



**Town of Surfside
Town Commission Meeting**

February 9, 2010

7 p.m.

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

AGENDA

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Agenda and Order of Business (Additions, Deletions)**
- E. Special Presentations**
 - 1. Officer of the Month – Chief David Allen**
 - 2. Community Center Update – CGA/AECOM**
 - 3. Beautification Committee Report**

2. Quasi-Judicial Hearings

3. Consent Agenda

All items on the consent agenda are considered routine by the Town Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event, the item will be moved to the main agenda under the appropriate heading for consideration.

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

- A. Minutes – Town Commission Meeting, January 12, 2010**
- B. Monthly Budget to Actual Summary - Martin Sherwood, Finance Support Services Department Head**
- C. Projects Progress Report – George Keller, Calvin, Giordano & Associates**
- D. Bay Harbor Islands Mutual Aid Agreement –Chief David Allen**
A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO EXECUTE A MUTUAL AID AGREEMENT WITH THE TOWN OF BAY HARBOR ISLANDS, FLORIDA POLICE DEPARTMENT AND THE TOWN OF SURFSIDE POLICE DEPARTMENT.

4. Ordinances and Public Hearings

A. Second Readings (Ordinances)

1. Downtown Property Maintenance Ordinance – Lynn Dannheisser, Town Attorney
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14-51 “ESTABLISHED”; AMENDING CHAPTER 14-52 “COMMERCIAL STANDARDS”; CREATING SECTION 14-56 “MAINTENANCE OF SIDEWALKS AND SWALE AREA” 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.
2. Emergency Management Procedures – Assistant Chief John Di Censo
AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 2 “ADMINISTRATION” BY ADDING ARTICLE VIII. “EMERGENCY MANAGEMENT PROCEDURES”; PROVIDING FOR PURPOSE, PROVIDING FOR DEFINITIONS, AND EMERGENCY MANAGEMENT STRUCTURE; PROVIDING DECLARATION OF A STATE OF EMERGENCY, TERMINATION OF A STATE OF EMERGENCY, THE SUSPENSION OF LOCAL BUILDING REGULATIONS, AND THE CERTIFICATION OF EMERGENCY CONDITIONS; PROVIDING FOR COORDINATION WITH MIAMI-DADE COUNTY; PROVIDING FOR PENALTY; PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE.

B. First Readings (Public Hearings on Ordinances)

1. Noise Ordinance – Town Attorney, Lynn Dannheisser
AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 54-78 “PROHIBITED NOISES” BY PROVIDING FOR RESTRICTIONS ON DECIBEL LEVEL OF EMERGENCY POWER GENERATORS AND ALLOWING FOR TESTING; PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE.
2. Fences, Walls and Hedges Amendment – Town Attorney, Lynn Dannheisser
AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90.56.17 “FENCES, WALLS AND HEDGES” TO PROVIDE REGULATIONS RELATED TO TEMPORARY CONSTRUCTION FENCING; PROVIDING FOR REPEAL; SEVERABILITY, INCLUSION INTO THE CODE; AND AN EFFECTIVE DATE.

3. Off-Street Parking Ordinance – Town Attorney, Lynn Dannheisser
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS” 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.

5. Resolutions and Proclamations

6. Good and Welfare

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

- A. Historic Preservation of Surf Club – Lynn Dannheisser, Town Attorney
- B. Opposition to FL League of Cities HB 119, Sex Offender Bill – Lynn Dannheisser, Town Attorney

8. Unfinished Business and New Business

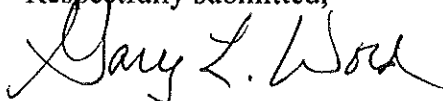
- A. Purchase of Proposed Vacant Lot – Gary Word, Town Manager
- B. Financing of Lifeguard Stand – Gary Word, Town Manager

9. Mayor, Commission and Staff Communications

- A. Haitian Relief and Recovery Fund – Commissioner Howard Weinberg
- B. Home on Carlyle – Mayor Charles Burkett
- C. Recognition of Committee Members who served from March, 2008 through March, 2010 – Vice Mayor Marc Imberman
- D. In-house Landscaper – Vice Mayor Marc Imberman
- E. Town Photos on Website – Vice Mayor Marc Imberman
- F. Recognition of Citizen’s Action Team – Vice Mayor Marc Imberman
- G. Report on Pilot Program on Advertising in Gazette – Vice Mayor Marc Imberman
- H. Committee Vacancies – Debra Eastman, Town Clerk

10. Adjournment

Respectfully submitted,



Gary L. Word,
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.townofsurfsidefl.gov

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

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



Town of Surfside Commission Communication

Agenda Item # E3

Agenda Date: February 9, 2010

Subject: PROPOSED BEAUTIFICATION IMPROVEMENTS / DOWNTOWN

Background: As part of their ongoing efforts to develop and implement aesthetically beneficial projects Town-wide, the Beautification Committee is proposing a "first layer" of beautification improvements for the downtown business district. This plan aims at improving the current landscaping of the Harding Avenue corridor by adding color and variety to the sidewalk sections located between the landscaped planters. This first step will hopefully be followed by additional layers of aesthetic enhancements that would go beyond landscaping and would likely entail larger scale planning and cost. The Committee emphasized that this project is an opportunity to make a significant and immediate improvement on the downtown district without a major expenditure.

The project was presented to the Planning and Zoning Board in January and received unanimous support.

Analysis: Based on an on-site assessment of Harding Avenue between 94th and 96th Streets by a reputable landscaping firm (on a *pro bono* basis), the following recommendations were provided:

1. Replace 24 of the thin palm trees with *Jamaican Caper* bushes, a deep green color species with a white-pink flower that typically blooms twice during the year.
2. Install brackets and hanging baskets on the 15 "short" light posts. The flowering plant recommended is *Bougainvillea*, which comes in several colors.

Both plant species recommended are drought resistant, and will only require frequent watering during the initial five to six week establishment period. It is strongly suggested these plants would be put in around late April to take advantage of the start of the rainy season and minimize the need for manual watering (the planting locations do not have irrigation). The specific recommendations suggested by the landscape architecture firm are provided in Attachment 1.

Budget Impact: The total cost of this project is estimated at roughly \$13,000 (cost breakdown provided in Attachment 2). This project is NOT budgeted for the current fiscal year. The Beautification Committee plans to pursue fundraising efforts, including possibly an "adopt a plant" type program, to cover roughly one-half to two-thirds of the cost.

Staff Impact: Public Works field staff will install the hanging brackets and baskets. The *Jamaican Capers* and the flowering plants will be planted by a contractor. Watering during the establishment period may require the services of a contractor (cost not yet determined).

Recommendation: It is recommended that the proposed beautification improvement project be incorporated into the Town's FY2010-11 budget.


Department Head


Town Manager



CURTIS

ROGERS

DESIGN

STUDIO

INC.

Landscape
Architecture

1250

GLORY

STREET

MIAMI

305

305.441.1111

305.441.1111

FLORIDA

USA

305.441.1111

305.441.1111

1250

305.441.1111

305.441.1111

January 18, 2010

Mr. David Steinfeld
David Steinfeld | Senior Associate | LEED AP
CB Richard Ellis | Brokerage Services
777 Brickell Avenue, Suite 900 | Miami, FL 33131

Re: Surfside Streetscape
Recommendations

Dear David:

It was very nice meeting with you and Fernando Rodriguez on Friday, January 15, 2010 in the downtown area of Surfside. After speaking with you and looking at the existing streetscape I would like to make the following recommendations:

We would suggest planting a large shrub with an installed size of 6-8' in height and 2-3' in spread. One shrub which would work quite well in this environment is Jamaica Caper, *Capparis cynophallophora*. This is a native shrub adapted to coastal areas and can tolerate full sun and partial shade. You can see the blooms (below right), which are also fragrant in the evening. It is easy to maintain, probably some very light pruning to shape it so that it doesn't grow into pedestrian traffic, but this will not be very often (at the most twice a year, but more than likely once per year). These are available field grown at several nurseries and for this size plant; the cost installed should be around \$200 each. You should make sure to dig out the existing soil in the planting cutouts to a minimum depth of 24-30" and put new planting soil (60% sand/40% much) in with the new planting.

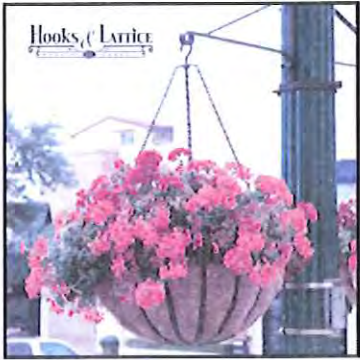


Also, for the hanging baskets we suggest Bougainvillea. This is a very showy flowering plant that thrives on neglect! It doesn't want to be overwatered or over fertilized. Because they are in hanging containers, you will need to water at least once or twice per week in the dry season because the pots will dry out. The Hooks and Lattice website also has an option for a self watering piece that fits their hanging baskets.



CURTIS
ROGERS
DESIGN
STUDIO
INC.

Landscape
Architecture



Here are a couple of links to Hooks and Lattice (picture above right) a company in California that have brackets for hanging baskets as well as a company in Boynton Beach (above left) that grows Bougainvillea in hanging baskets. This may be a good option as they are "Ready Made" and growing in the correct planting medium for this application. (For a least costly approach, you could just hang the baskets on a bracket as they come. However, not sure how long the plastic would last with the UV- but you could change them out once or twice per year and it wouldn't be too expensive) You can also just drop the plastic container into either of the metal baskets as an option. They have several flower colors to choose from:

<http://www.bgi-usa.com/bougainvillea-resource/bougainvillea-101.php>

For the brackets and/or hanging baskets:

<http://www.hooksandlattice.com/hanging-baskets.html#>

The Hooks and Lattice brackets and baskets are made of powder coated steel. The following link is for baskets and brackets in Aluminum (which may be a better choice for this location). Also, their brackets are wrought iron and the company is located in Ft Lauderdale:

<http://www.floridaplants.com/Store/hangingbaskets.htm>

Fernando, if you would like, please forward the information on the brackets you found and we can review it for you. Let me know if you have any questions or comments.

Sincerely,

Jean C. Lee
Principal

**HARDING AV. LANDSCAPING IMPROVEMENTS
PRELIMINARY COST ESTIMATE (February 2010)**

Attachment 2

# palms replaced w/ Jamaican Caper	Cost /JC bush (installed)	Cost per palm relectn included in JC installatn	Total estimtd Cost
24	\$350		\$8,400

6 per W. and E. sides, per block

# hanging baskets (7 on east side; 8 on west)	Cost /h-basket & plants (Town-installed)	Cost/bracket (Town-installed)	Total estimtd Cost
30	\$75	\$140	\$4,350

(15 double brackets)

TOTAL ESTIMATED COST: \$12,750*

*Above does NOT include irrigation cost for establishment period or during dry season.



**Town of Surfside
Town Commission Meeting
January 12, 2010
7 p.m.**

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

MINUTES

1. Opening

A. Call to Order

The meeting was called to order at 7: 07 p.m.

B. Roll Call of Members

Town Clerk, Debra Eastman called the roll and the following were present:
Commissioner Elizabeth Calderon, Commissioner Steven Levine, Commissioner
Howard Weinberg, Vice Mayor Marc Imberman and Mayor Charles Burkett.

C. Pledge of Allegiance

Chief of Police, David Allen led the Pledge of Allegiance.

D. Agenda and Order of Business (Additions, Deletions)

Mayor Charles Burkett added an item to the agenda under New Business entitled,
Vacant Lot, Formerly Beach House on Collins Avenue

E. Special Presentations

1. Officer of the Year – Chief David Allen

Chief David Allen presented the Officer of the Year Award to Officer Jay
Matellis.

2. Civilian of the Year – Chief David Allen

Chief David Allen presented the Civilian of the Year Award to Dina Goldstein,
Criminal Investigations Unit Operations Assistant for Town of Surfside Police.

**3. Special Recognition – Julia Magnani, Surfside Civic Association,
Vice Mayor Marc Imberman**

Vice Mayor Marc Imberman on behalf of the Mayor and Town Commission
recognized Julia Magnani and the Surfside Civic Association for continuing the
tradition of collecting funds for distribution as a holiday bonus to the Town of
Surfside employees.

4. Community Center Update – CGA/AECOM

Chris Giordano of Calvin, Giordano reported on the status of the permits for the
Community Center, the groundbreaking to be held on January 26, 2010 and the
projected completion date of the end of the year 2010 or beginning of 2011.

2. Quasi-Judicial Hearings

3. Consent Agenda

All items on the consent agenda are considered routine by the Town Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event, the item will be moved to the main agenda under the appropriate heading for consideration.

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

- A. Minutes – December 8, 2009 Town Commission Meeting
December 15, 2009 Special Commission Meeting
- B. Monthly Budget to Actual Summary - Martin Sherwood, Finance Support Services
Department Head
- C. Projects Progress Report – George Keller, Calvin, Giordano & Associates
- D. Resolution for Mutual Aid Agreement and Joint Declaration with Miami-Dade
Police Department – Chief David Allen
**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF
SURFSIDE, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN
MANAGER AND TOWN CLERK TO EXECUTE A MUTUAL AID
AGREEMENT FOR VOLUNTARY COOPERATION AND OPERATION
ASSISTANCE WITH THE MIAMI-DADE POLICE DEPARTMENT.** Adopted
on consent.
- E. Resolution for Mutual Aid Agreement with Miami Shores Village –
Chief David Allen
**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF
SURFSIDE, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN
MANAGER AND TOWN CLERK TO EXECUTE A MUTUAL AID
AGREEMENT WITH MIAMI SHORES VILLAGE AND THE TOWN OF
SURFSIDE.** Adopted on consent.
- F. Resolution for Mutual Aid Agreement with Sunny Isles Beach –
Chief David Allen
**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF
SURFSIDE, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN
MANAGER AND TOWN CLERK TO EXECUTE A MUTUAL AID
AGREEMENT WITH SUNNY ISLES BEACH AND THE TOWN OF
SURFSIDE.** Adopted on consent.
- G. Adopting the Emergency Operations Plan – Assistant Chief John DiCenso
**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF
SURFSIDE, FLORIDA, ADOPTING THE EMERGENCY OPERATIONS
PLAN DATED NOVEMBER, 2009 APPROVED BY MIAMI-DADE
COUNTY; PROVIDING FOR AN EFFECTIVE DATE.** Adopted on consent.

H. Appointing Special Masters – Lynn Dannheisser, Town Attorney
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RATIFYING NEWLY APPOINTED SPECIAL MASTERS; PROVIDING FOR AN EFFECTIVE DATE. Adopted on consent.

I. Reappropriation of Fund Balance for Life Guard Stand – Tim Milian, Director of Parks and Recreation
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE REAPPROPRIATION OF FUND BALANCE (RESERVES) TO THE IMPROVEMENTS OTHER THAN BUILDINGS FUND; AMENDING THE TOWN BUDGET FOR FISCAL YEAR 2009-2010; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Marc Imberman made a motion to reallocate the funds and to ask the Town Manager to come back to the next meeting with an analysis of the existing budget as to how the project is going to be funded. The motion received a second from Commissioner Elizabeth Calderon. Town Clerk, Debra Eastman called the roll and the motion passed 4-1 with Commissioner Levine voting in opposition.

Vote on consent agenda: Vice Mayor Marc Imberman made a motion to adopt the items on the consent agenda. The motion received a second from Commissioner Steven Levine. Mayor Charles Burkett called for the vote and all were in favor.

4. Ordinances and Public Hearings

A. Second Readings (Ordinances)

1. Evaluation and Appraisal Report (EAR) Based Comprehensive Plan Amendments –Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN'S COMPREHENSIVE PLAN BY ADOPTING THE EVALUATION AND APPRAISAL REPORT (EAR) BASED COMPREHENSIVE PLAN AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the ordinance and announced that if anyone would like a copy of the notice of intent to inform them and that the amendments have been found in compliance with DCA, they may sign up with the Town Clerk.

A motion to adopt the ordinance was made by Vice Mayor Marc Imberman. The motion received a second from Commissioner Steven Levine. Town Clerk, Debra Eastman called the roll and all were in favor.

2. Carport Canopies – Sarah Sinatra, Town Planner
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90.2 AND 90.58 "CARPORT CANOPIES" 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.

Town Clerk, Debra Eastman read the title of the ordinance. A motion to adopt the ordinance was made by Commissioner Steven Levine. The motion received a second from Commissioner Elizabeth Calderon. Town Clerk, Debra Eastman called the roll and all were in favor.

