



**Town of Surfside
Town Commission Meeting
September 13, 2011**

7 p.m.

**Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154**

NOTE: ITEM # 6 GOOD AND WELFARE WILL BE MOVED TO 7:15PM

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks – Mayor Daniel Dietch**
- E. Agenda and Order of Business Additions, deletions and linkages**
- F. Community Notes – Mayor Daniel Dietch**

2. Quasi-Judicial Hearings (*Set for approximately 7:30 p.m.*)

Please be advised that the following item on the Agenda is Quasi-Judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker's Card indicating the agenda item number on which you would like to comment. You must be sworn before addressing the Town Commission and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Town Commission will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any Commission member. Commission members must also do the same.

- * A. Resolution for Grand Beach Hotel, Surfside- Lynn M. Dannheisser, Town Attorney Page 1-33**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ("TOWN") APPROVING A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE TO PERMIT A 341 ROOM HOTEL AND PARKING GARAGE AND CONDITIONAL USES TO CONSTRUCT TWO ROOFTOP JACUZZI'S AND TWO SWIMMING POOLS ON THE WEST BUILDING ON THE SITE, AND CONDITIONAL USES TO ALLOW OUTDOOR DINING, A SPA WITH TWO JACUZZI'S AND TWO LOBBY LEVEL SWIMMING POOLS, A HOTEL BAR ON THE ROOF LEVEL,

AND A SWIMMING POOL AND TWO JACUZZI'S ON THE ROOF ON THE EAST BUILDING ON THE SITE (ALL AMENITIES ARE A PART OF THE HOTEL) SUBMITTED BY M.B. DEVELOPMENT, LLC., (THE "APPLICANT"), ALL ON THE PROPERTY LOCATED AT 9449 COLLINS AVENUE AND 9418 COLLINS AVENUE, SUBJECT TO CERTAIN CONDITIONS, AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE.

3. Consent Agenda (Set for approximately 9:30 p.m.)

All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the Consent Agenda and discussed separately.

Recommended Motion: To approve all consent agenda items as presented below.

A. Minutes - Town Commission Meeting – August 9, 2011 Page 34-54

B. Budget to Actual Summary as of June 30, 2011 Martin Sherwood, Finance Director **Page 55-56**

***C. Town Manager's Report (Points of Light) – Roger M. Carlton, Town Manager**
Page 57-87

***D. Town Attorney's Report – Lynn M. Dannheisser, Town Attorney Page 88-92**

E. Projects Progress Report – Calvin, Giordano and Associates, Inc. Page 93-95

F. Proclamation in Support of Walk to End Alzheimer's – Roger M. Carlton, Town Manager Page 96

G. Proclamation in Support of "Fallen Officer Tribute Month"- Mayor Daniel Dietch Page 97

**Denotes agenda items as "must haves" which means there will be significant impacts if the item is not addressed tonight. If these items have not been heard by 10 p.m., the order of the agenda will be changed to allow them to be heard.*

4. Ordinances

(Set for approximately 10:00 p.m.) (Note: Good and Welfare moved to 7:15 pm.)

A. Second Readings (Ordinances and Public Hearing)

*1. Litter Ordinance- Roger M. Carlton, Town Manager Page 98-106

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 34 "ENVIRONMENT" BY ADDING ARTICLE V "LITTER" AND SPECIFICALLY CREATING SECTIONS 34-78 "DEFINITIONS", SECTION 34-79 "UNFINISHED, VACANT, UNOCCUPIED OR CLOSED STRUCTURES, CONSTRUCTION SITES OR VACANT LOTS; MAINTENANCE PROCEDURES REQUIRED OF OWNERS"; AND SECTION 34-80 "PROHIBITIONS ON LITTER; CIVIL FINES FOR VIOLATIONS; ENFORCEMENT; APPEALS; LIENS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; DELETING CHAPTER 2. "ADMINISTRATION" ARTICLE I. SECTION 54-2 ENTITLED "DISTRIBUTION OF HANDBILLS"; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[This ordinance generally addresses a variety of litter issues in Town but specifically address the uncontrolled feeding of feral cats.]

B. First Readings Ordinances

(Set for approximately 10:15 p.m.) (Note: Good and Welfare moved to 7:15 p.m.)

