



**Town of Surfside  
Town Commission Meeting**

**AGENDA  
May 8, 2012  
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**1. Opening**

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks – Mayor Daniel Dietch**
- E. Agenda and Order of Business Additions, deletions and linkages**
- F. Community Notes – Mayor Daniel Dietch**
- G. Presentation from Mr. Stan Bershad, CLU – Roger M. Carlton, Town Manager  
(SET FOR TIME CERTAIN 7:15 PM)**
- H. Presentation from Representative Joseph A. “Joe” Gibbons – Roger M. Carlton,  
Town Manager Page 1-2 (SET FOR TIME CERTAIN 7:30 PM)**
- I. Presentation from Hatzala, Isaac Jaroslawicz, General Counsel – Commissioner  
Sheldon Lisbon Page 3 (SET FOR TIME CERTAIN 7:40PM)**

**2. Quasi-Judicial Hearings (None)**

**3. Consent Agenda (Set for approximately 7:30 p.m.)**

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

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

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

- \*A. Minutes - March 13, 2012 Regular Commission Meeting Page 4-10  
March 21, 2012 Special Town Commission Meeting Page 11-12
- B. Budget to Actual Summary as of February 29, 2012 – Roger M. Carlton, Town Manager Page 13-14
- \*C. Town Manager’s Report (Points of Light) – Roger M. Carlton, Town Manager Page 15-43
- \*D. Town Attorney’s Report – Lynn M. Dannheisser, Town Attorney Page 44-48
- \*E. Projects Progress Report – Calvin, Giordano and Associates, Inc. Page 49-51
- \*F. Florida League of Cities City Spirit Award – Tim Milian, Parks and Recreation Director – Page 52
- G. Florida Recreation and Park Association (FRPA) Agency Excellence Award – Tim Milian, Parks and Recreation Director – Page 53

#### 4. Ordinances

*(Set for approximately 8:00 p.m.) (Note: Good and Welfare must begin at 8:15)*

##### A. Second Readings (Ordinances and Public Hearing)

- \*1. Amending Chapter 18, Division 3 “Sidewalk Businesses” – Duncan Tavares, TEDACS Director Page 54-73

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 18 AND SPECIFICALLY DIVISION 3 “SIDEWALK BUSINESSES” AND SPECIFICALLY AMENDING SECTIONS 18-80, 18-81; AND CREATING SECTIONS 18-82, 18-83, 18-84, 18-85, 18-86, 18-87, 18-88, 18-89, 18-90, 18-91, 18-92, AND 18-93 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE**

[This ordinance regulates use of sidewalks by restaurants]

*(Set for approximately 8:30 p.m.) (Note: Good and Welfare must begin at 8:15)*

##### B. First Readings Ordinances

- \*1. Amending Section 2-176 Service Retirement Allowance and Clarify the Normal Retirement Date for Members who are Police Officers– Yamileth Slate-McCloud, Human Resources Director Page 74-79

**AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SURFSIDE; RELATING TO THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-176 OF THE CODE TO CLARIFY THE NORMAL**

**RETIREMENT DATE FOR POLICE OFFICERS UNDER THE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**5. Resolutions and Proclamations**

*(Set for approximately 8:40 p.m.) (Note: Depends upon length of Good and Welfare)*

- \*A. Amendment to Town Manager, Roger M. Carlton's Employment Agreement – Daniel Dietch, Mayor Page 80-91**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING SECOND AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN TOWN MANAGER, ROGER M. CARLTON AND THE TOWN; AND PROVIDING AN EFFECTIVE DATE**

- \*B. Appointment of Members to the Town Planning and Zoning Board and Design Review Board – Lynn Dannheisser, Town Attorney Page 92-96 (Linked to item 9A)**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPOINTING MEMBERS OF THE TOWN PLANNING AND ZONING BOARD AND DESIGN REVIEW BOARD; PROVIDING FOR IMPLEMENTATION; AND, PROVIDING FOR AN EFFECTIVE DATE.**

