (271,836)            | (192,856)            | (172,815)            | -167.0%             |
| Stormwater            | 3,200,132            | 3,205,050            | 3,581,622            | 2,992,167            | 2,809,710            | -2.2%               |
| Fleet Management      | 585,363              | 825,468              | 1,091,020            | 1,349,421            | 1,184,510            | 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>\$ 40,676,701</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.



| 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<br>Site plan amendment: 4/16/16<br>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<br><b>P&amp;Z</b> - Original site plan: 9/27/12, site plan amendment: 8/31/17<br><b>TC</b> - Original site plan: 10/15/12, site plan amendment: 10/10/17<br><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<br>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<br><b>P&amp;Z</b> - 2/27/14<br><b>TC</b> - 10/28/14<br><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<br>Site Plan Amendment<br>9133 Collins Ave & 9149<br>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<br><b>P&amp;Z</b> - 12/7/17, 2/11/21, 4/29/21<br><b>TC</b> - 2/13/2018, 4/13/21, 6/8/21 Scheduled<br><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<br>Revised submittal: 5/31/18<br>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<br><b>P&amp;Z</b> - Original approval: 7/18/16, Revised approval: 11/29/18<br><b>TC</b> - Original approval: 11/10/16, Approved 2/26/19<br><b>Site Plan Ext</b> - Request submitted to extend approval due to emergency declaration (Hurr. Dorian). Additional COVID and TS Elsa extensions - Permit Due Date 2/4/24.<br><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<br>8955 Collins Ave  | Residential Condominiums   | <b>DRG</b> - 6/20/16, 7/27/16<br><b>P&amp;Z</b> - 10/27/16 11/10/16<br><b>TC</b> - 11/10/2016<br><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<br>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<br><b>P&amp;Z</b> - 8/25/22<br><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.   |
| 5/19/2017<br>4/1/22<br>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.  | <b>DRG</b> - 6/19/17, 8/24/17, 9/28/17, May 2022<br><b>P&amp;Z</b> - 2/22/18, 4/26/18, 5/31/18, approved on 10/27/19<br><b>TC</b> - 12/10/19<br><b>Site Plan Ext</b> - 2 COVID Extensions New Permit Deadline 9/27/23<br><b>Site Plan Amendment</b> - P & Z approval May 26, 2022<br><b>TC</b> - 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.<br><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 | 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<br>Revised submittals:<br>8/01/2016, 12/23/2016,<br>03/09/2018, 10/29/2018<br>9/25/2020<br>8851<br>Harding Avenue | 18 multi-family units  | <b>DRG</b> - 01/22/15, 08/18/16, 01/23/17, 03/23/18, 11/29/2018 Meeting Pending, 2/25/21<br><b>P&amp;Z</b> - 01/31/19 P&Z recommended approval (Requires P&Z Reconsider) 2/25/21 P&Z Denied Plan<br><b>TC</b> - Denied by the Commission (requires reconsideration by TC),<br><b>TC</b> Approval 5/26/21<br><b>Site Plan Ext</b> -  | 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).<br>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.   |

**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   |   |
|   |   |  |  |                    |   |          |                 |  |   |
| 7/3/2019<br>9580 Abbott Ave   | Young Israel Variance Request to eliminate landscaping to provide for a handicapped accessible ramp   | DRG - N/A<br>P&Z - 8/29/2019<br>TC - 10/29/19<br>Site Plan Ext -   |  |                    | 1 requested: eliminate landscaping along the north side of the building   | None     |                 | Complete   | Construction of ramp complete   |
| 1/7/2020<br>8926 Collins Avenue   | Arte request to have FPL vault encroach into landscape buffer.  | DRG - N/A<br>P&Z - 1/30/20<br>TC - 2/11/20<br>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<br>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<br>P&Z - 1/27/22 - Deferred to 2/24/22 P&Z Mtg<br>P&Z - 2/24/22 - Recommended approval<br>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<br>8809 Harding Avenue  | Site Plan Application for 8 Townhouse Units   | DRG - September 27th 2022<br>P&Z - September 29, 2022<br>TC - Set for 11/29/22   | 33 Units                                     | Proposing 8 units  | None.<br>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<br>9116 Harding Ave (AKA 303 Surfside Blvd.)                | 303 Surfside - 4 Townhouses (2018)<br>303 Surfside - 6 Townhouses (2021) and (2022)   | DRG - 11/2/16, 2/7/17, 5/18/17, 6/21 TBD<br>P&Z - 6/27/18, 6/21, 10/27/22<br>TC - 4/14/2018 New approval 2/14/23<br>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<br>9100 Collins - Market Hall  | Part of Surf Club complex - Office space for hotel staff, office/business center for hotel guests, market hall (café and market), underground parking and roof top tennis court   | DRG - 10/17/22<br>P&Z - 12/15/22<br>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  |
| 8/29/2022<br>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<br>P&Z - TBD<br>TC - TBD<br>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.     |
| 6/12/2023<br>8777 Collins Avenue  | Site Plan Application proposing 57 unit multi-family building   | DRG - Tentative August<br>P&Z - TBD<br>TC - TBD<br>Under review  | 207 Units                                    |                    | None  |          |                 |  | Application, plans and check submitted on June 12th, 2023. Two design options presented. One attempts to meet current code. The other will need an ordinance 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>September 2023</i>  |
| <i>Permitting and Implementation*</i> | <i>October 2023</i>  | <i>November 2023</i>   |

**Project Update**

Town Commission approved a total of 16 spaces to be used for sidewalk widening.

| 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 ⌋  
Critical Task Inactive Task ⬇️ Manual Task ⬇️ Manual Summary ⬇️ Manual Progress ⬇️  
Milestone Inactive Milestone ⬇️ Duration-only ⬇️ Start-only ⌈



## 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<br>(contracted) *          | \$7,800,000        |
| Budget Approval Date                       | September 28, 2022 |
| Commission Authorization<br>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  
March 2024

### Project Update

Foundation work for the 96th Park main building is complete.

| Activity ID  | Activity Name   | Client BL Start | Client BL Finish | Start       | Finish      | Total Float | Duration % Complete | 2023   |     |     |     |     |     |     |     |     |     |     |     | 2024 |     |     |     |     |     |
|--|---|-----------------|------------------|-------------|-------------|-------------|---------------------|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|
|  |   |                 |                  |             |             |             |                     | Jan  | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan  | Feb | Mar | Apr | May | Jun |
| <b>Surfside 96th Street Park_Monthly Update -May2023</b> |   | 17-Jan-23       | 16-Jan-24        | 17-Jan-23 A | 05-Mar-24   | -49         | 32.65%              | 05-Mar-24, Surfside 96th Street Park_Monthly Update -May2023 |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>Milestone</b>   |   | 17-Jan-23       | 16-Jan-24        | 17-Jan-23 A | 05-Mar-24   | -49         | 32.65%              | 05-Mar-24, Milestone   |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>General Milestones</b>                                |   | 17-Jan-23       | 16-Jan-24        | 17-Jan-23 A | 05-Mar-24   | -49         | 88.17%              | 05-Mar-24, General Milestones                                |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011000   | Notice To Proceed (NTP Acquired)                        | 17-Jan-23       |                  | 17-Jan-23 A |             |             | 100%                | ◆ Notice To Proceed (NTP Acquired)                           |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011010   | Site Mobilization                                       | 13-Feb-23       |                  | 20-Jan-23 A |             |             | 100%                | ◆ Site Mobilization  |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011050   | Testing and Commissioning Start                         | 02-Dec-23       |                  | 17-Jan-24   |             |             | 0%                  | ◆ Testing and Commissioning Start                            |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011060   | Apply for CO Inspection                                 | 15-Dec-23       |                  | 03-Feb-24   |             |             | 0%                  | ◆ Apply for CO Inspection                                    |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011062   | Inspector on Site                                       | 16-Dec-23       |                  | 04-Feb-24   |             |             | 0%                  | ◆ Inspector on Site  |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011070   | Substantial Completion                                  |                 | 17-Dec-23        |             | 04-Feb-24   |             | 0%                  | ◆ Substantial Completion                                     |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011080   | Project Final Completion                                |                 | 16-Jan-24        |             | 05-Mar-24   |             | 0%                  | ◆ Project Final Completion                                   |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>Client Milestones</b>                                 |   | 14-Apr-23       | 16-Jan-24        | 01-Jun-23   | 29-Jan-24   | -12         | 0%                  | 29-Jan-24, Client Milestones                                 |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011020   | 2-Storey building construction Start                    | 14-Apr-23       |                  | 01-Jun-23   |             | 230         | 0%                  | ◆ 2-Storey building construction Start                       |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011026   | Landscaping Start                                       | 20-Jun-23       |                  | 26-Aug-23   |             | 144         | 0%                  | ◆ Landscaping Start  |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011039   | Kayak Launch Start                                      | 23-Aug-23       |                  | 23-Aug-23   |             | 147         | 0%                  | ◆ Kayak Launch Start   |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011030   | Playground Equipments Installation Start                | 12-Oct-23       |                  | 25-Oct-23   |             | 84          | 0%                  | ◆ Playground Equipments Installation Start                   |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011040   | Kayak Launch Complete                                   |                 | 20-Oct-23        |             | 20-Oct-23   | 89          | 0%                  | ◆ Kayak Launch Complete                                      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011035   | Playground Equipments Installation Complete             |                 | 27-Nov-23        |             | 09-Dec-23   | 39          | 0%                  | ◆ Playground Equipments Installation Complete                |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011025   | 2-Storey building construction Complete                 |                 | 15-Dec-23        |             | 20-Jan-24   | -4          | 0%                  | ◆ 2-Storey building construction Complete                    |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011027   | Landscaping Complete                                    |                 | 16-Jan-24        |             | 29-Jan-24   | -12         | 0%                  | ◆ Landscaping Complete                                       |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>Work Summary</b>                                      |   | 20-Feb-23       | 16-Jan-24        | 28-Feb-23 A | 05-Mar-24   | -49         | 23.74%              | 05-Mar-24, Work Summary                                      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL14710  | Construction Day 1 to Substantial Completion            | 20-Feb-23       | 15-Dec-23        | 28-Feb-23 A | 20-Jan-24   | -4          | 21.93%              | Construction Day 1 to Substantial Completion                 |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL14720  | Punchlist Duration                                      | 17-Dec-23       | 16-Jan-24        | 05-Feb-24   | 05-Mar-24   | -49         | 0%                  | Punchlist Duration   |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>Statutory Requirements/Permits</b>                    |   | 17-Jan-23       | 05-Aug-23        | 27-Jan-23 A | 05-Aug-23   | 79          | 67.65%              | 05-Aug-23, Statutory Requirements/Permits                    |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL15320  | Submit and Acquire Trailer Permit                       | 17-Jan-23       | 13-Feb-23        | 01-Feb-23 A | 24-Feb-23 A |             | 100%                | Submit and Acquire Trailer Permit                            |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL15330  | Submit and Acquire Demolition Permit                    | 23-Jan-23       | 03-Mar-23        | 23-Feb-23 A | 23-Feb-23 A |             | 100%                | Submit and Acquire Demolition Permit                         |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL15350  | Submit and Acquire Master Building Permit               | 23-Jan-23       | 25-Feb-23        | 27-Jan-23 A | 14-Jun-23   | -15         | 60%                 | Submit and Acquire Master Building Permit                    |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL15410  | Submit and Acquire Foundation Permit                    | 27-Feb-23       | 01-Apr-23        | 06-Feb-23 A | 09-Mar-23 A |             | 100%                | Submit and Acquire Foundation Permit                         |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL15420  | Submit and Acquire Window and Store front Permit        | 06-Apr-23       | 17-May-23        | 01-Jun-23   | 13-Jul-23   | 26          | 0%                  | Submit and Acquire Window and Store front Permit             |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL15380  | Submit and Acquire Plumbing Permit                      | 06-May-23       | 14-Jun-23        | 01-Jun-23   | 10-Jul-23   | 77          | 0%                  | Submit and Acquire Plumbing Permit                           |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL15400  | Submit and Acquire Roofing Permit                       | 06-May-23       | 12-Jun-23        | 01-Jun-23   | 07-Jul-23   | 81          | 0%                  | Submit and Acquire Roofing Permit                            |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL15430  | Submit and Acquire Elevator Permit                      | 06-May-23       | 12-Jun-23        | 01-Jun-23   | 07-Jul-23   | 82          | 0%                  | Submit and Acquire Elevator Permit                           |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL15450  | Submit and Acquire Fire Suppression Permit              | 26-May-23       | 06-Jul-23        | 01-Jun-23   | 10-Jul-23   | 77          | 0%                  | Submit and Acquire Fire Suppression Permit                   |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL15370  | Submit and Acquire Electrical Permit                    | 15-Jun-23       | 25-Jul-23        | 15-Jun-23   | 25-Jul-23   | 86          | 0%                  | Submit and Acquire Electrical Permit                         |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL15360  | Submit and Acquire Kayak Launch Permit                  | 26-Jun-23       | 21-Jul-23        | 26-Jun-23   | 21-Jul-23   | 44          | 0%                  | Submit and Acquire Kayak Launch Permit                       |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL15390  | Submit and Acquire Mechanical Permit                    | 26-Jun-23       | 24-Jul-23        | 26-Jun-23   | 24-Jul-23   | 60          | 0%                  | Submit and Acquire Mechanical Permit                         |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL15440  | Submit and Acquire Fire Alarm Permit                    | 26-Jun-23       | 05-Aug-23        | 26-Jun-23   | 05-Aug-23   | 79          | 0%                  | Submit and Acquire Fire Alarm Permit                         |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL15460  | Submit and Acquire Doors Permit                         | 26-Jun-23       | 13-Jul-23        | 26-Jun-23   | 13-Jul-23   | 87          | 0%                  | Submit and Acquire Doors Permit                              |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>Engineering / Shop Drawings</b>                       |   | 16-Feb-23       | 22-Jul-23        | 03-Mar-23 A | 22-Jul-23   | 108         | 64.57%              | 22-Jul-23, Engineering / Shop Drawings                       |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>Submittals</b>  |   | 16-Feb-23       | 05-Jul-23        | 03-Mar-23 A | 05-Jul-23   | 110         | 73.7%               | 05-Jul-23, Submittals  |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>Land Development and Playground</b>                   |   | 16-Feb-23       | 30-Jun-23        | 03-Mar-23 A | 30-Jun-23   | 108         | 75.85%              | 30-Jun-23, Land Development and Playground                   |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011180   | Submit Shop drawings for Storm Drainage Works           | 16-Feb-23       | 21-Feb-23        | 03-Mar-23 A | 10-Mar-23 A |             | 100%                | Submit Shop drawings for Storm Drainage Works                |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011190   | Submit Shop drawings for Sewerage Works                 | 27-Feb-23       | 03-Mar-23        | 06-Mar-23 A | 17-Mar-23 A |             | 100%                | Submit Shop drawings for Sewerage Works                      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011200   | Submit Shop drawings for Electrical Works               | 27-Feb-23       | 03-Mar-23        | 09-Mar-23 A | 23-Mar-23 A |             | 100%                | Submit Shop drawings for Electrical Works                    |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011090   | Submit Shop drawings for Compact Fill and Grading Works | 03-Mar-23       | 16-Mar-23        | 01-Jun-23   | 14-Jun-23   | 121         | 0%                  | Submit Shop drawings for Compact Fill and Grading Works      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011210   | Submit Shop drawings for Potable Water Works            | 03-Mar-23       | 08-Mar-23        | 06-Mar-23 A | 17-Mar-23 A |             | 100%                | Submit Shop drawings for Potable Water Works                 |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011110   | Submit Shop drawings for Additional Trees               | 22-Mar-23       | 05-Apr-23        | 01-Jun-23   | 14-Jun-23   | 8           | 0%                  | Submit Shop drawings for Additional Trees                    |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011150   | Submit Shop drawings for Irrigation                     | 25-Mar-23       | 08-Apr-23        | 01-Jun-23   | 14-Jun-23   | 52          | 0%                  | Submit Shop drawings for Irrigation                          |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011120   | Submit Shop drawings for Palm Trees                     | 27-Mar-23       | 10-Apr-23        | 01-Jun-23   | 14-Jun-23   | 11          | 0%                  | Submit Shop drawings for Palm Trees                          |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011230   | Submit Shop drawings for Fence & Gate                   | 01-Apr-23       | 15-Apr-23        | 01-Jun-23   | 14-Jun-23   | 114         | 0%                  | Submit Shop drawings for Fence & Gate                        |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL011100   | Submit Shop drawings for Playground Equipment           | 26-Apr-23       | 20-May-23        | 11-May-23 A | 09-Jun-23   | 115         | 65%                 | Submit Shop drawings for Playground Equipment                |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |

- █ Remaining Level of Effort
- █ Actual Level of Effort
- █ Primary Baseline
- █ Actual Work
- █ Remaining Work
- █ Critical Remaining Work
- ◆ Milestone
- ▬ Summary

**LCG-Client Schedule-Full**  
**Surfside 96th Street Park\_Monthly Update -May2023**



















| Activity ID                   | Activity Name                                      | Client BL Start | Client BL Finish | Start     | Finish    | Total Float | Duration % Complete | 2023   |     |     |     |     |     |     |     |     |     |     |     | 2024 |     |     |     |     |     |
|-------------------------------|--|-----------------|------------------|-----------|-----------|-------------|---------------------|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|
|                               |  |                 |                  |           |           |             |                     | Jan  | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan  | Feb | Mar | Apr | May | Jun |
|                               |  |                 |                  |           |           |             |                     | Jan  | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan  | Feb | Mar | Apr | May | Jun |
| <b>Misc Works</b>             |  |                 |                  |           |           |             |                     | 20-Jan-24, Misc Works                              |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>Elevator</b>               |  |                 |                  |           |           |             |                     | 16-Jan-24, Elevator                                |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL14                          | Shafts Construction                                | 31-Aug-23       | 30-Sep-23        | 05-Oct-23 | 03-Nov-23 | -27         | 0%                  | Shafts Construction                                |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL14                          | Mechanical Equipment Installation                  | 30-Sep-23       | 12-Oct-23        | 20-Nov-23 | 02-Dec-23 | -39         | 0%                  | Mechanical Equipment Installation                  |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL14                          | Elevator Car Installation                          | 12-Oct-23       | 27-Nov-23        | 04-Dec-23 | 16-Jan-24 | -39         | 0%                  | Elevator Car Installation                          |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL14                          | Elevator Jamb Installation                         | 03-Nov-23       | 27-Nov-23        | 27-Dec-23 | 16-Jan-24 | -23         | 0%                  | Elevator Jamb Installation                         |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>Other Specialties</b>      |  |                 |                  |           |           |             |                     | 20-Jan-24, Other Specialties                       |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL14                          | Roof Access Ladder Installation                    | 31-Aug-23       | 05-Sep-23        | 05-Oct-23 | 07-Oct-23 | 54          | 0%                  | Roof Access Ladder Installation                    |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL14                          | Wood Veneer Countertop Installation                | 05-Oct-23       | 20-Oct-23        | 05-Dec-23 | 18-Dec-23 | 22          | 0%                  | Wood Veneer Countertop Installation                |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL14                          | Internal Signages Installation                     | 06-Nov-23       | 08-Nov-23        | 14-Dec-23 | 15-Dec-23 | 0           | 0%                  | Internal Signages Installation                     |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL14                          | Toilet Accessories Installation                    | 11-Nov-23       | 18-Nov-23        | 21-Dec-23 | 28-Dec-23 | -10         | 0%                  | Toilet Accessories Installation                    |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL14                          | Aluminium Guard Rail Installation                  | 20-Nov-23       | 02-Dec-23        | 28-Dec-23 | 06-Jan-24 | -28         | 0%                  | Aluminium Guard Rail Installation                  |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL14                          | Aluminium Screen Wall and Gate                     | 20-Nov-23       | 01-Dec-23        | 28-Dec-23 | 05-Jan-24 | -28         | 0%                  | Aluminium Screen Wall and Gate                     |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL14                          | Sump Pit Cover and Frame Installation              | 01-Dec-23       | 06-Dec-23        | 06-Jan-24 | 10-Jan-24 | -28         | 0%                  | Sump Pit Cover and Frame Installation              |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL14                          | Glass Railing Installation                         | 06-Dec-23       | 15-Dec-23        | 11-Jan-24 | 20-Jan-24 | -28         | 0%                  | Glass Railing Installation                         |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>2nd Level</b>              |  |                 |                  |           |           |             |                     | 20-Jan-24, 2nd Level                               |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>Substrate</b>              |  |                 |                  |           |           |             |                     | 02-Dec-23, Substrate                               |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL147                         | CMU Wall Installation                              | 28-Sep-23       | 18-Oct-23        | 02-Nov-23 | 21-Nov-23 | -28         | 0%                  | CMU Wall Installation                              |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL147                         | Drywall Partition Framing Installation             | 02-Oct-23       | 19-Oct-23        | 06-Nov-23 | 22-Nov-23 | -28         | 0%                  | Drywall Partition Framing Installation             |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL148                         | Gypsumboard Installation                           | 10-Oct-23       | 23-Oct-23        | 14-Nov-23 | 29-Nov-23 | -28         | 0%                  | Gypsumboard Installation                           |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL148                         | Touching up and Patching                           | 23-Oct-23       | 26-Oct-23        | 30-Nov-23 | 02-Dec-23 | -28         | 0%                  | Touching up and Patching                           |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>MEPF Works</b>             |  |                 |                  |           |           |             |                     | 08-Jan-24, MEPF Works                              |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>HVAC</b>                   |  |                 |                  |           |           |             |                     | 02-Jan-24, HVAC                                    |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL148                         | Supports and Brackets Installation                 | 17-Oct-23       | 28-Oct-23        | 21-Nov-23 | 05-Dec-23 | -27         | 0%                  | Supports and Brackets Installation                 |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL148                         | Ducting Works Installation                         | 28-Oct-23       | 13-Nov-23        | 06-Dec-23 | 19-Dec-23 | -20         | 0%                  | Ducting Works Installation                         |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL148                         | Vents and Devices Installation                     | 20-Nov-23       | 28-Nov-23        | 28-Dec-23 | 02-Jan-24 | -26         | 0%                  | Vents and Devices Installation                     |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>Plumbing and Sanitary</b>  |  |                 |                  |           |           |             |                     | 08-Jan-24, Plumbing and Sanitary                   |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL148                         | Supports and Brackets Installation                 | 08-Nov-23       | 21-Nov-23        | 16-Dec-23 | 28-Dec-23 | -26         | 0%                  | Supports and Brackets Installation                 |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL148                         | Pipe Installation                                  | 18-Nov-23       | 30-Nov-23        | 27-Dec-23 | 04-Jan-24 | -26         | 0%                  | Pipe Installation                                  |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL148                         | Final Fix Installation                             | 30-Nov-23       | 04-Dec-23        | 05-Jan-24 | 08-Jan-24 | -26         | 0%                  | Final Fix Installation                             |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>Fire Suppression</b>       |  |                 |                  |           |           |             |                     | 29-Dec-23, Fire Suppression                        |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL148                         | Supports and Brackets Installation                 | 23-Oct-23       | 03-Nov-23        | 30-Nov-23 | 11-Dec-23 | -27         | 0%                  | Supports and Brackets Installation                 |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL148                         | Pipe Installation                                  | 03-Nov-23       | 15-Nov-23        | 12-Dec-23 | 21-Dec-23 | -27         | 0%                  | Pipe Installation                                  |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL148                         | Sprinkler head and Fire Extinguishers Installation | 15-Nov-23       | 22-Nov-23        | 22-Dec-23 | 29-Dec-23 | -27         | 0%                  | Sprinkler head and Fire Extinguishers Installation |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>Electrical</b>             |  |                 |                  |           |           |             |                     | 04-Jan-24, Electrical                              |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL148                         | Supports and Brackets Installation (Rough-ins)     | 11-Oct-23       | 23-Oct-23        | 15-Nov-23 | 29-Nov-23 | -27         | 0%                  | Supports and Brackets Installation (Rough-ins)     |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL148                         | Duct and Trays Installation                        | 23-Oct-23       | 06-Nov-23        | 30-Nov-23 | 13-Dec-23 | -27         | 0%                  | Duct and Trays Installation                        |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL148                         | Cable Laying and Wire Pulling                      | 06-Nov-23       | 20-Nov-23        | 14-Dec-23 | 27-Dec-23 | -27         | 0%                  | Cable Laying and Wire Pulling                      |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL148                         | Outlets, Lighting and other Devices Installation   | 20-Nov-23       | 30-Nov-23        | 28-Dec-23 | 04-Jan-24 | -27         | 0%                  | Outlets, Lighting and other Devices Installation   |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>Fire Alarm</b>             |  |                 |                  |           |           |             |                     | 02-Jan-24, Fire Alarm                              |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL148                         | Supports and Brackets Installation                 | 28-Oct-23       | 08-Nov-23        | 06-Dec-23 | 15-Dec-23 | -27         | 0%                  | Supports and Brackets Installation                 |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL148                         | Wiring Installation                                | 08-Nov-23       | 17-Nov-23        | 16-Dec-23 | 23-Dec-23 | -27         | 0%                  | Wiring Installation                                |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL148                         | Smoke detectors and Device controls Installation   | 17-Nov-23       | 28-Nov-23        | 26-Dec-23 | 02-Jan-24 | -27         | 0%                  | Smoke detectors and Device controls Installation   |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>Architectural Finishes</b> |  |                 |                  |           |           |             |                     | 20-Jan-24, Architectural Finishes                  |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>Ceiling</b>                |  |                 |                  |           |           |             |                     | 02-Jan-24, Ceiling                                 |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL148                         | Ceiling Grid Installation                          | 08-Nov-23       | 22-Nov-23        | 16-Dec-23 | 29-Dec-23 | -26         | 0%                  | Ceiling Grid Installation                          |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL148                         | Ceiling Panel Board Installation                   | 15-Nov-23       | 28-Nov-23        | 22-Dec-23 | 02-Jan-24 | -26         | 0%                  | Ceiling Panel Board Installation                   |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>Wall</b>                   |  |                 |                  |           |           |             |                     | 22-Dec-23, Wall                                    |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL150                         | Wall Primer Painting                               | 26-Oct-23       | 08-Nov-23        | 04-Dec-23 | 15-Dec-23 | -28         | 0%                  | Wall Primer Painting                               |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL150                         | Wall Tiles Installation                            | 26-Oct-23       | 04-Nov-23        | 04-Dec-23 | 12-Dec-23 | -24         | 0%                  | Wall Tiles Installation                            |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL150                         | Wall Final Painting                                | 01-Nov-23       | 16-Nov-23        | 09-Dec-23 | 22-Dec-23 | -28         | 0%                  | Wall Final Painting                                |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| <b>Floor</b>                  |  |                 |                  |           |           |             |                     | 10-Jan-24, Floor                                   |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |
| BL150                         | Floor Surface Preparation                          | 09-Nov-23       | 27-Nov-23        | 18-Dec-23 | 30-Dec-23 | -28         | 0%                  | Floor Surface Preparation                          |     |     |     |     |     |     |     |     |     |     |     |      |     |     |     |     |     |

■ Remaining Level of Effort    ■ Critical Remaining Work  
■ Actual Level of Effort    ◆ Milestone  
■ Primary Baseline    ▬ Summary  
■ Actual Work  
■ Remaining Work

### LCG-Client Schedule-Full

## Surfside 96th Street Park\_Monthly Update -May2023

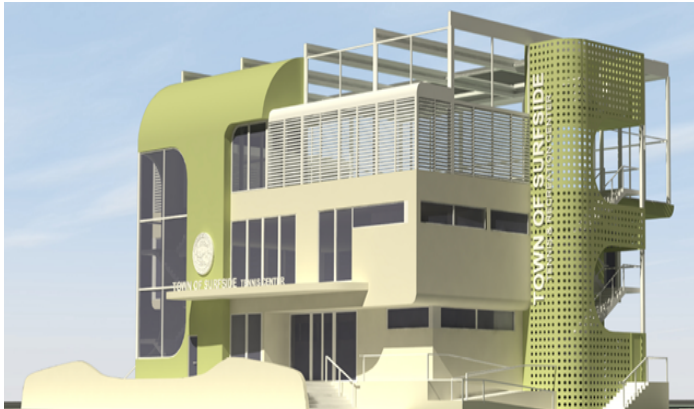






# Tennis and Recreation Center Project

## 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

|                      |                    |
|----------------------|--------------------|
| Total Budgeted       | \$2,045,000        |
| Budget Approval Date | September 28, 2022 |

|   |                                     |
|---|-------------------------------------|
| Commission Authorization to Expend Date | November 2022<br>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 2024*  
*March 2026*

## Phase End

*November 2022*  
*December 2023*  
*February 2025*  
*March 2027*

## Project Update

The Corradino Group and the architect of record will present the design of the Tennis and Recreation Center at the July 13th, 2023 Town Commission meeting.