B. First Readings (Public Hearings on Ordinances)

1. Downtown Property Maintenance Ordinance – Lynn Dannheisser, Town Attorney
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14-51 “ESTABLISHED”; AMENDING CHAPTER 14-52 “COMMERCIAL STANDARDS”; CREATING SECTION 14-56 “MAINTENANCE OF SIDEWALKS AND SWALE AREA” 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.

Town Clerk, Debra Eastman read the title of the ordinance. Vice Mayor Marc Imberman made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Elizabeth Calderon. Town Clerk, Debra Eastman called the roll and all were in favor.

2. Emergency Management Procedures – Assistant Chief John Di Censo
AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 2 “ADMINISTRATION” BY ADDING ARTICLE VIII. “EMERGENCY MANAGEMENT PROCEDURES”; PROVIDING FOR PURPOSE, PROVIDING FOR DEFINITIONS, AND EMERGENCY MANAGEMENT STRUCTURE; PROVIDING DECLARATION OF A STATE OF EMERGENCY, TERMINATION OF A STATE OF EMERGENCY, THE SUSPENSION OF LOCAL BUILDING REGULATIONS, AND THE CERTIFICATION OF EMERGENCY CONDITIONS; PROVIDING FOR COORDINATION WITH MIAMI-DADE COUNTY; PROVIDING FOR PENALTY; PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the ordinance. Commissioner Steven Levine made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Elizabeth Calderon. Town Clerk, Debra Eastman called the roll and all were in favor.

3. Amending Regulated Uses and Joint Use and Off-Site Facilities – Lynn Dannheisser, Town Attorney
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-41 “REGULATED USES” AND SECTION

90-80 “JOINT USE AND OFF-SITE FACILITIES” 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.

Town Clerk, Debra Eastman read the title of the ordinance. Vice Mayor Marc Imberman made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Elizabeth Calderon. Town Clerk, Debra Eastman called the roll and all were in favor.

5. Resolutions and Proclamations

A. Approving Contract for West Construction – Gary Word, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A CONTRACT WITH THE FIRM OF WEST CONSTRUCTION, INC. TO BE THE GENERAL CONTRACTOR FOR THE CONSTRUCTION OF THE TOWN COMMUNITY CENTER AND AQUATIC FACILITY; AUTHORIZING THE TOWN MANAGER TO ENTER INTO THE CONSTRUCTION CONTRACT BY AND BETWEEN THE TOWN AND WEST CONSTRUCTION, INC. TO BUILD THE COMMUNITY CENTER AND AQUATIC FACILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the resolution. Vice Mayor Marc Imberman made a motion to adopt the resolution. The motion received a second from Commissioner Elizabeth Calderon. Town Attorney, Lynn Dannheisser noted a clerical error in Section 3.9 and suggested that the language “the Town makes no warranties” be added to that section.

Town Clerk, Debra Eastman called the roll for the motion as amended and all were in favor.

B. Proposed Revised Investment Policy – Martin Sherwood, Finance Support Services Department Head

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, SUPERSEDING RESOLUTION NO. 1520 AND RESOLUTION NO. 1473 APPROVING AN INVESTMENT POLICY OF THE TOWN FOR TOWN FUNDS; CONTAINING OBJECTIVES; DELEGATION OF AUTHORITY; PROVISIONS FOR MONITORING AND ADJUSTING THE PORTFOLIO; INTERNAL CONTROLS; QUALIFIED INVESTMENTS; DIVERSIFICATIONS AND MATURITY; PROVISIONS FOR COMPETITIVE SELECTION; PROVISIONS RELATING TO QUALIFIED INSTITUTIONS; PROVISIONS RELATING TO SAFEGUARDING AND CENTRALIZATION; AND ACCOUNTING METHODS AND REPORTING REQUIREMENTS AND PERFORMANCE EVALUATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the ordinance. Vice Mayor Marc Imberman made a motion to adopt the resolution. The motion received a second from Commissioner Steven Levine. Town Clerk, Debra Eastman called the roll and the motion passed 3-2 with Commissioner Elizabeth Calderon and Mayor Charles Burkett voting in opposition.

Vice Mayor Marc Imberman suggested, and it was agreed, to direct the Town Manager to establish a criteria and create a committee to advise and oversee the function of the resolution and to bring the information back to the Town Commission for their review.

6. Good and Welfare

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.

Barbara Cohen spoke about the upcoming census process and the need for workers. Commissioner Howard Weinberg announced the upcoming Kiwanis car wash.

7. Town Manager and Town Attorney Reports

Progress in Downtown District, Lynn Dannheisser, Town Attorney
Town Attorney, Lynn Dannheisser reported on the review of the downtown business district with regard to vacant store fronts, improved landscaping, increased code enforcement and the recent survey in the Gazette publication. Vice Mayor Marc Imberman suggested that the Town Commission have a joint meeting with the Planning and Zoning Board to discuss this issue.

8. Unfinished Business and New Business

A. Proposed Maranon Property Settlement, Gary Word, Town Manager
Town Manager, Gary Word gave the background and explained the proposed settlement. Commissioner Elizabeth Calderon made a motion to accept the property at 9255 Abbott Avenue in full settlement of the debt. The motion received a second from Commissioner Howard Weinberg. Town Clerk, Debra Eastman called the roll and the motion was adopted 4-0 with Mayor Charles Burkett voting in opposition.

B. Proposed Vacant Lot Purchase, Gary Word, Town Manager
Town Manager, Gary Word explained the proposal to purchase property at 9450 Collins Avenue. A motion was made by Commissioner Elizabeth Calderon to outright purchase the property for \$500,000. The motion received a second from Commissioner Howard Weinberg.

Barbara Cohen asked about the property next to this one and whether it was for sale. Bennett Feldman spoke on behalf of the owner of the property and spoke in favor of the purchase.

Town Clerk, Debra Eastman called the roll and the motion failed with Commissioner Steven Levine, Vice Mayor Marc Imberman and Mayor Charles Burkett voting in opposition.

- C. Beach House Vacant Lot – Mayor Charles Burkett
Mayor Charles Burkett explained his desire to clean up the unsightly lot. Building Official, Paul Gioia explained that it is considered a construction site. Mayor Burkett suggested that the town might implement a curtain ordinance.

9. Mayor, Commission and Staff Communications

- A. Town Shuttle Bus Route – Vice Mayor Marc Imberman
Vice Mayor Marc Imberman reminded that the Commission requested that the two closest County Library locations be incorporated into the bus schedule. Town Manager, Gary Word indicated that this is currently being done on a trial run and appears to be doing well. Vice Mayor Imberman requested that the bus route be coordinated with Bal Harbor and Bay Harbor buses and routes synchronized for use of Surfside residents. The Town Commission was in agreement.

- B. Committee Vacancies – Debra Eastman, Town Clerk
Town Clerk, Debra Eastman provided a list to the Town Commission of all the current committee members and vacancies.

Commissioner Elizabeth Calderon stated she was filing the evaluation of the Town Manager with the Town Clerk. She requested that the Town Clerk provide a copy to the members of the Town Commission and requested that the other members of the Town Commission provide their evaluations to the Town Clerk for distribution.

10. Adjournment The meeting adjourned at 10:00 p.m.

Accepted this ____ day of ____, 2010.

Charles Burkett, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk

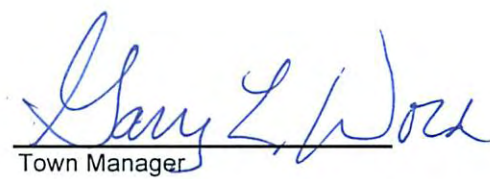
TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL EXPENSE SUMMARY
FISCAL YEAR 2009/2010
As of November 30, 2009
16% OF YEAR EXPIRED (BENCHMARK)

Agenda Item # 3B

Agenda Date: February 9, 2010

	ACTUAL EXPENSES	ANNUAL BUDGETED EXPENSES	% BUDGET
GOVERNMENTAL FUNDS:			
GENERAL FUND	\$1,062,101	\$13,067,345	8%
RESORT TAX	\$16,564	\$134,000	12%
POLICE FORFEITURE/CONFISCATION	\$13,102	\$73,250	18%
TRANSPORTATION SURTAX	\$13,722	\$223,261	6%
CAPITAL PROJECTS	\$50,086	\$5,035,000	1%
ENTERPRISE FUNDS:			
WATER & SEWER	\$210,369	\$4,850,096	4%
MUNICIPAL PARKING	\$27,298	\$2,097,100	1%
SOLID WASTE	\$136,370	\$1,282,304	11%
STORMWATER	\$12,052	\$246,000	5%


 Finance Support Svcs Dept Head


 Town Manager



TOWN OF SURFSIDE

9293 Harding Avenue
Municipal Building
9293 Harding Avenue
Surfside, Florida 33154
(305) 861-4863
(305) 861-1302

Page 1
Town of Surfside
Projects Progress Report

Charles W. Burkett
Mayor

Marc Imberman
Vice Mayor

Howard Weinberg
Commissioner

Steven Levine, ESQ.
Commissioner

Elizabeth Calderon, ESQ.
Commissioner

Gary Word
Town Manager

TOWN OF SURFSIDE PROJECTS PROGRESS REPORT February, 2010

1. **Community Center** – The Town held the ground breaking ceremony on January 26. The Town has received the fully executed contract along with West Construction's Performance & Payment Bonds. The permit expeditors continue to work on both the local and state permits. Upon receipt of the permits the Town will issue the Notice to Proceed to West Construction which will then begin the 300 calendar day construction time.
2. **Planning and Community Development** - Planning staff has transmitted the adopted EAR Based Amendments to the Department of Community Affairs (DCA) comments. DCA will indicate if the document is sufficient within 30 days. Staff has received a site plan application for a hotel on 92nd Street between Collins and Harding Avenues. The application is currently under review and if all staff comments are addressed, it may be heard at the February Planning and Zoning Board meeting, followed by the March Town Commission meeting.
3. **Website, Information Technology, TV Broadcasts** - The telephone line change from Paetec to AT&T has been completed and is working including access codes for long distance calling. Staff is working with Paetec on cancelling the old circuit and obtaining a refund. IT has reviewed the Fixed Asset Schedule and presented an updated inventory report to the finance department. Wireless router has been installed for legal department. Equipment from the library will be taken back into IT storage.
4. **Public Utilities / Engineering** –

Bay Drive Drainage Improvements

The Bay Drive Drainage Improvements are part of the FDEP grant that included stormwater pumps and drainage wells. This project is scheduled for construction contemporaneously with the proposed water main replacement and the sanitary sewer renovation. In addition, cable TV and telephone (AT&T U-Verse) underground cable is proposed during the construction to further limit disruption of traffic and reduce pavement restoration.

The installation of conduit for future FPL undergrounding is considerably expensive, as well as legally encumbering to the property owners and the Town. For instance, FPL requires a 10 ft contiguous and exclusive easement outside the right of way - without landscaping, walls or other improvements to accommodate the underground conduit. The strict easement requirements linked with the high individual connection costs is considered prohibitive.

FDEP Stormwater Project

The FDEP project consists of three below grade pump stations, 9 drainage wells, drainage structures, and stormwater collection system to improve both the water quality and quantity before discharging into the Biscayne Bay. The following items are complete:

Task 1: Surveying

Task 2: Engineering Design and Permitting (An FDEP application is required by the contractor, however they have approved the plans)

Task 6: Grant Administration – in process

Task 7: Education – Required for the duration of the project

The Stormwater projects will require several phases to complete to coincide with the grant schedule and other funding sources. Construction of water mains, sanitary sewer and the undergrounding of cable and phone lines should also coincide with the stormwater sewer phases to reduce pavement restoration costs.

Stormwater Master Maintenance

The contractor has cleaned the Town's catch basins and stormwater collection system and the pipes. A community-wide atlas showing each of the improvements, condition and recommendations will be needed to maintain the system on a yearly basis as required by the National Pollution Discharge Elimination System (NPDES) Permit. Repairs and replacement program will coincide with the FDEP Stormwater project and grants will augment the CIP as necessary. The annual NPDES reports need to be submitted with Miami Dade County as a Co-Permitee.

Wastewater System

The Surfside sanitary sewer meters were found to be reading high and were calibrated. The acceptance Miami Beach invoice will be finalized after receipt of the Town's sewer meter readings. Miami Beach has installed two dedicated Sewer Meters consistent with the tri-party agreement with Miami Beach, Bal Harbor and the Town of Surfside. Currently, three months of daily readings have been obtained and analyzed.

Proposals for wastewater improvements, such as the sanitary sewer pump station replacements, are currently being evaluated for implementation. Costs and unit prices are being established for lining the moderately cracked pipes and point repairs for the broken pipes. Bidding of the repairs is expected next year for lining the existing sanitary lines and manholes.

The DERM Peak Flow Study was submitted February 4, 2010. The purpose of the study demonstrates the compliance with the current law, codes and Consent Decree.

Water System

The contract documents are complete with permitting in process. Advertisement, bid, award and replacement of the aging system are funded; however, the County has released the \$829,000 General Obligation Bond. The project was scheduled to start by the end of 2009; however, the funding delay will require postponement until March 2010.

5. **Transportation and Traffic Engineering** - The Town of Surfside Stop Sign/Traffic Intrusion Analysis is 100% complete and accepted by the Town Commission. Traffic calming recommendations will be phased in by priority by the Town Manager and Public Works Director.
 - a. The site plan for Young Israel proposed new site has been reviewed with comments. Young Israel is proposing to amend the Future Land Use map to change the existing residential land use designation to business. DRG meeting was held with applicant to address concerns.
 - b. The site plan for the Hotel at 9200 Collins has been reviewed and approved with comment. The applicant is proposing to construct a 4-story 183 room hotel with adjacent parking garage at 9200 Collins Avenue within the Town of Surfside. DRG meeting was held with applicant to address concern.
6. **Parks** - State staff recommended that Surfside create a Town Recreational Trail map
 - a. Identifying all the points of public access to Indian Creek and the Atlantic Ocean, and identify all public parks and green spaces within the Town, including all parks within a 3-mile radius. Staff is currently working with the Miami-Dade Parks and Recreation staff, and the MPO to request that the trail be adopted by the Miami-Dade County Commission.
7. **Grants** - The FY 2009 Application for the DEP Section 319 Non-point Source
 - a. Management Program Grant was submitted by May 23, 2008. As part of the "green roof" application, a resolution was passed adopting nine stormwater elements into the Town's Stormwater Master Plan. A response is still being awaited.
8. **Capital Improvement Projects** - Calvin Giordano has provided the town with a list of concerns regarding safety issues and ADA access for several Beach Walk Access points in the Capital Improvement Projects reports. Upon request by The Town, the Landscape Architecture Department will provide detailed plans to address these deficient areas.



Town of Surfside Commission Communication

Agenda Item # 3D

Agenda Date: February 9, 2010

Subject: Proposed Mutual Aid Agreement with the Bay Harbor Islands Police Department.

Background: The Town staff has received notice that the current Mutual Aid Agreement with the Bay Harbor Islands Police Department will expire on January 1, 2010. A new agreement has been drafted (attachment A) and will remain in effect until January 1, 2016.

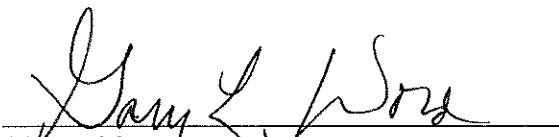
Analysis: The Surfside Police Department requires approval and authorization to enter into the proposed agreement at the request of the Bay Harbor Islands Police Department to maintain continuity of voluntary and operational assistance.

Budget Impact: N/A

Staff Impact: N/A

Recommendation: It is recommended that the Surfside Town Commission approve the Mutual Aid Agreement with Bay Harbor Islands Police Department (attachment A).


Department Head


Town Manager

RESOLUTION NO. 10 - ____

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO EXECUTE A MUTUAL AID AGREEMENT WITH THE TOWN OF BAY HARBOR ISLANDS, FLORIDA POLICE DEPARTMENT AND THE TOWN OF SURFSIDE POLICE DEPARTMENT.

WHEREAS, the Town Commission of the Town of Surfside, Florida would like to enter into a Mutual Aid Agreement with the Town of Bay Harbor Islands, Florida Police Department and the Town of Surfside Police Department;

WHEREAS, the Town Commission believes that it is in the best interest of the Town to enter into the agreement attached as Exhibit "A";

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

Section 1. Recitals. The above and foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Authorization. The Town Commission hereby authorizes the execution of the Mutual Aid Agreement with the Town of Bay Harbor Islands, Florida Police Department and the Town of Surfside Police Department attached hereto as Exhibit "A" and authorizes the Town Manager and Town Police Chief to do all things necessary to effectuate this Agreement.