- \*C. Reappoint Two Special Masters and Appoint Two Special Masters – Lynn Dannheisser, Town Attorney Page 97-113**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RE-APPOINTING SPECIAL MASTERS AND RATIFYING TWO NEWLY APPOINTED SPECIAL MASTERS TO BE INCLUDED IN THE LIST; PROVIDING FOR AN EFFECTIVE DATE.**

- \*D. Proposed Bifurcation of Commission Meetings - Lynn Dannheisser, Town Attorney Page 114-117**

**RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE BIFURCATION OF TOWN COMMISSION MEETINGS IN THE EVENT THAT THE TOWN HAS QUASI-JUDICIAL/ZONING MATTERS TO DISCUSS, PROVIDING FOR AN EFFECTIVE DATE.**

- \*E. Memorandum of Understanding between the Town of Surfside and Jewish Community Services of South Florida – Duncan Tavares, TEDACS Director Page 118-128**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACKNOWLEDGING THE PROGRAMMING BEING OFFERED BY JEWISH COMMUNITY SERVICES OF SOUTH FLORIDA TO THE RESIDENTS OF THE TOWN OF SURFSIDE.**

- \*F. Municipal Parking Structure(s) Feasibility Study – Roger M. Carlton, Town Manager Page 129-141**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A CONTRACT WITH THE FIRM OF RICH & ASSOCIATES, INC. FOR THE MUNICIPAL PARKING FEASIBILITY STUDY; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE TERMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

- \*G. Three Phase Work Authorization to include Traffic Calming, Seawall Inspection and Landscape Architecture – Bill Evans, Public Works Director Page 142-153**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NO. 53; A THREE PHASE WORK AUTHORIZATION TO INCLUDE TRAFFIC CALMING, SEAWALL INSPECTION AND LANDSCAPE ARCHITECTURE; AUTHORIZING THE TOWN MANAGER TO TAKE ANY NECESSARY ACTION AND PROVIDING FOR AN EFFECTIVE DATE.**

- 6. Good and Welfare (*Set for approximately 8:15 p.m.*)**  
*Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.*

- 7. Town Manager and Town Attorney Reports**  
Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.  
*All items on the Consent Agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the consent agenda and discussed separately.*



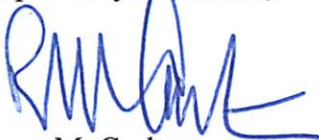
**8. Unfinished Business and New Business**

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

- \*A. Board and Committee Appointments – Roger M. Carlton, Town Manager Page 154-159 (Linked to item 5B)**
- \*B. Charter Review – Lynn Dannheisser, Town Attorney Page 160-161**
- \*C. Reconsideration of Item 9D of the April 10, 2012 Town Commission Meeting – Vice Mayor Michael Karukin Page 162-163**
- \*D. Report on Partial Refinance of \$16 million Regions Bank Water/Sewer/Storm Drainage Loan – Roger M. Carlton, Town Manager (TO BE DELIVERED SEPARATELY)**

**10. Adjournment**

Respectfully submitted,



Roger M. Carlton  
Town Manager

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THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS 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](http://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.

Speaker Dean Cannon



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Friday, April 13, 2012



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## Representative Joseph A. "Joe" Gibbons



District 105  
Democrat



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### Member Information



#### Biographical Information

**City of Residence:** Hallandale Beach

**Occupation:** Businessman

**Spouse:** Ava Parker

**Child(ren):** Avis Williams, Joseph Gibbons, Jr., Stacey Simmons, Charles Gibbons, Bailey Mildred, Parker Joseph

**Grandchild(ren):** Drew Williams, Veronica Williams, Joseph Gibbons III, Harold "Donnie" Simmons, Kaleb Simmons

**Education:** Calvin College, B.A., General Studies; John Jay College of Criminal Justice, M.P.A.

**Born:** September 23, 1948, New York, NY

**Moved to Florida:** 1994

**Religious Affiliation:** African Methodist Episcopal

**Recreational Interest:** baseball, basketball, boating, fishing, football, golf, swimming

#### Committee Membership

[Government Operations Appropriations Subcommittee](#) **Democratic Ranking Member**

[Government Operations Appropriations Subcommittee](#) **Democratic Ranking Member**

[Appropriations Committee](#)

[Economic Affairs Committee](#)