## Town-wide Traffic Study

### Picture



### Current Project Phase

Planning Phase

### Project Contact Information

|                     |                     |
|---------------------|---------------------|
| Department          | Public Works        |
| Director            | Randy Stokes        |
| Engineer of Record  | The Corradino Group |
| Architect of Record | N/A                 |
| Project Management  | The Corradino Group |

### Funding

|  |                        |
|--|------------------------|
|  | \$204,500              |
| <i>Total Budgeted</i>                          |                        |
| <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 Commission at its July meeting approved 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

| BY OFFICIALS         |  |
|----------------------|--|
| DESIGNED BY SURFSIDE |  |
| TINA PALL            |  |
| CHARLES HOFEL        |  |
| ELIANNE HENNINGER    |  |
| BELLY HELANDER       |  |

| NO. OF SHEETS                      |  |
|------------------------------------|--|
| COVER SHEET / INDEX                |  |
| OVERALL KEY MAP PLANS              |  |
| ELECTRICAL AND COMMUNICATION PLANS |  |
| STREET LIGHTING PLANS              |  |

**LOCATION MAP**  
NO SCALE

THE INTENT OF THESE DRAWINGS IS TO INDICATE THE PROJECT'S UTILITY COORDINATION PLAN IN CONFORMANCE WITH THE TOWN OF SURFSIDE EXECUTIVE SUMMARY. THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION. ANY CHANGES TO THE PROJECT'S UTILITY COORDINATION PLAN MUST BE APPROVED BY THE TOWN OF SURFSIDE. THESE DRAWINGS ARE FROM THE TOWN OF SURFSIDE AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE. THESE DRAWINGS ARE FROM THE TOWN OF SURFSIDE AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE. THESE DRAWINGS ARE FROM THE TOWN OF SURFSIDE AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE.

**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) 961-4883

**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  |                  |
| 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.

## Project Timeline

Design Phase (Phase II)  
 Procurement (est.)  
 Construction Phase I (est.)

## Phase Start

May 2022  
 January 2024  
 August 2026

## Phase End

December 2024  
 July 2025  
 TBD

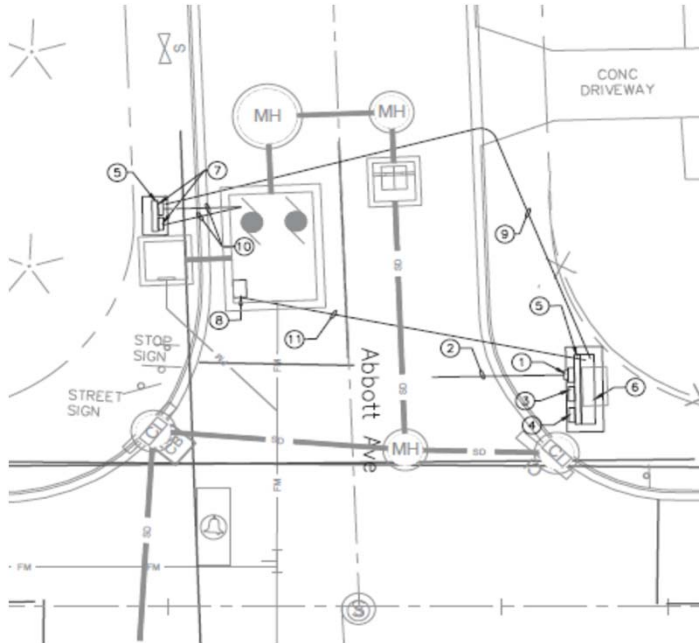
## Project Update

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

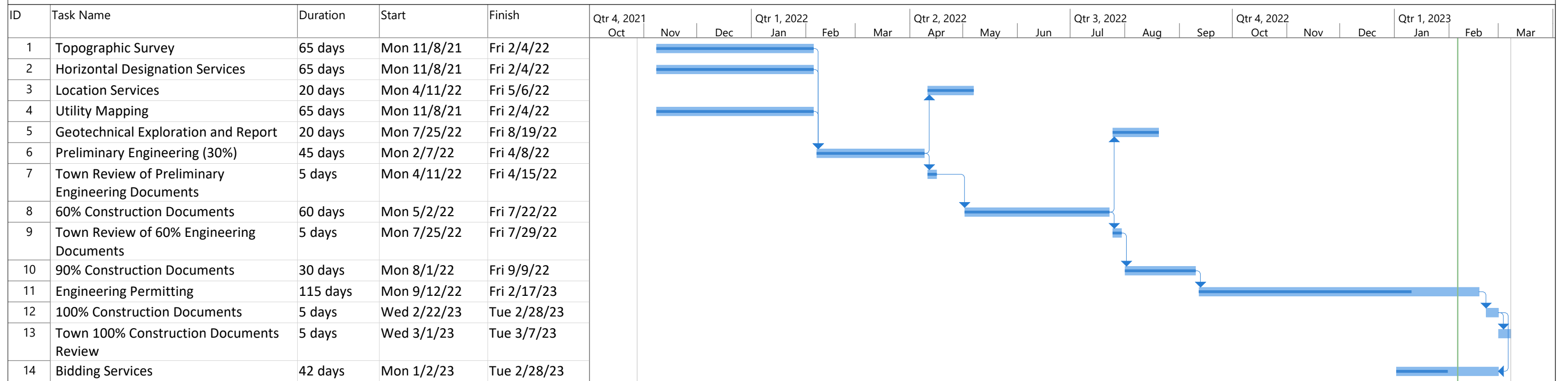
The project is currently in its design and permitting phase. The construction will entail the addition of two new pump stations with respective force main in order to alleviate flooding on Abbott Avenue from 90<sup>th</sup> Street to 94<sup>th</sup> Street.

### Project Timeline

|                             | <u>Phase Start</u> | <u>Phase End</u> |
|-----------------------------|--------------------|------------------|
| Engineering and Design      | March 2022         | December 2022    |
| Permitting                  | August 2022        | January 2023     |
| Procurement (est.)          | March 2023         | June 2023        |
| NTP for Construction (est.) | July 2023          | NA               |
| Construction (est.)         | July 2023          | May 2024         |

### Project Update

Project cost is beyond Town budgeted value.



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



### Current Project Phase

Planning Phase information gap alignment and modeling

### Project Contact Information

|                     |              |
|---------------------|--------------|
| Department          | Public Works |
| Director            | Randy Stokes |
| 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*  
*October 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            | Randy Stokes    |
| 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.

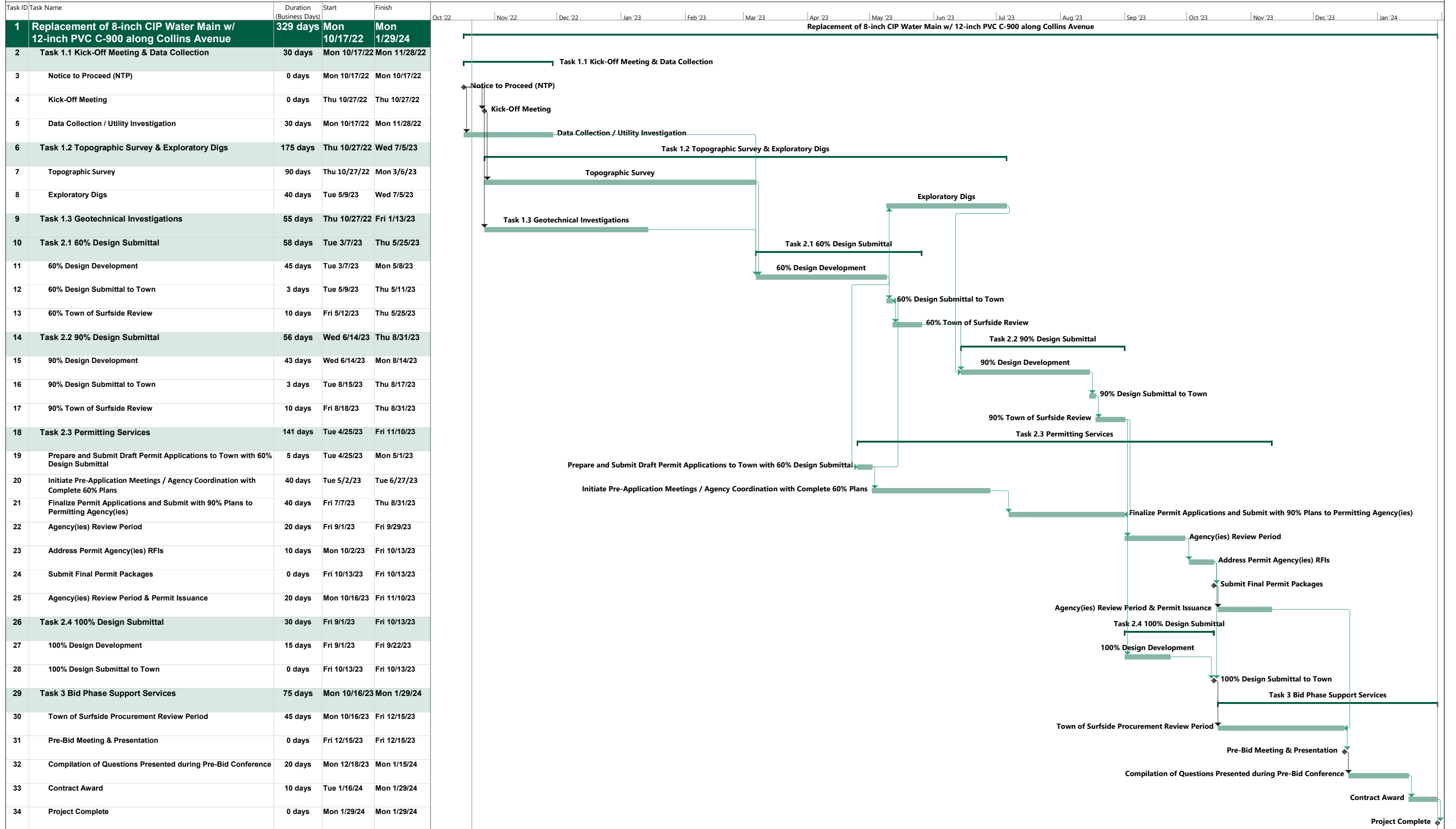
### Project Timeline

|                                 | <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 & Recreation Department received two (2) quotes . It will be presented at the July 13, 2023 Town Commission meeting.



## Dune Resiliency and Beautification Project

### Picture



### Current Project Phase

Scoping Phase

### Project Contact Information

|                     |              |
|---------------------|--------------|
| Department          | Public Works |
| Director            | Randy Stokes |
| 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 30, 2023**

**SUBJECT: Office of the Town Attorney Report for July 11, 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:**

June 13, 2023 – Regular Town Commission Meeting

June 28, 2023 – Charter Review Board Meeting

June 29, 2023 – Planning and Zoning 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 LLLP for Financial Auditing Services for Fiscal Year Ending September 30, 2022
- Resolution Approving an Interlocal Agreement Between Miami-Dade County and Co-Permittees 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
- 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
- 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
- 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
- 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.

#### July 2023

- Resolution Ratifying the Collective Bargaining Agreement between the Town and Florida State Lodge Fraternal Order of Police In Effect from October 1, 2022 through September 30, 2025
- Resolution Approving Emergency Repair Work for the Replacement of the Mechanical Air Conditioner Unit Located in the Town Community Center from Smart Air Systems, Inc.
- Resolution Approving the Purchase of a Stormwater Pump and Motor for the 89<sup>th</sup> Street Pump Station From Lift Stations “R” US Corp.
- Resolution Approving Public Works Department Fee Schedule for Permits and Related Services
- Resolution Approving Budget Amendment No. 8
- Resolution Relating to Solid Waste Management Services, Including Collection, Disposal and Recycling of Residential Solid Waste in the Town of Surfside, Florida;

Establishing the Estimated Assessment Rate for Solid Waste Service Assessments Against Assessed Property Located within the Town of Surfside, Florida, For The Fiscal Year Beginning October 1, 2023; Directing the Preparation of an Updated Assessment Roll

- Ordinance Amending Sections 90-2. – “Definitions” And 90-45. -- “Setbacks” To Modify Regulations Pertaining to Average Setbacks in H30A and H30B Districts
- Ordinance Amending Chapter 2. – Administration, Article V. – Employee Benefits, Division 2. - Pension Plan, Regarding the Retirement Plan for Employees of The Town of Surfside; Specifically, Amending Section 2-171 To Include Shift Differential and Up to 75 Hours of Overtime as Pensionable for Police Officers And Communications Operators; Amending Section 2-176 Regarding Early Retirement; Amending Section 2-187 Regarding the Use of Premium Tax Revenue; And Amending Section 2-193 Extending the Maximum Period of Participation in the Drop Plan for Police Officers and Communications Operators

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 scheduled a calendar call for June 16, 2023. On June 8, 2023, the Court entered an Order granting the Town’s summary judgment motion and found no basis to review Surfside’s legislative determination, nor that Surfside’s legislative determination is unreasonable or arbitrary, further finding that deference should be given

to Surfside's legislative determinations, that the four-year statute of limitations had run, and found that there is an insufficient basis to review Surfside's 24-year-old Stormwater Ordinance. We expect the decision will be appealed.

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; RFQ for CCNA engineering services; RFP for sewer and stormwater services; 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  
July 11, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 9A.

**Date:** July 11, 2023

**From:** Hector Gomez, Town Manager

**Subject:**

**Tennis and Recreation Center Design Review**

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**Suggested Action:** –

Town Administration is requesting approval of the presented design for the Tennis Recreation Center so that sub-consultant can continue design efforts.

**Background/Analysis:** –

Town administration and sub-consultant are presenting an update on Tennis and Recreation Center Design. Presentation can be found in **Attachment A** - "Presentation".

# Town of Surfside Recreation Facility

8750 Collins Ave, Surfside, FL 33154  
Schematic Design

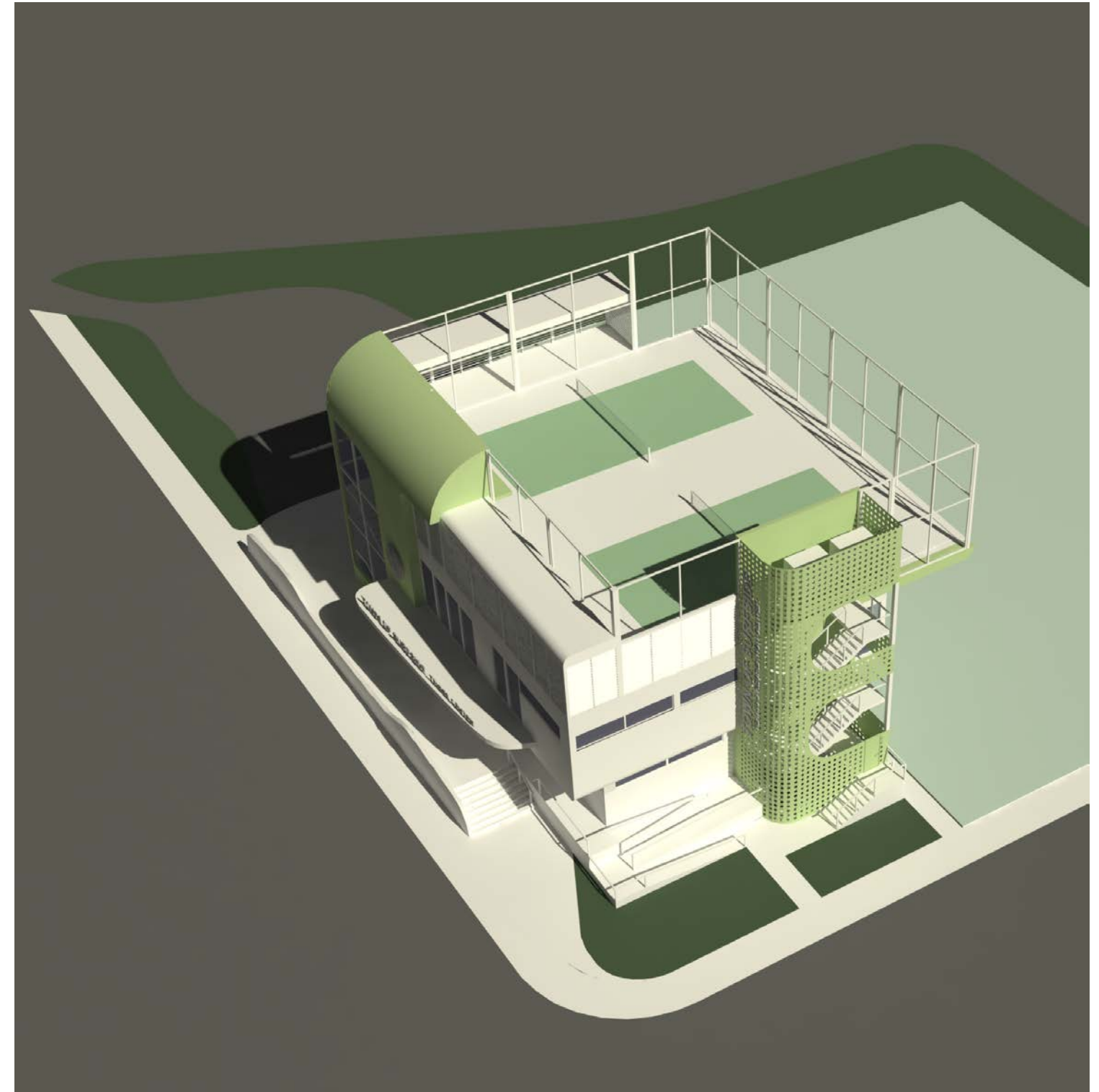


The proposed Recreation and Tennis Center is to be located on the northwestern corner of the Town of Surfside's municipal lot located between Collins Avenue and Harding Avenue; and 87<sup>th</sup> Street and 88<sup>th</sup> Street. The lot is comprised of three tennis courts on the southern half and Veteran's Memorial Park on the northeast corner.

The building will provide on the ground floor level, offices for the tennis center, restrooms, and a multi-purpose room to be used for various functions including fitness classes and public events. At the eastern end of the room continuous folding doors are included that will face an open-air plaza situated between the Veteran's Memorial Park and the building.

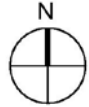
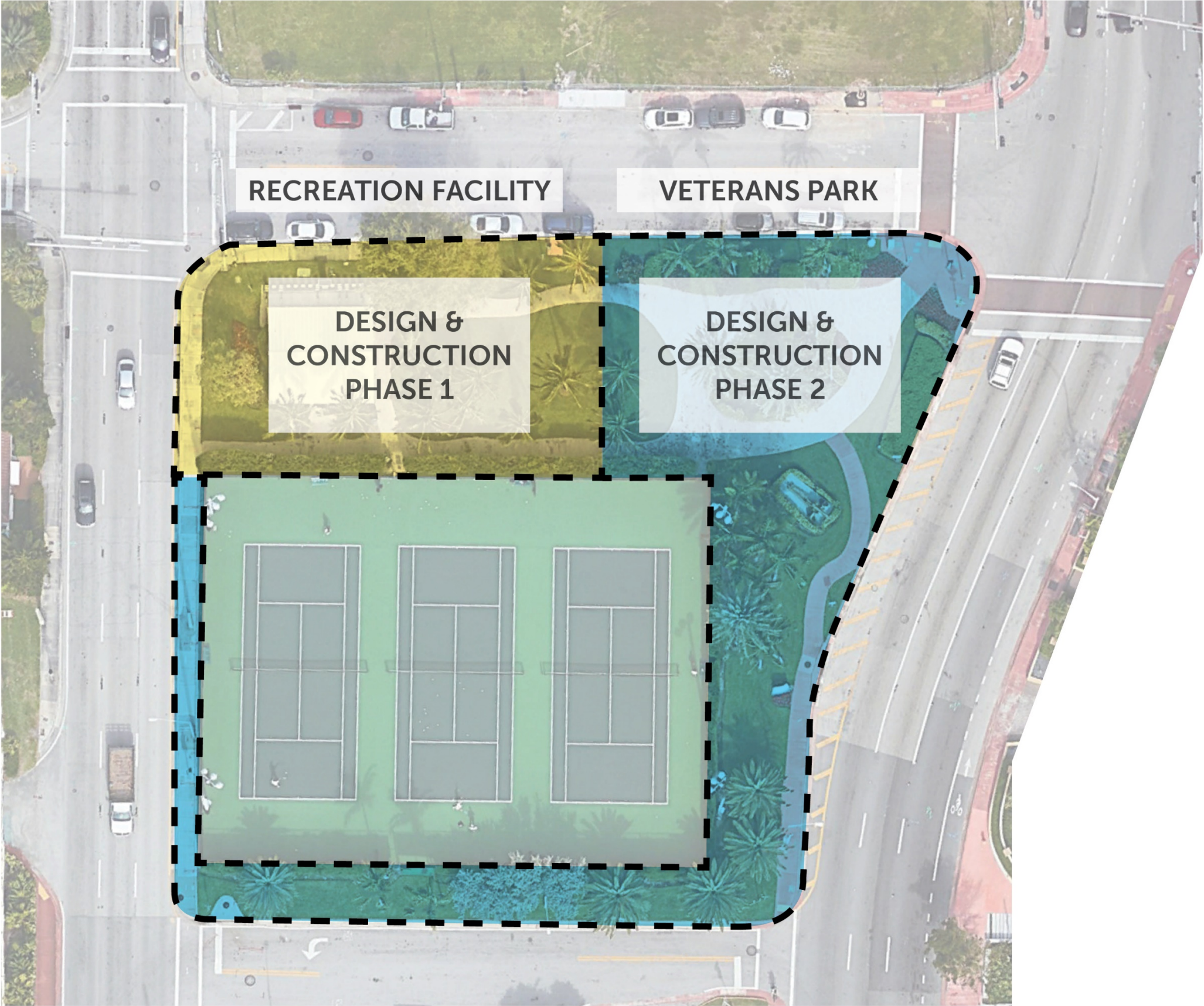
On the second floor there is a training facility for fitness and aerobic/cardio equipment, restrooms, as well as locker rooms and a shower are included.

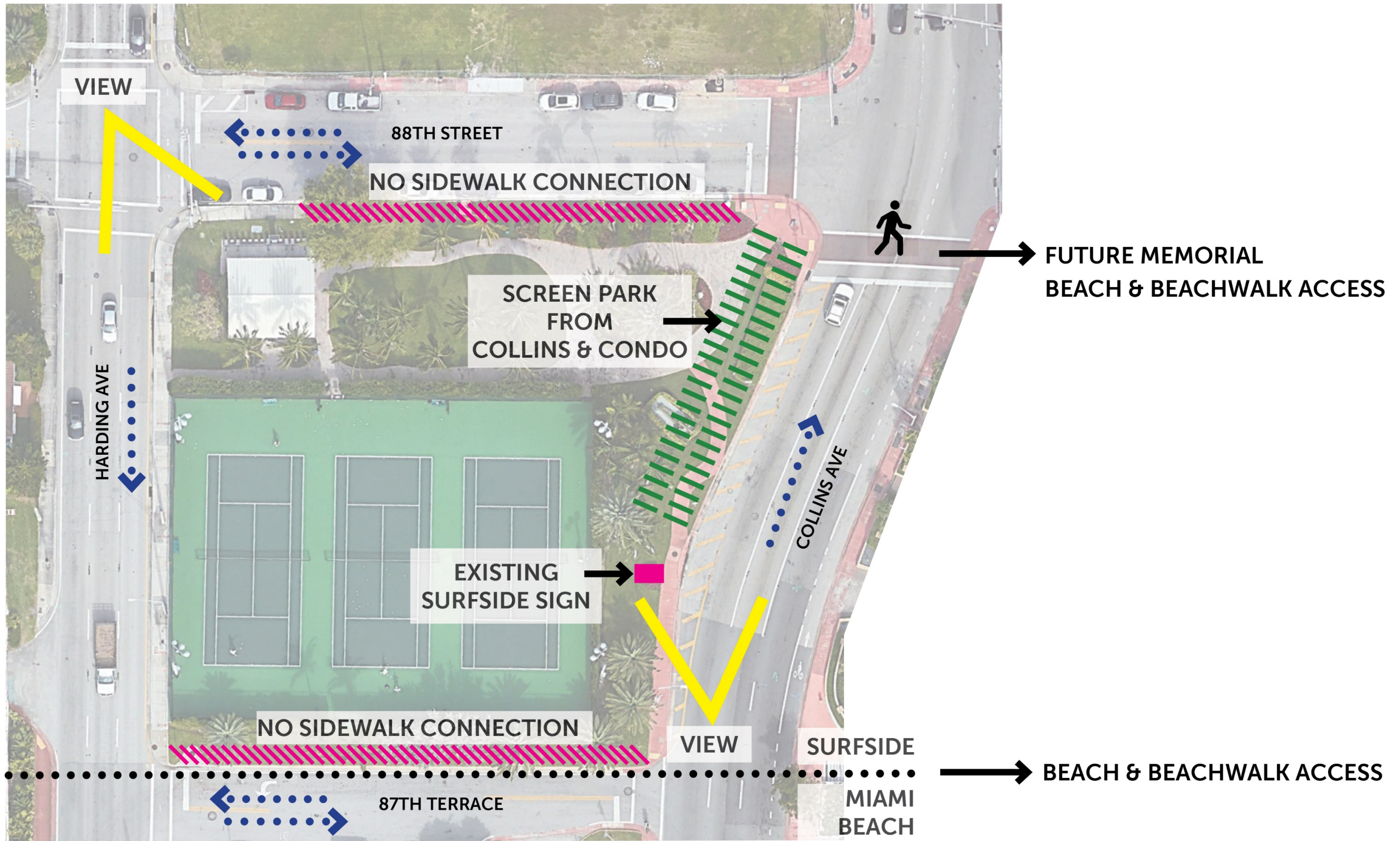
Two pickleball courts are located on the roof level. Night lighting, wind barriers, and shade opportunities will be included. To optimize the limited footprint the upper pickle ball courts cantilever over the existing tennis courts.