Section 3. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED and **ADOPTED** on this ____ day of February, 2010.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION


Commissioner Elizabeth Calderon	_____
Commissioner Steven Levine	_____
Commissioner Howard Weinberg	_____
Vice Mayor Marc Imberman	_____
Mayor Charles Burkett	_____

Charles W. Burkett, Mayor

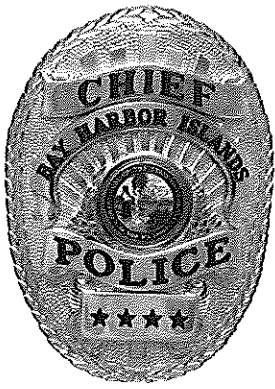
Attest:

Debra E. Eastman, MMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**



Lynn M. Dannheisser, Town Attorney



BAY HARBOR ISLANDS POLICE DEPARTMENT



224TH SESSION

DUNCAN W. YOUNG
CHIEF OF POLICE

January 12, 2010

Chief David Allen
Town of Surfside Police Department
9293 Harding Avenue
Surfside, FL 33154

Dear Chief Allen:

The Mutual Aid Agreement which exists between the Town of Bay Harbor Islands Police Department and the Town of Surfside Police Department expired on January 1, 2010. The enclosed renewal documents are attached for review and approval by your appropriate authorities to ensure continued mutual support as described in Chapter 23, Florida Statutes, Florida Mutual Aid Act.

If the enclosed documents meet the requirements of your municipality, please keep one fully-executed copy for your files and return one signed copy to me in the enclosed self-addressed, stamped envelope.

Upon execution by the appropriate authorizing officials, the renewal agreement will become effective as described in Paragraph 9, Effective Date and Duration, of the basic agreement and will be considered by the Bay Harbor Islands Police Department to supersede all prior mutual aid agreements. A copy of the agreement will be mailed to FDLE's Mutual Aid Program Office for filing pursuant to Section 23.1225(4), F.S., of the Florida Mutual Aid Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Duncan W. Young", written over a large, loopy scribble.

Duncan W. Young
Chief of Police

DWY/pag
Enclosures

MUTUAL AID AGREEMENT

Between the Town of Bay Harbor Islands and the Town of Surfside Police Departments

WHEREAS, it is the responsibility of the governments of the Town of Bay Harbor Islands, Florida and the Town of Surfside, Florida to ensure the public safety of their citizens by providing adequate levels of police services to address any foreseeable routine or emergency situation; and

WHEREAS, because of the existing and continuing possibility of the occurrence of law enforcement problems and other natural and man-made conditions which are, or are likely to be, beyond the control of the services, personnel, equipment or facilities of the participating municipal police departments; and

WHEREAS, in order to ensure that preparation of these law enforcement agencies will be adequate to address any and all of these conditions, to protect the public peace and safety, and to preserve the lives and property of the people of the participating Miami-Dade County municipalities; and

WHEREAS, the participating Miami-Dade County municipalities have the authority under Chapter 23, Florida Statutes, Florida Mutual Aid Act, to enter into a mutual aid agreement;

NOW THEREFORE, BE IT KNOWN that the Town of Bay Harbor Islands, subdivision of the State of Florida, and the undersigned representatives, in consideration for mutual promises to render valuable aid in times of necessity, do hereby agree to fully and faithfully abide by and be bound by the following terms and conditions:

1. Short title: Mutual Aid Agreement
2. Description: Since this Mutual Aid Agreement provides for the requesting and rendering of assistance for both routine and law enforcement intensive situations, this Mutual Aid Agreement combines the elements of both a voluntary cooperation agreement and a requested operational assistance agreement, as described in Chapter 23, Florida Statutes.
3. Definitions:
 - a) Joint declaration: A document which enumerates the various conditions or situations where aid may be requested or rendered pursuant to this Agreement, as determined by concerned agency heads. Subsequent to execution by the concerned agency heads, the joint declaration shall be filed with the clerks of the respective political subdivisions and shall thereafter become part of this Agreement. Said declaration may be amended or supplemented at any time by the agency heads by filing subsequent declarations with the clerks of the respective political subdivisions.
 - b) Agency or participating law enforcement agency: Either the Town of Bay Harbor Islands or the Town of Surfside Police Department.
 - c) Agency head: Either the Chief of Police of the Town of Bay Harbor Islands Police Department, or the Chief's designees; and the Chief of Police of

the Town of Surfside Police Department, or the Chief's designees.

- d) Participating municipal police department: The police department of any municipality in Miami-Dade County, Florida, that has approved and executed this Agreement upon the approval of the governing body of the municipality.
- e) Certified law enforcement employee: Any law enforcement employee certified as provided in Chapter 943, Florida Statutes.

4. Operations:

- a) In the event that a party to this Agreement is in need of assistance as specified in the applicable joint declaration, an authorized representative of the police department requiring assistance shall notify the agency from whom such assistance is requested. The authorized agency representative whose assistance is sought shall evaluate the situation and his available resources, and will respond in a manner deemed appropriate.
- b) Each party to this Agreement agrees to furnish necessary manpower, equipment, facilities, and other resources and to render services to the other party as required to assist the requesting party in addressing the situation which caused the request; provided, however, that no party shall be required

to deplete unreasonably its own manpower, equipment, facilities, and other resources and services in rendering such assistance.

- c) The agency heads of the participating law enforcement agencies, or their designees, shall establish procedures for giving control of the mission definition to the requesting agency, and for giving tactical control over accomplishing any such assigned mission and supervisory control over all personnel or equipment provided pursuant to this Agreement to the providing agency.

5. Powers, Privileges, Immunities, and Costs:

- a) All employees of the participating municipal police department, including certified law enforcement employees as defined in Chapter 943, Florida Statutes, during such time that said employees are actually providing aid outside of the jurisdictional limits of the employing municipality pursuant to a request for aid made in accordance with this Agreement, shall, pursuant to the provisions of Chapter 23, Florida Statutes, have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the political subdivision in which they are normally employed.

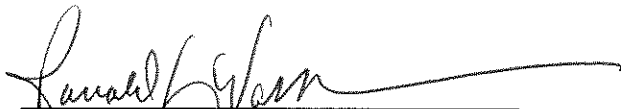
- b) The political subdivision having financial responsibility for the law enforcement agency providing services, personnel, equipment, or facilities pursuant to the provisions of this Agreement shall bear any loss or damage to same and shall pay any and all expenses incurred in the maintenance and operation of same.
- c) The political subdivision having financial responsibility for the law enforcement agency providing aid pursuant to this Agreement shall compensate all of its employees rendering aid pursuant to this Agreement, during the time of the rendering of such aid, and shall defray the actual travel and maintenance expenses of such employees while they are rendering such aid. Such compensation shall include any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid. Such compensation shall also include all benefits normally due such employees.
- d) All exemption from ordinance and rules, and all pension, insurance, relief, disability, workers' compensation, salary, death, and other benefits which apply to the activity of such officers, agents, or employees of any such agency, when performing their respective functions within the

territorial limits of their respective agencies, shall apply to them to the same degree, manner, and extent while engaged in the performance of their functions and duties extraterritorially under the provisions of this Mutual Aid Agreement. The provisions of this Agreement shall apply with equal effect to paid and auxiliary employees.

6. Indemnification: The political subdivision having financial responsibility for the law enforcement agency providing aid pursuant to this Agreement agrees to hold harmless, defend, and indemnify the requesting law enforcement agency and its political subdivision in any suit, action or claim for damages resulting from any and all acts or conduct of employees of said providing agency while providing aid pursuant to this Agreement, subject to Chapter 768, Florida Statutes, where applicable.
7. Forfeitures: It is recognized that during the course of the operation of this Agreement, property subject to forfeiture under the Florida Contraband Forfeiture Act, Florida Statutes, may be seized. The property shall be seized, forfeited, and equitably distributed among the participating agencies in proportion to the amount of investigation and participation performed by each agency. This shall occur pursuant to the provisions of the Florida Contraband Forfeiture Act.

8. Conflicts: Any conflicts between this Agreement and the Florida Mutual Aid Act will be controlled by the provisions of the latter, whenever conditions exist that are within the definitions stated in Chapter 23, Florida Statutes.
9. Effective Date and Duration: This Agreement shall be in effect from date of signing, through and including January 1, 2016. Under no circumstances may this Agreement be renewed, amended or extended except in writing.
10. Cancellation: This Agreement may be canceled by either party upon sixty (60) days written notice to the other party. Cancellation will be at the discretion of the chief executive officers of the parties hereto.

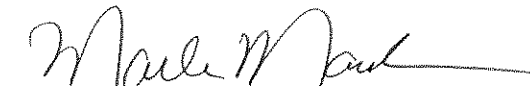
AGREED TO AND ACKNOWLEDGED this ____ day of _____, 20____.



 Ronald J. Wasson
 Town Manager, Town of
 Bay Harbor Islands, Florida

 Gary L. Word
 Town Manager, Town of Surfside,
 Florida

ATTEST:




 Marlene Marante
 Town Clerk, Town of
 Bay Harbor Islands, Florida

ATTEST:

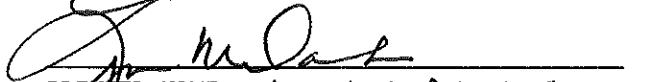
PRINTED NAME: _____
 Town Clerk, Town of Surfside,
 Florida

**APPROVED AS TO FORM AND
 LEGAL SUFFICIENCY:**



 Craig S. Sherman
 Town Attorney, Town of
 Bay Harbor Islands, Florida

**APPROVED AS TO FORM AND
 LEGAL SUFFICIENCY:**



PRINTED NAME: Lynn M. Danforth
 Town Attorney, Town of Surfside,
 Florida

**JOINT DECLARATION OF
THE CHIEF OF THE TOWN OF
BAY HARBOR ISLANDS POLICE DEPARTMENT
AND
THE CHIEF OF THE TOWN OF
SURFSIDE POLICE DEPARTMENT
PURSUANT TO MUTUAL AID AGREEMENT**

A police officer of either of the participating law enforcement agencies shall be considered to be operating under the provisions of the Mutual Aid Agreement when:

- participating in law enforcement activities that are pre-planned and approved by each respective agency head; or
- appropriately dispatched in response to a request for assistance from the other law enforcement agency; or
- spontaneous response where assistance or aid is apparent (see #9 below).

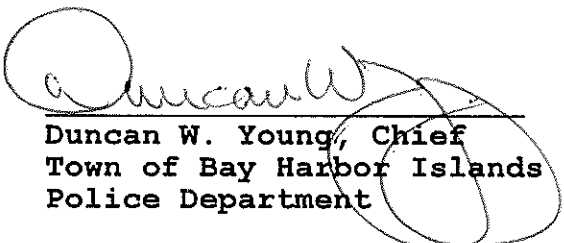
In compliance with, and under the authority of, the Mutual Aid Agreement, heretofore entered into by the Town of Bay Harbor Islands and the Town of Surfside, Florida, it is hereby declared that the following list comprises the circumstances and conditions under which mutual aid may be requested and rendered regarding police operations pursuant to the agreement. Said list may be amended or supplemented from time to time, as needs dictate by subsequent declarations.

1. Joint multi-jurisdictional criminal investigations.
2. Civil affray or disobedience, disturbances, riots, large protest demonstrations, controversial trials, political conventions, labor disputes and strikes.
3. Any natural disaster.
4. Incidents which require rescue operations and, crowd and traffic control measures, including, but not limited to, large-scale evacuations, aircraft and shipping disasters, fires, explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical or hazardous waste spills, and electrical power failures.
5. Terrorist activities including, but not limited to, acts of sabotage.
6. Escapes from or disturbances within detention facilities.
7. Hostage and barricaded subject situations, and aircraft piracy.
8. Control of major crime scenes, area searches, perimeter control, back-ups to emergency and in-progress calls, pursuits, and missing persons calls.

9. Participating in exigent situations without a formal request which are spontaneous occurrences such as area searches for wanted subjects, perimeters, crimes in progress, escaped prisoners. Traffic stops near municipal boundaries, request for back-up assistance and no local unit is available or nearby, calls or transmissions indicating an officer is injured, calls indicating a crime or incident has occurred in which a citizen may likely be injured and the assisting municipality is closer to the area than the officer receiving the call.
10. Enemy attack.
11. Transportation of evidence requiring security.
12. Major events; e.g., sporting events, concerts, parades, fairs, festivals, and conventions.
13. Security and escort duties for dignitaries.
14. Emergency situations in which one agency cannot perform its functional objective.
15. Incidents requiring utilization of specialized units; e.g., underwater recovery, aircraft, canine, motorcycle, bomb, crime scene, marine patrol, and police information.
16. Joint training in areas of mutual need.

DATE: 12/2/09

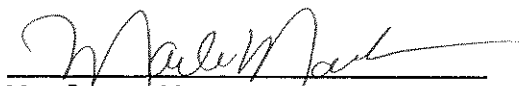
DATE: _____


 Duncan W. Young, Chief
 Town of Bay Harbor Islands
 Police Department

 David Allen, Chief
 Town of Surfside
 Police Department

ATTEST:

ATTEST:


 Marlene Marante
 Town Clerk, Town of
 Bay Harbor Islands, Florida

 Printed Name: _____
 Town Clerk, Town of Surfside,
 Florida



TOWN OF SURFSIDE
Office of the Town Attorney

MUNICIPAL BUILDING
 9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser
 Town Attorney

Telephone: 305 861-4863
 Facsimile: 305 861-1302
 E-mail: ldannheisser@townofsurfsidefl.gov

MEMORANDUM

TO: Town Commission

FROM: Lynn M. Dannheisser, Town Attorney 

cc: Gary Word, Town Manager
 Paul Goia, Building Official
 Mike Garcia, Code Enforcement

DATE: January 12, 2010

SUBJECT: Proposed Amendment to the Property Maintenance Standards Ordinance

Background. In response to the Downtown Business District Revitalization discussion we are proposing changes that have been endorsed by the Planning and Zoning Board to the Property Maintenance Standards

Proposed Legislation. Specifically this Ordinance proposes that property owners properly maintaining exterior surfaces, signs, windows, sidewalks and swale areas. The proposed changes provide that merchants/shopkeepers shall sweep and hose down the sidewalks adjoining their place of business, signs not properly maintained are subject to removal, windows shall be cleaned, and cigarette disposals receptacles shall be maintained. Failure to comply will result in civil penalties per our code enforcement ordinance. The reason aside from aesthetic considerations is to ensure avoidance of healthy safety and welfare issues.

Conclusion. The passage of this amendment to the Property Maintenance Standards imposing specific criteria is recommended.

ORDINANCE NO. 10- _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14-51 "ESTABLISHED"; AMENDING CHAPTER 14-52 "COMMERCIAL STANDARDS"; CREATING SECTION 14-56 "MAINTENANCE OF SIDEWALKS AND SWALE AREA" 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

WHEREAS, The Town of Surfside ("Town") proposes to amend its Code of Ordinances to address property maintenance standards; and

WHEREAS, The Town has determined that existing Property Maintenance Standards should be supplemented by this Town ordinance; and

WHEREAS, The Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on January 7, 2010 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission held its first public reading on January 12, 2010 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on February 9, 2010 and further finds the proposed change to the Code necessary and in the best interest of the community.

Ordinance No. _____

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA as follows:

Section 1. Recitals. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. The code of the Town of Surfside, Florida is hereby amended as follows:

Sec. 14-51. Established.

(b) All exterior walls of every structure shall be maintained weathertight and otherwise maintained so as to resist decay or deterioration from any cause. All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved coating, applied in a workmanlike fashion. All exterior surfaces including walls, trim, doors and signs shall be properly maintained in a clean and sanitary condition, free of dirt, mold, mildew and faded or chipped paint, and must be repainted, recovered or cleaned when 25% or more of any exposed surface becomes discolored or is peeling in the approved color.

(d) Whenever there is an unpaved area between the sidewalk and the curb, or between the sidewalk and the property line, it shall be the responsibility of the owner and/or occupant of the property to make sure that there are no holes or hidden dangers in the unpaved areas.

~~(d)~~ (e) The town manager is hereby authorized and directed to employ necessary personnel and equipment to enter upon any property whose owner or occupant fails to maintain lawns, landscaping and driveways in accordance with this article and to maintain same.