[Joint Legislative Budget Commission](#)

[Joint Select Committee on Collective Bargaining \(2011\)](#)

[Joint Select Committee on Collective Bargaining \(2012\)](#)

[Rulemaking & Regulation Subcommittee](#)

[Rules & Calendar Committee](#)

**Capitol Office**  
316 The Capitol  
402 South Monroe Street  
Tallahassee, FL 32399-1300  
Phone: (850) 488-0145

[Map/Driving Directions](#)

**District Office**  
Suite 203, Pembroke Park  
Town Hall  
3150 SW 52nd Avenue  
Pembroke Park, FL 33023-5413  
Phone: (954) 893-5006

[Map/Driving Directions](#)

**Legislative Assistant:**  
Kamia Brown

**District Secretary:**  
Cynthia Martin







#### Rules & Calendar Committee

#### Legislative Service

Elected to the House in 2006, reelected subsequently  
 Minority Leader pro tempore 2010-2012

#### Other Public Service

Broward County Planning Council 2004-2006  
 City of Hallandale Beach, City Commissioner 2003-2006  
 Broward County School Board WMBE Advisory Council  
 Broward League of Cities, Vice Chair, Diversity Committee

#### Affiliations

Areawide Council on Aging, Board member 2005-present  
 Hollywood Chamber of Commerce 2005-present  
 Holocaust Documentation and Education Center, Board member 2005-present  
 Pembroke Pines Chamber of Commerce 2005-present  
 African American Success Foundation, Board of Directors 2003-present  
 Anchor Bay Club Condominium, Board of Directors 2001-2008, President 2005-2007  
 CALL (Community Association Legislative Lobbyists), Executive Board Committee 2006, President 2004  
 Future Foundation, Board of Directors 2003-present  
 Hallandale Beach-Aventura Rotary Club, 2003-present, President 2006-2007  
 Hallandale Beach Democratic Club 2002-present, 1st Vice President 2004-present  
 Hallandale Beach Neighborhood Improvement Corporation, Board of Directors 2003-2006  
 Hallandale High School Alumni & Friends Association 2003-present, Executive Board 2006-present  
 (Assistant Chaplain)  
 Henderson Mental Health, Board of Directors 2005-present

#### Highlights

Florida Legislative Black Caucus, Chairman 2008  
 Gibbons Consulting Group, Inc., President  
 IBM 100% Club Presidency  
 Magnetic Imaging Supplies, Inc., former President  
 NERData Products (Toronto, Canada)  
 Chivas Regal Young Entrepreneur Award  
 Congressional Appointee White House Conference of Small Business  
 Cover, *Nation's Business Magazine*  
 SBA Minority Small Business Person of the Year

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**HATZALAH OF MIAMI-DADE, INC.**  
**M E M O R A N D U M**

Date: April 26, 2014  
 From: Isaac M. Jaroslawicz, General Counsel  
 To: Commissioner Sheldon Lisbon, Town of Surfside  
 Roger M. Carlton, Surfside Town Manager  
 Re: **Hatzalah Presentation to Surfside Town Commission**

We are honored to accept your invitation to make a presentation about Hatzalah of Miami-Dade, Inc. ("Hatzalah") to the Surfside Town Commission at your next meeting on May 8, 2012, and to discuss the possibility of providing services to the residents of Surfside.

Hatzalah of Miami-Dade is a volunteer not-for-profit community organization. Our primary mission is to save lives by providing basic life support services in those vital first few minutes of an emergency situation until an ambulance arrives, with appropriate sensitivity to the religious and cultural needs of our community. While we are supported and staffed by the Jewish community, Hatzalah provides care at no cost equally to all who are in need, regardless of race, religion or ethnicity.

Hatzalah is *not* a replacement for 911. We do *not* provide emergency or non-emergency transport. Our service is designed only to act as bridge until an official ambulance can arrive. Hatzalah dispatchers will always ask whether 911 has already been notified, and will call 911 on the caller's behalf if they have not yet called themselves. Because our responders often live and work in the immediate areas they serve, Hatzalah can aim for a response time of 1-3 minutes after being called.