# SITE ANALYSIS





EXISTING CONDITIONS



Corner of Harding Ave & 88th St



View from 88th St



Corner of Collins Ave & 88th St



Surfside Monument Sign



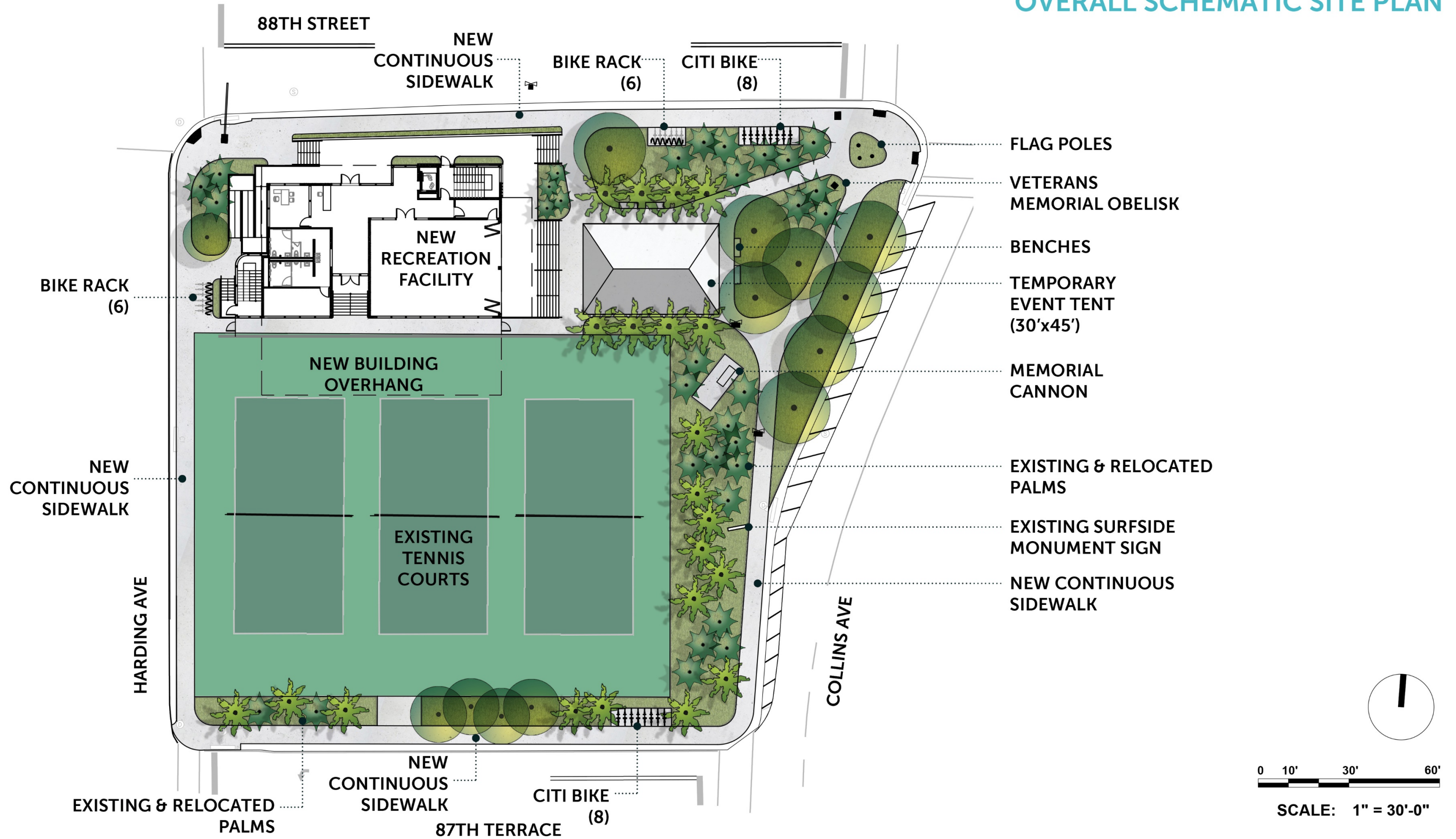
Veteran's Monument & Flag Poles



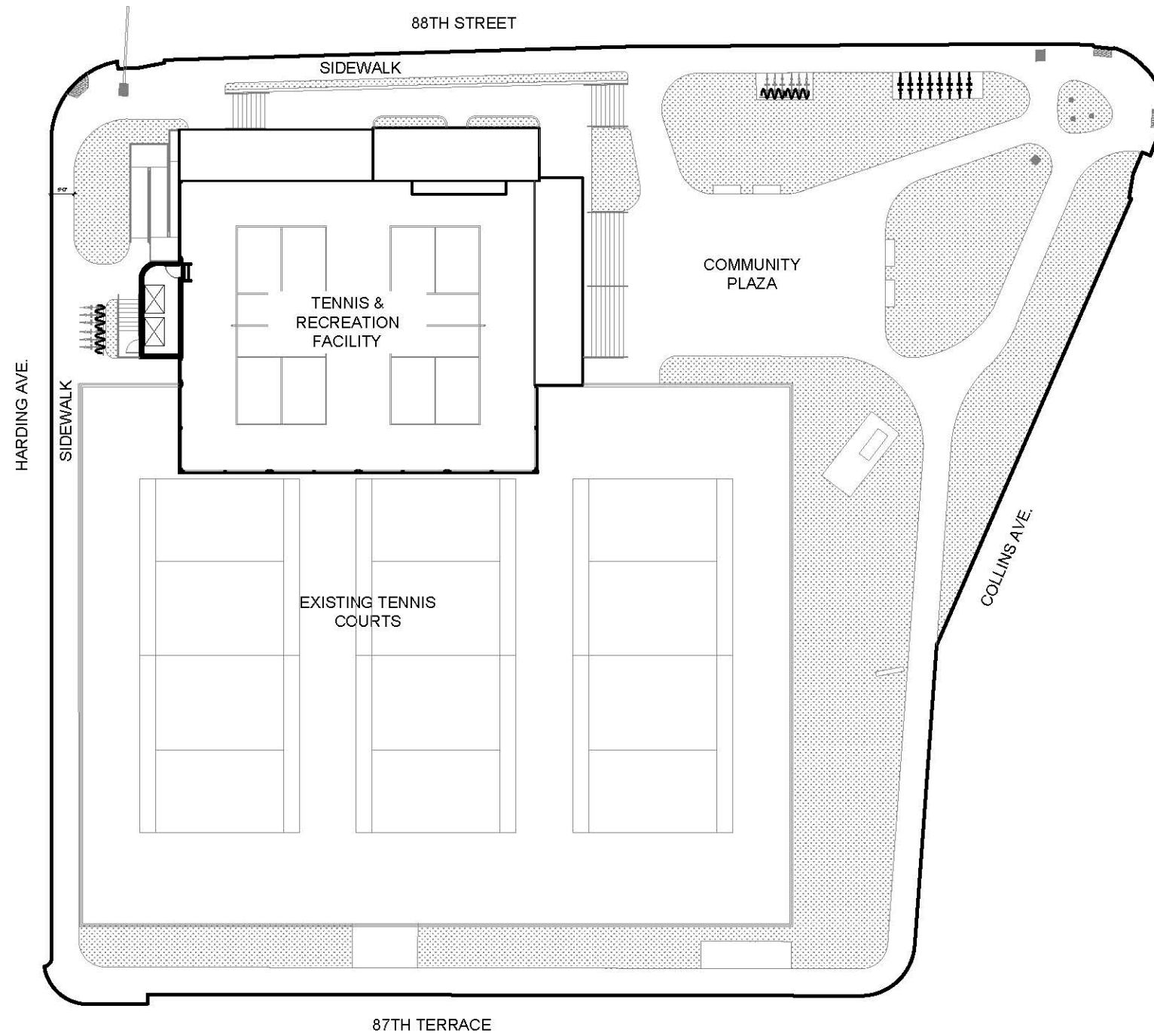
Monument Cannon

# OVERALL SITE PLAN

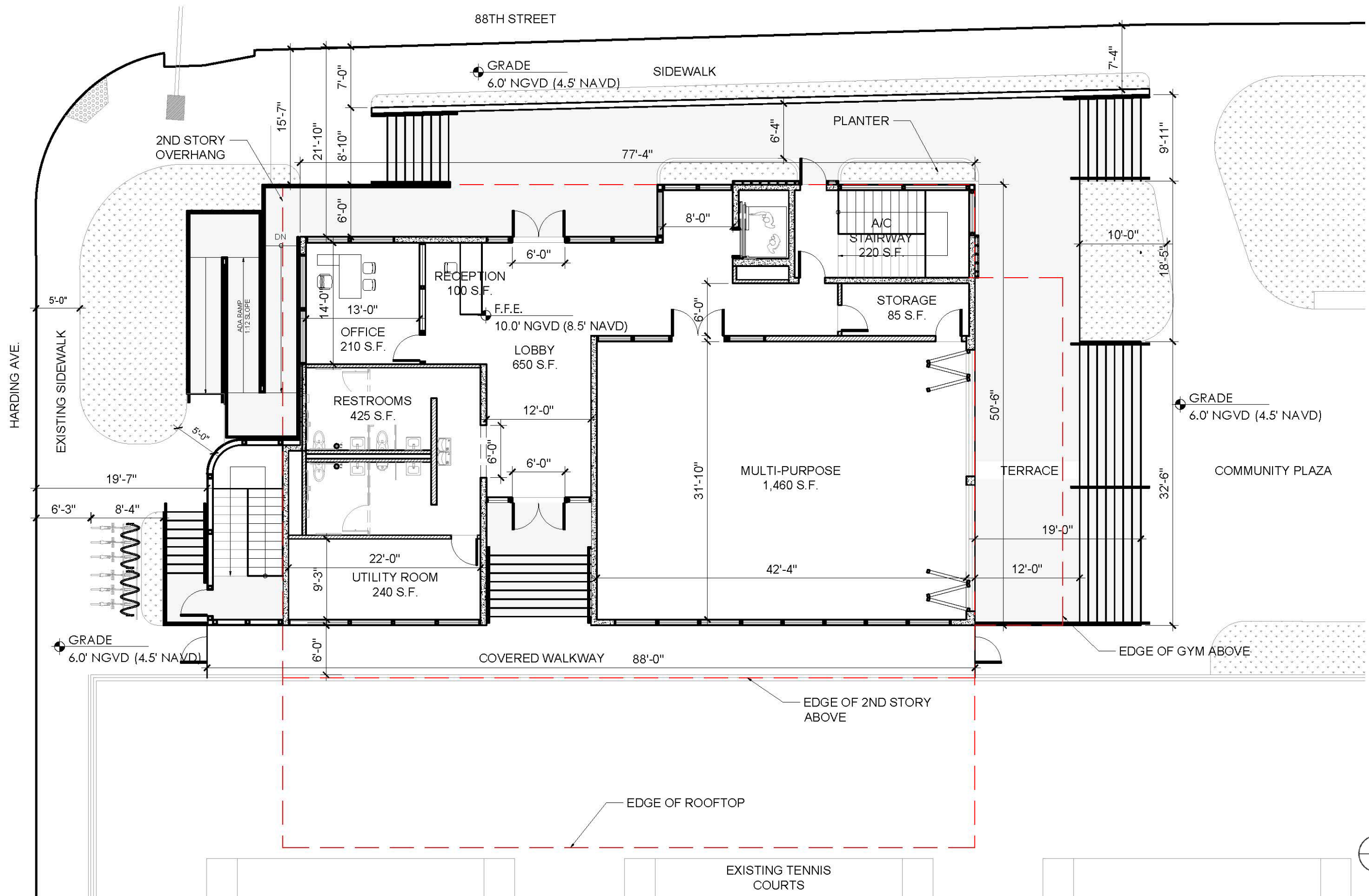
# OVERALL SCHEMATIC SITE PLAN



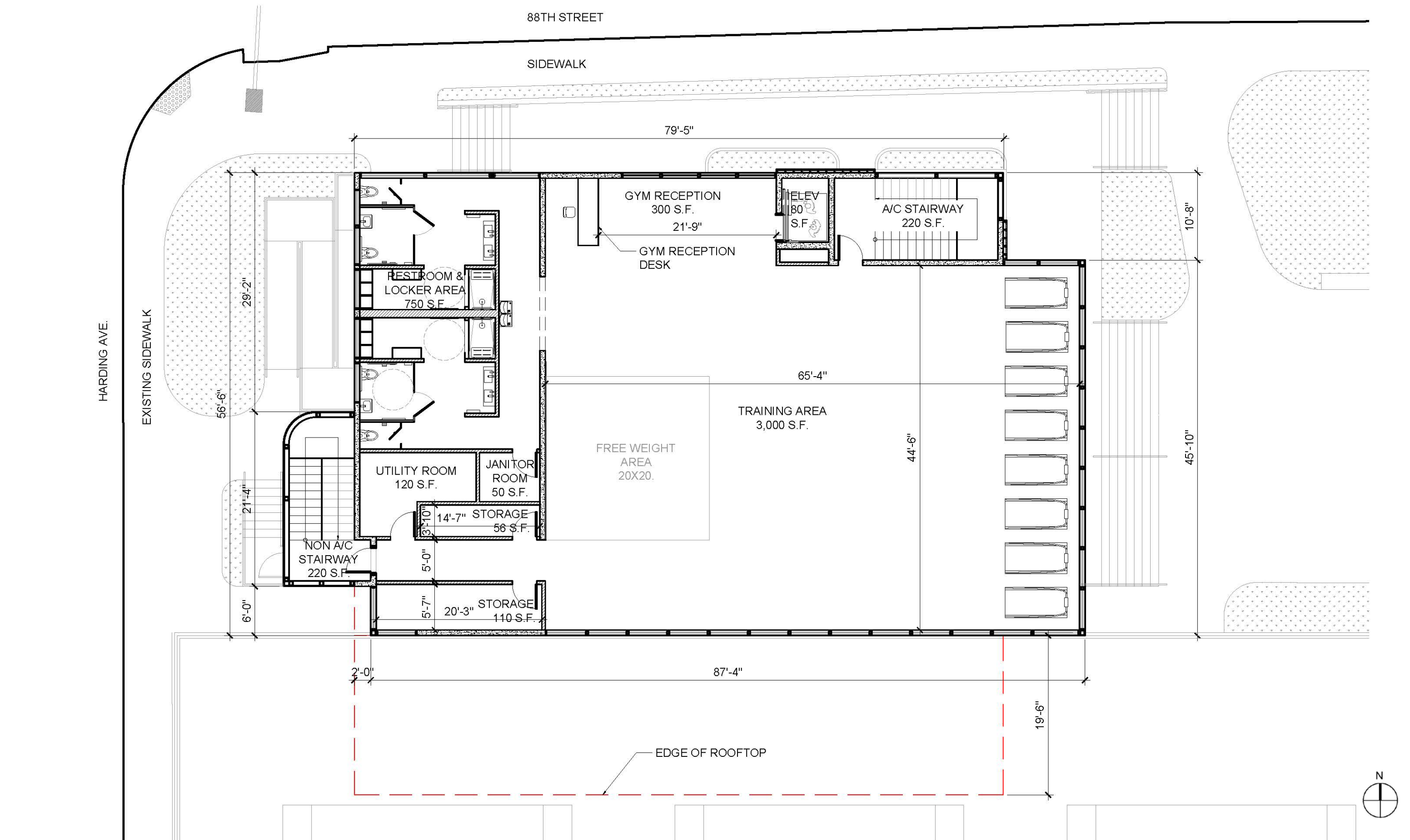
# BUILDING ARCHITECTURE



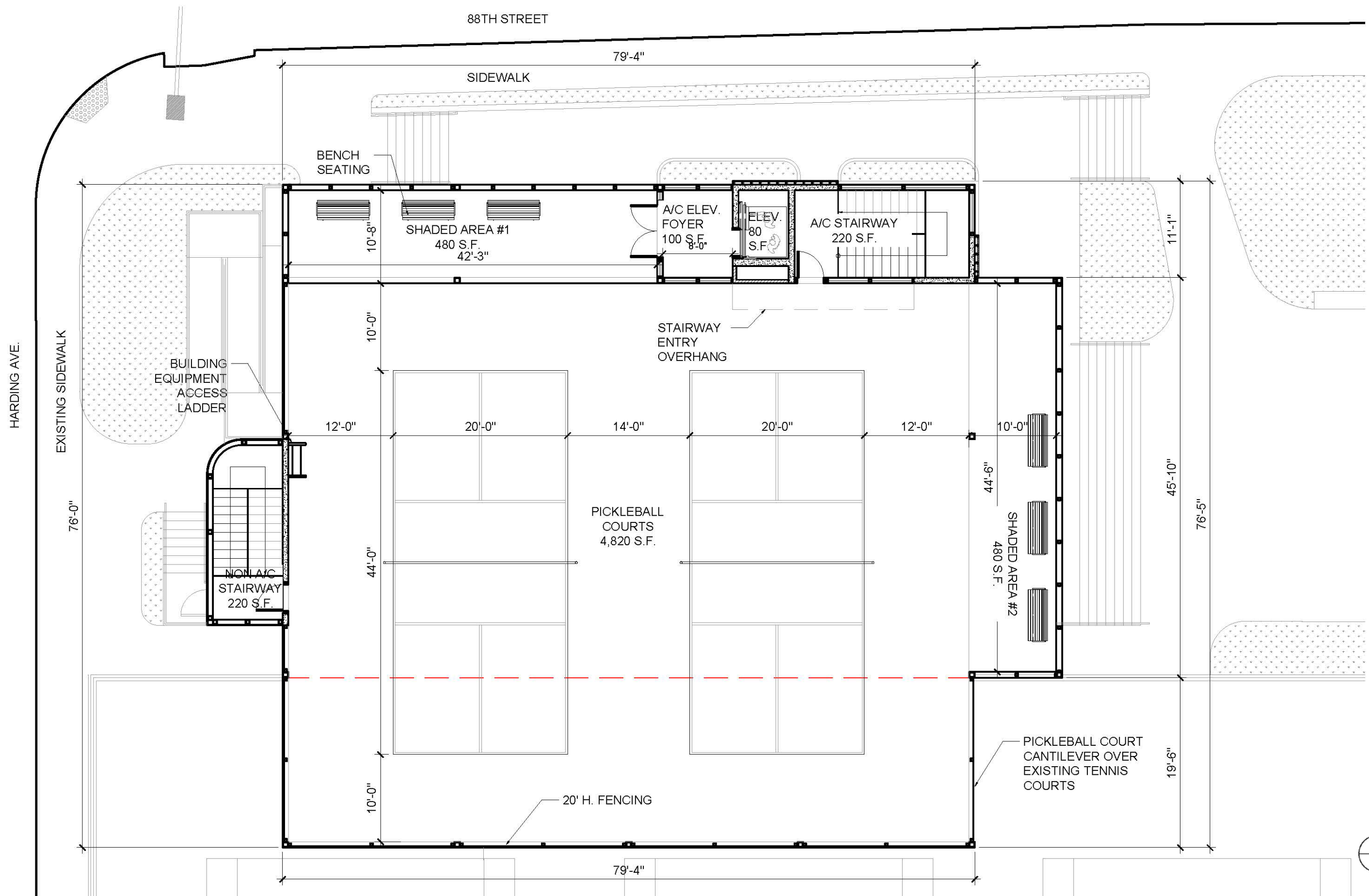




Ground Floor Plan



Second Floor Plan