~~(e)~~ (f) In order to defray the cost to the town of maintaining such property there is hereby levied and assessed against each owner or occupant who fails to maintain such lawns, landscaping and driveways in accordance with this article, the sum of \$125.00 per time the town provides such maintenance. All charges becoming due and payable under this subsection constitute, and are hereby imposed as liens against the real property, and, upon becoming delinquent April 1 of the following year, until fully paid and discharged, shall remain liens, equal in rank and dignity with the ad valorem taxes of the town, and may be satisfied by the sale of certificates in the same manner as is provided for the sale of certificates on delinquent ad valorem taxes. Such lien shall be superior in rank and dignity to other liens, encumbrances, titles and claims in, to or against the real property involved.

Ordinance No. _____

Sec. 14-52. Commercial standards established.

(2) All exterior signs shall be in good repair and free of chipping, pitting, cracking, peeling, fading or discoloration. Lighted signs shall have all lights working. All signs shall be maintained in a safe, presentable and good structural condition, which shall include the replacement of defective parts, repainting, cleaning and other acts required for the maintenance of the sign. The area around the base of the sign shall be kept free of weeds and debris. If a sign does not comply with the above standards, the town manager or designee may require its removal

(3) Doors and windows shall be free of cracked or discolored glass or corroded frames. All doors and windows shall be maintained in a safe, presentable and good structural condition, which shall include the replacement of defective parts, repainting, cleaning and other acts required for maintenance of the doors and/or windows.

(9) Every merchant, storekeeper or operator of a business in the city shall sweep, hose down or cause to be swept and hosed down the sidewalks adjoining his respective place of business and shall remove gum and other sticky substances from the sidewalks, and continuing such actions as often as necessary thereafter to keep the area clean, on each day such business shall be operated. The sweepings shall be picked up and not swept into the gutter.

(10) Every restaurant shall provide a cigarette disposal receptacle permitted by law. The cigarette receptacle shall be kept clean and sanitary. The contents shall be regularly emptied and the contents shall not be swept into the gutter.

Sec. 14-56. Maintenance of Sidewalks and Swale Area.

(a) Swale area defined. A swale area is that area between the property line and the back of the street curb or the edge of the paved roadway.

(b) Persons liable. In the case of rental property , the occupant shall be held jointly and severally liable for compliance with those duties and obligations imposed upon the owner by this section.

(c) Sidewalks, alleys and rights-of-way to be kept clean. All owners of unimproved property and occupants, or occupants and owners of improved property, shall maintain their property in a clean and litter-free manner, including sidewalks, grass strips, alleys up to and including the median point of the alley, curbs, swale areas, or rights-of-way up to the edge of the pavement of any public street. Landscaping and maintenance of landscaped areas shall be done pursuant to Section 90-89 of the Town Code of Surfside.

(d) Enforcement. The Town Manager is empowered and authorized to require compliance with this section within 30 days of written notice. Failure to comply shall be punishable as provided in section 1-8 hereunder.

Ordinance No. _____

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this 12th day of Jan., 2010.

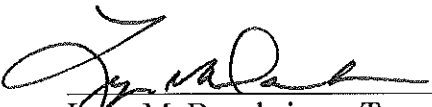
PASSED and ADOPTED on second reading this day of , 2010.

Charles W. Burkett, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Lynn M. Dannheisser, Town Attorney

Ordinance No. _____

On Second Reading Moved by: _____

On Second Reading Seconded by: _____

Vote:

Mayor Burkett	yes _____	no _____
Vice Mayor Imberman	yes _____	no _____
Commissioner Calderon	yes _____	no _____
Commissioner Levine	yes _____	no _____
Commissioner Weinberg	yes _____	no _____

Ordinance No. _____



Commission Communication

Agenda Item # 4A2

Agenda Date: January 12, 2010

Subject: Emergency Operations Plan

Background: Florida Statute 252.38 authorizes and encourages legally constituted municipalities to create municipal emergency management plans. The plan must comply with all laws, rules, and requirements applicable to county emergency management agencies.

The purpose of the plan is to guide emergency response and recovery operations and describes the policies, strategies, operational goals and objectives necessary to ensure an effective, unified response with surrounding municipalities and the County to mitigate the impacts of a disaster.

Town staff has prepared an Emergency Operations Plan (Attachment A) that has been reviewed and approved by the Miami-Dade County Office of Emergency Management.

A resolution has been drafted providing for the Town Commission to adopt the Emergency Operations Plan. (Attachment B) The Town attorney has reviewed and approved the language.

Analysis: N/A

Budget Impact: N/A

Staff Impact: N/A

Recommendation: It is recommended that the Surfside Town Commission approve the resolution adopting the Emergency Operations Plan.

John Di Censo
Assistant Chief

Gary L. Word
Town Manager

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 2 “ADMINISTRATION” BY ADDING ARTICLE VIII. “EMERGENCY MANAGEMENT PROCEDURES;” PROVIDING FOR PURPOSE, PROVIDING FOR DEFINITIONS, AND EMERGENCY MANAGEMENT STRUCTURE; PROVIDING DECLARATION OF A STATE OF EMERGENCY, TERMINATION OF A STATE OF EMERGENCY, THE SUSPENSION OF LOCAL BUILDING REGULATIONS, AND THE CERTIFICATION OF EMERGENCY CONDITIONS; PROVIDING FOR COORDINATION WITH MIAMI-DADE COUNTY; PROVIDING FOR PENALTY; PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE.

WHEREAS, it is the intent of the Town Commission of the Town of Surfside, Florida, by enacting this legislation, to provide the necessary organization, powers and authority to enable the timely and effective use of all available Town resources to prepare for, respond to, and recover from emergencies, natural and man-made, which may effect the security, safety, general welfare or health of the Town of Surfside and its residents; and

WHEREAS, it is the intent of the Town Commission that nothing contained within this ordinance shall relieve Town Departments of their normally assigned duties, responsibility and functions; and

WHEREAS, it is the intention of the Town Commission to address all types of emergencies including, but not limited to, the preservation of the public peace as defined in Florida Statutes Section 870.041 et seq; and

WHEREAS, the Town Commission is authorized to create emergency management plans, pursuant to Chapter 252, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, THAT:

Section 1. **Purpose.** It is the purpose of this ordinance to provide a framework for the operation of the Town during natural or man-made disasters.

Section 2. **General.**

A. Pursuant to Chapter 252, Florida Statutes, which authorizes the waiver of procedures and formalities otherwise required of a political subdivision in the event of a state of emergency and allows whatever action is necessary to ensure the health, safety and welfare of a community when a quorum of the Town Commission is unable to meet, the mayor, or in the mayor's absence, the vice-mayor is empowered to declare a local state of emergency whenever he shall determine that a natural or manmade disaster or emergency has occurred, or that the occurrence or threat of one is imminent and requires immediate and expeditious action.

(1) "Emergency" shall mean any occurrence, or threat thereof, whether natural, technological or manmade, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

(2) A state of emergency shall be declared by resolution. The state of emergency shall continue until the mayor and the Town Manager finds that the threat or danger no longer exists or until an emergency meeting of a quorum of the Town Commission can take place and terminate the state of emergency by resolution.

(3) The resolution declaring a state of emergency shall activate the Town of Surfside Emergency Operations Plan shall be the authority for use or distribution of any supplies,

equipment, materials, or facilities assembled or arranged to be made available pursuant to such plans and/or procedures.

(4) The resolution declaring a state of emergency shall empower the mayor and the Town Manager to act on behalf of the Town in requesting the National Guard of the Army, Coast Guard, or other law enforcement agencies as necessary, to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.

(5) Nothing in this section shall be construed to limit the authority of the Town Commission to declare or terminate a state of emergency and take any action authorized by law when sitting in regular or special session.

(6) The declaration of a state of emergency shall suspend all procurement procedures and requirements contained in state law or in the Code of Ordinances and the following procedures shall apply during the state of emergency:

(a) Town Manager: The Town manager is empowered to authorize the purchasing agent to secure any needed emergency supplies, materials, equipment or services, using the most efficient and effective procurement methods in each procurement as determined by the purchasing agent. The Town manager is authorized to exceed the current formal bid threshold of the procurement code making such purchases. The Town manager shall provide a full report of all such purchases to the town council at the next earliest available council meeting.

(b) Department head: With the prior approval of the Town manager or the purchasing agent, if so designated by the Town manager, the head of any department may purchase any needed emergency supplies, materials, equipment or services using the most effective procurement methods in each procurement as determined by the department head and the purchasing agent.

(c) Other municipalities: The Town manager or purchasing agent, if so designated by the Town manager, may request another municipality to purchase for the town any needed emergency supplies, materials or equipment, or the Town may purchase from another municipality any needed emergency

supplies, materials or equipment that such municipality has available. The Town manager is authorized to exceed the current formal bid threshold in making such purchases from or through another municipality. The Town manager shall provide a full report of such purchases to the Town Commission at the next earliest available commission meeting.

7. The declaration of state of emergency shall waive all procedures and formalities required by law or by the Code of Ordinances relating to:

(a) The performance of Public Works and taking whatever action is necessary to insure the health, safety and welfare of the community.

(b) Entering into contracts.

(c) Incurring obligations.

(d) Employing permanent or temporary workers.

(e) Utilization of volunteer workers.

(f) Rental of equipment.

(g) Acquisition and distribution with or without compensation of supplies, materials and facilities.

(h) Appropriation and expenditure of public funds.

8. The declaration of a state of emergency may establish a curfew throughout the Town of Surfside between the hours of 7:00 p.m. and 7:00 a.m. If the imposition of a curfew is deemed necessary, the curfew may be established by resolution declaring the state of emergency.

9. The declaration of a state of emergency shall empower the town manager to authorize employees of the town and other agencies, including the United States Army Corps of Engineers, to enter onto private property for the purpose of debris removal and clearing necessary to protect the health, safety and welfare of the community.

Section 3. Termination of a State of Emergency. A state of emergency shall be terminated by a vote of the Town Commission if practicable or upon the certification of the Town Manager that the conditions leading to a state of emergency established under Sections 870.041 – 870.046, Florida Statutes shall terminate at the end of a period of seventy –two (72) consecutive hours after the declaration of the emergency, and must be confirmed by the Town Commission by resolution at the next regular meeting, unless the nature of the emergency renders a meeting of the Town Commission impossible. Notice of termination of the emergency declaration shall be made to the public by the Town Manager by the same means as the declaration of the state of emergency.

Section 4. Police Emergencies.

(A) An emergency may be declared because of civil unrest or imminent threat to public peace or order when the Chief of Police, or if unavailable, the next highest ranking officer in the Police Department chain of command certifies to the Town Manager that an emergency condition arising from hostile actions of others, armed or unarmed or other imminent threat to public peace or order, requires extraordinary measures for control, including, but not limited to curfew; blockade; proscription of the sale of firearms, other weapons or alcohol beverages; explosives and combustibles; evacuation; and other similar actions. The Town Mayor/Vice-Mayor may issue a declaration of a state of emergency in accordance with Section 2.

(B) The declaration of state of emergency because of civil unrest or imminent threat to public peace or order, shall authorize the issuance of emergency resolutions or orders and other appropriate resolutions or orders, as may be required and may, if applicable, require automatic emergency measures pursuant to Section 870.044, Florida Statutes. In addition,

additional discretionary emergency measures pursuant to Section 870.045, Florida Statutes may be issued.

(C) A state of emergency may be declared because of fire and hazardous materials emergencies, utility emergencies, and weather emergencies when the Chief of Police, or if unavailable, the next highest ranking officer in the Police Department chain of command certifies to the Town Manager that an emergency condition exists. The Town Mayor/Vice-Mayor may issue a declaration of a state of emergency pursuant to Section 2 because of fire or hazardous materials emergencies, utility emergencies, and weather emergencies shall authorize, respectively, the issuance of emergency resolutions or orders.

Section 5. Fire and Hazardous Materials Emergencies.

(A) An emergency may be declared because of fire or hazardous materials incident emergency when the Miami-Dade County Fire Chief, or the designee of the Miami-Dade Fire Chief certifies to the Town Manager that an actual or potential condition arising from fire, explosion, chemical spill or release, building or bridge collapse, or plane, or other vehicle accident, requires extraordinary measures for control, including, but not limited to calling out of off-duty and reserve personnel; assistance by outside agencies; evacuation ; and other similar actions. The Town Mayor/Vice-Mayor may issue a declaration of a state of emergency in accordance with Section 2.

(B) The declaration of state of emergency because of fire and hazardous material emergency shall authorize the issuance of emergency resolutions or orders and other appropriate resolutions or orders, as may be required.

Section 6. Suspension of Local Building Regulations. The Town Manager may authorize a suspension of local building regulations during and following a declared state of emergency

when the Chief Building Official certifies to the Town Manager that action is necessary for the expeditious restoration of property damaged by the emergency event, unless terminated by the Town Commission. Such suspension of building regulations may be applied on a case-by case basis as required to remedy specific conditions and to facilitate the provision of emergency housing for disaster victims. The Chief Building Official shall specify the provisions of the building code to be suspended and the reasons therefore, when certifying the necessity of such suspension to Town Manager.

Section 7. **Coordination with Miami-Dade County.** The Town Manager shall coordinate the Town's emergency operations plan with emergency management programs established by Miami-Dade County.

Section 8. **Prohibition on Price Gouging.**

(A) Upon declaration of an emergency and during the duration of such emergency, it shall be prima facie evidence that an unlawful method of competition and an unfair and deceptive trade act or practice has occurred if any individual or business entity doing business in the Town charges more than the average retail price for any consumer good and such price exceeds the average price at which the same or similar consumer good was readily obtainable in the Town during the thirty (30) days immediately prior to a declaration of a state of emergency; or the charges represent a gross disparity between the price of the consumer good or dwelling unit or self-storage facility that is the subject of the offer or transaction and the average price at which that commodity or dwelling unit or self-storage facility was rented, leased, sold, or offered for rent or sale in the usual course of business during the thirty (30) days immediately prior to a declaration of a state of emergency, and the increase in the amount charged is not attributable to additional costs incurred in connection with the rental or sale of the commodity or rental or lease

of any dwelling unit or self-storage facility, or national or international market trends; or for a person or his agent or business entity or its employee to rent or sell or offer to rent or sell at an unconscionable price within the area for which the state of emergency is declared, any consumer good including, but not limited to, supplies, services, provisions or equipment that is necessary for consumption or use as a direct result of the emergency.

(B) This Section does not prevent the seller of consumer goods from charging an amount in excess of the average retail price if such higher price is the direct result of, and limited to, any increased costs due to the transportation of the consumer good during the state of emergency or any increased cost for the consumer goods from the manufacturer, distributor or wholesaler to the seller. In such instances, only the actual cost increase per item from the manufacturer, distributor or wholesaler can be added to the average retail price.

(C) A price increase approved by an appropriate government agency shall not be in violation of this ordinance.

(D) This Section shall not apply to sales by growers, producers or processors of raw or processed food products, except for retail sales of such products to the ultimate consumer within the area of the declared state of emergency.

Section 9. Portable Generators.

(A) The use and operation of a portable auxiliary electrical generator is prohibited within or on the following areas:

(1) If the exhaust system is within ten (10) feet of any opening (includes, but is not limited to, doors and windows) into the building structure;

(2) Within garages, enclosed or partially enclosed areas, or under eaves or other overhangs;

(3) On roofs or roof areas, balconies, ingress/egress areas and discharge ways, including but not limited to walkways, stairways and stairwells.

(B) The generator shall be operated in a safe manner and in accordance with the National Electric Code and all other applicable laws, regulations and Town ordinances.

Section 10. **Penalty.** Any person, firm or corporation who violates any provision of this Article, for which another penalty is not specifically provided herein or required by law shall, upon conviction, be subject to such fine or imprisonment or both as provided by the Town Code. Each day that a violation shall continue to exist shall constitute a separate offense.

Section 11. **Repeal.** All Ordinances or parts of Ordinances in conflict or inconsistent with this ordinance are repealed.

Section 12. **Severability.** If any word, clause, phrase, sentence, paragraph or section of this Ordinance is held to be invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other word, clause, phrase, sentence, paragraph or section of this Ordinance.

Section 13. **Inclusion in the Code.** It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Town of Surfside; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to " Section" or other appropriate word.

Section 14. Effective Date. Because of the emergency nature of this Ordinance, it shall become effective immediately upon acceptance at first hearing, notwithstanding adoption at second reading.

PASSED and ADOPTED on First Reading the 12th day of January, 2010.