Hatzalah is a community organization that is not affiliated with any other Miami-Dade entity. We are, however, an affiliate of Central Hatzalah of New York, the oldest and largest Jewish emergency care volunteer organization in the world.

Hatzalah began providing community service to parts of North Miami Beach and Aventura in February, 2010, with a core group of about 20 responders, all of whom are certified by the Florida Department of Health Bureau of Emergency Medical Services as Emergency Medical Technicians (EMTs). As more residents of other communities have volunteered to undergo the 300+ hours of training required, we have begun to slowly expand operations to portions of Miami Beach, Bay Harbor Islands, Bal Harbour and Surfside. Hatzalah has just graduated and licensed its fourth graduating class, and presently has approximately 10 dispatchers and 50 certified responders – who have now successfully responded to over 500 emergency calls in our coverage areas.

We look forward to answering any questions you may have.



**Town of Surfside  
Town Commission Meeting  
MINUTES  
March 13, 2012  
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**1. Opening**

**A. Call to Order**

Mayor Dietch called the meeting to order at 7:03 P.M.

**B. Roll Call of Members**

Town Clerk, Sandra Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Graubart, Commissioner Karukin and Commissioner Olchyk. Commissioner Kopelman was absent.

**C. Pledge of Allegiance**

Vice Mayor Graubart led the Pledge of Allegiance.

**D. Mayor and Commission Remarks – Mayor Daniel Dietch**

Commissioner Olchyk introduced her brother Prof. Boris Kozolchyk of the University of Arizona. Prof. Kozolchyk thanked Commissioner Olchyk for her introduction and expressed his happiness to be in Surfside visiting his sister. Vice Mayor Graubart took a minute to thank Hector Perez for all his time and attentions to the Town Commission and staff.

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

Commissioner Karukin would like to add an item for the April 2012 Agenda regarding the Charter Review process.

Commissioner Olchyk pulled item 5, page 13 and item 23, page 18.

Town Manager, Roger M. Carlton pulled item 10, page 15 and item 33, page 21.

**F. Community Notes – Mayor Daniel Dietch**

Mayor Dietch announced the following events and activities:

Operation HOPE Clothing Drive will be accepting donations until Wednesday, March 21, 2012.

Junior Lifeguard Program Mini Session will be from March 13, 2012 to March 15, 2012 from 10:00a.m. to 1:00p.m.

The Northshore Democratic Club will meet on Thursday, March 15, 2012 from 11:00a.m. to 12:00p.m. at the Community Center.

The Surfside Municipal Election will be on Tuesday, March 20, 2012 at Town Hall. The polls will be open from 7:00a.m. to 7:00p.m.

The Endlessly Organic produce distribution will take place on Tuesday, March 20, 2012 at the Community Center.

The Park and Recreation Department is hosting the Teen Scene on Thursday, March 22, 2012 and April 19, 2012 from 6:00p.m. to 7:00p.m. at the Community Center. Teen ages 12-15 are invited to work together to help provide safe and fun activities for teens in our community.

Adult swim lessons are offered on Wednesday starting on March 28, 2012 through May 16, 2012 from 6:15p.m. to 6:45p.m.

The Annual Egg Hunt will take place at the 96<sup>th</sup> Street Park on Saturday, March 31, 2012.

Mayor Dietch stated that if there were any residents interested in forming a group to explore a possible Surfside Dog Park to please contact Ann Findlay at [Ann.Findlay@wolterskluwer.com](mailto:Ann.Findlay@wolterskluwer.com)

**G. Presentation to Vice Mayor Joe Graubart - Mayor Daniel Dietch**

Mayor Dietch recognized Vice Mayor Graubart for his service to the Town during the last two years and presented him with a plaque.

Vice Mayor Graubart spoke about the wonderful community he lives in and has served for the past years.

**H. Presentation of Town Commission One Dollar Per Year Salary – Roger M. Carlton, Town Manager**

Town Manager, Roger M. Carlton presented the Mayor and the Town Commission with their \$1.00 per year salary for their services to the Town of Surfside.

**2. Quasi-Judicial Hearings (None)**

**3. Consent Agenda (*Set for approximately 7:30 p.m.*)**

Commissioner Karukin made a motion to approve the Consent Agenda. The motion received a second from Commissioner Olchyk and all voted in favor.