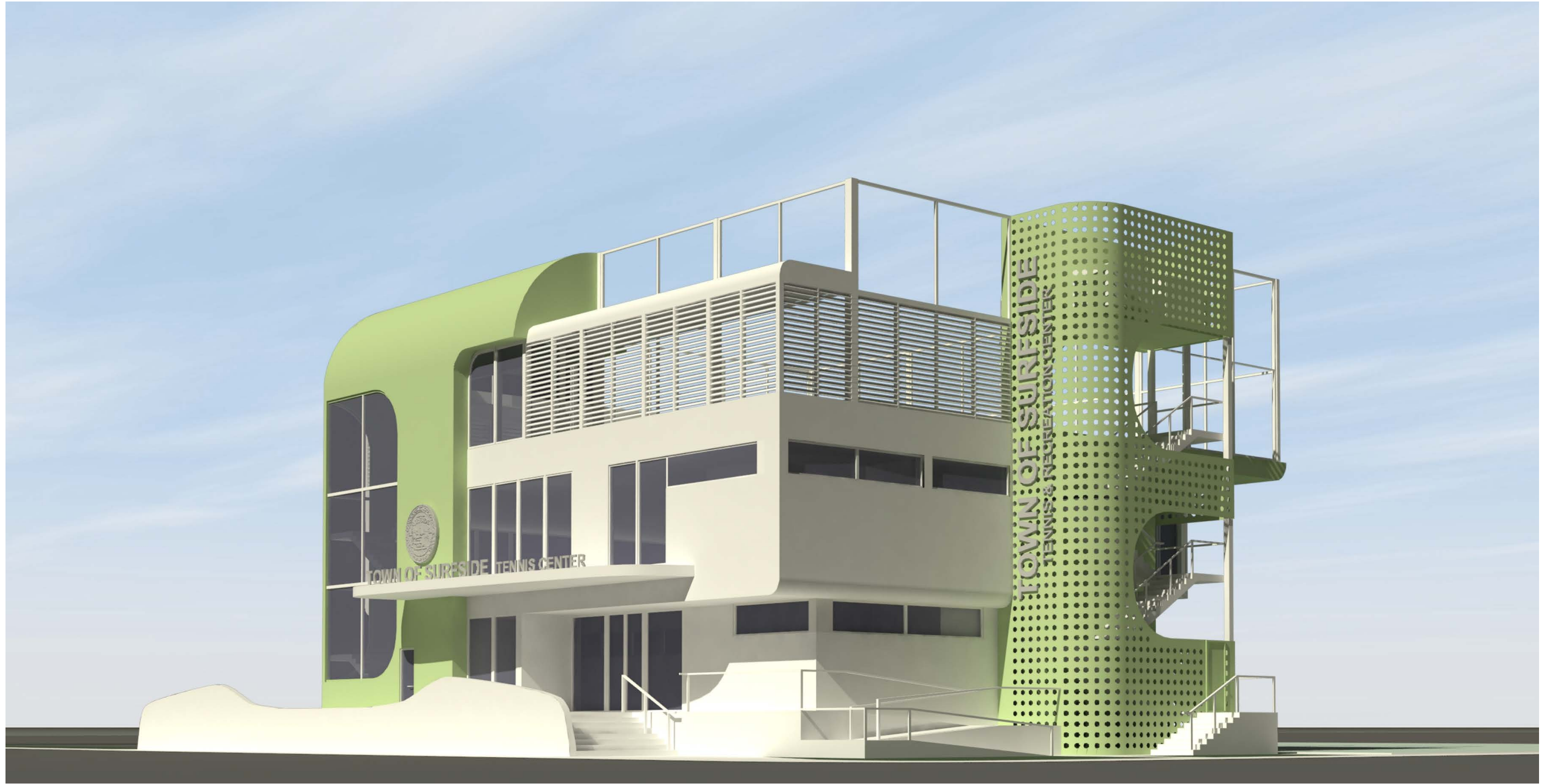


Court Plan

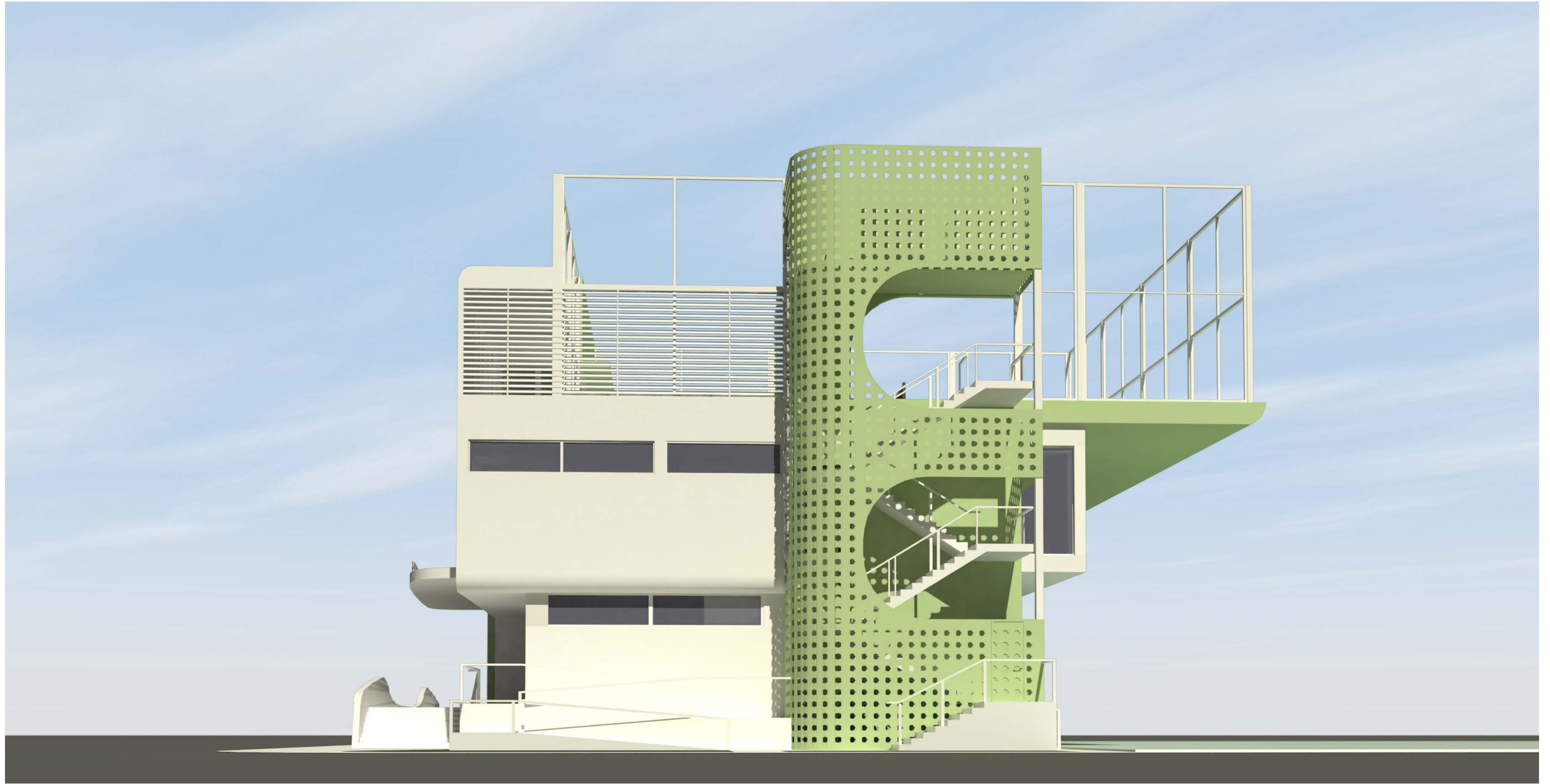




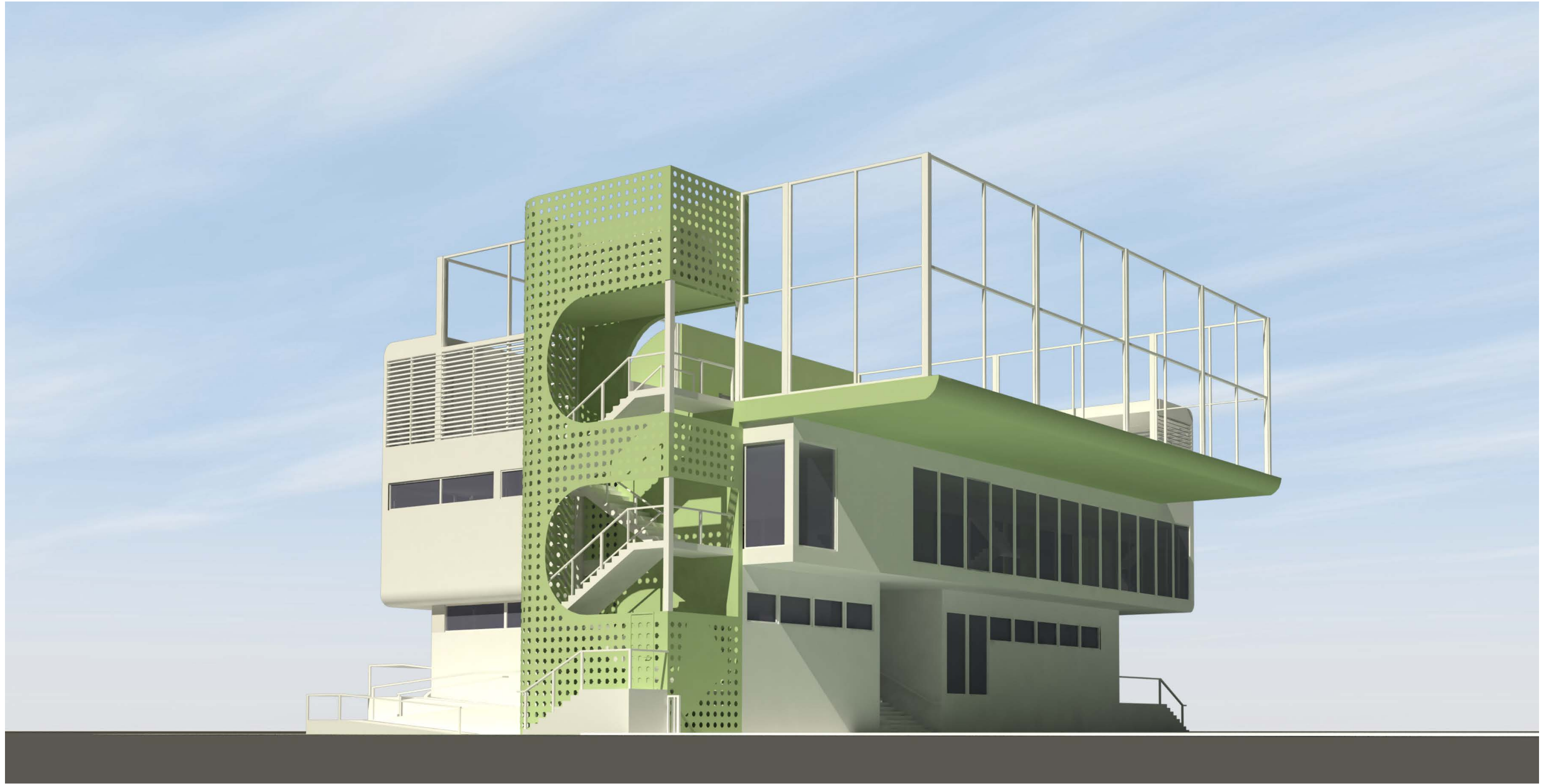
Rendering – View looking south



Rendering – View looking south-east

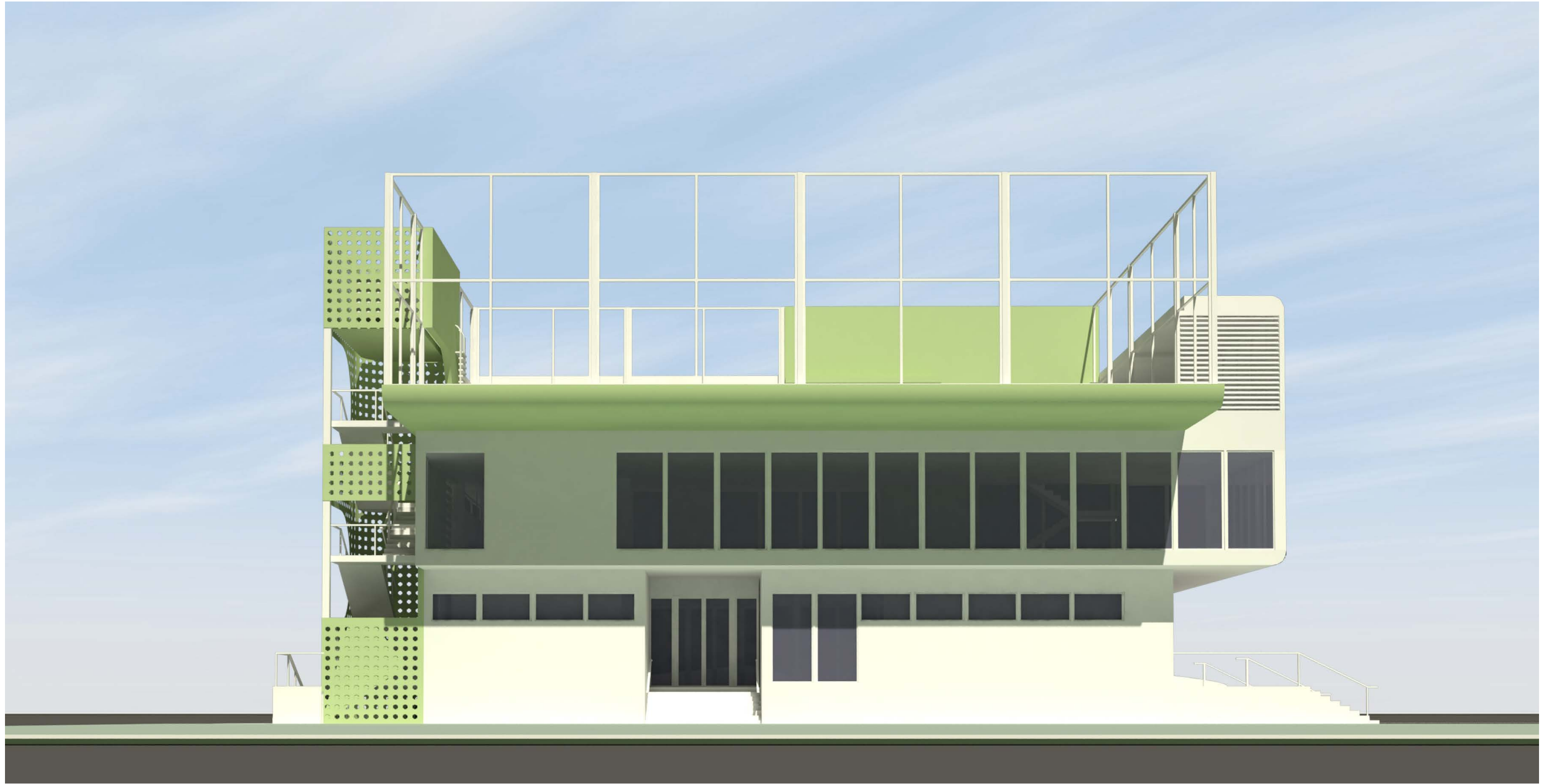


Rendering – View looking east



Rendering – View looking north-east

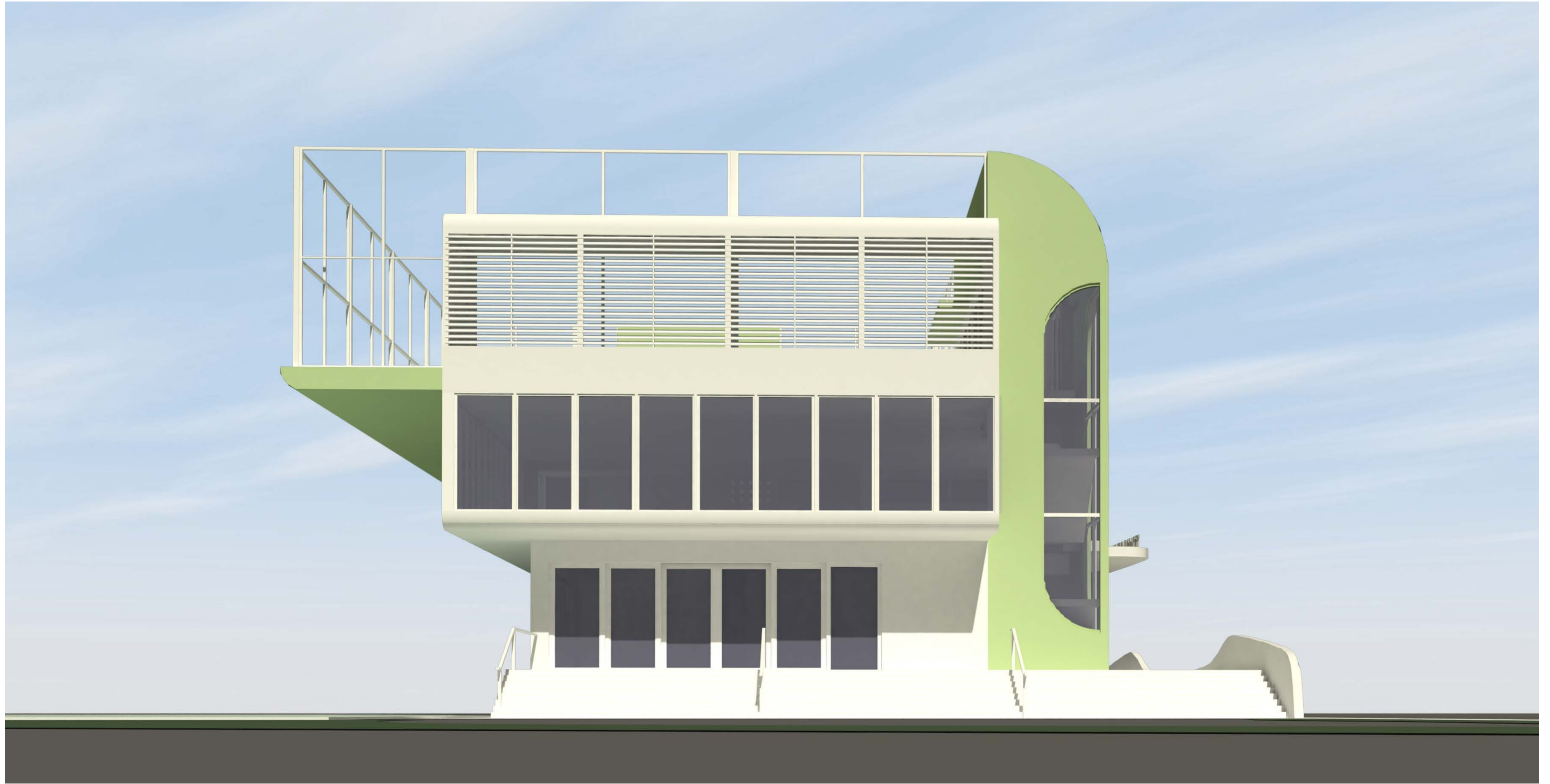




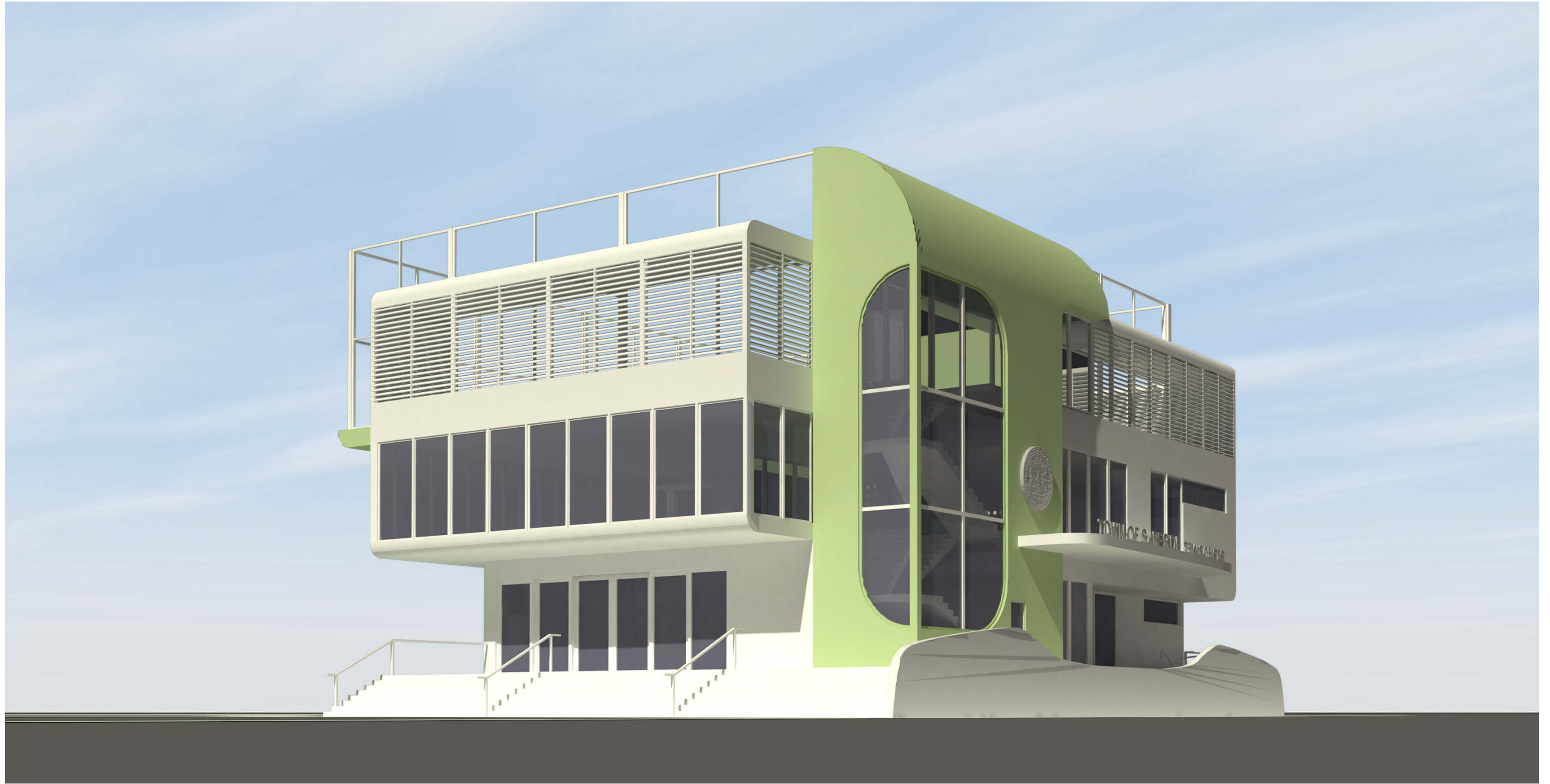
Rendering – View looking north



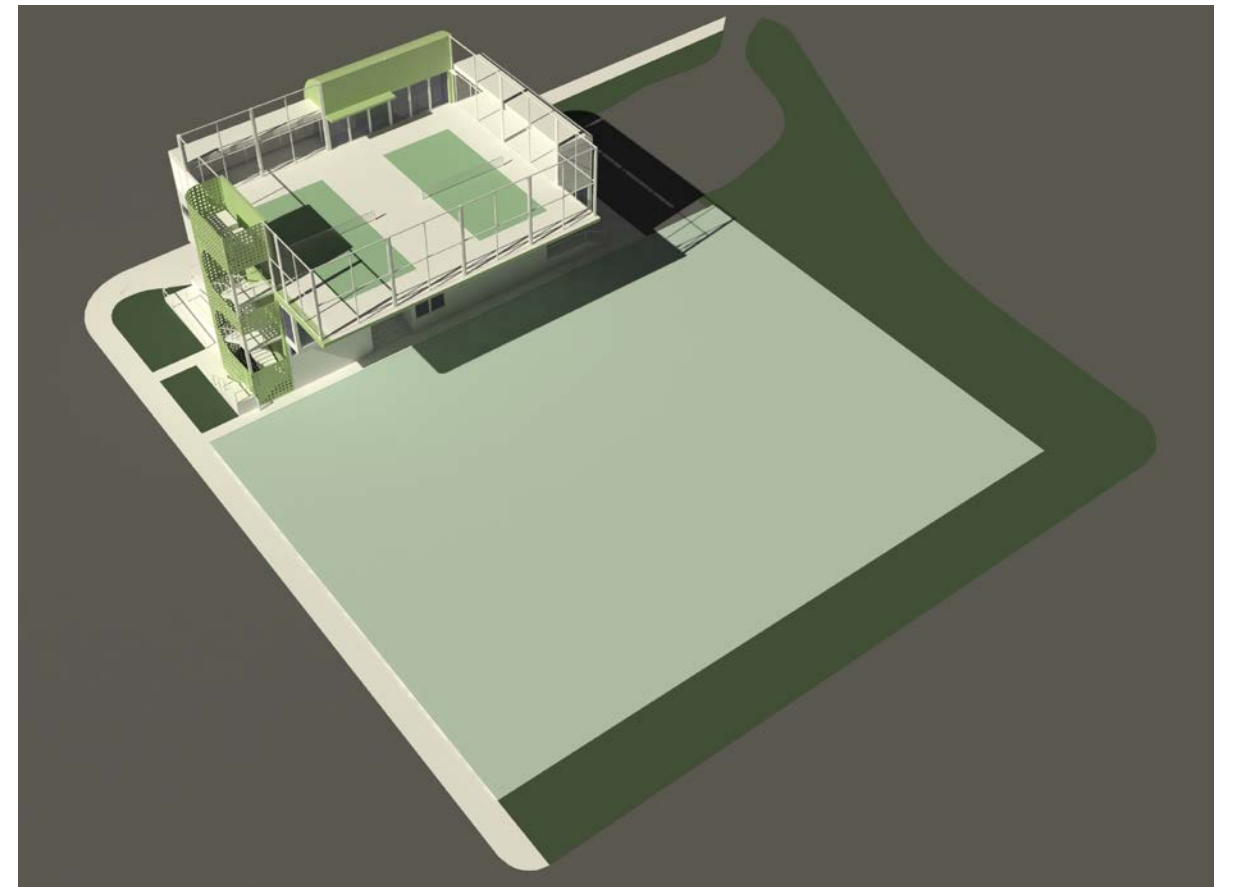
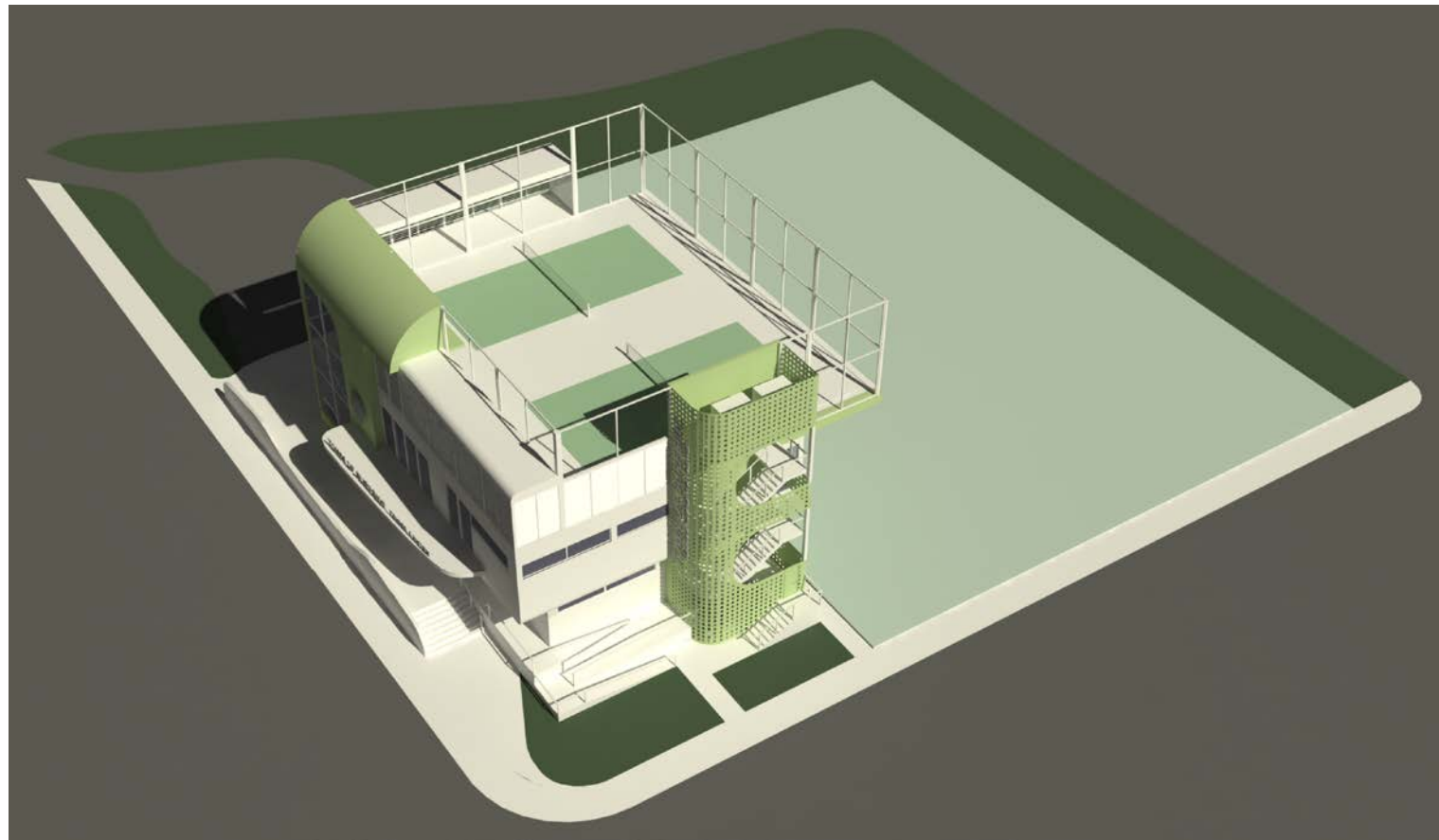
Rendering – View looking north-west