*1. Required Amendments to FEMA Ordinance- Paul Gioia, Building Official Page 107-121

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 42 "FLOODS" AND SPECIFICALLY SECTION 42-26 "STATUTORY AUTHORIZATION"; SECTION 42-41 "DEFINITIONS"; SECTION 42-57 "BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD"; SECTION 42-77 "DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR"; SECTION 42-92 "SPECIFIC STANDARDS"; SECTION 42-95 "COASTAL HIGH HAZARD AREAS (V-ZONES)"; AND SECTION 42-114 "CONDITIONS FOR VARIANCES" OF THE TOWN OF SURFSIDE CODE OF

**ORDINANCES PROVIDING FOR INCLUSION IN THE CODE;
REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES
IN CONFLICT HEREWITH; AND PROVIDING FOR AN
EFFECTIVE DATE**

[This ordinance clarifies certain elements of the FEMA flood ordinance. These clarifications have been requested by FEMA and are required to regain the status which allows our residents to obtain discount for their flood insurance premium.]

5. Resolutions and Proclamations

(Set for approximately 10:30 p.m.) (Note: Depends upon length of Good and Welfare)

- * A. **Award of Lease for Police Vehicles- David Allen, Chief of Police Page 122-125**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A LEASE AGREEMENT WITH THE FINANCIAL INSTITUTION OF SUNTRUST BANK FOR THE LEASE OF PUBLIC SAFETY VEHICLES; AUTHORIZING THE TOWN MANAGER TO ENTER INTO THE AGREEMENT BY AND BETWEEN THE TOWN AND SUNTRUST BANK; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. **Code Compliance Authority for Police Officers – David Allen, Chief of Police Page 126-130**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER TO APPOINT CODE ENFORCEMENT OFFICERS FOR THE TOWN WHO MAY INCLUDE LAW ENFORCEMENT OFFICERS TO ADDRESS CODE VIOLATIONS FOR SECTION 90-79 “ABANDONED OR INOPERABLE VEHICLES”; SECTION 90-79 “RESTRICTED AND PROHIBITED PARKING”; SECTION 74-1 “COMMERCIAL VEHICLES IN THE RESIDENTIAL AREAS”; SECTION 54-63 “SIDEWALK OR STREET OBSTRUCTION”; CHAPTER 10 “ANIMALS” INCLUDING BUT NOT LIMITED TO LEASH LAW, FECAL DISPOSAL, DOGS ON THE BEACH, BARKING OR VICIOUS DOGS; SECTION 54-78 “PROHIBITED NOISES”; SECTIONS 34-78 THROUGH 34-80 “LITTER ORDINANCE”; SECTION 14-29 “WORK WITHOUT PERMIT”; PROVIDING FOR AN EFFECTIVE DATE.

**C. Proposed Townwide Software Contract Renewal- Martin Sherwood,
Finance Director Page 131-147**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN ADDENDUM TO RENEW A THREE YEAR CONTRACT WITH SUNGARD NAVILINE TO CONTINUE TO PROVIDE SOFTWARE SERVICES, AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO TAKE ANY AND ALL ACTION NECESSARY TO IMPLEMENT THE CONTRACT IN ACCORDANCE WITH THE TERMS, CONDITIONS AND PURPOSES OF THE CONTRACT AND THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

6. Good and Welfare (*Moved to 7:15 p.m.*)

Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.

7. Town Manager and Town Attorney Reports

Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.

All items on the Consent Agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the consent agenda and discussed separately.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications (*Set for approximately 10:45 p.m.*)

- * **A. Community Center Pool Party Rentals- Tim Milian, Parks and Recreation Director Page 148**
- * **B. Discussion Regarding Renewal of Unitedhealth Care or Change in Carrier – Stan Bershada, Agent of Record (verbal)**
- * **C. Recruitment Process for Town Clerk- Roger M. Carlton, Town Manager Page 149-152**
- * **D. Surplus Equipment- David Allen, Chief of Police Page 153-154**
- E. Discussion of Beach Management Agreement with Miami Dade County- Tim Milian, Parks and Recreation Director Page 155-170**

*** F. Discussion Regarding Competitive Selection Process for Town Website Management- Roger M. Carlton, Town Manager (verbal)**

10. Adjournment

Respectfully submitted,



Roger M. Carlton
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936.

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

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

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

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