**\*A. Minutes - February 14, 2012 Regular Town Commission Meeting**  
Approved on Consent

**B. Budget to Actual Summary as of December 31, 2011 – Roger M. Carlton, Town Manager**  
Approved on Consent

**\*C. Town Manager's Report (Points of Light) – Roger M. Carlton, Town Manager**  
Item 5, page 13 – Commissioner Olchyk spoke about the Bus Shelters. She stated that the Town requested them a long time ago and even offered to install them. She would like to see what legal action can be taken against Miami Dade County because in her opinion is unacceptable. The Town Manager explained Miami Dade County's situation and invited Commissioner Olchyk to attend the next meeting at the County.

Item 10, page 15 – Town Manager, Roger M. Carlton spoke about the property and first right of refusal. The Manager explained that someone made an offer to purchase the completed project for \$12.7 million and now they are presented with the first right of refusal once again by the current owner. Commissioner Karukin made a motion to for-go the first right of refusal. The motion received a second from Commissioner Olchyk and all were in favor.



Item 23, page 18 – Commissioner Olchyk suggested not having both sea level poles installed on the walking path to avoid clutter.

Item 33, page 21 – Town Manager, Roger M. Carlton spoke about the bus routes and explained that Miami Dade County is willing to extend the routes into Surfside at a cost of \$26,500.00 per year. The Commission asked the Manager to speak to neighboring cities and see if they are interested in participating in the program.

Vice Mayor Graubart recommended to defer the item to the month of April and give Mr. Bill Evans, Public Works Director time to develop back a plan as to how the Town can better link existing routes.

Commissioner Karukin made a motion to accept all the items discussed. The motion received a second from Commissioner Olchyk and all voted in favor.

**\*D. Town Attorney’s Report** – Lynn M. Dannheisser, Town Attorney  
Approved on Consent

**\*E. Projects Progress Report** – Calvin, Giordano and Associates, Inc.  
Approved on Consent

#### 4. Ordinances

*(Set for approximately N/A p.m.) (Note: Good and Welfare must begin at 8:15)*

##### A. Second Readings (Ordinances and Public Hearing)

*(Set for approximately 7:45 p.m.) (Note: Good and Welfare must begin at 8:15)*

##### \*B. First Readings Ordinances

1. **Emergency Ordinance Calling a Special Election for Open Office on Town Commission and Other Alternatives** – Lynn M. Dannheisser, Town Attorney

**AN EMERGENCY ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CALLING A SPECIAL ELECTION FOR ONE REMAINING OPEN OFFICE ON TOWN COMMISSION; PROVIDING FOR QUALIFYING PERIOD AND PROCEDURE; PROVIDING FOR CONTINGENCY PROVISION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

[This emergency ordinance calls for a special election to fill the unoccupied commission seat for which no candidate filed and qualified during the prescribed qualification period. Emergency ordinances require only one reading]

Town Clerk, Sandra Novoa read the ordinance by title.

Town Attorney, Lynn Dannheisser introduced the item and presented a power point explaining the details and a calendar with the specifics dates.

Commissioner Karukin made a motion to approve the emergency ordinance. The motion received a second from Vice Mayor Graubart. The ordinance passed 4-0.

## 5. Resolutions and Proclamations

*(Set for approximately 8:30 p.m.) (Note: Depends upon length of Good and Welfare)*

- \*A. Proposed amendment to red light camera program contract with the Town and American Traffic Solutions, Inc. – David Allen, Chief of Police**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AMENDMENT TO THE CONTRACT BETWEEN AMERICAN TRAFFIC SOLUTIONS, INC., AND THE TOWN OF SURFSIDE ATTACHED AS EXHIBIT “A” AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Vice Mayor Graubart made a motion to approve. The motion received a second from Commissioner Karukin and all voted in favor.

- \*B. Expenditure of State Forfeiture Funds – David Allen, Chief of Police**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2011/2012 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF ONE THOUSAND DOLLARS (\$1,000) TO PROMOTE AN ALCOHOL-FREE, DRUG-FREE, AND TOBACCO-FREE LIFESTYLE WITH THE AMERICAN CANCER SOCIETY ANNUAL RELAY FOR LIFE EVENT ON MAY 5 AND 6, 2012**

Commissioner Karukin made a motion to accept. The motion received a second from Commissioner Olchyk and all voted in favor.