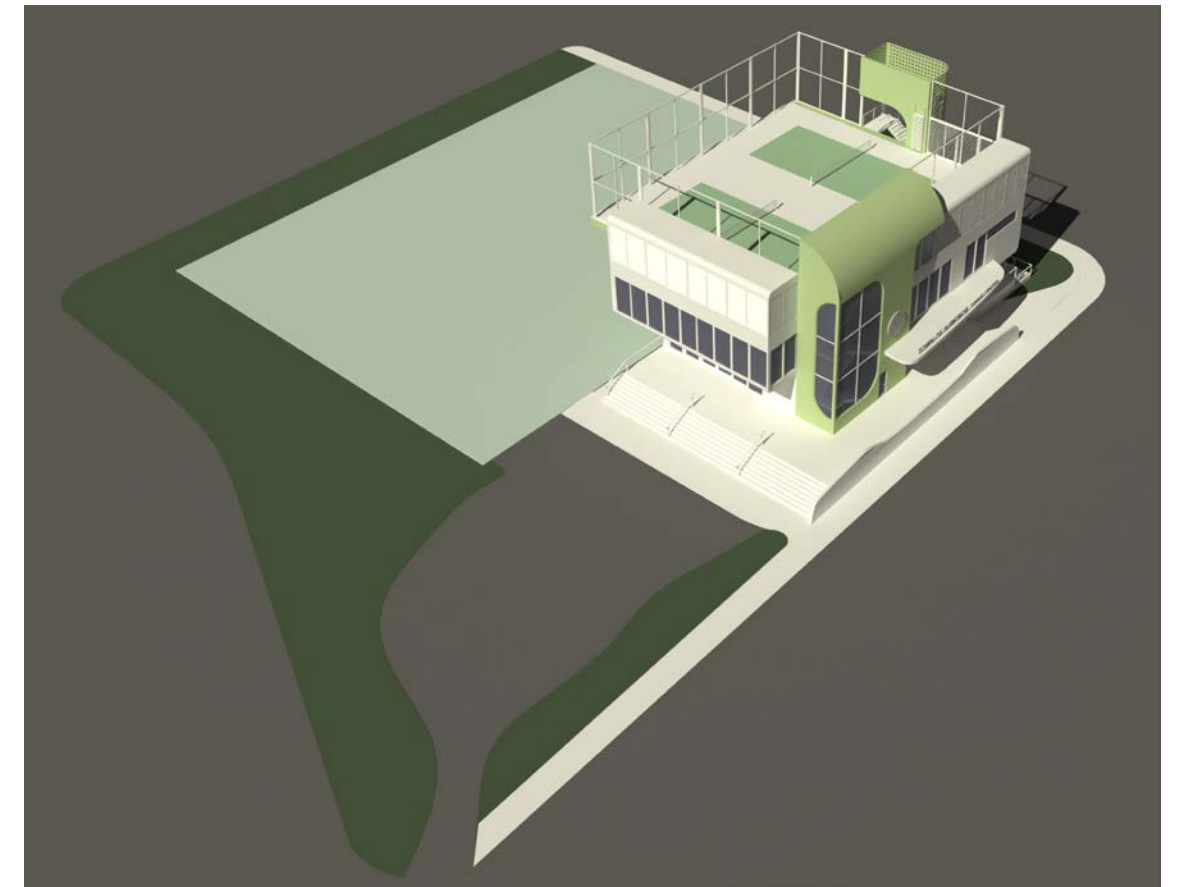
Rendering – View looking west



Rendering – View looking south-west



Rendering – Aerial Perspective



Rendering – Aerial Perspective

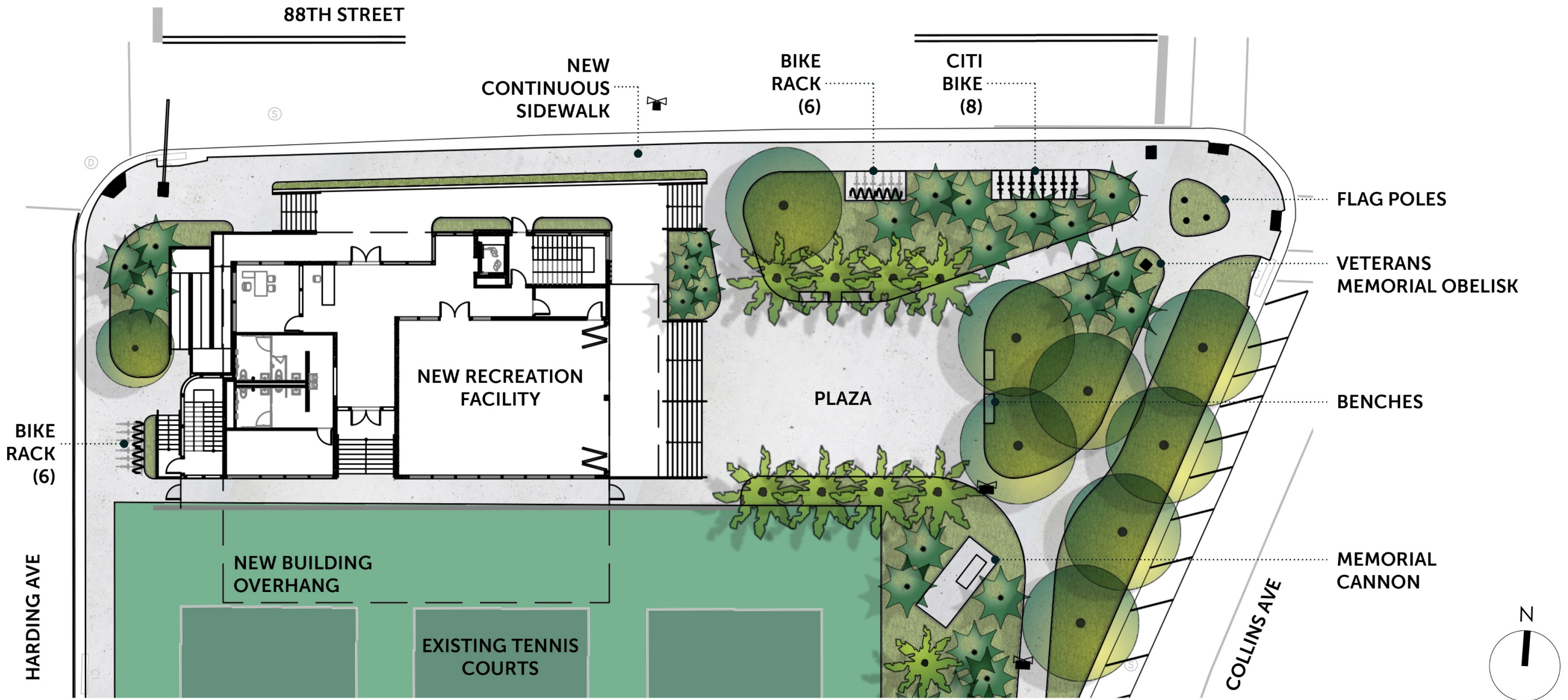


Façade Color Options

# SITE DESIGN



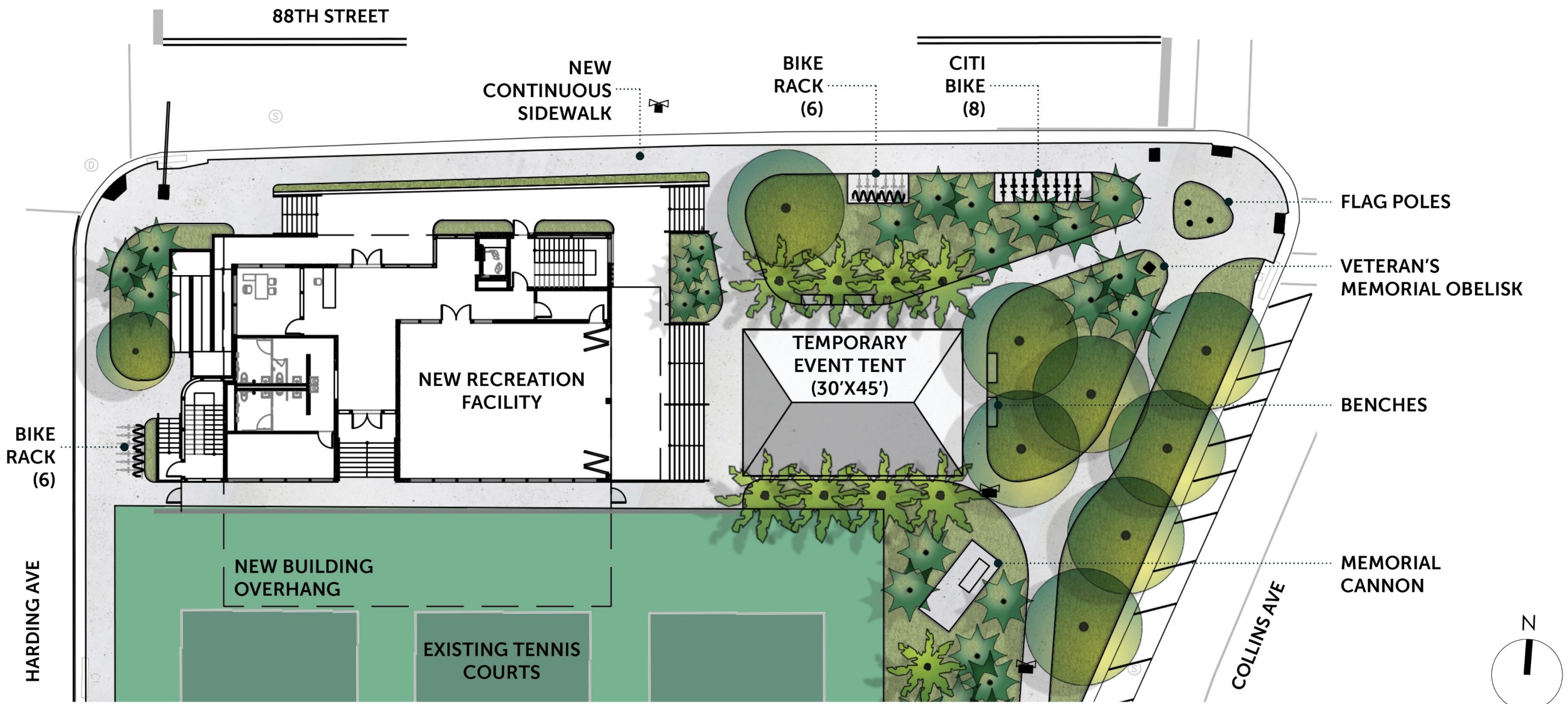
**SCHEMATIC SITE PLAN**



SCALE: 1" = 20'-0"

# SCHEMATIC SITE PLAN

## EVENT SETUP



0 10' 20' 40'

SCALE: 1" = 20'-0"

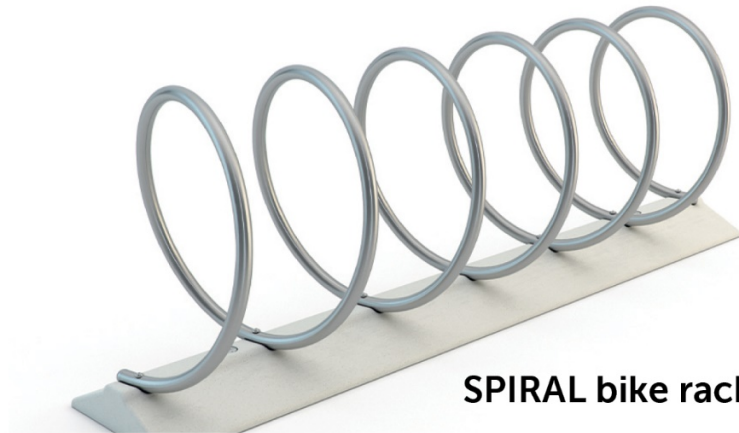
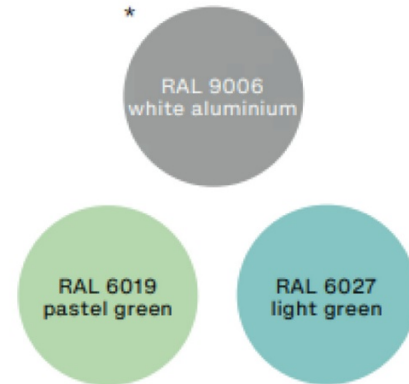
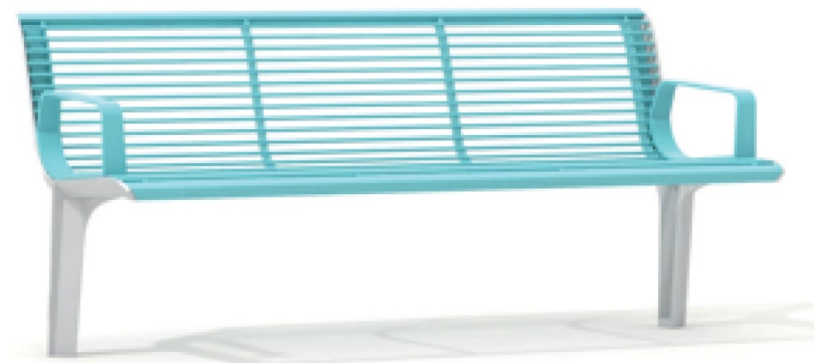
SITE FURNITURE



EMAU SOLO bench by MMCITE



CRYSTAL receptacle by MMCITE



SPIRAL bike rack

SITE LIGHTING



MIKO Bollard by Arcluce



LUNIO Post Top Light by Arcluce

Both: Aluminum body + Dark sky

HARDSCAPE MATERIALS



Paver w/ shell aggregate



Concrete w/ shell aggregate



Keystone in sod

TABEBUIA - RELOCATE



BLACK OLIVE - REMOVE



COCONUT PALMS - RELOCATE



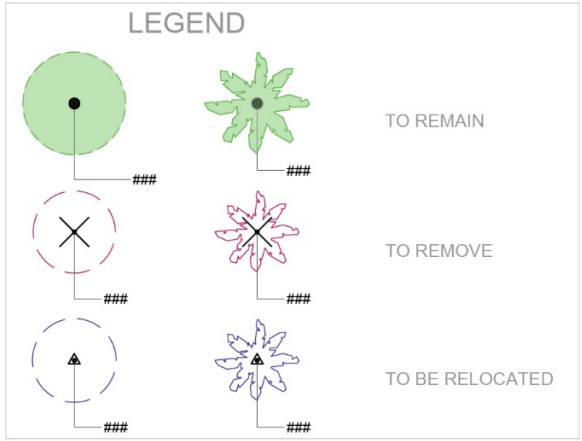
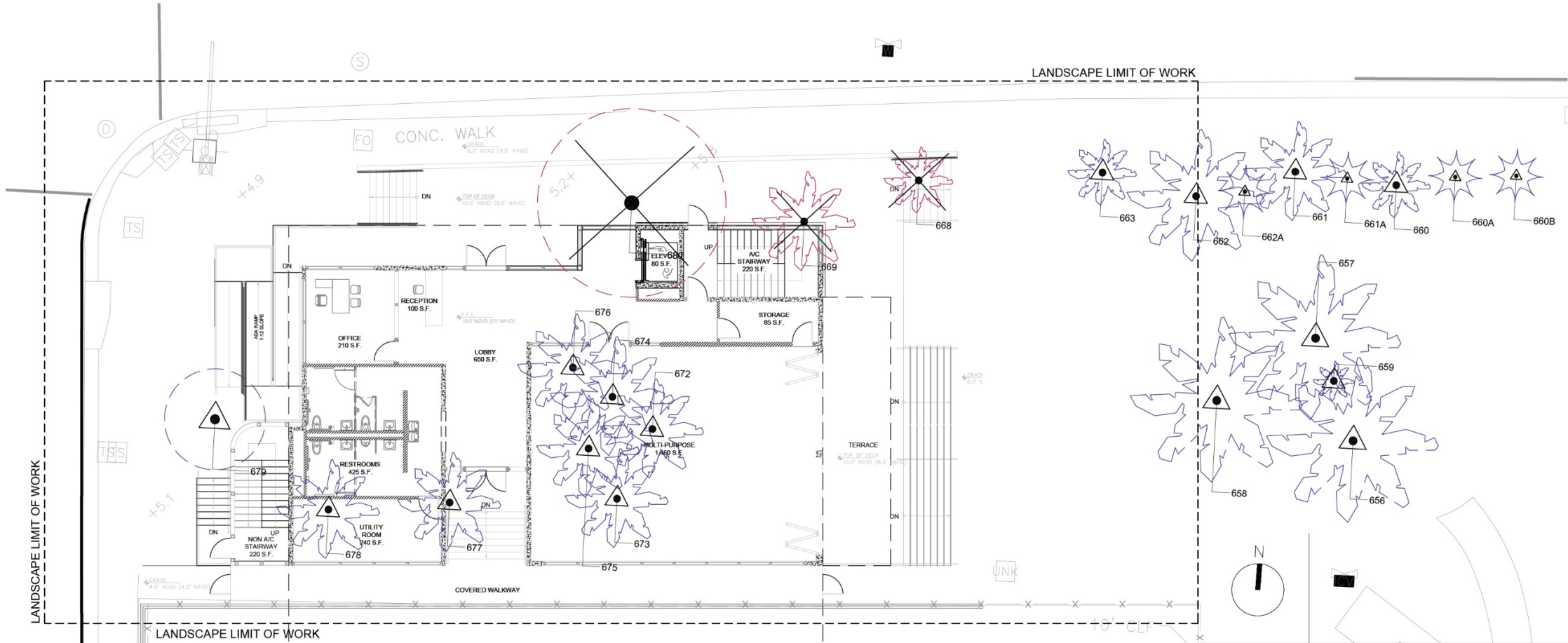
DATE PALMS - RELOCATE



VEITCHIA PALMS & THATCH PALMS - RELOCATE



# TREE MANAGEMENT PLAN



| TREE NO. | SCIENTIFIC NAME     | COMMON NAME         | DBH (IN) | HT (FT) | SP (FT) | CONDITION | REMAIN | RELO. | REMOVE |
|----------|---------------------|---------------------|----------|---------|---------|-----------|--------|-------|--------|
| 656      | Phoenix dactylifera | Medjool Date Palm   | 12       | 35      | 25      | B - Good  |        | 1     |        |
| 657      | Phoenix dactylifera | Medjool Date Palm   | 12       | 35      | 25      | B - Good  |        | 1     |        |
| 658      | Phoenix dactylifera | Medjool Date Palm   | 12       | 35      | 25      | B - Good  |        | 1     |        |
| 659      | Thrinax radiata     | Florida Thatch Palm | 4        | 10      | 6       | B - Good  |        | 1     |        |
| 660      | Veitchia spp.       | Veitchia Palm       | 4        | 20      | 10      | B - Good  |        | 1     |        |
| 660A     | Thrinax radiata     | Florida Thatch Palm |          | 25      | 8       | B - Good  |        | 1     |        |
| 660B     | Thrinax radiata     | Florida Thatch Palm |          | 22      | 8       | B - Good  |        | 1     |        |
| 661      | Veitchia spp.       | Veitchia Palm       | 4        | 27      | 15      | B - Good  |        | 1     |        |
| 661A     | Thrinax radiata     | Florida Thatch Palm |          | 20      | 8       | B - Good  |        | 1     |        |
| 662      | Veitchia spp.       | Veitchia Palm       | 4        | 22      | 25      | B - Good  |        | 1     |        |
| 662A     | Thrinax radiata     | Florida Thatch Palm |          | 20      | 8       | B - Good  |        | 1     |        |
| 663      | Cocos nucifera      | Coconut Palm        | 4        | 20      | 10      | B - Good  |        | 1     |        |
| 668      | Cocos nucifera      | Coconut Palm        | 8        |         |         | D - Poor  |        |       | 1      |
| 669      | Cocos nucifera      | Coconut Palm        | 8        | 35      | 15      | D - Poor  |        |       | 1      |
| 672      | Veitchia spp.       | Veitchia Palm       | 8        | 25      | 15      | B - Good  |        | 1     |        |
| 673      | Cocos nucifera      | Coconut Palm        | 10       | 35      | 15      | B - Good  |        | 1     |        |
| 674      | Veitchia spp.       | Veitchia Palm       | 6        | 25      | 15      | B - Good  |        | 1     |        |
| 675      | Veitchia spp.       | Veitchia Palm       | 6        | 20      | 12      | B - Good  |        | 1     |        |
| 676      | Veitchia spp.       | Veitchia Palm       | 6        | 25      | 18      | B - Good  |        | 1     |        |
| 677      | Cocos nucifera      | Coconut Palm        | 8        | 35      | 15      | B - Good  |        | 1     |        |
| 678      | Cocos nucifera      | Coconut Palm        | 8        | 35      | 15      | B - Good  |        | 1     |        |
| 679      | Tabebuia caraiba    | Trumpet Tree        | 18       | 25      | 15      | B - Good  |        | 1     |        |
| 680      | Bucida buceras      | Black Olive         | 25       | 35      | 45      | D - Poor  |        |       | 1      |

**PROPOSED PLANTING  
TREES & PALMS**

**WILD TAMARIND**



**MAHOGANY**



**GUMBO LIMBO**



**GREEN BUTTONWOOD**



**SIMPSON STOPPER**



**TABEBUIA**



**COCONUT PALM**



**SABAL PALM**



**FLORIDA THATCH PALM**



**SILVER PALM**



# PROPOSED PLANTING UNDERSTORY

RED-TIP & HORIZONTAL COCOPLUM



BAHAMA COFFEE



COONTIE



PHILODENDRON 'BURLE MARX'



SAW PALMETTO



PINK MUHLY GRASS



SPARTINA



DWARF FAKAHATCHEE GRASS



NECKALACE POD



DUNE SUNFLOWER



BLANKET FLOWER



Town of Surfside Recreation Facility  
8750 Collins Ave, Surfside, FL 33154  
Schematic Design



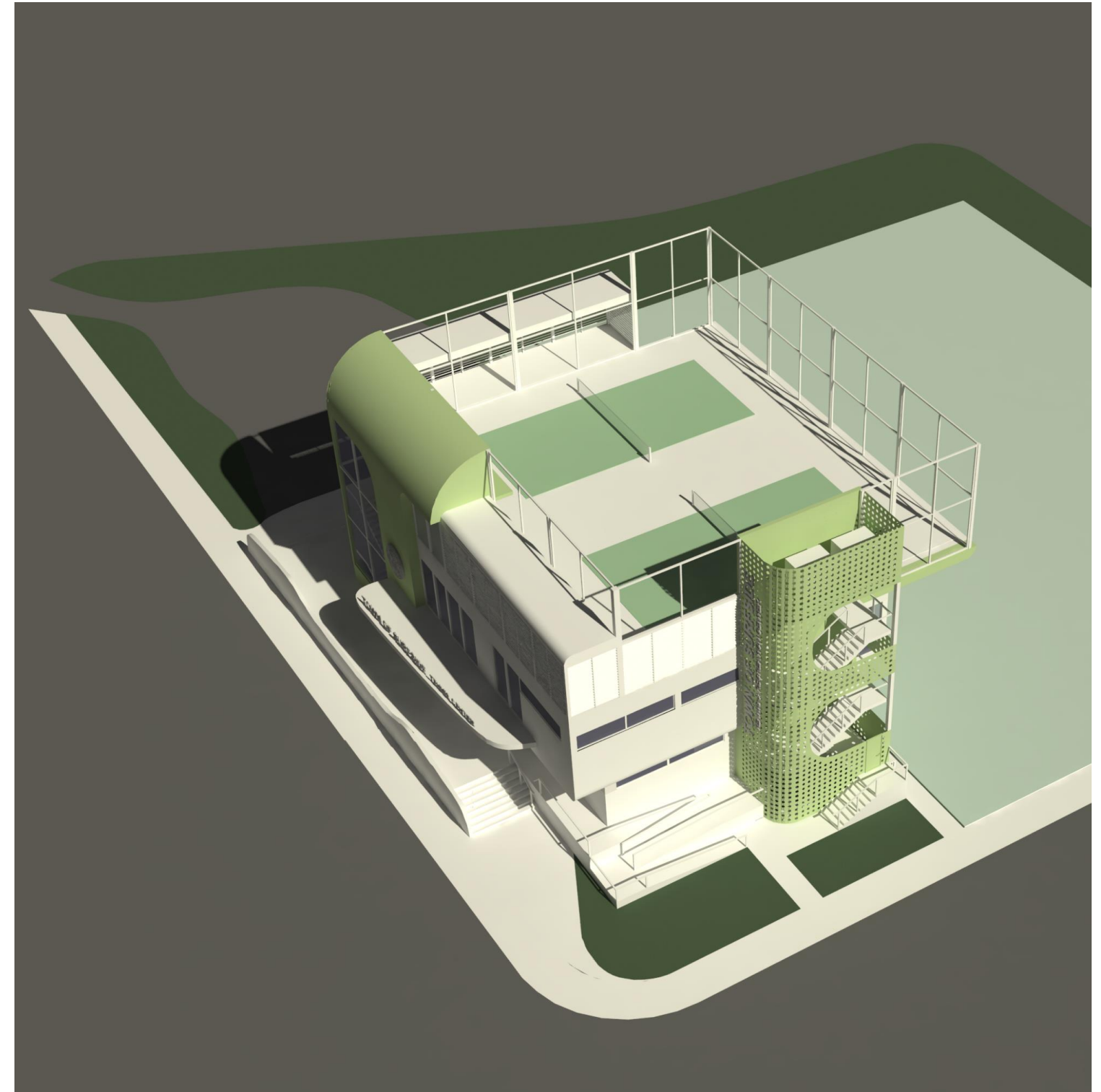


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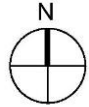
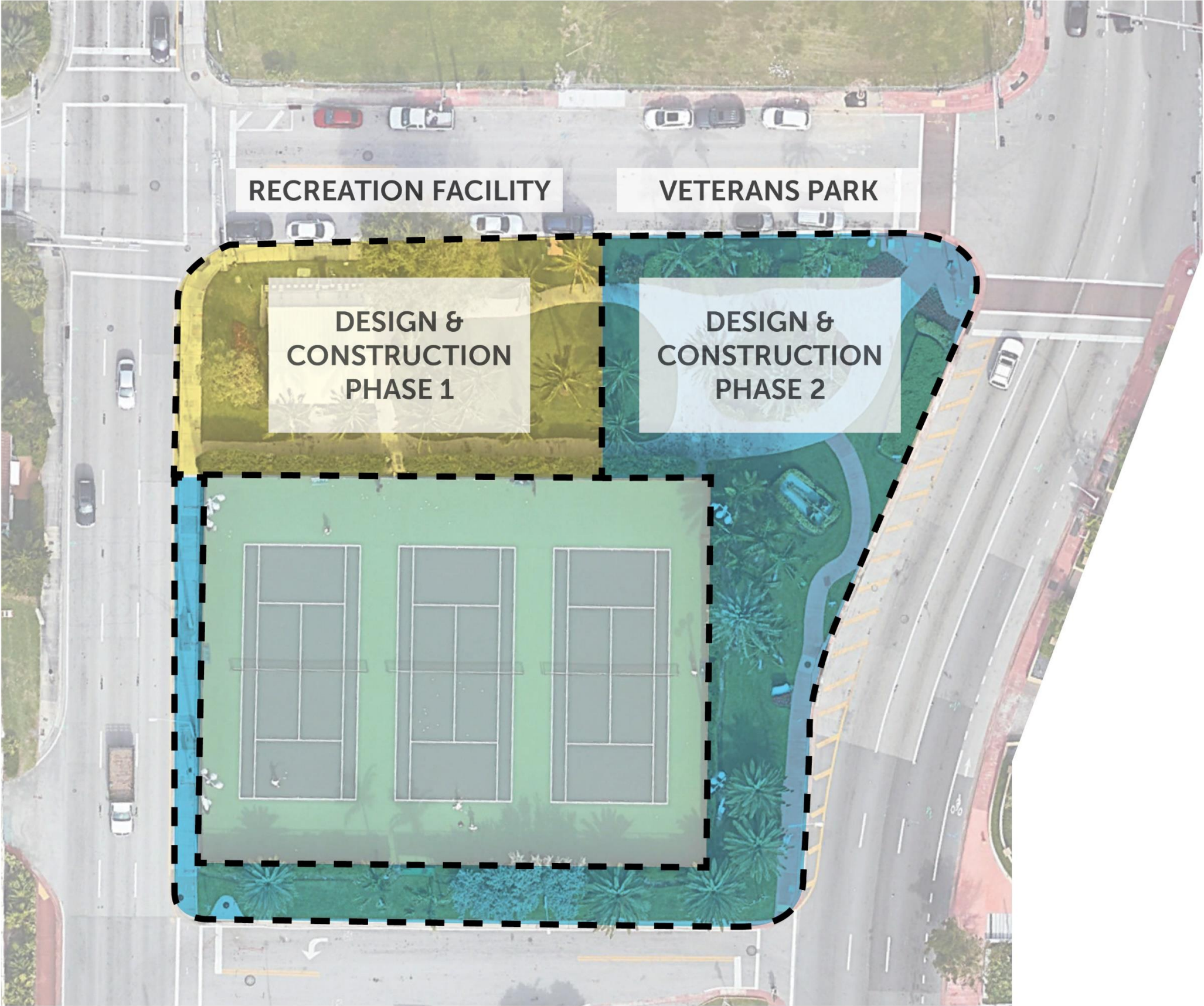
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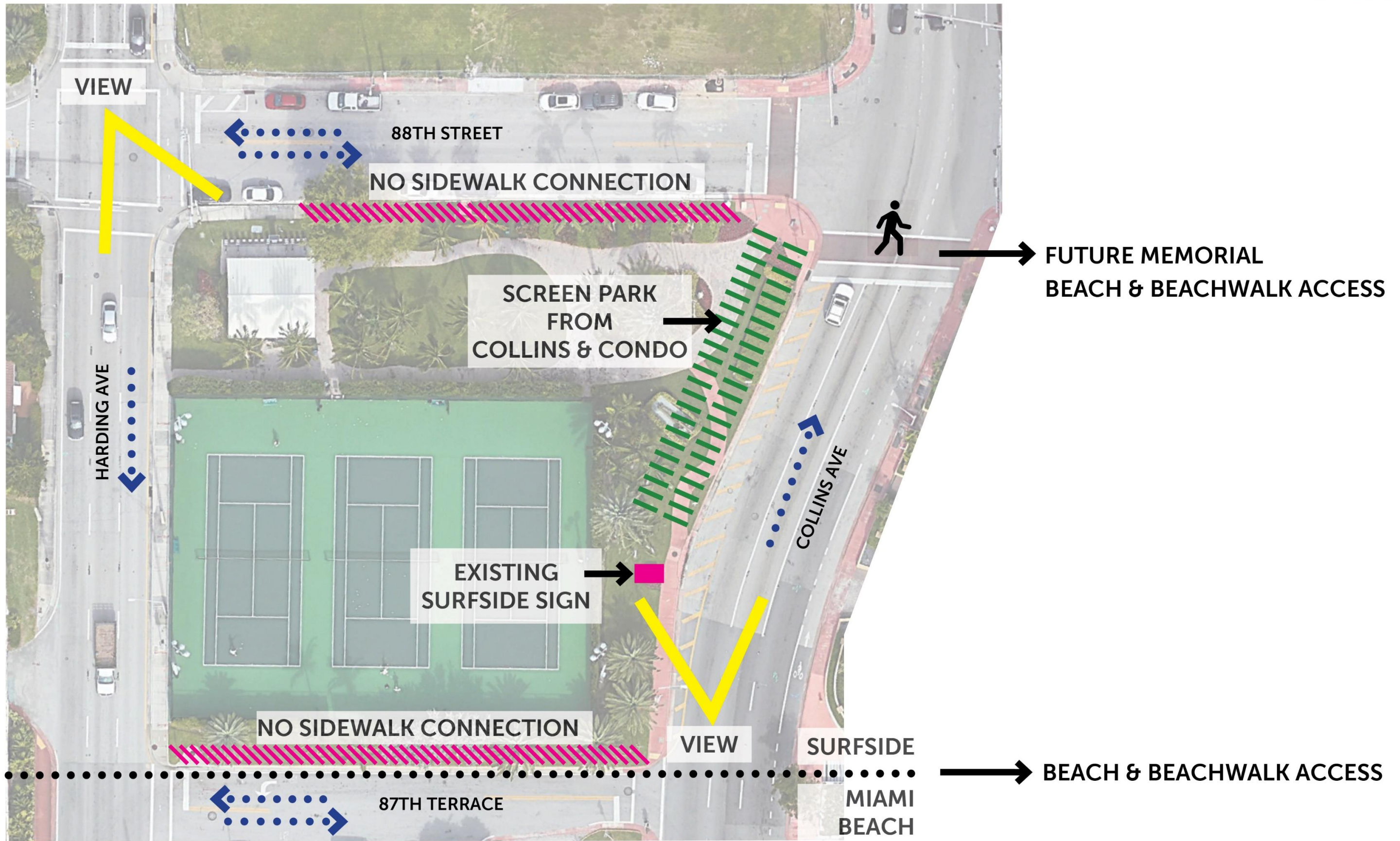
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# SITE ANALYSIS