PASSED and ADOPTED on Second Reading this 9th day of February, 2010.

Charles W. Burkett, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



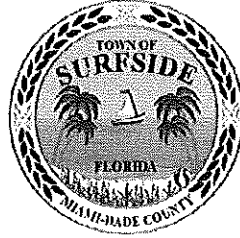
Lynn M. Dannheisser
Town Attorney

Moved by: _____

Second by: _____

Vote:

Mayor Burkett	yes	_____	no	_____
Vice Mayor Imberman	yes	_____	no	_____
Commissioner Calderon	yes	_____	no	_____
Commissioner Levine	yes	_____	no	_____
Commissioner Weinberg	yes	_____	no	_____



TOWN OF SURFSIDE
Office of the Town Attorney


MUNICIPAL BUILDING
 9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser
 Town Attorney

Telephone: 305 861-4863
 Facsimile: 305 861-1302
 E-mail: ldannheisser@townofsurfsidefl.gov

MEMORANDUM

TO: Town Commission

FROM: Lynn M. Dannheisser, Town Attorney 

cc: Gary Word, Town Manager
 Paul Goia, Building Official
 Mike Garcia, Code Enforcement

DATE: February 2, 2010

SUBJECT: Proposed Amendment to the Prohibited Noises Ordinance

Background. In response to the Planning and Zoning Board's request that we include a provision in our Town Code that addresses a decibel level and testing limitation on emergency generators, we propose this ordinance.

Proposed Legislation. Specifically, this Ordinance proposes that emergency power generators are operated in such a manner to not disturb the peace and quiet of the neighborhood and imposes a limitation on the allowable decibel levels as well as a testing restriction during the hours of 10am and 4pm, for a single period not longer than 30 minutes in any 7-day period..

This is a fairly standard provision that had not previously been addressed in our Town Code.

ORDINANCE NO. 10-____

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 54-78 "PROHIBITED NOISES" BY PROVIDING FOR RESTRICTIONS ON DECIBEL LEVEL OF EMERGENCY POWER GENERATORS AND ALLOWING FOR TESTING; PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE.

WHEREAS, The Town of Surfside, Florida, proposes to amend its Code of Ordinances to revise and update the prohibited noises to provide restrictions on the decibel level of emergency power generators and allow for the testing of emergency power generators during limited hours; and

WHEREAS, The Town Commission held its first public reading on February 9, 2010 and recognized it is in the best interests of the health, safety, and welfare of the citizens and visitors of the Town that all necessary precautions be implemented to provide for the restriction on noise level and testing of emergency power generators and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on March 9, 2010 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

Section 1. **Recitals.** The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Ordinance No. _____

Section 2. Code Amendment. The code of the Town of Surfside, Florida is hereby amended as follows:

Sec. 54-78. Prohibited Noise.

(20) Emergency power generator. The operation of any emergency power generator (EPG) in such a manner as to cause noises which disturb the peace and quiet of the neighborhood. For the purpose of creating a maximum limit for enforcement purposes, such EPG shall be deemed to emit an excessive and unusually loud noise when the sound pressure level measured at the face of the closest exterior wall surface of any adjoining habitable space in a structure exceeds 85 decibels, day or night, but in no case more than the manufacturer's published specifications for the EPG. Testing of an EPG, as required by law, shall be allowed during the hours of 10am and 4pm, for a single period not longer than 30 minutes in any 7-day period.

~~(20)~~(21) Vehicles over one-ton cargo capacity. The operation of any commercial motor vehicle with more than one-ton carrying capacity, as rated by the manufacturer, shall be prohibited on any public street in or abutting the RS-1 or RS-2 zoning districts within the town except between the hours of 8:00 a.m. and 9:00 p.m.

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.

Ordinance No. _____

PASSED and ADOPTED on first reading this _____ day of _____, 2010.


PASSED and ADOPTED on second reading this _____ day of _____, 2010.

Charles W. Burkett, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Lynn M. Dannheisser, Town Attorney

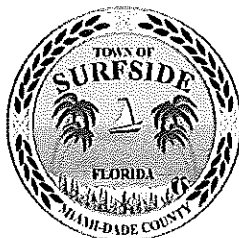
On Second Reading Moved by: _____

On Second Reading Seconded by: _____

Vote:

Mayor Burkett	yes _____	no _____
Vice Mayor Imberman	yes _____	no _____
Commissioner Calderon	yes _____	no _____
Commissioner Levine	yes _____	no _____
Commissioner Weinberg	yes _____	no _____

Ordinance No. _____



TOWN OF SURFSIDE
Office of the Town Attorney

MUNICIPAL BUILDING
 9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser
 Town Attorney

Telephone: 305 861-4863
 Facsimile: 305 861-1302
 E-mail: ldannheisser@townofsurfsidefl.gov

MEMORANDUM

TO: Town Commission

FROM: Lynn M. Dannheisser, Town Attorney *LD*

cc: Gary Word, Town Manager
 Paul Goia, Building Official
 Mike Garcia, Code Enforcement

DATE: January 28, 2010

SUBJECT: Proposed Amendment to the Fences, walls and hedges provision

Background. In response to the Mayor's request that we address concerns regarding construction sites and unsightly lots by adopting a new set of requirements for construction fencing, we are proposing this ordinance.

Proposed Legislation. Specifically, this Ordinance proposes that construction sites maintain fencing at all times and restricts types of fencing permitted. Permitted construction fencing will be: wrought iron, stucco and stone, masonry walls, wood pickets, concrete walls, frame plywood panels, or chain-link with canvas (limited to 18 months). Prohibited construction fencing will be barbed wire, chain-link, and canvas. The fencing will be limited to a height maximum of 12 feet and a minimum of 6 feet and will have access gates at the front and rear of the property. A set back requirement with a landscape buffer will be required for property along Collins and Harding Avenues. Murals and graphics will be allowed only as approved by the Town Commission and fees may be imposed for advertisements purposes. Failure to comply will result in civil penalties per our code enforcement ordinance.

ORDINANCE NO. 10-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING"; ARTICLE V "DESIGN STANDARDS"; SECTION 90-56 "FENCES, WALLS AND HEDGES"; CREATING SECTION 90-56.1 PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission (the "Commission") recognizes the need to regulate fences, walls and hedges for the health, safety and welfare of the Town; and

WHEREAS, the Commission has attempted to create regulations to address the specific needs of the this unique community and continues to amend these regulations to address the placement of fences, walls and hedges as they may best suit the needs of the community; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments to the fence, walls and hedges regulations on February 25, 2010 with due public notice and input; and

WHEREAS, the Town Commission held its first public hearing on February 9, 2010, having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on March 9, 2010.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. Code Amended. The Town Code is hereby amended by amending Section 90-56 "Fences, walls and hedges" and creating Section 90-56.1 "Construction Fencing" included

in Chapter 90 "Zoning," Article V "Design Standards" which shall read as follows:

Sec. 90.56 Fences, walls and hedges

- (n) The following fencing material shall be prohibited:
 - (1) Chain-link and other wire fencing, except as permitted herein.
 - (2) Loosely attached masonry products, such as concrete block, bricks or other similar products not bonded together by mortar or comparable adhesive.
- (o) No grandfathering of chain-link fences shall be permitted in the front yard or in the corner side yard. Grandfathering of chain-link fences shall be permitted in interior side yards or rear yards.
- (p) In all districts, the owner or his agent, shall be responsible for the maintenance, in perpetuity, of all landscaping material in good condition so as to present a healthy, neat and orderly appearance and clear of weeds, refuse and debris. Landscaping material shall be trimmed and maintained so as to meet all site distance requirements. Hedges planted along property lines shall be maintained and neatly trimmed to prevent growth extended across the property lone or otherwise encroaching on an adjacent property. In the event of any discrepancy as to whether healthy, neat and orderly appearance is being maintained shall be determined by the town manager or designee.
- (q) Temporary construction fences shall be permitted pursuant to standards provided in subsection 90-56.1. The maximum height of such fence shall be six feet as measured from crown of road. The fence shall be constructed of wood or chain-link and shall be concealed with a windscreen.

90-56.1 Construction Fencing

A. Temporary construction fencing. No person or entity shall install or construct a temporary construction fence in this Town without first obtaining a permit from the Town's Building Department. Each fence constructed or maintained shall be constructed and anchored in accordance with the Florida Building Code.

B. Permitted fences.

- (1) Except on Harding Avenue and Collins Avenue, the following temporary construction fences are permitted in all the zoning districts:
 - (a) Wrought iron or blackened aluminum.
 - (b) Stucco and stone match main structure.
 - (c) Masonry walls pursuant to section 90-56(1).
 - (d) Wood pickets.
 - (e) Concrete wall pursuant to section 90-56(1).
 - (f) Frame plywood panel.
 - (g) Chain-link fences with canvas (or similar material) are permitted if the property owner or agent has obtained a demolition permit from the Building Department. The chain-link fence shall be permitted to be utilized as a demolition fence for a period of no longer than two months or until expiration of the demolition permit, whichever occurs first. However, such demolition fence shall not be removed until the installation of a permitted construction fence, as defined in this section. The permitted construction fence shall be installed immediately upon removal of the temporary demolition fence. At no time shall the parcel

remain without a protective barrier. Any person or entity found to be in violation of this subsection shall be subject to a fine of \$500 per day.

(2) A temporary construction fence (as defined herein) shall be installed on the front, side, and rear property lines.

(3) Chain-link fences with canvas (or similar material) backing or meshing may be permitted, provided they are neatly designed and maintained as approved by the Building and Zoning Departments.

C. Prohibited fences.

(1) The following fences are not permitted, except as otherwise provided in Code herein below:

(a) Chain-link fences.

(b) Barbed-wire fences.

(c) Fences made of canvas material.

(d) Any fences that fail to meet the requirement of the Florida Building Code.

(2) Chain-link fences with canvas (or similar material) backing or meshing may be permitted to be utilized as a temporary construction fence for a period of no longer than 18 months, provided they are neatly designed and maintained as approved by the Building and Zoning Departments.

D. Maximum and minimum height. A fence is permitted a maximum height of 12 feet and a minimum height of six feet.

E. Setbacks. A temporary fence installed on the front of the property shall be situated six feet from the property line on Harding Avenue and Collins Avenue, unless specifically waived by the Town Commission. The setback area between the temporary fence and the property line shall contain a continuous extensively landscaped buffer which must be maintained in good healthy condition by the property owner. No temporary construction permit shall be issued unless a landscape plan is approved by the Town for the buffer. Failure to maintain the landscaping will result in the Town taking action to replace same and lien the property for the costs of landscaping.

F. Expiration of permit. A temporary construction fence permit issued under this chapter shall expire upon the issuance of a certificate of occupancy. The temporary fence shall remain on the property until the completion of construction, provided that it shall be removed in accordance with the terms of the Florida Building Code.

G. Murals and graphics. Graphics and murals on temporary construction fencing are prohibited unless approved by the Town Commission at site plan review pursuant to section 90-20. The Town Commission, in its discretion, may permit graphics and painted murals on temporary construction fences for aesthetic enhancement of the fence and advertisement of the project to be constructed at site plan review

H. Fees. The Town Manager or designee may impose fees as he/she may determine appropriate for the use of construction fences for advertisement purposes in accordance with the schedule promulgated by the Building Official.

I. Access gates. All temporary construction fences shall contain access gates with a minimum clear opening width of 12 feet. Access gates must be provided at the front and rear of the enclosure. Gates must be kept unlocked during inspection hours.

J. Temporary construction signs. Construction, erection, and maintenance of temporary construction signs shall be governed by Town of Surfside Sign Code

K. Appeals. Any decision made by the Town Manager or designee regarding graphics, advertisement, and murals on a temporary construction fence may be appealed to the Town Commission.

Ordinance No. _____

L. Enforcement and penalties. The Code Enforcement and Building Department shall be responsible for the enforcement of the provisions of this section. Any person or entity found to be in violation of this section shall be subject to a \$500 fine per day.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. It is the intention of the Commission, and it is hereby ordained that this Ordinance shall become and be made a part of the Town of Surfside Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective after adoption on second reading.

PASSED and ADOPTED on First Reading the ____ day of _____, 2010.

PASSED and ADOPTED on Second Reading this _____ day of _____, 2010.

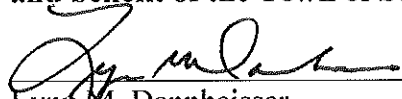
Charles W. Burkett, Mayor

Attest:

Ordinance No. _____

Debra E. Eastman, MMC
Town Clerk

**Approved as to form and legality for the use
and benefit of the Town of Surfside only:**



Lynn M. Dannheisser
Town Attorney

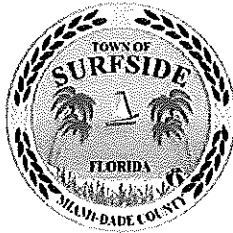
On Second Reading Moved by: _____

On Second Reading Seconded by: _____

Vote:

Mayor Burkett	yes	_____	no	_____
Vice Mayor Imberman	yes	_____	no	_____
Commissioner Calderon	yes	_____	no	_____
Commissioner Levine	yes	_____	no	_____
Commissioner Weinberg	yes	_____	no	_____

Ordinance No. _____



Town of Surfside Commission Communication

Agenda Item # 4B3

Agenda Date: February 9, 2010

Subject: Proposed Municipal Use Ordinance

Background: It has come to Staff's attention that many Municipal sites in the Town are non-conforming in regards to parking, setbacks and lot coverage. Municipal uses, including but not limited to the Town Hall, Community Center and park spaces, are unique due to the fact that they are intended to serve the public and their function often dictates separate development standards than private development.

Analysis: Staff is proposing an Ordinance that exempts Municipal-owned property from the parking, setback and lot coverage sections of the code in the case of redevelopment of a prior or existing use. Therefore, the existing or prior use on the Municipal-owned property shall be considered conforming for redevelopment of the Municipal-owned property.

The proposed code language is as follows:

(4) Municipal parking. Use of property in Town government capacity. The provisions of this chapter and the Code shall not apply to the use of any property by the Town in any government capacity, function, or purpose if those municipal uses represent a redevelopment of a prior or existing use. This exemption shall also apply to setbacks and lot coverage requirements as set forth in section 90-45 and section 90-49 hereinabove.

Budget Impact: Planning Staff's time was funded under the general services contract between the Town and CGA. Therefore the Town did not incur an additional budget impact for CGA's time.

Staff Impact: N/A

Recommendation It is recommended that the Surfside Town Commission introduce on first reading the attached Ordinance, amending sections 90.77 of the Town of Surfside Zoning Code.

Department Head

Town Manager

ORDINANCE NO. 10- _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-77 “OFF STREET PARKING REQUIREMENTS” 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

WHEREAS, the Town of Surfside (“Town”) proposes to amend its Code of Ordinances to address off street parking requirements and address an issue relating to parking and other requirements for municipal uses.

WHEREAS, The Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on February 25, 2010 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission held its first public reading on February 9, 2010 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on March 9, 2010 and further finds the proposed change to the Code necessary and in the best interest of the community.

Ordinance No. _____

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA as follows:

Section 1. Recitals. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. The code of the Town of Surfside, Florida is hereby amended as follows:

Sec. 90-77. Off-street parking requirements.

(d) Parking by use.

(4) Municipal parking. Use of property in Town government capacity. The provisions of this chapter and the Code shall not apply to the use of any property by the Town in any government capacity, function, or purpose if those municipal uses represent a redevelopment of a prior or existing use. This exemption shall also apply to setbacks and lot coverage requirements as set forth in section 90-45 and section 90-49 hereinabove.

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word “ordinance” may be changed to “Section” or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.

Ordinance No. _____

PASSED and ADOPTED on first reading this _____ day of _____, 2010.

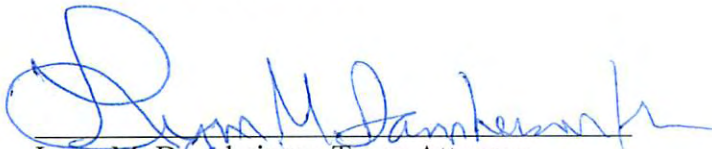
PASSED and ADOPTED on second reading this ____ day of _____, 2010.