- \*C. Automated Prisoner Processing Grant – David Allen, Chief of Police**

**RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER OF THE TOWN OF SURFSIDE TO APPLY FOR THE AMERICAN RECOVERY AND REINVESTMENT ACT GRANT AVAILABLE THROUGH MIAMI-DADE COUNTY TO APPLY FOR, RECEIVE, EXPEND AND AMEND BYRNE/JAG FORMULA FUNDS AND EXECUTE AGREEMENTS WITH THE PURPOSE OF DEVELOPING AND IMPLEMENTING AN INTERFACE BETWEEN THE POLICE DEPARTMENT'S RECORD MANAGEMENT SYSTEM AND MIAMI-DADE COUNTY'S; AND PROVIDING FOR AN EFFECTIVE DATE.**

Vice Mayor Graubart made a motion to approve. The motion received a second from Commissioner Olchyk and all voted in favor.

- \*D. Town Hall Building Improvement – Elevator Upgrade – Bill Evans, Public Works Director**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDED BID TO THYSSEEN KRUPP IN AN AMOUNT NOT TO EXCEED \$50,000; RE-APPROPRIATING FUND BALANCE (RESERVES) FROM THE CAPITAL PROJECTS FUND; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 50,000; AUTHORIZING THE TOWN MANAGER AND THE TOWN CLERK TO EXECUTE THE REQUIRED CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Vice Mayor Graubart made a motion to approve. The motion received a second from Commissioner Olchyk and all voted in favor.

- \*E. Town Hall Building Improvement – Reroofing – Bill Evans, Public Works Director**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDED BID TO GULFSTREAM ROOFING IN AN AMOUNT NOT TO EXCEED \$40,000; RE-APPROPRIATING FUND BALANCE (RESERVES) FROM THE CAPITAL PROJECTS FUND; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR \$40,000; AUTHORIZING THE TOWN MANAGER AND THE TOWN CLERK TO EXECUTE THE REQUIRED CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Karukin made a motion to approve. The motion received a second from Commissioner Olchyk and all were in favor.

**6. Good and Welfare (Set for approximately 8:15 p.m.)**

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

Michelle Kligman announced her interest in running for the empty Commission seat on the May 1, 2012 Special Election.

Louis Cohen spoke about all the good things that Vice Mayor Graubart and Commissioner Kopelman had done for the Town.

Janet Shichman spoke about the constant running water in the Community Garden and suggested maybe a timer should be use so that people don't leave the water running.

Ann Findlay spoke about the dog park and random trash dumping in public areas.

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

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

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

**8. Unfinished Business and New Business**

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

**\*A. 2004 Building Better Communities Bond Program – Roger M. Carlton, Town Manager**

Town Manager, Roger M. Carlton spoke on the item and explained that he delivered a letter to Mayor of Miami Dade County Carlos Gimenez in hopes of a resolution.

**\*B. Retroactive Approval of transfer of Community Center Concession Agreement to ShakaJons, Inc. – Tim Milian, Parks and Receptions Department**

Town Manager, Roger M. Carlton spoke about the transfer agreement and spoke about how well ShakaJons was working so far.

Commissioner Karukin made a motion to approve. Vice Mayor Graubart seconded the motion and all voted in favor.

**\*C. Turtle Project - Art in Public Places: Use of a portion of the Tourist Bureau Reserve Fund as a loan for a year long promotional, destination, sculpture project – Duncan Tavares, TEDACS Director**

Duncan Tavares, TEDACS Director explained the Turtle Project.

Heather Bettner from Prince Media Development gave a presentation and provided the Commission with a timeline of the project.

The item received a motion by Vice Mayor Graubart. The motion received a second from Commissioner Karukin and all were in favor.

**\*D. Town of Surfside Website Update –** Duncan Tavares, TEDACS Director  
Duncan Tavares, TEDACS Director gave a status update on the website contract with e-City Services. Commissioner Karukin made a motion to move forward with e-City Services for a total amount of \$25,000.00. The motion received a second from Vice Mayor Graubart and all voted in favor.