EXISTING CONDITIONS



Corner of Harding Ave & 88th St



View from 88th St



Corner of Collins Ave & 88th St



Surfside Monument Sign



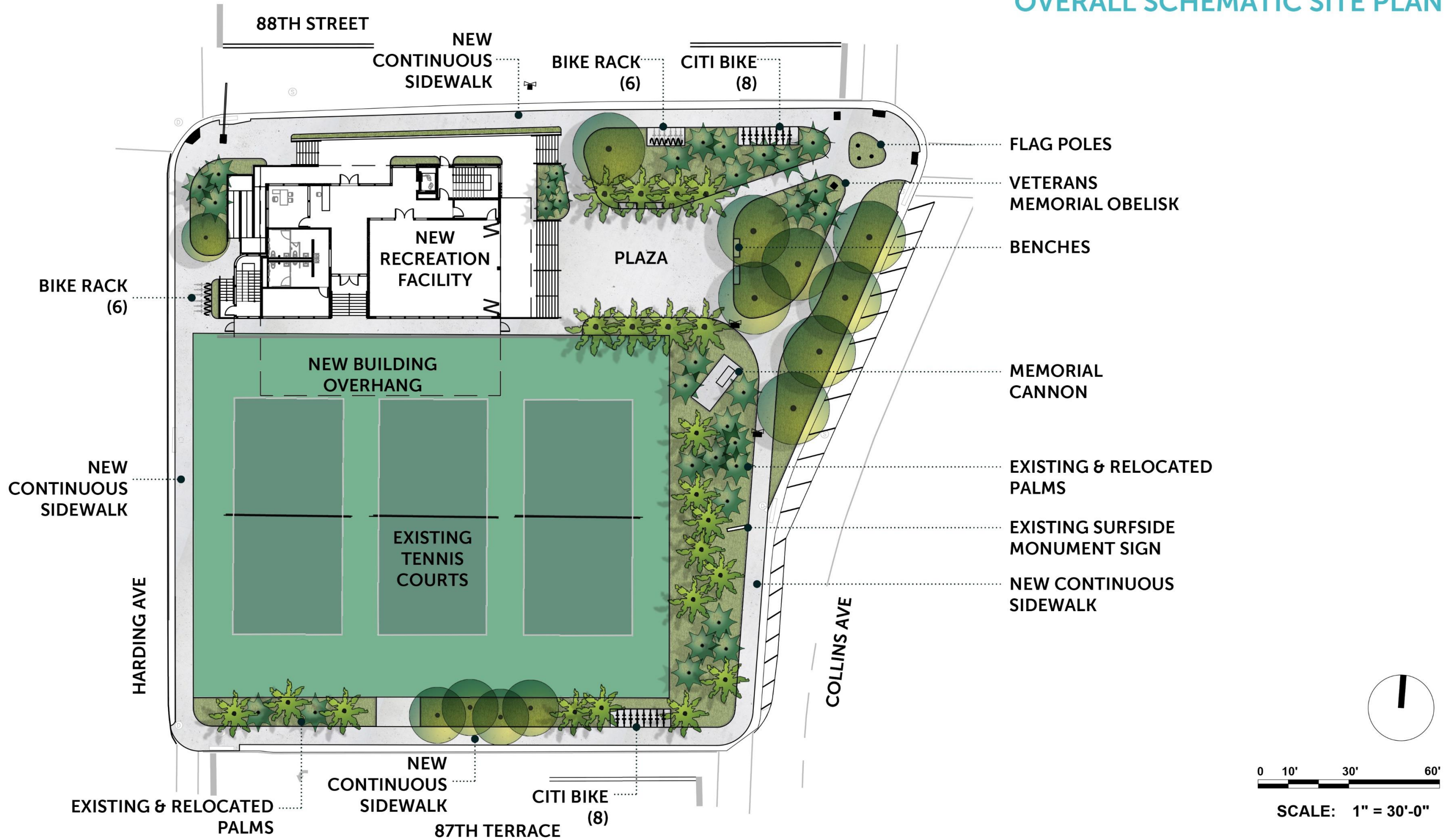
Veteran's Monument & Flag Poles



Monument Cannon

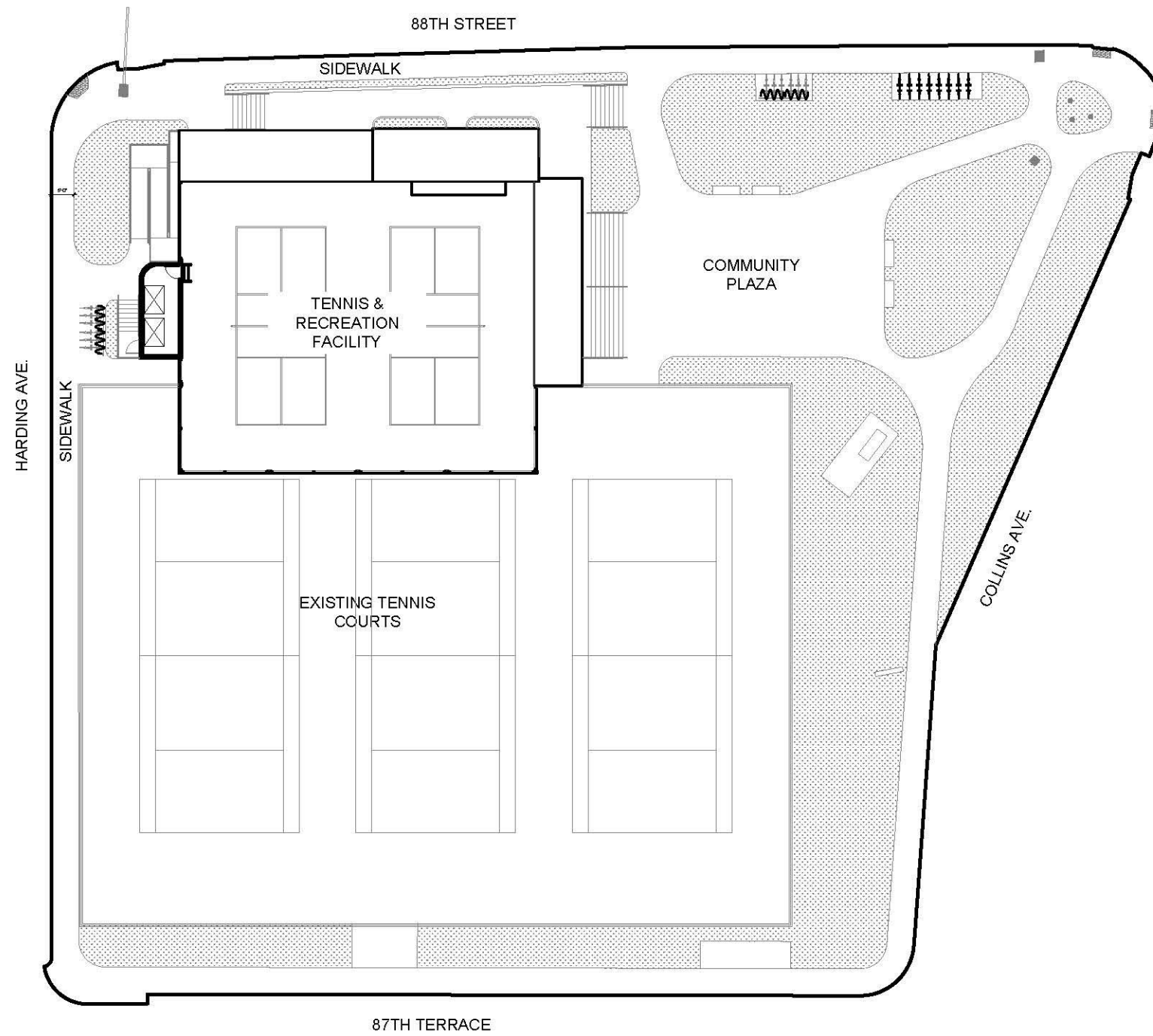
# OVERALL SITE PLAN

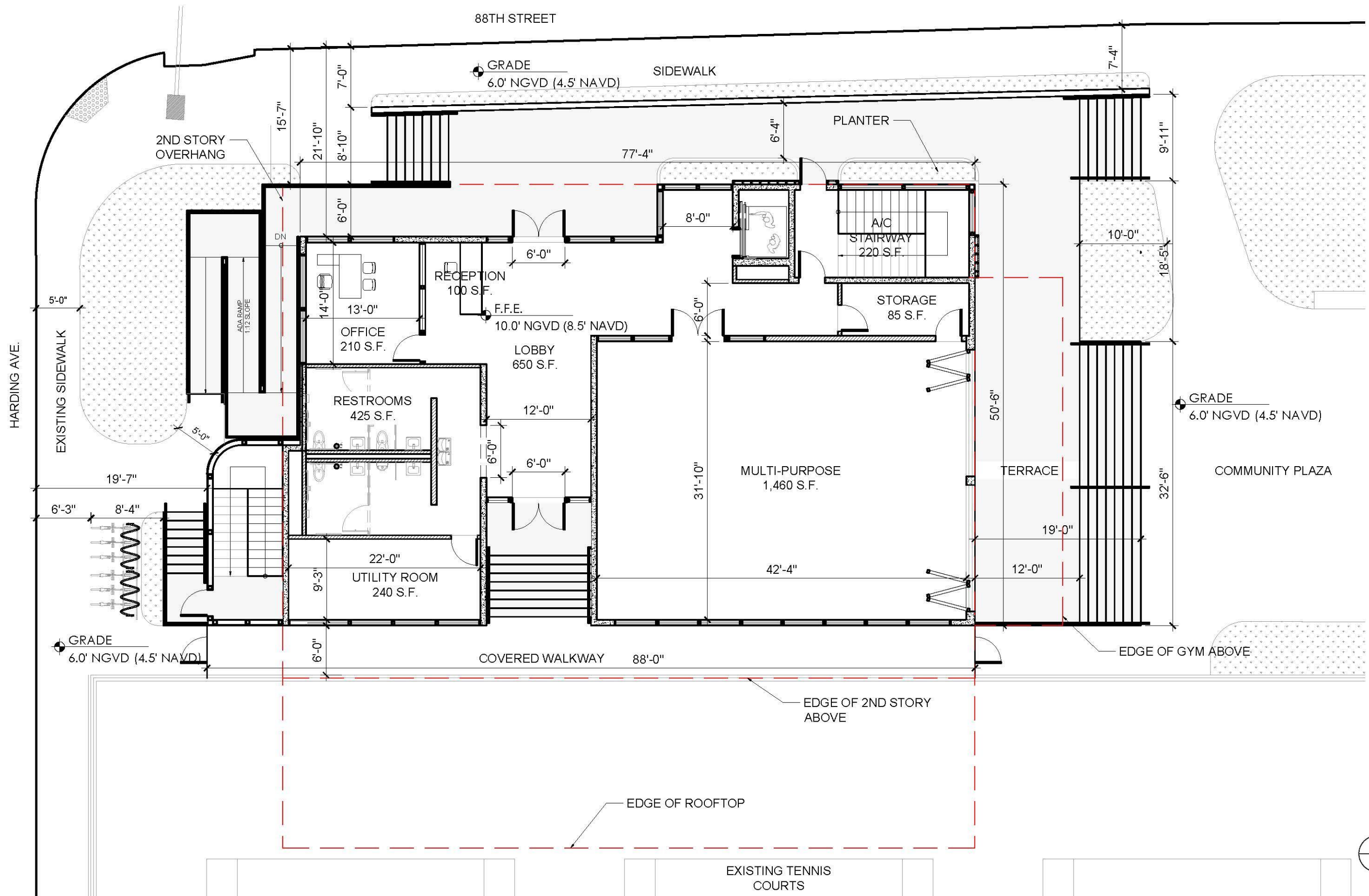
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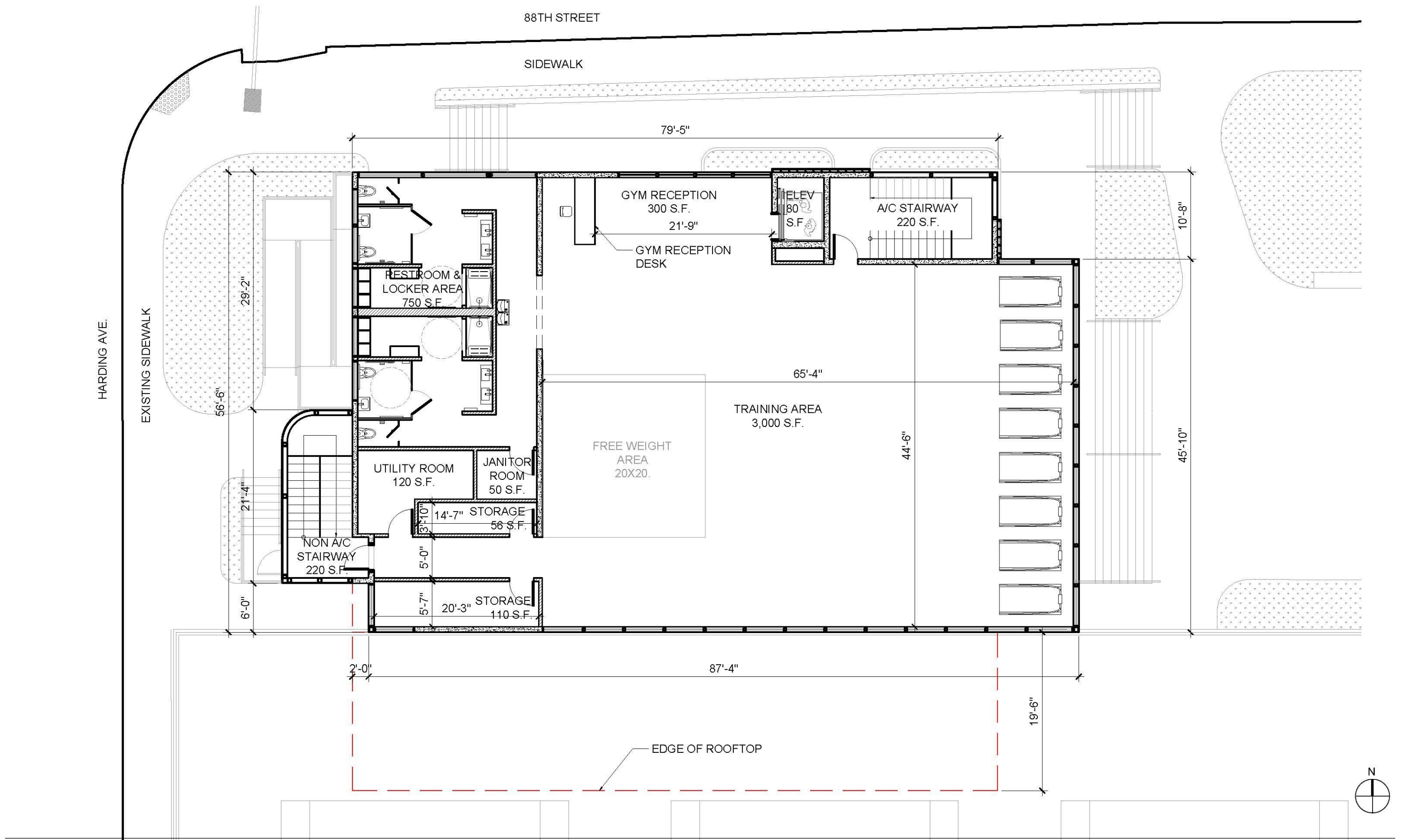
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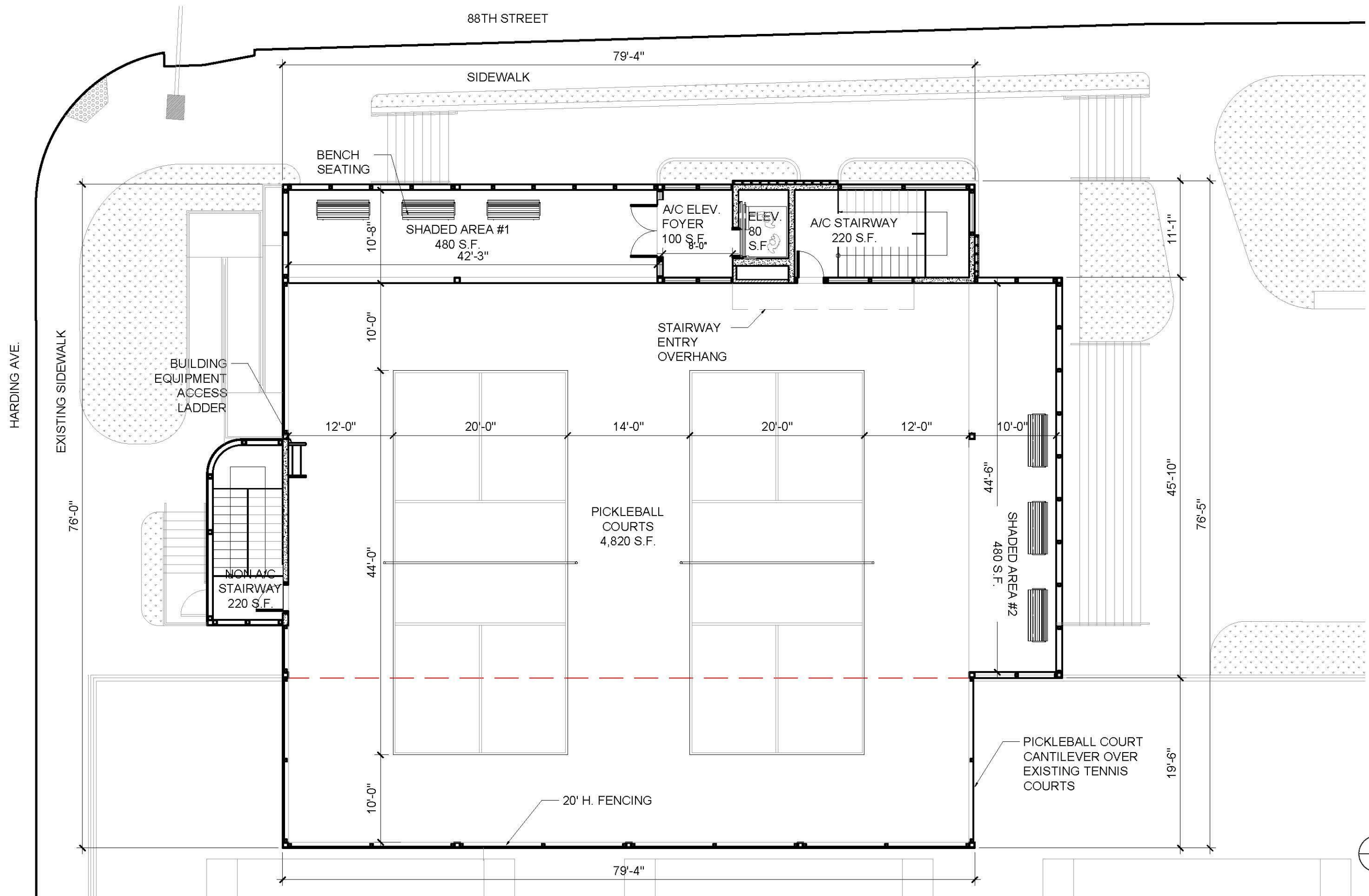