Charles W. Burkett, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Lynn M. Danheisser, Town Attorney

On Second Reading Moved by: _____

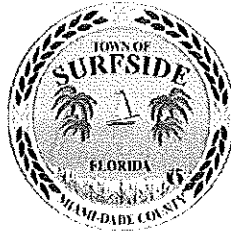
On Second Reading Seconded by: _____

Vote:

Ordinance No. _____

Mayor Burkett yes _____ no _____
Vice Mayor Imberman yes _____ no _____
Commissioner Calderon yes _____ no _____
Commissioner Levine yes _____ no _____
Commissioner Weinberg yes _____ no _____

Ordinance No. _____



Town of Surfside Commission Communication

Agenda Item # 8B

Agenda Date: February 9th, 2010

Subject: Beach Lifeguard Stand Replacement

Background: The existing Lifeguard stand was built by Town staff and is over 10 years old. Over the past several years patch work repairs have been performed on the stand to keep it in operation. At this time the current stand is deteriorated beyond repair. The stand has become a safety issue to staff and is in need of replacement. During the January 12th 2010 Commission Meeting the original proposal for funding was presented to Commission for approval. Funding was requested to be paid out of reserves and was rejected by the Commission. Commission directed staff to complete the project and find alternate methods of funding. Staff was directed to report back to the Commission with funding options at the next meeting.

Analysis: Due to the aging and deteriorating lifeguard stand funds were budgeted in FY 08/09 to replace the existing stand (see attachment A). At the time due to pending budget cuts the project was put on hold. The original project was to be contracted out for replacement. After reviewing the project with the Public Works Director it was determined that the project could be done in house at a considerable savings. The original approved project was budgeted at \$33,250. The revised estimate done in house without overtime is \$8,461. By replacing the stand the Town will be eliminating a potential safety hazard and will improve the overall look of the beach operation.

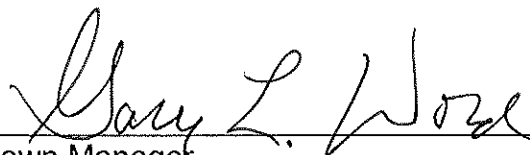
Budget Impact: \$8,461(see attachment B) will need to come from the approved general fund in FY 09/10 Operating Budget. The following Departments will contribute as listed: Parks and Recreation \$ 3,500 (Special Events Spring Egg Hunt) Public Works \$ 1,500 (Property & Maintenance) Town Clerk \$ 2,000 (Special Projects Coordinator) and Finance Department \$ 1,500 (GASB #45 Implementation Savings).

Staff Impact: Public Works and Parks and Recreation staff will work together during the upcoming Months to complete the project. During the construction process Public Works and Parks and Recreation Staff will be removed from their day to day duties required for each Department (see attachment C). Also any emergency issues that come up staff will be removed from the lifeguard stand project thus delaying the completion of the project in a timely manner.

Recommendation: It is recommended that the Town of Surfside Commission approve the revised financing Plan.



Department Head



Town Manager

Town of Surfside, FL

Capital Improvement Project

Project:	Beach Lifeguard Stand Replacement						
Priority:	5	Project Manager:		Aquatics Supervisor			
Department:	Leisure Services		Division:		Parks and Recreation		
Project Location:	Ocean-side behind Town of Surfside Community Center site						
Fiscal Year:	FY 09	FY 10	FY 11	FY 12	FY 13	Total	FY 08
Plans and Studies:							
Engineering/Architecture:							
Land Acquisition/Site Preparation:							
Construction:	33,000					33,000	
Equipment/Furnishings:	250					250	
Other (Specify):							
TOTAL COST:	33,250					33,250	
Revenue Source:	CIP-FB						

Description (Justification and Explanation)

This project requests funding for a new beach lifeguard stand to replace the old and deteriorating existing stand. The current stand has become a safety hazard and requires continual repair. The existing stand is now beyond repair by staff. The purchase is planned as a "piggy-back" opportunity on a competitively bid Miami Beach governmental contract.

During Fiscal Year 2009 staff will explore alternative funding opportunities to replace this stand. If successful, the much needed purchase will occur in the current fiscal year. Alternatively, given the relative urgency of this item and its importance to public safety, the Town may advance the purchase and then seek alternative funding sources to reimburse the expense.

Future Annualized Impact on Operating Budget

Personnel:		No recurring costs are expected to result from this project. This stand is expected to provide at least six years of service resulting in a replacement cost of \$5,542 annually.
Operating:		
Replacement:	33,250 / 6 = \$5,542	
Revenue/Other:		
Total:	\$5,542	

**Town of Surfside
Lifeguard Stand (Foundation)**

Material Take off**Wood Base: All P&T 16' x 13'**

- 1- Posts (2) 8" x 8" x 10' Cut in two 5'-0' each
- 2- Sleepers & girders (8) 2" x 10" x 16'
- 3- Cross braces (4) 2" x 8" x 16'
- 4- Floor joists (13) 2" x 8" x 16'
- 5- Barge joists (2) 2" x 8" x 14'
- 6- Composition Flooring (36) 2" x 6" x 16'

Screw Fasteners Stainless Steel

15 lbs. # 10 x 2 1/2" wood screws

Bolts Galvanized

(100) 5/8" x 12" with 2 washers each bolt

Lifeguard Stand (Building)

Stud Walls

- (50) 2" x 6" x 8' (studs)
- (6) 2" x 6" x 16' top & bottom plates
- (6) 2" x 6" x 14" top & bottom plates
- 5 lb SS Screws 2" # 10
- (2) rolls 30# felt
- 3/4" Staples

Wall Sheathing

- (10) pieces 5/8" T-1-114'-0" x 8'-0"
- 15lb box SS Screws 15/8" # 10

Hurricane Straps

- (100) pcs 18" x 1/8" x 1"

Hurricane Clips

- (100) Simpson two face 10 ga.

Roof Rafters

- (20) 2 x 6 x 14'

Facia

- (4) 2 x 6 x 16'

Lifeguard stand material list (cont)

Windows

- (4) 3 / 4 (53 1/8" x 50 5/8") impact
- (1) 4 high mull
- (1) 2 / 4 (37 1/8" x 50 5/8") Impact

Door, Jamb & Lockset

- Metal door & Jamb (epoxy coated)
- Gallon epoxy prime
- Gallon of epoxy paint
- (Coating to be done in house)

Caulking

- 10 Tubes 25 year silicone caulking

Paint

- (10) gallons Kilnz
- (10) gallons PVA (Color)

Turbine

DEMOLITION

LIFEGUARD HUT

- 1- Place 20 yard dumpster on hard pack
- 2- Set up generator
- 3- Attach (2) step ladders to deck
- 4- Remove fragile ramp
- 5- Remove roofing with straight shovels
- 6- Remove overhang first with saws-all
- 7- Remove roof sheathing hitting underside with juke bar
- 8- Remove roof rafters cut straps with cutting torch, then hit from underside with juke bar.
- 9- Remove walls by inserting long blade saws-all in corner of walls cutting all fasteners as you saw down.
- 10- Cut wall section up in small pieces
- 11- Remove decking by prying with juke bar
- 12- Burn off bolt heads and remove bolts
- 13- Sledge hammer base structure apart
- 14- Should take (3) dumpster loads @ \$280.00 per load

IMPACT OF DOING THE WORK ON REGULAR TIME:**Public Works**

- Routine building maintenance: re-lamping, cleaning ventilation supply and return grilles, changing our extractor fans, checking/following up on mechanical systems such as air conditioning and elevator.
- Miscellaneous building maintenance: repairing doors, windows, cleaning A/C supply and return grilles; minor plumbing repairs repairing/painting damaged walls and floors, shelf storage installation, TV rack installation, building/repairing cabinets, furniture relocations, storage of heavy items, etc.
- Sprinkler repairs Town-wide; extension of sprinkler systems.
- Signage repairs, cleaning and replacements Town-wide.
- Painting details at various locations, such as parking lot fences, "yellow curb", etc...Town-wide
- Inspection generated and complaint generated Town-wide maintenance requests—example: beachfront shower areas "spruce up": concrete stairs, walls mold removal & re-paint, fence repairs.
- Installing beach signs on wood posts for subsequent M-D County installation.
- Exterior re-lamping: interior and exterior (such as the parking lots and Harding lamp posts).
- Beautification Committee initiatives: installing hanging plant pots on downtown light posts, building/installing wood foot platforms at beachfront showers, signage improvements.
- Miscellaneous beautification projects—Example: Coordination and working with contractor on Town seal refurbishing and installation, removing and re-finishing old meter pole stubs from parking lots (Ex: post office perimeter along Collins Av).
- Removal and installation of parking meter posts, temporary gates and barriers related to parking lot control, etc.
- Backing up Water and Sewer crew on emergency repairs during vacation or sick leave periods.
- Backing up Solid Waste crew on daily waste collection during vacation or sick leave periods.
- Switching out the holiday LED wrap-around tree lights for the regular lights.

Parks and Recreation

- Routine building maintenance and grounds maintenance at the P&R Facilities.
- Checking/following up on mechanical systems at each facility.
- beachfront shower/faucet repairs
- Assisting in the preparation of all P&R Special Events and Programs.
- Sprinkler repairs at Hawthorne Tot Lot, 96th Street Park and Tennis Center.
- Assisting in Custodial duties at all P&R Facilities due to the elimination of 1 full time custodian.
- All weekly maintenance reports for the P&R facilities will be put on hold.



Town of Surfside Commission Communication

Agenda Item # 8A

Agenda Date: February 9, 2010

Subject: Proposed Acquisition of Downtown Vacant Lot

Background: At its regular meeting on January 12, 2010, the Surfside Town Commission considered a purchase and first right of refusal to acquire vacant property located at 9450 Collins Avenue, Surfside. Following deliberations the Commission voted to reject the purchase at the \$500,000 price and did not deliberate on the first right of refusal offer.

Subsequent to this meeting, the seller has proposed an alternate proposal and has requested that the Commission consider this alternative (Attachment A). Specifically, the revised proposal provides for a price reduction and consideration of first right of refusal by the town for a future offer by a third party (Attachment B).

Analysis: A property appraisal for the lot was conducted in June 2009. The appraised value was determined to be \$810,000 (Attachment C).

It is proposed that the purchase price would be \$475,000. \$375,000 would be paid initially at closing with an additional \$100,000 to be paid within one year without interest. However, the Town would pay the closing costs (document tax), if any. In addition, the property owner, who is also the property owner for 9501 Collins Avenue, wants a building permit at that location, expiring on September 30, 2009, to be extended. The Town Building Official has indicated that there should not be an issue granting the extension.

The option to purchase 9450 Collins Avenue with first right of refusal provides for the Town to have ten (10) days exercise a first right of refusal upon an executed offer from a third party. Further, the covenant requires the extension of building permits and development rights for property owned at 9501 Collins Avenue. Finally, the first right of refusal will automatically terminate if the property is developed into residential condominium units.

Funds for an outright purchase would be available from the Town's Parking Fund. The balance of the Fund as of December 1, 2009 was approximately \$2,250,000.

In addition to the acquisition of the property there would need to be improvements to the lot in order to add to the pool of parking spaces in the downtown. It is estimated that up to 18 parking spaces could be generated on the site with an estimated cost for improving the lot at \$45,000 (paving, stripping, meters).

Budget Impact: There would be no budget impact on the operating budget of the Town. However, a reduction in the reserves of the Parking Fund of \$375,000 would be incurred in 2010 and an additional reduction of \$100,000 would be incurred the following year (2011). In addition, should the lot be acquired and improved for additional parking funds would need to be budgeted in future years in the Capital Improvements Fund (or Parking Fund) for the improvements. The estimated cost is \$45,000.

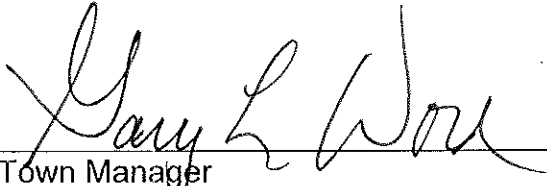
Depending on the potential use of the improved parking lot additional revenue would be derived from parking meter revenue. At 50% occupancy, parking meter revenue is estimated at \$3,744 per month plus fine revenue of \$6,739.20 (annually) for total annual revenue of \$51,667.20 (Attachment D). If achieved, payback for the lot could be realized in approximately ten (10) years.

It is known that over \$300,000 in revenue is generated from the parking lots in the downtown and that the Post Office parking lot (34 spaces) is the most heavily used of the downtown parking lots. A review of the estimated revenue received from the Post Office parking lot abutting the subject property reveals that annual revenue of approximately \$97,500 is received annually assuming 50% occupancy and including fines (Attachment E). The revenue projection does not include the leased spaces to Post Office workers by agreement.

Staff Impact: The burden of reading 18 additional meters and parking violation enforcement would be placed on parking enforcement personnel.

Recommendation: It is recommended that the Town Commission acquire the vacant lot at 9450 Collins Avenue at a total price not to exceed \$475,000 in accordance with the terms proposed by the owner. It is proposed that funds from the Parking Fund be used for the acquisition. Should an outright purchase be rejected, it is suggested that the first right of refusal document be accepted.

Department Head


Town Manager

BENNETT G. FELDMAN

Attorney at Law
2655 Lejeune Road
Suite 514
Coral Gables, Florida 33134

Telephone (305) 445-9909 Fax (305)461-5088

January 27, 2010

Gary L Word
Town Manager
Town of Surfside
9293 Harding Avenue
Surfside FL 33154

Re: 9450 Collins Avenue
Right of First Refusal to the Town of Surfside

Dear Mr. Word:

I represent 9501 Collins Avenue LLC the owner of 9450 and 9501 Collins Avenue.

At the Meeting held January 12, 2010, the Commission considered the purchase of 9450 Collins Avenue for \$500,000. The terms offered were \$400,000 at closing and the balance within one year. Although the Commission did not accept the offer, the Mayor suggested that for some consideration, the Town may be interested in receiving a right of first refusal to purchase the property in the future. As I stated to the Commission, any right of first refusal granted to the Town would terminate upon development of the property.

I am enclosing a proposed Covenant granting to the Town a right of first refusal, the consideration for which would be an extension of the development rights for 9501 Collins Avenue for a period of five years. Pursuant to Florida Statute 380.06, Section 14, a two-year extension is in place as outlined in the July 1, 2009 letter from Lucia Daugherty, Esq. of Greenberg Traurig.

If the Town is still interested in purchasing the property, my client will reduce the price to \$475,000 with \$375,000 paid at closing and the balance in one year with the Town paying the closing costs (documentary tax), if any.

It is requested that the right of first refusal and/or purchase be placed on the February 9, 2010 agenda for consideration.

Very truly yours
s/
BENNETT G. FELDMAN

cc: Lynn M. Dannheisser, Esq.
Town Attorney.

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT (the "Declaration"), made this day _____ of _____ 2010 by 9501 Collins Avenue LLC, A Florida limited liability company, (the "Owner"), in favor of The Town of Surfside. (the "Town").

W I T N E S S E T H

WHEREAS, the Owner holds fee simple title to certain property in the Town of Surfside Florida, located at 9450 Collins Avenue, Surfside, Florida, legally described as

Lot 7, Block 4, Altos del Mar No. 6 according to the Plat thereof as recorded in Plat Book 8 at page 106 Public Records of Miami Dade County, Florida

(the "Property"); and

WHEREAS, the Owner is desirous of making a binding commitment to the Town to provide the Town with a right of first refusal to purchase the Property.

NOW, THEREFORE, the Owner and the Town covenant and agree that the Property shall be subject to the following restrictions that are intended and shall be deemed to be covenants running with the land and binding upon the Town and the Owner, its successors in interest and assigns, as follows:

1. In the event Owner wishes to sell or transfer the Property, Owner agrees to grant the Town a right of first refusal (sometimes referred to as "Covenant") to purchase the Property on the same terms and at the same price as the third party offer and upon the following terms and conditions:

i In the event Owner, its successors and/or assigns, wishes to sell the Property, Owner shall give the Town written notice by certified mail, return

receipt requested, together with a copy of an executed offer from a third party and the Town shall have the option to purchase the Property at the same price, terms and conditions of the third party offer.

ii. The Town shall have ten (10) days from acknowledgement of receipt of the offer within which to exercise his option to purchase the Property.

iii. In the event Town exercises the option to purchase the Property, the Town may exercise same and take title to the Property in the name of the Town or any entity owned or controlled by Town.

iv. In the event Town fails to exercise this right of first refusal within ten days from receipt of said notice, Owner shall be free to sell the Property pursuant to the price, terms and conditions of the third party offer. In the event Town chooses not to exercise his right of first refusal to purchase the Property on any transfer, he shall, upon request by grantor deliver a written waiver of same to Owner to be recorded in the Public Records of Miami-Dade County, Florida.