**\*E. DEP Coastal Partnership Initiative Grant Application: Retroactive Approval –**  
Roger M. Carlton, Town Manager  
Town Manager Roger M. Carlton spoke about the grant and stated that it is a great opportunity to increase handicap access to the beach. The Town submitted the application due to deadlines imposed by the grant process and he is seeking approval from the Town Commission retroactively. The grant is a matching grant of \$30,000.00.

Commissioner Olchyk made a motion to approve. The motion received a second from Commissioner Karukin and all voted in favor.

**\*F. Waiver of right of first refusal for 9501 (Verbal) –** Roger M. Carlton, Town Manager (**Linked to POL # 10**)

## 10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 9:35p.m.

Accepted this \_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

\_\_\_\_\_  
Sandra Novoa, CMC  
Town Clerk



**Town of Surfside  
Special Town Commission Meeting  
March 21, 2012**

**8 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Fl  
Surfside, FL 33154

**MINUTES**

**1. Call to Order**

Town Clerk, Sandra Novoa called the meeting to order at 8 p.m.

**2. Announcement of Election Results**

Town Clerk, Sandra Novoa read the results of the voting on March 20, 2012.

**Office of the Mayor**

Charles W. Burket	245 votes
Daniel Dietch	403 votes

**Office of Town Commissioner**

Michael Karukin	336 votes
Sheldon Lisbon	325 votes
Marta Olchyk	279 votes

**3. Oath of Office of Newly Elected Officials:**

**a. Members of the Town Commission**

**Marta Olchyk**

Town Clerk, Sandra Novoa administered the oath of office to Commissioners  
Marta Olchyk.

**Sheldon Lisbon**

Town Attorney, Lynn Dannheisser administered the oath of office to  
Commissioner Sheldon Lisbon.

**Vice Mayor Michael Karukin**

Town Clerk, Sandra Novoa administered the oath of office to Vice Mayor  
Michael Karukin.

**b. Mayor**

**Daniel Dietch**

Town Clerk, Sandra Novoa administered the oath of office to Mayor Daniel  
Dietch.

**4. Public Comments**

No public comments.

**5. Adjournment** The meeting adjourned at 8:30 p.m.

Accepted this \_\_\_\_ day of \_\_\_\_, 2012.

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Daniel Dietch, Mayor

Attest:

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Sandra Novoa, CMC  
Town Clerk



**TOWN OF SURFSIDE, FLORIDA**  
**MONTHLY BUDGET TO ACTUAL SUMMARY**  
**FISCAL YEAR 2011/2012**  
**As of FEBRUARY 29, 2012**  
**42% OF YEAR EXPIRED (BENCHMARK)**

Agenda Item #

Page

1 of 2

Agenda Date: MAY 8, 2012

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET	
<b>GENERAL FUND</b>				
REVENUE	\$6,531,921	\$9,325,305	70%	A
USE OF ASSIGNED FUND BALANCE		\$188,000	42%	
EXPENDITURES	\$3,763,456	\$9,513,305	40%	
Net Change in Fund Balance	\$2,768,464			
Fund Bal.-Beg. of FY(audited assigned+unassigned)	\$4,146,783			A-1
Fund Balance-February 29, 2012	<u>\$6,915,247</u>			
<b>RESORT TAX</b>				
REVENUE	\$85,506	\$134,988	63%	B
EXPENDITURES	\$56,004	\$134,988	41%	
Net Change in Fund Balance	\$29,502			
Fund Balance-Beg. of Fiscal Year (audited)	\$184,867			
Fund Balance-February 29, 2012	<u>\$214,369</u>			
<b>POLICE FORFEITURE/CONFISCATION</b>				
REVENUE	\$10,838	\$34,166	32%	C
USE OF RESTRICTED FUND BALANCE		\$45,044	42%	
EXPENDITURES	\$11,320	\$79,210	14%	
Net Change in Fund Balance	(482)			
Fund Balance-Beg. of Fiscal Year (audited)	\$117,889			
Fund Balance-February 29, 2012	<u>\$117,407</u>			
<b>TRANSPORTATION SURTAX</b>				
REVENUE	\$65,004	\$170,535	38%	D
USE OF RESTRICTED FUND BALANCE		\$128,579	42%	
EXPENDITURES	\$96,409	\$299,114	32%	
Net Change in Fund Balance	(31,406)			
Fund Balance-Beg. of Fiscal Year (audited)	\$239,760			
Fund Balance-February 29, 2012	<u>\$208,354</u>			
<b>CAPITAL PROJECTS</b>				
REVENUE	\$227	\$400	57%	E
USE OF ASSIGNED FUND BALANCE		\$274,600	42%	
EXPENDITURES	\$37,935	\$275,000	14%	
Net Change in Fund Balance	(37,707)			
Fund Balance-Beg. of Fiscal Year (audited assigned)	\$399,754			
Fund Balance-February 29, 2012	<u>\$362,047</u>			