Ground Floor Plan



Second Floor Plan



Court Plan

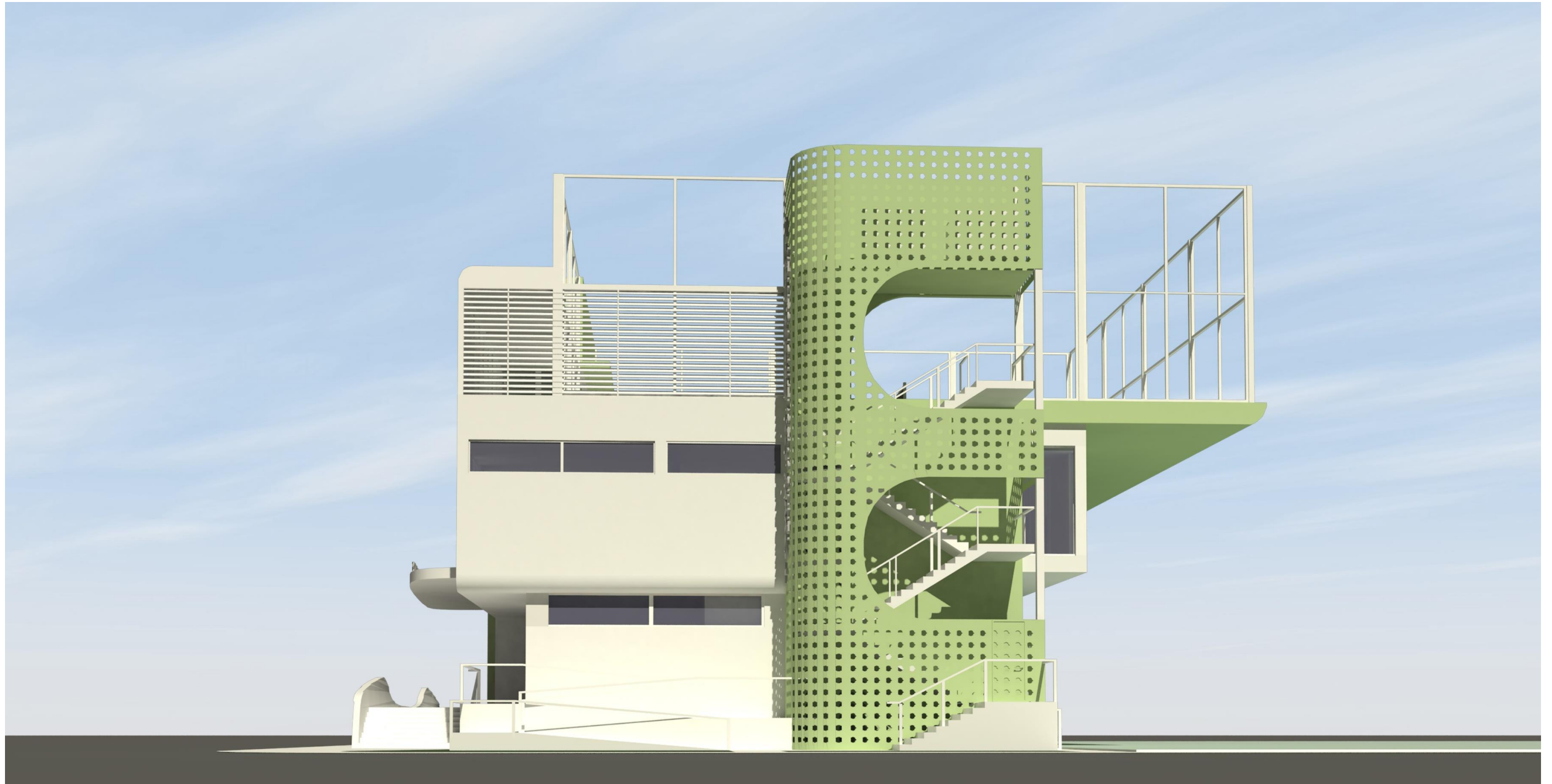




Rendering – View looking south

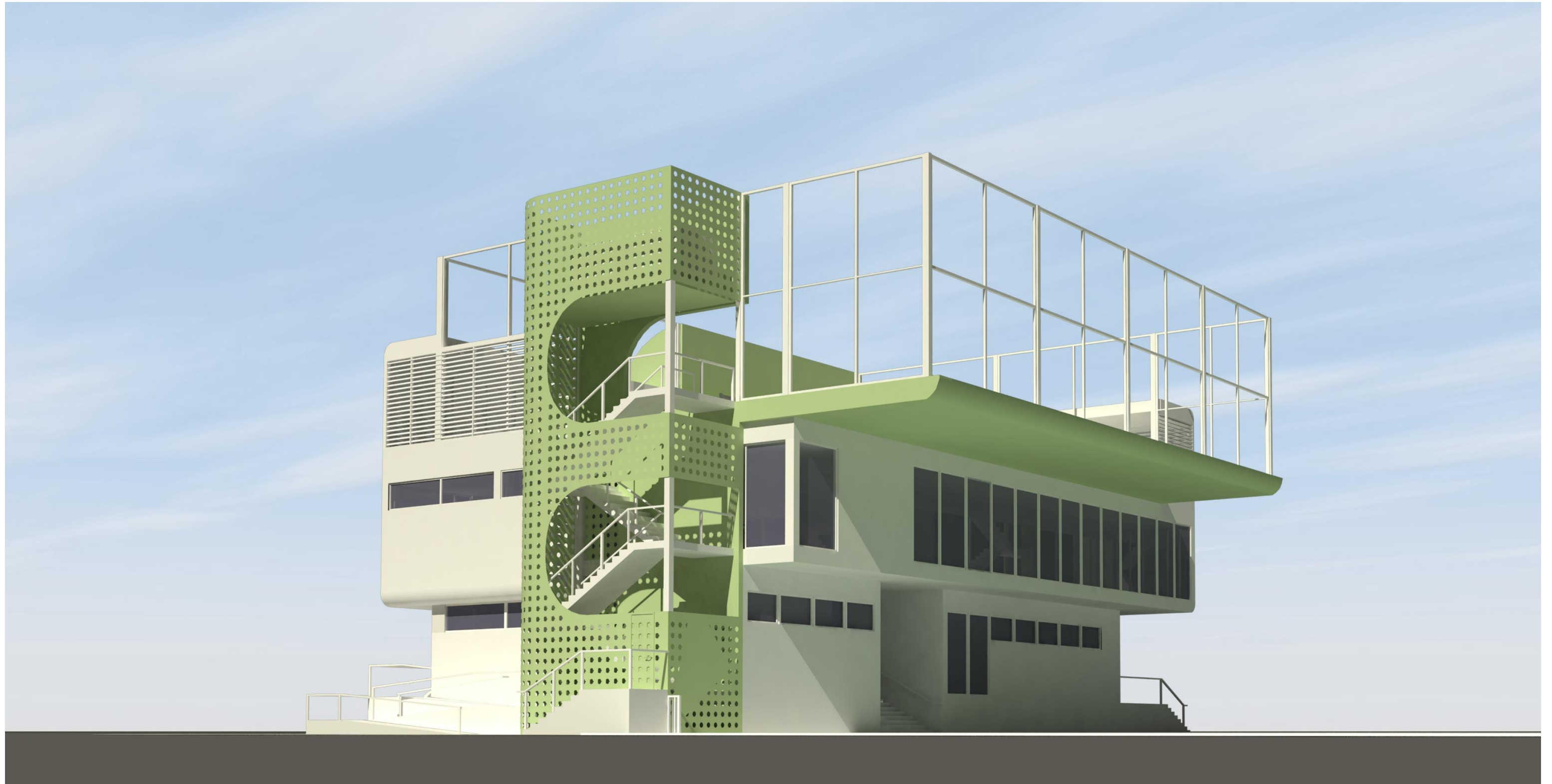


Rendering – View looking south-east

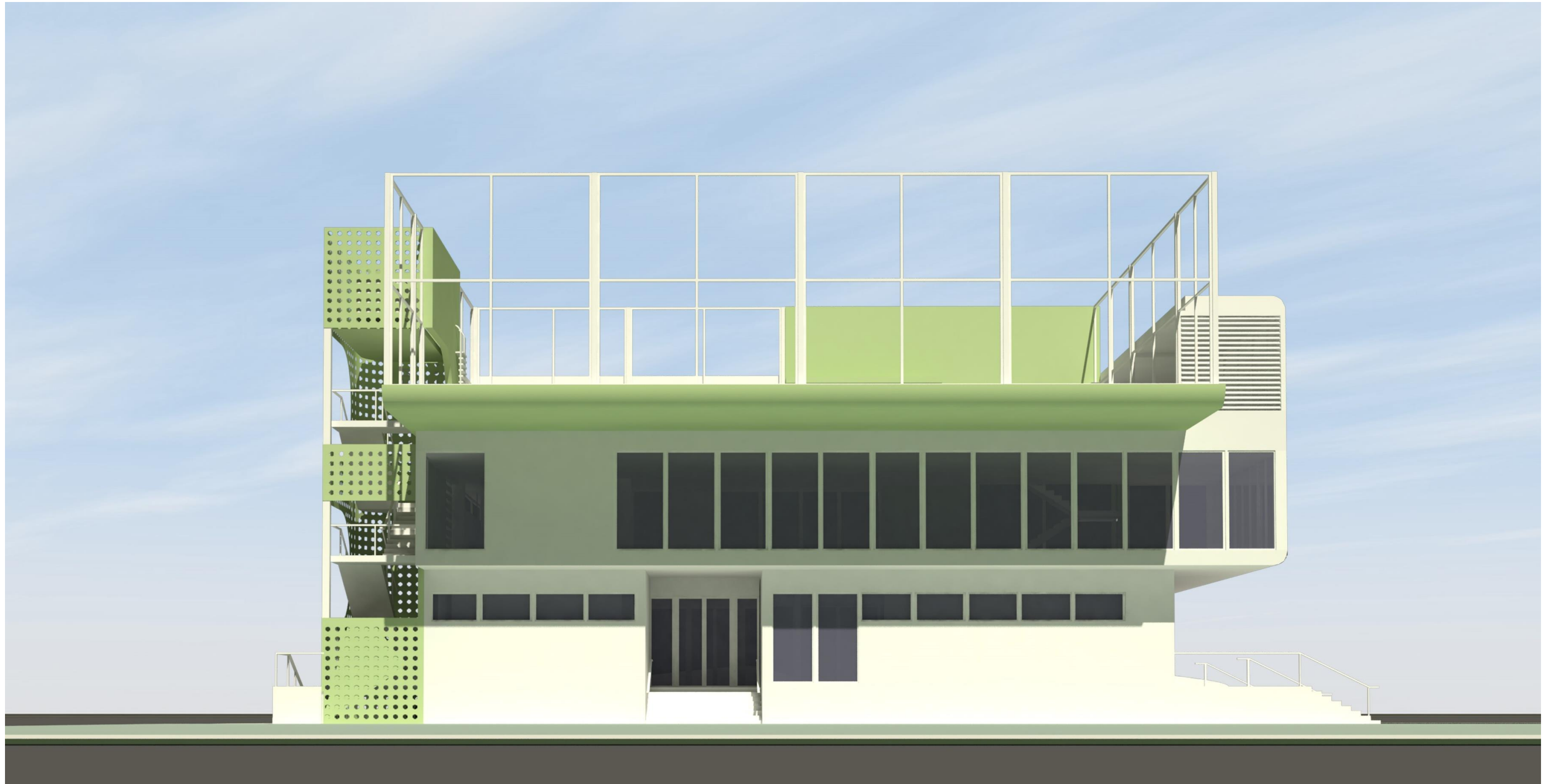


Rendering – View looking east

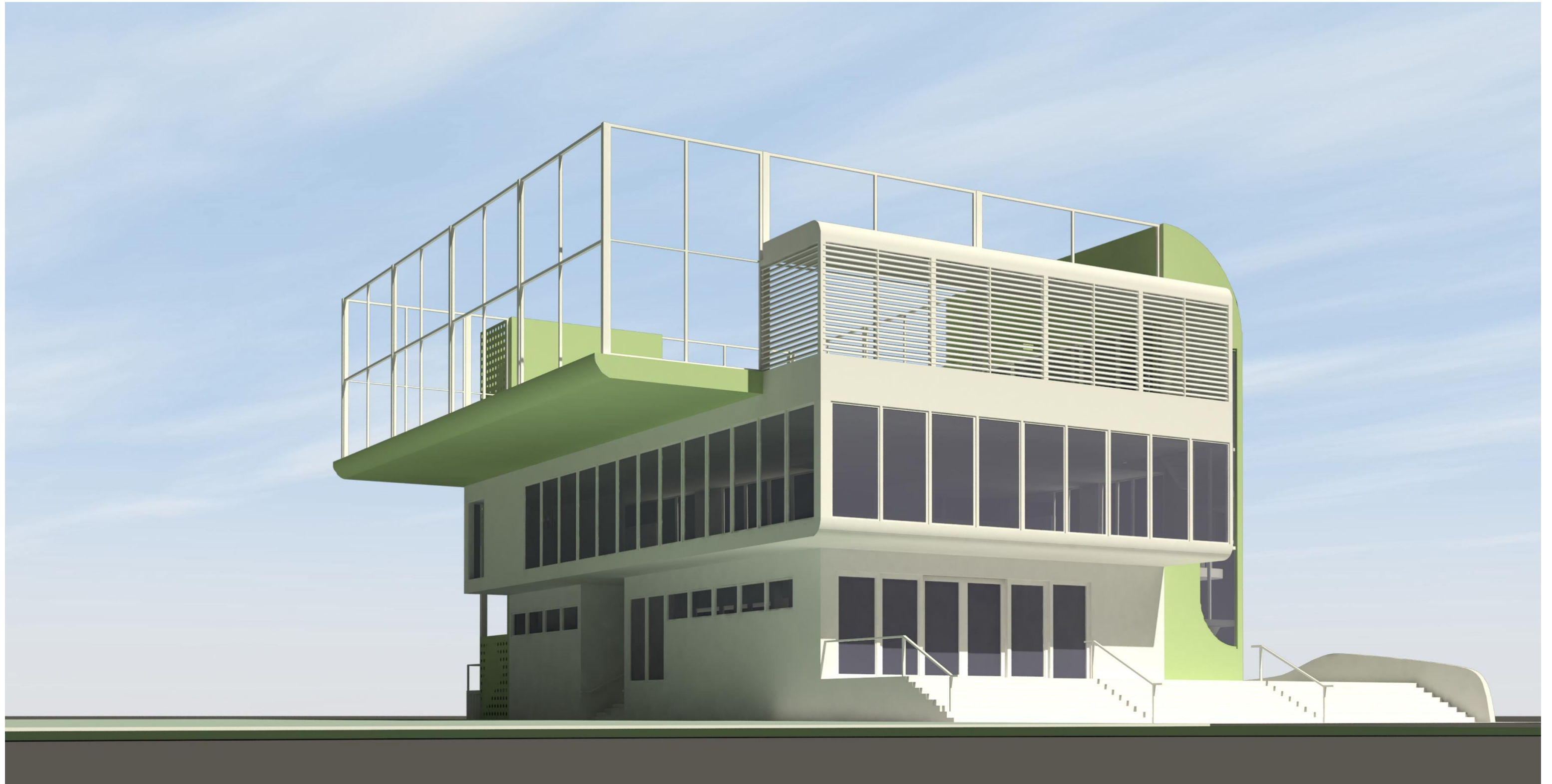




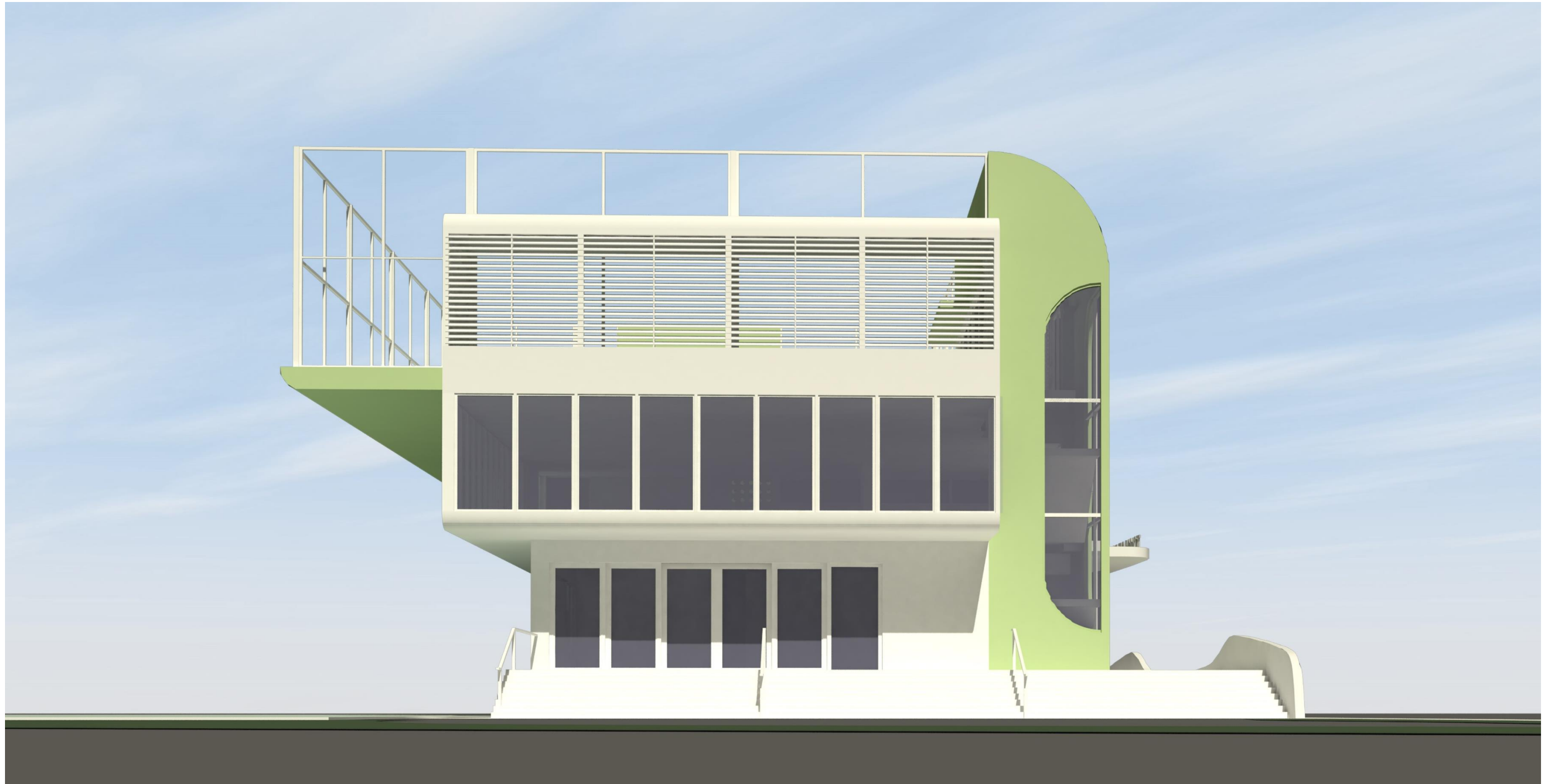
Rendering – View looking north-east



Rendering – View looking north



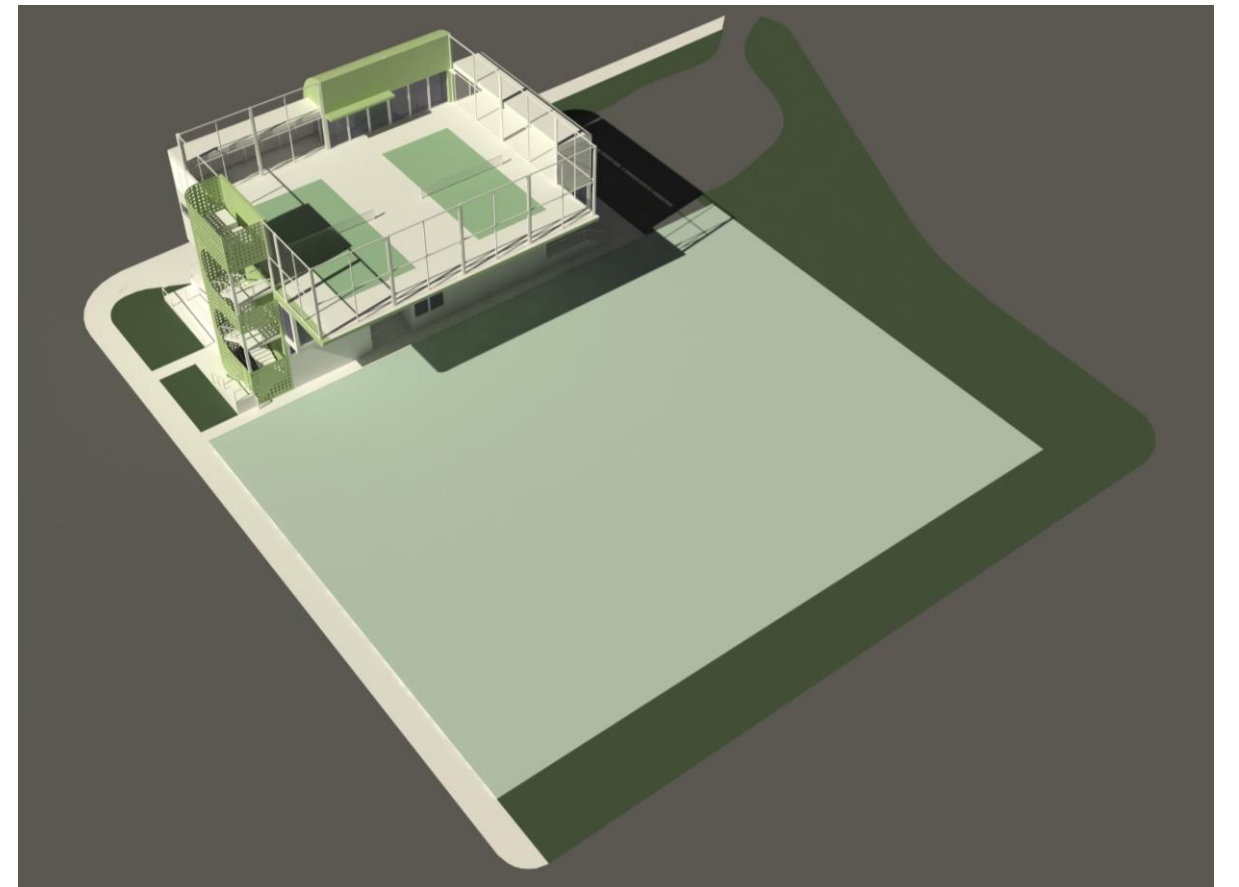
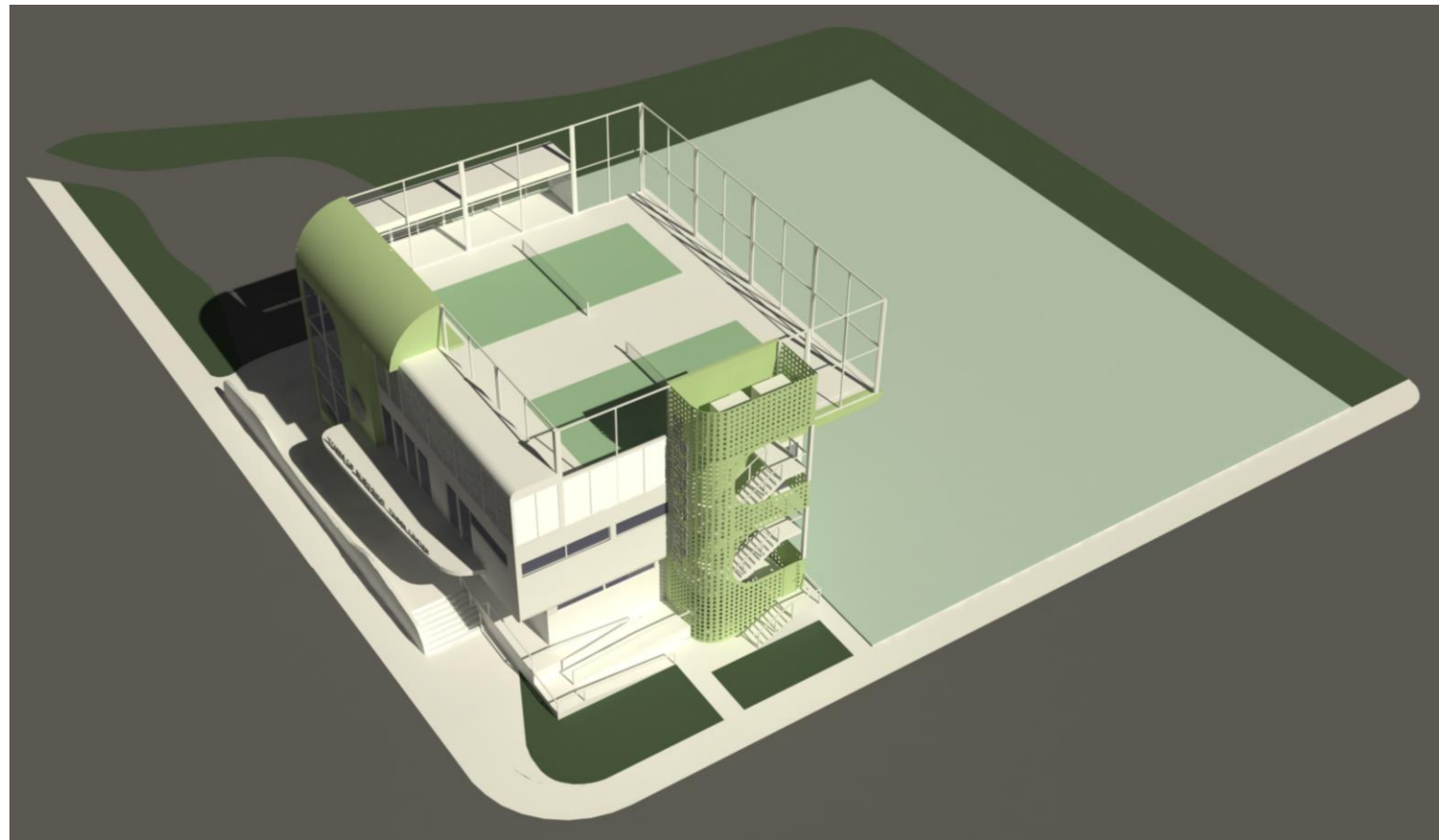
Rendering – View looking north-west