2. As further consideration for the granting of this right of first refusal, any and all building permits and development rights pertaining to 9501 Collins Avenue shall be extended for a period of five (5) years and shall be fully transferable to any Grantee.

3. Notwithstanding the aforementioned statement, this Right of First Refusal with respect to the Property shall automatically terminate if the Property is developed.

4. Effective Date. This instrument shall constitute a Declaration running with the title to the Property and be binding upon Owner and the Town, their successors and assigns upon recordation in the Public Records of Miami-Dade County, Florida.

5. Recording. This Declaration shall be filed of record among the Public Records of Miami-Dade County, Florida, at the cost of the Owner.

IN WITNESS WHEREOF, the undersigned has set his hand and seal this _____ day of _____ 2010.

WITNESSES:

9501 Collins Avenue LLC

By: _____

Printed Name: _____

Avi Shirabani
As: Managing Member

Printed Name: _____

TOWN OF SURFSIDE

By: _____

Printed Name: _____

Name:
Position

Printed Name: _____

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

The foregoing instrument was acknowledged before me this ____ day of _____, 2010 by Avi Shirabani, managing member of 9501 Collins Avenue LLC, a Florida limited liability company. He personally appeared before me, is personally known to me or produced _____ as identification.

NOTARY PUBLIC
STATE OF NEW YORK
My commission expires:

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI DADE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2010 by _____, _____ (position), of TOWN OF SURFSIDE who personally appeared before me, is personally known to me or produced _____ as identification.

NOTARY PUBLIC
STATE OF FLORIDA
My commission expires:

Prepared by:
Bennett G. Feldman, Esq.
2655 Lejeune Road
Suite 514
Coral Gables FL 33134

CERTIFICATION OF VALUE

The undersigned hereby certifies that, to the best of our knowledge and belief:

- (A) The statements of fact contained in the report are true and correct.
- (B) The reported analyses, opinions and conclusions are limited only by the assumptions and limiting conditions set forth, and are my personal, unbiased professional analyses, opinions and conclusions.
- (C) I have no present or prospective interest in the property that is the subject of this report, and we have no personal interest or bias with respect to the parties involved.
- (D) I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- (E) My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- (F) The appraiser's compensation for completing this assignment is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal. Furthermore, the appraisal assignment was not based on a requested minimum valuation, a specific valuation or the approval of a loan.
- (G) The appraiser's analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice, and the requirements of the State of Florida for state-certified appraisers.
- (H) Use of this report is subject to the requirements of the State of Florida relating to review by the Real Estate Appraisal Subcommittee of the Florida Real Estate Commission.
- (I) J. Mark Quinlivan has made a personal inspection of the property that is the subject of this report.
- (J) Brian Quinlivan provided professional assistance to the person signing this report.

QUINLIVAN APPRAISAL

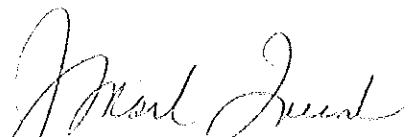
- (K) The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.
- (L) The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

As of the date of this report, J. Mark Quinlivan has completed the requirements under the continuing education program for The Appraisal Institute.

Based on the inspection of the property and the investigation and analyses undertaken, subject to the assumptions and limiting conditions set forth in the Addendum of this report, I have formed the opinion, as of June 9, 2009, the subject property has a Market Value of:

EIGHT HUNDRED TEN THOUSAND DOLLARS

(\$810,000)


J. MARK QUINLIVAN, MAI
STATE CERTIFIED GENERAL APPRAISER
CERTIFICATION NUMBER: RZ0000112

Hourly Rate	Hours Enforced	Daily revenue per space	# of Parking Spaces	Days enforced	Maximum Revenue Per Week	% of Occupancy	Actual Weekly Revenue	Actual Annual Revenue	Actual Monthly Revenue	Citation/Fine Revenue 15%
\$1.00	16	\$16.00	18	6	\$1,728.00	30%	\$518.40	\$26,956.80	\$2,246.40	\$4,043.52
\$1.00	16	\$16.00	18	6	\$1,728.00	40%	\$691.20	\$35,942.40	\$2,995.20	\$5,391.36
\$1.00	16	\$16.00	18	6	\$1,728.00	50%	\$864.00	\$44,928.00	\$3,744.00	\$6,739.20
\$1.00	16	\$16.00	18	6	\$1,728.00	60%	\$1,036.80	\$53,913.60	\$4,492.80	\$8,087.04

Meter revenue \$3,913.60
 Fine revenue 8,087.04
 Total revenue 62,000.64

Estimated Revenue Calculations

- ASSUMPTIONS:**
1. 6 day enforcement revenues
2. 15% Citation/Fine Revenue

PO LOT (non-leased)

Hourly Rate	Hours Enforced	Daily revenue per space	# of Parking Spaces	Days enforced	Maximum Revenue Per Week	% of Occupancy	Actual Weekly Revenue	Actual Annual Revenue	Citation/Fine Revenue (15%)	TOTAL Annual Revenue	TOTAL Annual (per space)
\$1.00	16	\$16.00	34	6	\$3,264.00	30%	\$979.20	\$50,918.40	\$7,637.76	\$58,556.16	\$1,722.24
\$1.00	16	\$16.00	34	6	\$3,264.00	40%	\$1,305.60	\$67,891.20	\$10,183.68	\$78,074.88	\$2,296.32
\$1.00	16	\$16.00	34	6	\$3,264.00	50%	\$1,632.00	\$84,864.00	\$12,729.60	\$97,593.60	\$2,870.40
\$1.00	16	\$16.00	34	6	\$3,264.00	60%	\$1,958.40	\$101,836.80	\$15,275.52	\$117,112.32	\$3,444.48

PO LOT (leased)

			10			100%		7,560.00		7,560.00	\$756.00
GRAND TOTAL			44			30%		58,478.40	\$7,637.76	\$66,116.16	2,478.24
			44			40%		75,451.20	\$10,183.68	\$85,634.88	3,032.32
			44			50%		92,424.00	\$12,729.60	\$105,153.60	3,628.40
			44			60%		109,396.80	\$15,275.52	\$124,672.32	4,200.48

9B HOME ON CARLYLE

Michael Garcia

From: Michael Garcia
Sent: Thursday, October 16, 2008 7:49 AM
To: Gary Word
Cc: Steve Uman
Subject: RE: from Randall & Lisa Rubin

Good morning Gary,

The address for this property is 9472 Carlyle Avenue, this home is a bank repo property that was abandoned for approximately two and a half years. Recently this property was purchased by Richard Waserstein and Alberto Escanazi. Mr. Escanazi is a general contractor and has building permits for this property. I've spoken to Mr. Escanazi and he will take care of the lawn, construction has not ceased at this property they are still working on getting this house in livable conditions. Mr. Waserstein and Mr. Escanazi have purchased property in the past in Surfside and have done a great job with the remodeling. (Example 9017 Emerson Avenue). As to the stray cats issue this is something we are trying to resolve.

Mike...

From: Gary Word
Sent: Wednesday, October 15, 2008 4:44 PM
To: Michael Garcia
Subject: FW: from Randall & Lisa Rubin

Mike,

Could you check this out and advise. Thanks.

Gary

From: Charles Burkett [mailto:Charles@burkettcompanies.com]
Sent: Wednesday, October 15, 2008 4:13 PM
To: rubins2000@aim.com
Cc: Gary Word
Subject: RE: from Randall & Lisa Rubin

Hi Randall and Lisa,

I'm copying the manager to make sure that code enforcement solves your problem directly.

Please keep me posted.

Best,

Charles

Charles W. Burkett
Mayor
The Town of Surfside

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Surfside, FL 33154
305-534-8711
www.townofsurfsidefl.gov

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From: rubins2000@aim.com [mailto:rubins2000@aim.com]
Sent: Wednesday, October 15, 2008 4:04 PM
To: Marc Imberman; Steve Levine
Cc: Charles W. Burkett
Subject: from Randall & Lisa Rubin

Marc & Steve-

It was nice seeing you both last night at the commission meeting, sorry we didn't get a chance to speak. Our mayor did a very nice job handling the Miami FD and the issues that exist.

I write you both as I have a situation regarding my new home at 9464 Carlyle Ave.

As you both know I moved back to Surfside about a month ago. The home next to mine (north side) is empty, work has stopped, violation stickers on the door, garbage strewn all over, overgrown grass & weeds, and tons of cats living in the driveway as "the cat people" walk blocks to feed them (my son Ethan is highly allergic to cats) etc.

The other day Lisa confronted a woman who had walked 2 blocks from her home to feed the cats and the woman threatened her saying "you bought the wrong home". Our family was so excited to return to Surfside and settle in to our new home and now we are faced with this situation.

Please help me and my family and tell me how to handle this situation?

Sorry to have to bother you both with this.

Regards,

Randall & Lisa Rubin
9464 Carlyle Avenue.
Surfside, FL 33154
305 861-8089

McCain or Obama? Stay updated on coverage of the Presidential race while you browse - [Download Now!](#)

Michael Garcia

From: Michael Garcia
Sent: Tuesday, November 17, 2009 12:23 PM
To: 'RGR@ciaoimports.com'
Cc: Gary Word; Paul Gioia; Lilliane Subirats; Darlene Martinat; Lynn Dannheisser
Subject: RE: disaster property on Carlyle

Good afternoon, Mr. Rubin

The property owner's contractor came to Town Hall on Friday November 13th and renewed his building permit.

The garage conversion is scheduled for Planning and Zoning on November 19th, 2009.

For you convenience, below is the Town Noise Ordinance.

Sec. 54-81. Same--Division of year into periods for purpose of control.

For the purpose of controlling restricted noises as specified in sections 54-79 and 54-80 the year shall be divided into periods as follows:

(1) *Period no. 1.* Period no. 1 shall begin with and include December 1 and shall include and end with March 31, such period being the months of greatest population, and shall be most restricted.

(2) *Period no. 2.* Period no. 2 shall begin with and include April 1 and shall include and end with November 30, such period being the months of least population, and shall be least restricted.

(Code 1960, § 12-5)

Sec. 54-82. Same--When prohibited.

The restricted noises set forth in section 54-79 are hereby prohibited at any location and at any hour on Sundays, Christmas, New Year's, Thanksgiving, Labor Day and the Fourth of July; provided, however, under emergency conditions the town manager may, in his discretion, grant exceptions thereto. The hours on weekdays during which such restricted noises of the various classifications, regardless of location, are prohibited are as follows:

TABLE INSET:

		Group A	Group B	Group C
(1)	During period no. 1	from 5:30 p.m.	5:30 p.m.	5:30 p.m.
		to 9:00 a.m.	9:00 a.m.	9:00 a.m.
(2)	During period no. 2	from 8:00 p.m.	8:00 p.m.	8:00 p.m.
		to 8:00 a.m.	8:00 a.m.	8:00 a.m.

If you have any further questions, please do not hesitate to call me.

Mike...

From: RGR@ciaoimports.com [mailto:rubins2000@aim.com]
Sent: Monday, November 16, 2009 8:42 AM
To: Michael Garcia

Cc: Charles@burkettcompanies.com
Subject: disaster property on Carlyle

Hi Mike-

Hope your doing well?

We met a few weeks ago at my home at 9464 Carlyle Ave. I live next door to the "disaster" property that has been being worked on over the last 3 years.

Just to let you know, work has been going on in the house over the weekend, never during the week.

I spoke with Daniel Dietch over the weekend who informed me that they put in for a permit to enclose the garage but no active permit is in place and no work should be going on during the weekend. My family was woken up early each morning this weekend with heavy banging going on.

Hope you can assist?

Thanks again-

Randall Rubin
Vice President of Sales
Ciao Imports

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2805 N Commerce Parkway
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F-866 353-8866
C-305 915-8657

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To: Michael Garcia
Cc: Paul Gioia
Subject: FW: The disaster house next door

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Best regards,



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9293 Harding Ave
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Email: gword@townofsurfsidefl.gov
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From: Marc Imberman
Sent: Tuesday, January 12, 2010 12:36 PM
To: RGR@ciaoimports.com
Cc: Gary Word
Subject: RE: The disaster house next door

Randy,

Please keep me in the loop as far as responses from Town staff.

All the best,

Marc

Vice Mayor Marc Imberman

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305-992-7965

mimberman@townofsurfsidefl.gov

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Please visit this property and help us with these issues.

Thanks again-

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Michael Garcia

From: Michael Garcia
Sent: Tuesday, January 26, 2010 7:42 AM
To: Paul Gioia
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From: Charles W. Burkett
Sent: Monday, January 25, 2010 11:02 AM
To: RGR@ciaoimports.com; Michael Garcia
Cc: Lynn Dannheisser; Gary Word
Subject: RE: The disaster house next door

Gary,

Please put this issue, with all the accompanying emails, on the next Commission agenda.

Thank you.

Charles W. Burkett
Mayor
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Cc: Charles W. Burkett; Steve Levine; Charles W. Burkett; Marc Imberman; ddietch@townofsurfsidefl.gov
Subject: The disaster house next door

Hi Mike-

Happy New Year to you.

Just a quick note requesting your assistance regarding the "disaster home" next door to me. Again, I purchased my home at 9464 Carlyle Ave last year.

This home next door to me has been in the process of construction for over (3) years. Below please find various code compliance issues that continue to effect me and my family:

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3. Garbage- since past dumpster was removed garbage and waste is strewn all over property.

Please visit this property and help us with these issues.

Thanks again-

Randall Rubin
Vice President of Sales
Ciao Imports

Florida Facility
2805 N Commerce Parkway
Miramar, FL 33025
O-866 249-0400
F-866 353-8866
C-305 915-8657

NY Facility- Larkin
47-55 27th Avenue
LIC, NY 11101
RGR@ciaoimports.com
www.ciaoimports.com

Michael Garcia

From: Michael Garcia
Sent: Tuesday, January 26, 2010 9:18 AM
To: Gary Word
Cc: Paul Gioia
Subject: RE: The disaster house next door

Paul and I will meet with you today.

Mike...

From: Gary Word
Sent: Tuesday, January 26, 2010 9:05 AM
To: Michael Garcia
Cc: Paul Gioia
Subject: FW: The disaster house next door

Mike,

Let's discuss this.

Best regards,



Gary L. Word
Town Manager
Town of Surfside
9293 Harding Ave
Surfside, FL 33154
(305) 993-1052 (305) 993-5097 F
Email: gword@townofsurfsidefl.gov
www.townofsurfsidefl.gov

From: Marc Imberman
Sent: Tuesday, January 26, 2010 9:02 AM
To: RGR@ciaoimports.com
Cc: Gary Word
Subject: RE: The disaster house next door

Randy,

Thanks for keeping me in the loop. I expect that the Town is doing everything within its authority to rectify the situation next door to you.

Marc

Error! Filename not specified.

Marc Imberman

Vice-Mayor

Town of Surfside

9293 Harding Ave

Surfside, FL 33154

(305) 992-7965

Email: mimberman@townofsurfsidefl.gov

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From: RGR@ciaoimports.com [rubins2000@aim.com]
Sent: Monday, January 25, 2010 11:17 AM
To: Charles W. Burkett
Subject: Re: The disaster house next door

Thank you Mayor-

FYI- I never received any response from Mike Garcia, nor did he do anything about the mess in front of this neglected home.

Also, no work has been done on the home since they received permission to close the garage months ago.

I do appreciate your assistance.

Regards,

Randall Rubin
Vice President of Sales
Ciao Imports

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RGR@ciaoimports.com
www.ciaoimports.com

-----Original Message-----

From: Charles W. Burkett <cburkett@townofsurfsidefl.gov>
To: RGR@ciaoimports.com <rubins2000@aim.com>; Michael Garcia <mgarcia@townofsurfsidefl.gov>
Cc: Lynn Dannheisser <ldannheisser@townofsurfsidefl.gov>; Gary Word <gword@townofsurfsidefl.gov>
Sent: Mon, Jan 25, 2010 11:02 am
Subject: RE: The disaster house next door

Gary,

Please put this issue, with all the accompanying emails, on the next Commission agenda.

Thank you.

Charles W. Burkett
Mayor
The Town of Surfside
Town Hall
9293 Harding Avenue
Surfside, FL 33154
305-534-8711

www.townofsurfsidefl.gov

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From: RGR@ciaoimports.com [rubins2000@aim.com]
Sent: Tuesday, January 12, 2010 12:27 PM
To: Michael Garcia
Cc: Charles W. Burkett; Steve Levine; Charles W. Burkett; Marc Imberman; ddietch@townofsurfsidefl.gov
Subject: The disaster house next door

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www.ciaoimports.com

Michael Garcia

From: Gary Word
Sent: Wednesday, October 15, 2008 4:44 PM
To: Michael Garcia
Subject: FW: from Randall & Lisa Rubin

Mike,

Could you check this out and advise. Thanks.

Gary

From: Charles Burkett [mailto:Charles@burkettcompanies.com]
Sent: Wednesday, October 15, 2008 4:13 PM
To: rubins2000@aim.com
Cc: Gary Word
Subject: RE: from Randall & Lisa Rubin

Hi Randall and Lisa,

I'm copying the manager to make sure that code enforcement solves your problem directly.

Please keep me posted.

Best,

Charles

Charles W. Burkett
Mayor
The Town of Surfside
Town Hall
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From: rubins2000@aim.com [mailto:rubins2000@aim.com]
Sent: Wednesday, October 15, 2008 4:04 PM
To: Marc Imberman; Steve Levine
Cc: Charles W. Burkett
Subject: from Randall & Lisa Rubin

Marc & Steve-

It was nice seeing you both last night at the commission meeting, sorry we didn't get a chance to speak. Our mayor did a very nice job handling the Miami FD and the issues that exist.

I write you both as I have a situation regarding my new home at 9464 Carlyle Ave.

As you both know I moved back to Surfside about a month ago. The home next to mine (north side) is empty, work has stopped, violation stickers on the door, garbage strewn all over, overgrown grass & weeds, and tons of cats living in the driveway as "the cat people" walk blocks to feed them (my son Ethan is highly allergic to cats) etc.

The other day Lisa confronted a woman who had walked 2 blocks from her home to feed the cats and the woman threatened her saying "you bought the wrong home". Our family was so excited to return to Surfside and settle in to our new home and now we are faced with this situation.

Please help me and my family and tell me how to handle this situation?

Sorry to have to bother you both with this.

Regards,

Randall & Lisa Rubin
9464 Carlyle Avenue.
Surfside, FL 33154
305 861-8089

McCain or Obama? Stay updated on coverage of the Presidential race while you browse - [Download Now!](#)

Michael Garcia

From: RGR@ciaoimports.com [rubins2000@aim.com]
Sent: Monday, November 16, 2009 8:42 AM
To: Michael Garcia
Cc: Charles@burkettcompanies.com
Subject: disaster property on Carlyle

Hi Mike-

Hope your doing well?

We met a few weeks ago at my home at 9464 Carlyle Ave. I live next door to the "disaster" property that has been being worked on over the last 3 years.

Just to let you know, work has been going on in the house over the weekend, never during the week.

I spoke with Daniel Dietch over the weekend who informed me that they put in for a permit to enclose the garage but no active permit is in place and no work should be going on during the weekend. My family was woken up early each morning this weekend with heavy banging going on.

Hope you can assist?

Thanks again-

Randall Rubin
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www.ciaoimports.com

Michael Garcia

From: Lynn Dannheisser
Sent: Monday, November 16, 2009 12:51 PM
To: Gary Word; Paul Gioia; Michael Garcia
Subject: FW: disaster property on Carlyle

FYI- In case no one advised any of you!



Lynn M. Dannheisser
Town Attorney
Town of Surfside
9293 Harding Ave
Surfside, FL 33154
305-993-1065
305-993-5097 (fax)
ldannheisser@townofsurfsidefl.gov

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has." - Margaret Mead

Note: Florida Public Records Law provides that most written communications to or from Municipal employees regarding town business are public records, available to the public and media upon request. Therefore, this e-mail message may be subject to public disclosure.

From: Charles Burkett [<mailto:charles@burkettcompanies.com>]
Sent: Monday, November 16, 2009 11:44 AM
To: RGR@ciaoimports.com
Cc: Charles W. Burkett; Lynn Dannheisser
Subject: RE: disaster property on Carlyle

Dear Mr. Rubin,

Please keep me posted as to the response from code.

I expect that there should be no delay in acting on this.

Also, lately we were warned by our lawyer not to receive mail at our personal email addresses as all communications must be saved as public records. As such, I'm copying my Town email and the Town attorney for the record.

For all your future emails, please just reach me at mayor@townofsurfsidefl.gov, I'll get them just as quick.

Thanks,

Charles

Charles W. Burkett, IV
President
The Burkett Companies
801 Alton Road, Suite 2
Miami Beach, FL 33139

305-534-0102 Main
305-534-8711 Direct
305-673-2075 Fax

www.burkettcompanies.com

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From: RGR@ciaoimports.com [mailto:rubins2000@aim.com]
Sent: Monday, November 16, 2009 8:42 AM
To: mgarcia@townofsurfsidefl.gov
Cc: Charles Burkett
Subject: disaster property on Carlyle

Hi Mike-

Hope your doing well?

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I spoke with Daniel Dietch over the weekend who informed me that they put in for a permit to enclose the garage but no active permit is in place and no work should be going on during the weekend. My family was woken up early each morning this weekend with heavy banging going on.

Hope you can assist?

Thanks again-

Randall Rubin
Vice President of Sales
Ciao Imports

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Michael Garcia

From: RGR@ciaoimports.com [rubins2000@aim.com]
Sent: Tuesday, November 17, 2009 12:33 PM
To: Michael Garcia
Subject: Re: disaster property on Carlyle

Thank you Mike.

Randall Rubin
Vice President of Sales
Ciao Imports

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-----Original Message-----

From: Michael Garcia <mgarcia@townofsurfsidefl.gov>
To: RGR@ciaoimports.com <rubins2000@aim.com>
Cc: Gary Word <gword@townofsurfsidefl.gov>; Paul Gioia <pgioia@townofsurfsidefl.gov>; Lilliane Subirats <lsubirats@townofsurfsidefl.gov>; Darlene Martinat <dmartinat@townofsurfsidefl.gov>; Lynn Dannheisser <ldannheisser@townofsurfsidefl.gov>
Sent: Tue, Nov 17, 2009 12:22 pm
Subject: RE: disaster property on Carlyle

Good afternoon, Mr. Rubin

The property owner's contractor came to Town Hall on Friday November 13th and renewed his building permit.

The garage conversion is scheduled for Planning and Zoning on November 19th, 2009.

For your convenience, below is the Town Noise Ordinance.

Sec. 54-81. Same--Division of year into periods for purpose of control.

For the purpose of controlling restricted noises as specified in sections 54-79 and 54-80 the year shall be divided into periods as follows:

(1) *Period no. 1.* Period no. 1 shall begin with and include December 1 and shall include and end with March 31, such period being the months of greatest population, and shall be most restricted.

(2) *Period no. 2.* Period no. 2 shall begin with and include April 1 and shall include and end with November 30, such period being the months of least population, and shall be least restricted.

(Code 1960, § 12-5)

Sec. 54-82. Same--When prohibited.

The restricted noises set forth in section 54-79 are hereby prohibited at any location and at any hour on Sundays, Christmas, New Year's, Thanksgiving, Labor Day and the Fourth of July; provided, however, under emergency conditions the town manager may, in his discretion, grant exceptions thereto. The hours on weekdays during which such restricted noises of the various classifications, regardless of location, are prohibited are as follows:

TABLE INSET:

		Group A	Group B	Group C
(1)	During period no. 1	from 5:30 p.m.	5:30 p.m.	5:30 p.m.
		to 9:00 a.m.	9:00 a.m.	9:00 a.m.
(2)	During period no. 2	from 8:00 p.m.	8:00 p.m.	8:00 p.m.
		to 8:00 a.m.	8:00 a.m.	8:00 a.m.

If you have any further questions, please do not hesitate to call me.

Mike...

From: RGR@ciaoimports.com [<mailto:rubins2000@aim.com>]

Sent: Monday, November 16, 2009 8:42 AM

To: Michael Garcia

Cc: Charles@burkettcompanies.com

Subject: disaster property on Carlyle

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Hope you can assist?

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Michael Garcia

From: RGR@ciaoimports.com [rubins2000@aim.com]
Sent: Tuesday, January 12, 2010 12:27 PM
To: Michael Garcia
Cc: Charles W. Burkett; Steve Levine; Charles W. Burkett; Marc Imberman; ddietch@townofsurfsidefl.gov
Subject: The disaster house next door

Hi Mike-

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Just a quick note requesting your assistance regarding the "disaster home" next door to me. Again, I purchased my home at 9464 Carlyle Ave last year.

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Vice President of Sales
Ciao Imports

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Michael Garcia

From: Gary Word
Sent: Tuesday, January 12, 2010 2:03 PM
To: Michael Garcia
Cc: Paul Gioia
Subject: FW: The disaster house next door

Mike,

Could you check out and let me know what happening? Thanks.

Best regards,



Gary L. Word
Town Manager
Town of Surfside
9293 Harding Ave
Surfside, FL 33154
(305) 993-1052 (305) 993-5097 F
Email: gword@townofsurfsidefl.gov
www.townofsurfsidefl.gov

From: Marc Imberman
Sent: Tuesday, January 12, 2010 12:36 PM
To: RGR@ciaoimports.com
Cc: Gary Word
Subject: RE: The disaster house next door

Randy,

Please keep me in the loop as far as responses from Town staff.

All the best,

Marc

Vice Mayor Marc Imberman

Town of Surfside

9293 Harding Avenue

Surfside, FL 33154

mimberman@townofsurfsidefl.gov

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Michael Garcia

From: Michael Garcia
Sent: Tuesday, January 12, 2010 2:18 PM
To: Michael Garcia
Cc: Paul Gioia
Subject: RE: The disaster house next door

Good afternoon Gary,

Checked with building department, property still has active permits and is waiting for approval for garage enclosure.

Any hedge which grows over to adjacent property the adjacent property owner can cut and or trim as to code. I will address the 12ft height with the property owner.

Unable to do anything about the ants.

Will contact property owner and have him pick up debris that spilled over when dumpster was removed.

Mike...

From: Michael Garcia
Sent: Tuesday, January 12, 2010 2:13 PM
To: Gary Word
Subject: RE: The disaster house next door

Will look into this and advise.

From: Gary Word
Sent: Tuesday, January 12, 2010 2:03 PM
To: Michael Garcia
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Subject: FW: The disaster house next door

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Email: gword@townofsurfsidefl.gov
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To: RGR@ciaoimports.com
Cc: Gary Word
Subject: RE: The disaster house next door

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Marc

Vice Mayor Marc Imberman

Town of Surfside

9293 Harding Avenue

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305-992-7965

mimberman@townofsurfsidefl.gov

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Michael Garcia

From: Gary Word
Sent: Tuesday, January 12, 2010 2:48 PM
To: Michael Garcia
Subject: RE: The disaster house next door

Thanks, Mike.

Best regards,



Gary L. Word
Town Manager
Town of Surfside
9293 Harding Ave
Surfside, FL 33154
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Email: gword@townofsurfsidefl.gov
www.townofsurfsidefl.gov

From: Michael Garcia
Sent: Tuesday, January 12, 2010 2:27 PM
To: Gary Word
Cc: Paul Gioia
Subject: RE: The disaster house next door

Spoke with property owner Mr. Richard Wasserstein, a new trash dumpster is being delivered today or tomorrow as soon as its delivered all debris will be picked up and disposed.

Next time the Gardner is at the property (Approx 10 days) he will measure side hedges and trim as per code.

Mike...

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Marc

Vice Mayor Marc Imberman

Town of Surfside

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mimberman@townofsurfsidefl.gov

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Michael Garcia

From: Charles W. Burkett
Sent: Monday, January 25, 2010 11:02 AM
To: RGR@ciaoimports.com; Michael Garcia
Cc: Lynn Dannheisser; Gary Word
Subject: RE: The disaster house next door

Gary,

Please put this issue, with all the accompanying emails, on the next Commission agenda.

Thank you.

Charles W. Burkett
Mayor
The Town of Surfside
Town Hall
9293 Harding Avenue
Surfside, FL 33154
305-534-8711

www.townofsurfsidefl.gov

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From: RGR@ciaoimports.com [rubins2000@aim.com]
Sent: Tuesday, January 12, 2010 12:27 PM
To: Michael Garcia
Cc: Charles W. Burkett; Steve Levine; Charles W. Burkett; Marc Imberman; ddietch@townofsurfsidefl.gov
Subject: The disaster house next door

Hi Mike-

Happy New Year to you.

Just a quick note requesting your assistance regarding the "disaster home" next door to me. Again, I purchased my home at 9464 Carlyle Ave last year.

This home next door to me has been in the process of construction for over (3) years. Below please find various code compliance issues that continue to effect me and my family:

1. Ficus hedge- now over 12ft tall, infected with white fur disease, now infringing on my property and killing my trees and plants.
2. Grass/Lawn- infested with ants, now all my grass/sod is infected and dead.
3. Garbage- since past dumpster was removed garbage and waste is strewn all over property.

Please visit this property and help us with these issues.

Thanks again-

Randall Rubin
Vice President of Sales
Ciao Imports

Florida Facility
2805 N Commerce Parkway

*Miramar, FL 33025
O-866 249-0400
F-866 353-8866
C-305 915-8657*

*NY Facility- Larkin
47-55 27th Avenue
LIC, NY 11101
RGR@ciaoimports.com
www.ciaoimports.com*

Michael Garcia

From: Gary Word
Sent: Monday, January 25, 2010 11:40 AM
To: Michael Garcia
Cc: Paul Gioia
Subject: FW: The disaster house next door

Mike,

Please brief me on this. We need to be prepared for the meeting on February 9th.

Best regards,



Gary L. Word
Town Manager
Town of Surfside
9293 Harding Ave
Surfside, FL 33154
(305) 993-1052 (305) 993-5097 F
Email: gword@townofsurfsidefl.gov
www.townofsurfsidefl.gov

From: Charles W. Burkett
Sent: Monday, January 25, 2010 11:02 AM
To: RGR@ciaoimports.com; Michael Garcia
Cc: Lynn Dannheisser; Gary Word
Subject: RE: The disaster house next door

Gary,

Please put this issue, with all the accompanying emails, on the next Commission agenda.

Thank you.

Charles W. Burkett
Mayor
The Town of Surfside
Town Hall
9293 Harding Avenue
Surfside, FL 33154
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LIC, NY 11101
RGR@ciaoimports.com
www.ciaoimports.com

Michael Garcia

From: Gary Word
Sent: Tuesday, January 26, 2010 9:05 AM
To: Michael Garcia
Cc: Paul Gioia
Subject: FW: The disaster house next door

Mike,

Let's discuss this.

Best regards,



Gary L. Word
Town Manager
Town of Surfside
9293 Harding Ave
Surfside, FL 33154
(305) 993-1052 (305) 993-5097 F
Email: gword@townofsurfsidefl.gov
www.townofsurfsidefl.gov

From: Marc Imberman
Sent: Tuesday, January 26, 2010 9:02 AM
To: RGR@ciaoimports.com
Cc: Gary Word
Subject: RE: The disaster house next door

Randy,

Thanks for keeping me in the loop. I expect that the Town is doing everything within its authority to rectify the situation next door to you.

Marc

Error! Filename not specified.

Marc Imberman

Vice-Mayor

Town of Surfside

9293 Harding Ave

Surfside, FL 33154

(305) 992-7965

Email: mimberman@townofsurfsidefl.gov

Please do not forward this email to the mayor, or any of the other commissioners, since that might be considered a violation of the Sunshine Law. Under Florida law, e-mail addresses are public records. If you do not want your email address released in response to public records requests, do not send electronic mail to this entity. Instead contact this office by phone or in writing.

From: RGR@ciaoimports.com [rubins2000@aim.com]
Sent: Monday, January 25, 2010 11:17 AM
To: Charles W. Burkett
Subject: Re: The disaster house next door

Thank you Mayor-

FYI- I never received any response from Mike Garcia, nor did he do anything about the mess in front of this neglected home.

Also, no work has been done on the home since they received permission to close the garage months ago.

I do appreciate your assistance.

Regards,

Randall Rubin
Vice President of Sales
Ciao Imports

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-----Original Message-----

From: Charles W. Burkett <cburkett@townofsurfsidefl.gov>
To: RGR@ciaoimports.com <rubins2000@aim.com>; Michael Garcia <mgarcia@townofsurfsidefl.gov>
Cc: Lynn Dannheisser <ldannheisser@townofsurfsidefl.gov>; Gary Word <gword@townofsurfsidefl.gov>
Sent: Mon, Jan 25, 2010 11:02 am
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Charles W. Burkett
Mayor
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