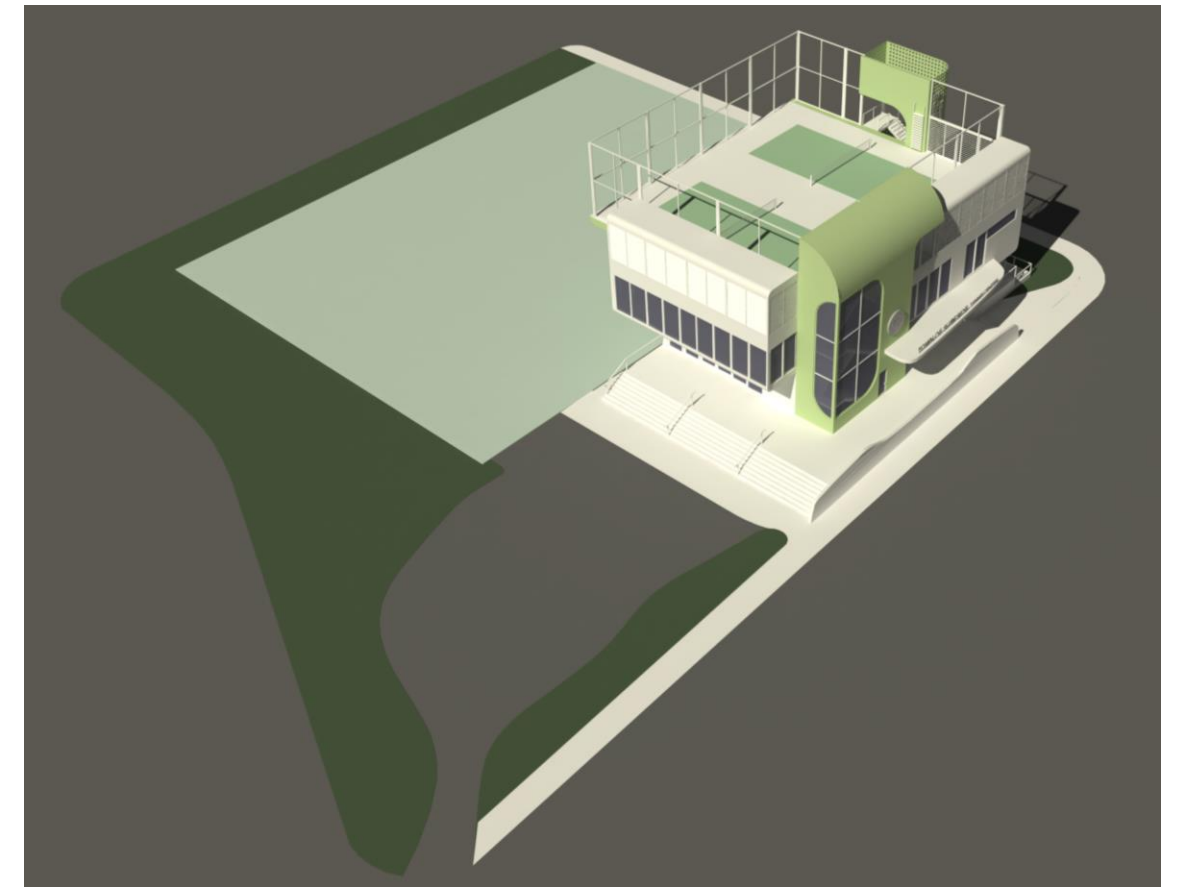
Rendering – View looking west



Rendering – View looking south-west



Rendering – Aerial Perspective



Rendering – Aerial Perspective

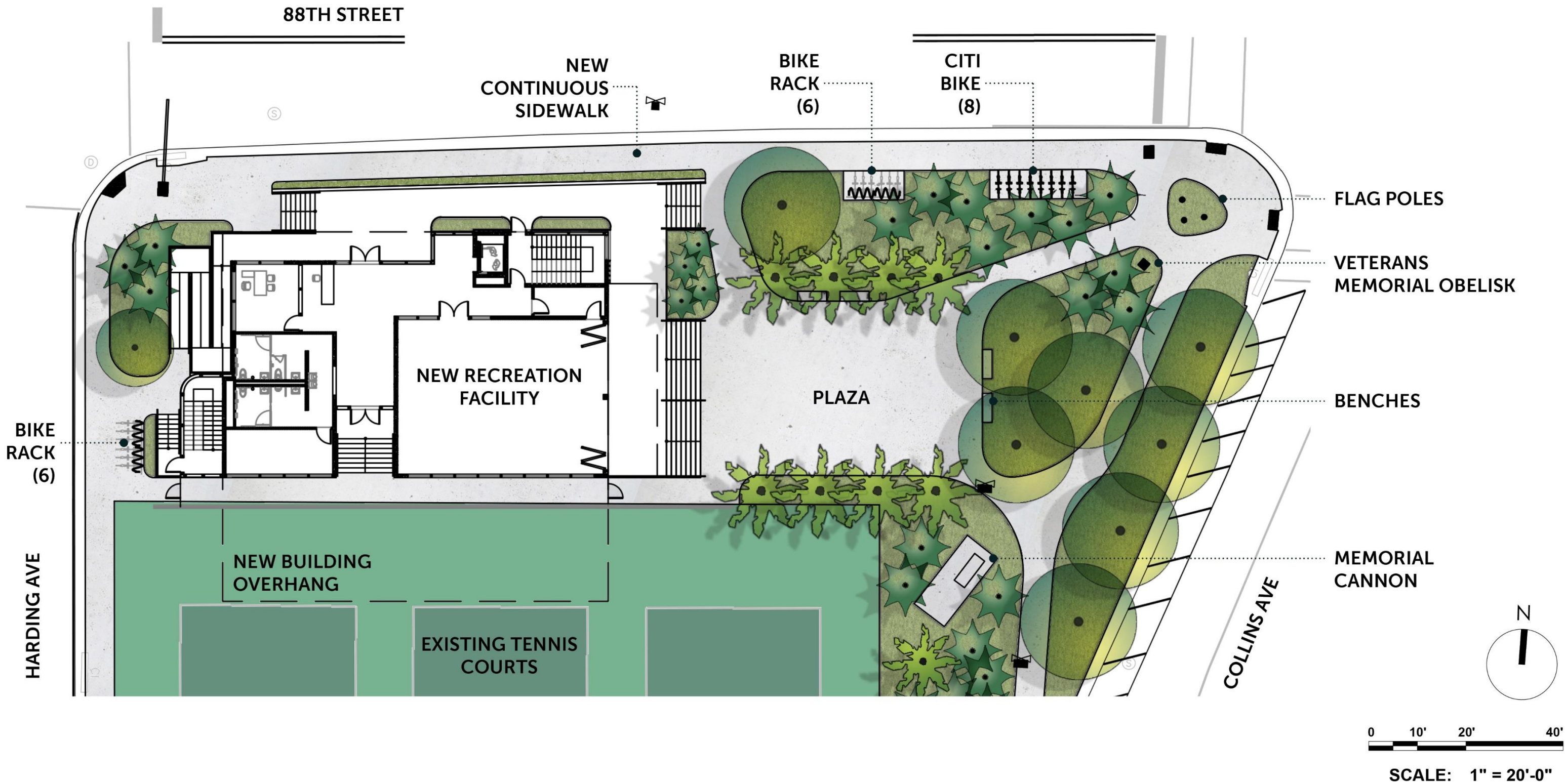


Façade Color Options



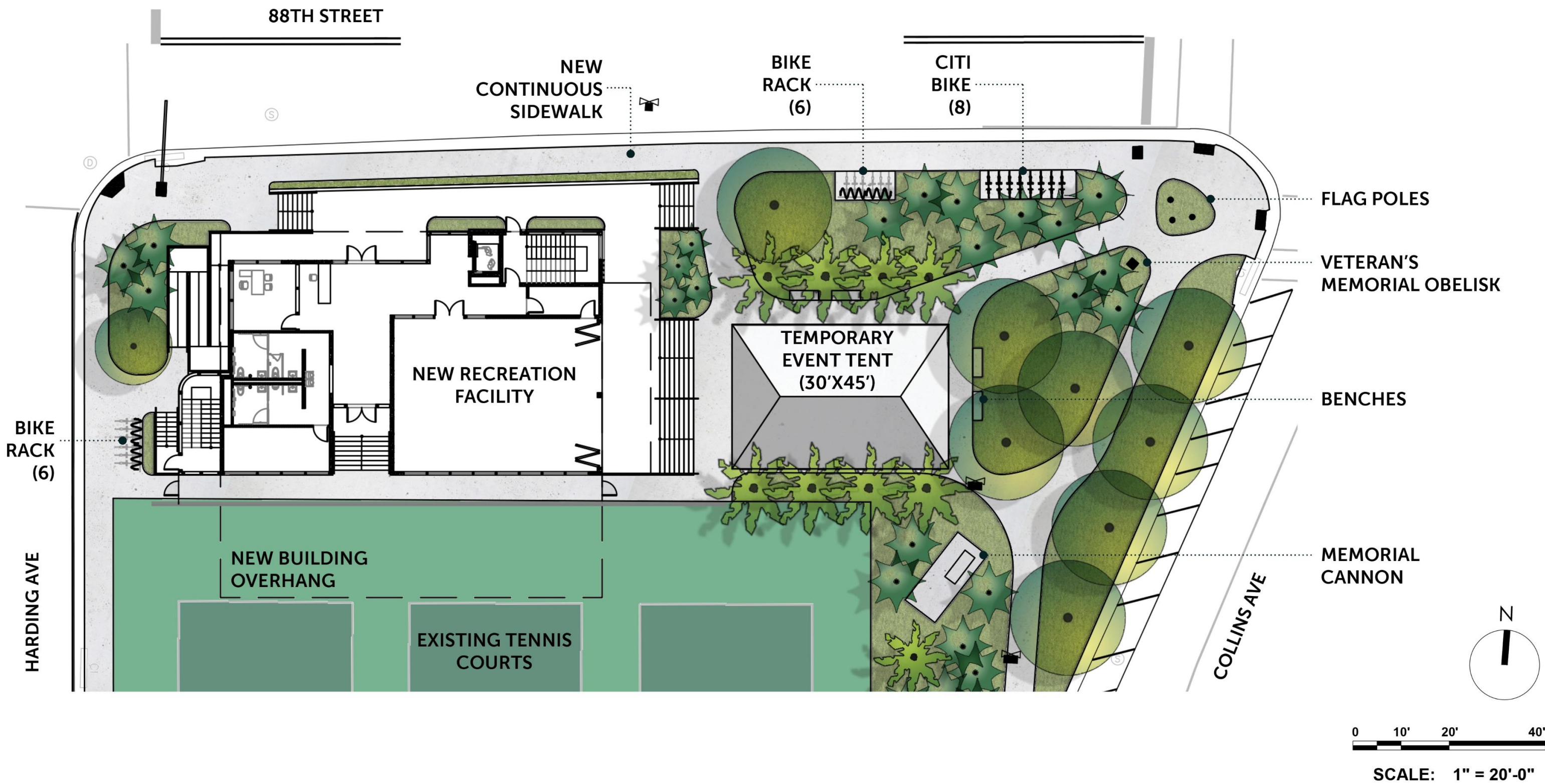
# SITE DESIGN

# SCHEMATIC SITE PLAN

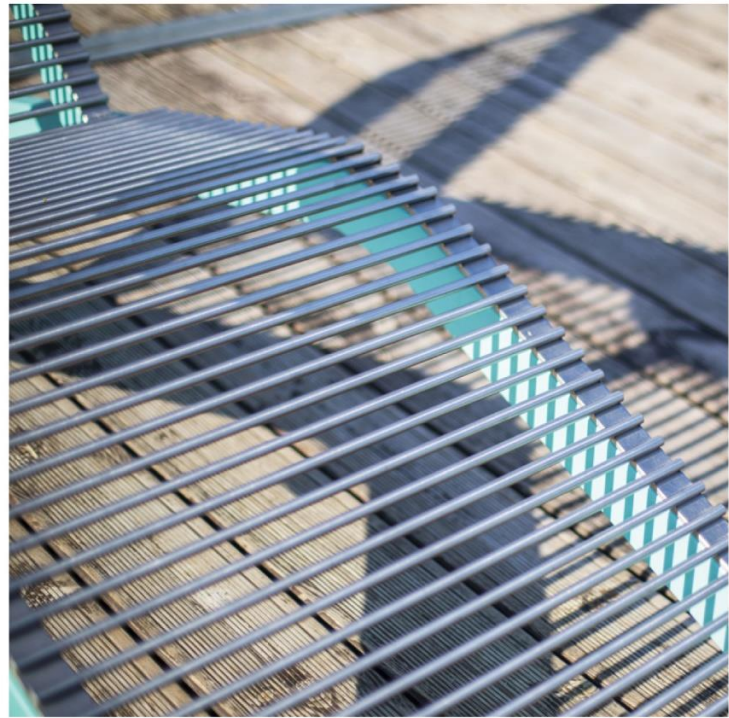


# SCHEMATIC SITE PLAN

## EVENT SETUP



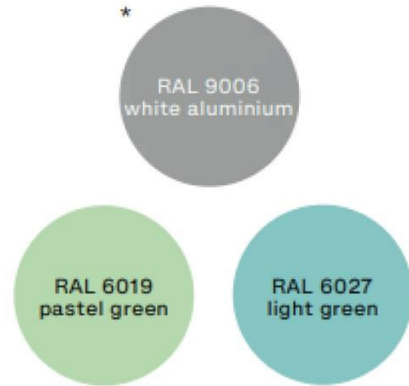
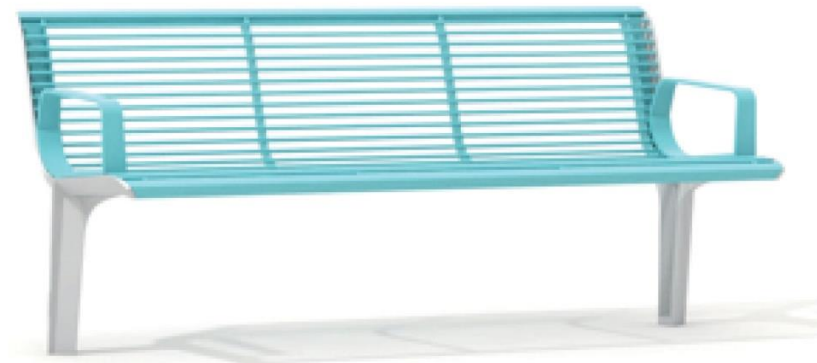
SITE FURNITURE



EMAU SOLO bench by MMCITE



CRYSTAL receptacle by MMCITE



SPIRAL bike rack

SITE LIGHTING



MIKO Bollard by Arcluce



LUNIO Post Top Light by Arcluce

Both: Aluminum body + Dark sky

HARDSCAPE MATERIALS



Paver w/ shell aggregate



Concrete w/ shell aggregate



Keystone in sod

TABEBUIA - RELOCATE



BLACK OLIVE - REMOVE



COCONUT PALMS - RELOCATE



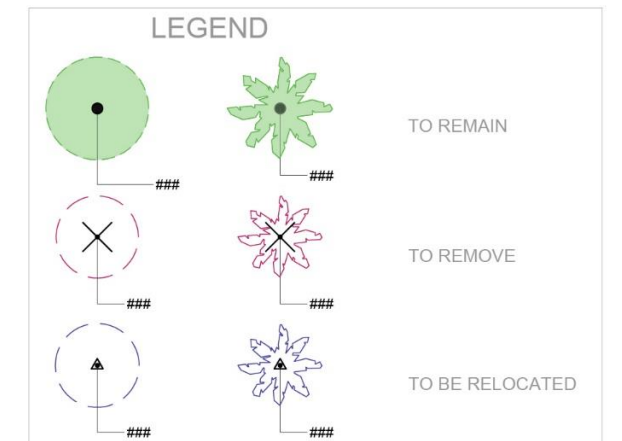
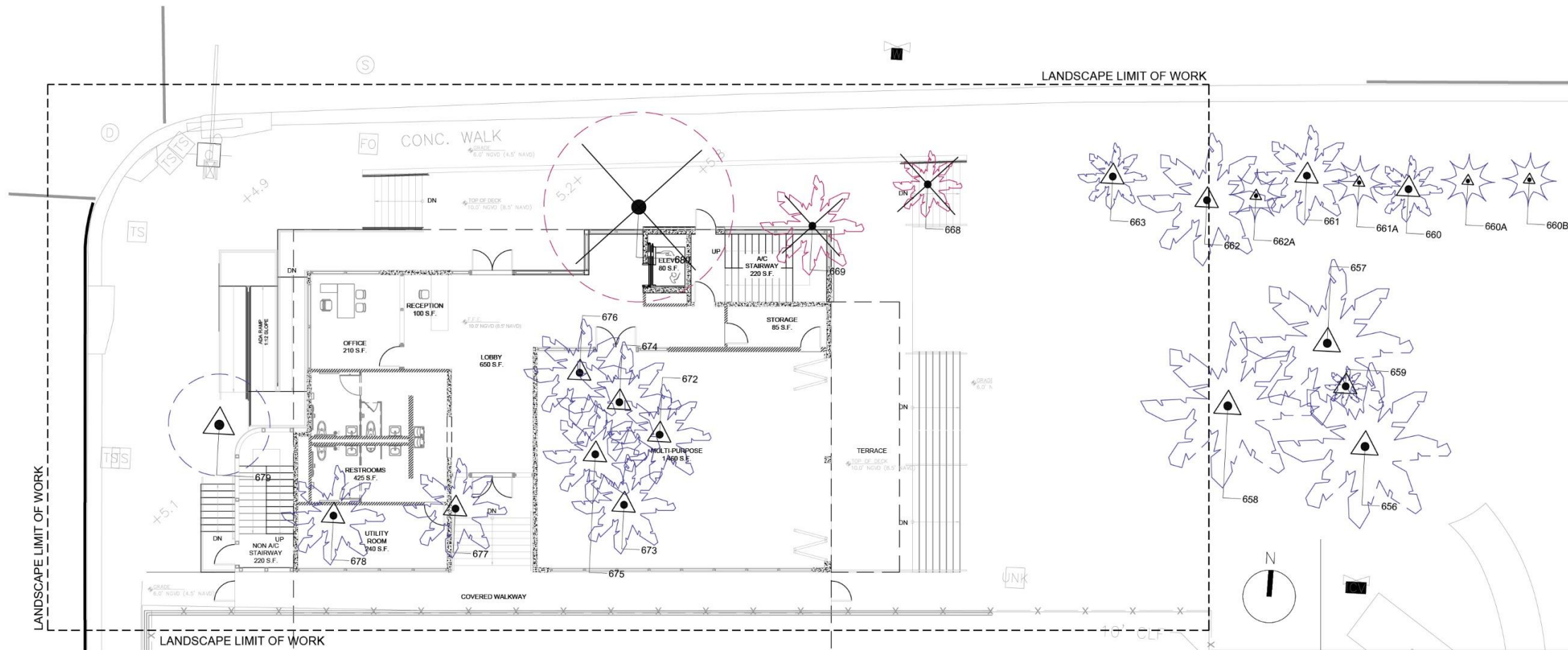
DATE PALMS - RELOCATE



VEITCHIA PALMS & THATCH PALMS - RELOCATE



# TREE MANAGEMENT PLAN



| TREE NO. | SCIENTIFIC NAME     | COMMON NAME         | DBH (IN) | HT (FT) | SP (FT) | CONDITION | REMAIN | RELO. | REMOVE |
|----------|---------------------|---------------------|----------|---------|---------|-----------|--------|-------|--------|
| 656      | Phoenix dactylifera | Medjool Date Palm   | 12       | 35      | 25      | B - Good  |        | 1     |        |
| 657      | Phoenix dactylifera | Medjool Date Palm   | 12       | 35      | 25      | B - Good  |        | 1     |        |
| 658      | Phoenix dactylifera | Medjool Date Palm   | 12       | 35      | 25      | B - Good  |        | 1     |        |
| 659      | Thrinax radiata     | Florida Thatch Palm | 4        | 10      | 6       | B - Good  |        | 1     |        |
| 660      | Veitchia spp.       | Veitchia Palm       | 4        | 20      | 10      | B - Good  |        | 1     |        |
| 660A     | Thrinax radiata     | Florida Thatch Palm |          | 25      | 8       | B - Good  |        | 1     |        |
| 660B     | Thrinax radiata     | Florida Thatch Palm |          | 22      | 8       | B - Good  |        | 1     |        |
| 661      | Veitchia spp.       | Veitchia Palm       | 4        | 27      | 15      | B - Good  |        | 1     |        |
| 661A     | Thrinax radiata     | Florida Thatch Palm |          | 20      | 8       | B - Good  |        | 1     |        |
| 662      | Veitchia spp.       | Veitchia Palm       | 4        | 22      | 25      | B - Good  |        | 1     |        |
| 662A     | Thrinax radiata     | Florida Thatch Palm |          | 20      | 8       | B - Good  |        | 1     |        |
| 663      | Cocos nucifera      | Coconut Palm        | 4        | 20      | 10      | B - Good  |        | 1     |        |
| 668      | Cocos nucifera      | Coconut Palm        | 8        |         |         | D - Poor  |        |       | 1      |
| 669      | Cocos nucifera      | Coconut Palm        | 8        | 35      | 15      | D - Poor  |        |       | 1      |
| 672      | Veitchia spp.       | Veitchia Palm       | 8        | 25      | 15      | B - Good  |        | 1     |        |
| 673      | Cocos nucifera      | Coconut Palm        | 10       | 35      | 15      | B - Good  |        | 1     |        |
| 674      | Veitchia spp.       | Veitchia Palm       | 6        | 25      | 15      | B - Good  |        | 1     |        |
| 675      | Veitchia spp.       | Veitchia Palm       | 6        | 20      | 12      | B - Good  |        | 1     |        |
| 676      | Veitchia spp.       | Veitchia Palm       | 6        | 25      | 18      | B - Good  |        | 1     |        |
| 677      | Cocos nucifera      | Coconut Palm        | 8        | 35      | 15      | B - Good  |        | 1     |        |
| 678      | Cocos nucifera      | Coconut Palm        | 8        | 35      | 15      | B - Good  |        | 1     |        |
| 679      | Tabebuia caraiba    | Trumpet Tree        | 18       | 25      | 15      | B - Good  |        | 1     |        |
| 680      | Bucida buceras      | Black Olive         | 25       | 35      | 45      | D - Poor  |        |       | 1      |

**PROPOSED PLANTING  
TREES & PALMS**

**WILD TAMARIND**



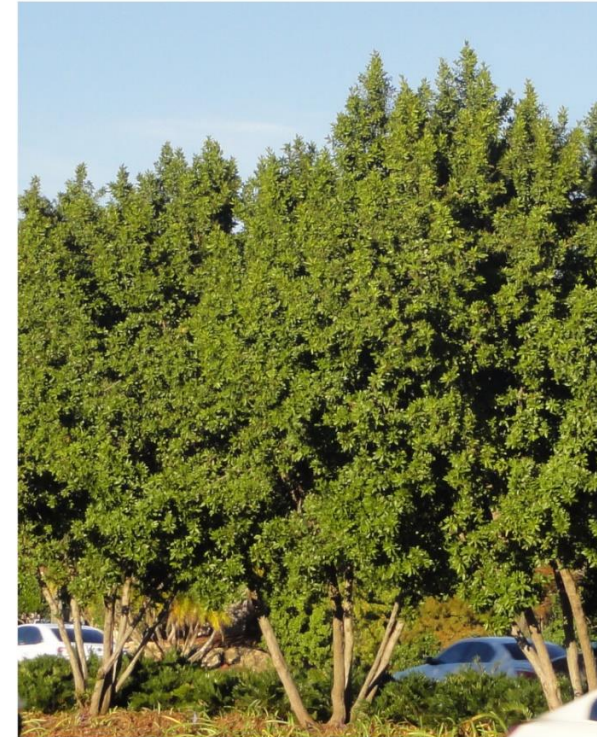
**MAHOGANY**



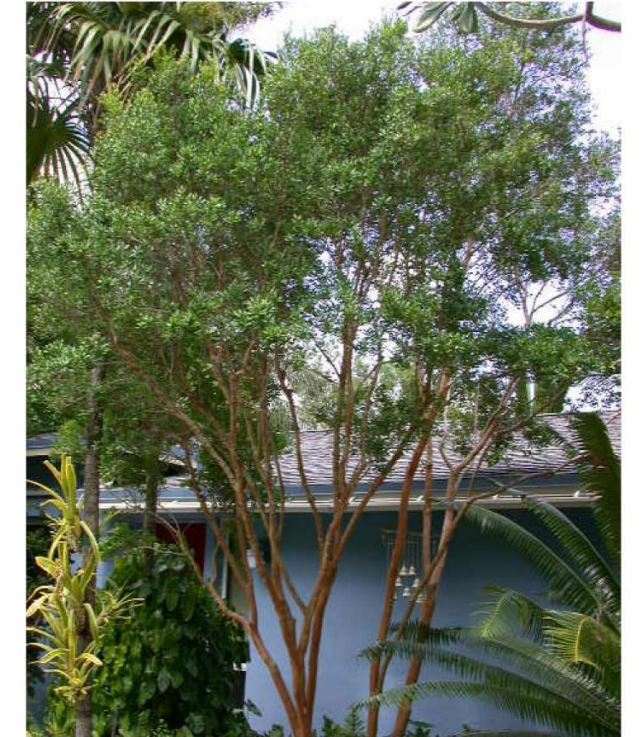
**GUMBO LIMBO**



**GREEN BUTTONWOOD**



**SIMPSON STOPPER**



**TABEBUIA**



**COCONUT PALM**



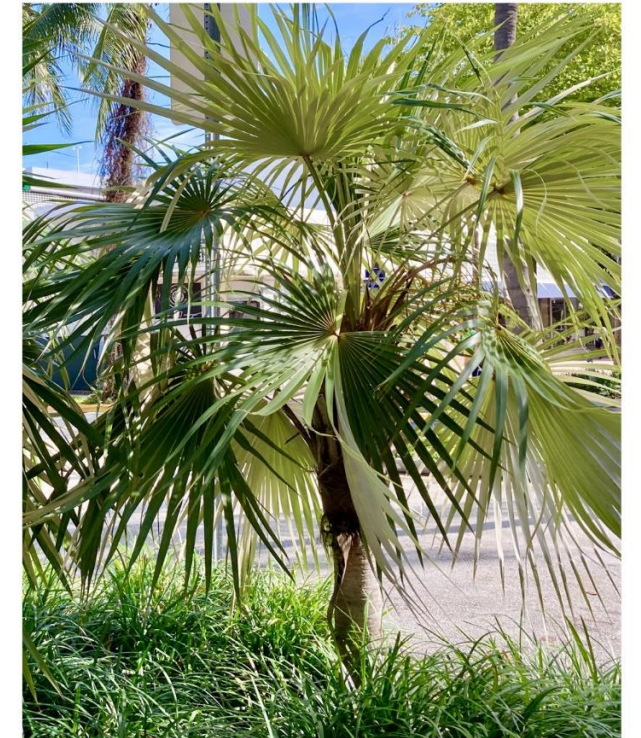
**SABAL PALM**



**FLORIDA THATCH PALM**



**SILVER PALM**



# PROPOSED PLANTING UNDERSTORY

RED-TIP & HORIZONTAL COCOPLUM



BAHAMA COFFEE



COONTIE



PHILODENDRON 'BURLE MARX'



SAW PALMETTO



PINK MUHLY GRASS



SPARTINA



DWARF FAKAHATCHEE GRASS



NECKALACE POD



DUNE SUNFLOWER



BLANKET FLOWER







**Town of Surfside  
Regular Town Commission Meeting  
July 11, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 9B.

**Date:** July 11, 2023

**From:** Hector Gomez, Town Manager

**Subject:** Harding Avenue Front Yard Paving Allowance

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**Suggested Action:** – Town administration recommends consideration of an increased paving allowance for front yard setbacks on Harding Avenue to allow for the parking of three cars on site, as no curb side parking is allowed on Harding Avenue. It is recommended that the requirement for 30% landscaping for front yards remains, but the paving be permitted to increase from 50% to 70% in the front yard setback. The minimum pervious requirement for the total lot would remain the same.

**Background/Analysis:** – Front setbacks in the H30A, H30B, H30C or H40 districts may not be more than 50 percent paved over with any type of material that is not readily permeable by rainwater and groundwater. Pavers and pervious hard materials, including pervious concrete, shall not be utilized for the calculation of pervious area. 30 percent of the front yard must be landscaped. Many of the front yards on Harding Avenue do not comply with this rule. Driveways existing prior to March 13, 2018, were deemed legally non-conforming and may be repaired or rebuilt, but not expanded. Many of the driveways and front yards on Harding Avenue were constructed prior to this date.

Some of the Harding Avenue lots have front yards that are covered with asphalt to have the maximum space for parking. Other lots have space for only two cars. Residents may not park on unpaved surfaces. Harding Avenue residents are either unwilling or unable to provide more aesthetically pleasing front yards because of the worry that it will impact their ability to park on-site. Allowing for front yards on Harding Avenue to be up to 70% paved with 30% landscaping would permit 3 on-site parking spaces. The minimum pervious requirements for the property would remain unchanged.



**Town of Surfside  
Regular Town Commission Meeting  
July 11, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 9C.

**Date:** July 11, 2023

**From:** Hector Gomez, Town Manager

**Subject:** Allowed Carport Materials

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**Suggested Action:** – Staff recommends consideration of the allowance of additional materials for carports.

**Background/Analysis:** – **Background:** Canvas or similar fabric materials are the only approved covering for carports. These coverings must be designed to be fully removed prior to a wind event. These coverings can quickly show wear. Other more permeant and wind resistant materials may be desirable for homeowners.

**Governing Code:**

- **Per Sec. 90-58**, Carport canopies may be constructed, in a front, secondary side or rear yard setback in the H30A and H30B districts.
- Such canopy shall not exceed 20 feet in length, and 20 feet in width.
- The height of such canopy shall not exceed ten feet.
- The height of the side openings shall be at least six feet, three inches.
- Such canopy shall be subject to the following minimum setbacks:
  1. Rear: Five feet.
  2. Interior side: Five feet.
  3. Primary (front) and secondary (corner): Two feet.
  4. Rear of street curb: Seven feet.
- A canopy shall at all times remain open on all four sides, if free standing, and open on three sides if attached to the main building.
- The area under a canopy must be entirely paved by an approved paving material.
- In addition to all provisions of the Florida Building Code, the following construction standards for canvas-covered canopies are required and shall be complied with:
  - No canopy carport shall be constructed except of canvas (or similar material) covered pipe. Framework shall be galvanized Schedule 40 pipe assembled either with Schedule 40 galvanized fittings or welded and joints painted with a liquid zinc compound. For a ten-foot by 20-foot canopy, uprights shall be of not less than 1¼-inch pipe; the perimeter shall be of not less than one-inch pipe and the rafters of not less than three-fourths-inch pipe. For a 20-foot by 20-foot canopy, the pipe sizes shall each be increased by one-fourth inch. All uprights shall be either lag-

bolted into a concrete base or, if mounted in dirt, concreted at least one foot deep with a safety tee at the bottom of the pipe. The design and the minimum size of structural members shall not be less than required to resist a 75 mile-per-hour wind with applicable shape factors. All fabric shall be designed for quick removal, which shall be required at a wind velocity in excess of 75 miles per hour.

- The framework height shall be a maximum of ten feet and a minimum of seven feet above grade. No uprights shall be installed closer than two feet from the front lot line.
- Covering material shall carry the Miami-Dade Fire Marshal's certificate of non-flammability. The material shall be attached to the framework by lacings only.



**Town of Surfside  
Regular Town Commission Meeting  
July 11, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 9D.

**Date:** July 11, 2023

**From:** Commissioner Fred Landsman

**Subject:** Tobacco and/or Vape Shops in Business District

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**Suggested Action:** – For the Town Commission to discuss and consider creating an ordinance limiting the number of tobacco/vape shops and/or their proximity to each other.

**Background/Analysis:** – Surfside now has three (3) tobacco/vape shops in the business district. Should the Town limit the number of these type of business or their proximity to each other.