**NOTES:**

A. Timing Difference - FY 2012 ad valorem property tax revenues are remitted to the Town primarily from mid-November to March.

A-1. Includes \$2,000,000 available for hurricane/emergencies and \$188,000 utilization of Maranon property sales proceeds. The balance of \$1,958,783 is unassigned fund balance.

B. Timing Difference - Includes only the Oct, Nov, Dec & Jan. The February resort taxes are collected starting in March.

C. Timing Difference - Forfeiture revenue fluctuates widely.

D. Timing Difference - Includes only the Oct, Nov, Dec & Jan CITT revenue. The February CITT revenue is not received until late May 2012.

E. The Townwide Software Replacement project in the amount of \$100,000 has been deferred. The Town Hall Roof and Elevator will be repaired. (Roof \$35,754 & Elevator \$41,856)

**ENTERPRISE FUNDS**

**ACTUAL**

ANNUAL BUDGETED	% BUDGET
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**WATER & SEWER**

REVENUE	\$1,236,653	\$3,045,252	41%
USE OF NET ASSETS/LOAN PROCEEDS		\$10,342,572	42%
EXPENDITURES	\$707,519	\$13,387,824	5%
Change in Net Assets*	\$529,134		
Unrestricted Net Assets-Oct 1 (audited)	\$1,674,603		
Restricted Net Assets-Renewal & Replacement	\$1,017,776		
Unrestricted Net Assets-February 29,2012	\$3,221,513		
Capital Project Expenses to date for Water & Sewer	\$4,540,068		

**MUNICIPAL PARKING**

REVENUE	\$355,429	\$693,944	51%
USE OF NET ASSETS		\$1,500,000	42%
EXPENDITURES	\$291,009	\$2,193,944	13%
Change in Net Assets*	\$64,420		
Unrestricted Net Assets-Oct 1 (audited)	\$1,385,581		
Unrestricted Net Assets-February 29,2012	\$1,450,001		

**SOLID WASTE**

REVENUE	\$774,742	\$1,277,684	61%
EXPENDITURES	\$474,798	\$1,277,684	37%
Change in Net Assets*	\$299,945		
Unrestricted Net Assets-Oct 1 (audited)	\$207,462		
Unrestricted Net Assets-February 29,2012	\$507,407		

**STORMWATER**

REVENUE	\$241,298	\$1,073,452	22%
USE OF NET ASSETS/LOAN PROCEEDS		\$1,712,289	42%
EXPENDITURES	\$68,300	\$2,785,741	2%
Change in Net Assets*	\$172,998		
Unrestricted Net Assets-Oct 1 (audited)	\$188,302		
Unrestricted Net Assets-February 29,2012	\$361,300		
Capital Project Expenses to date for Storm Water	\$507,696		

**NOTES:(con't)**

\* the change in net assets excludes financial impact from Capital Assets

F. Underage due to Infrastructure/Capital Outlay projects (\$10.4 million for water/sewer, \$2.2 million for stormwater, \$1.6 million for parking)

F-1. Includes rate stabilization of \$651,144, and \$1,017,776 available in renewal and replacement.

F-2. This total is only for the operational expense, does not include the Infrastructure Capital Expense for water/sewer/stormwater project.

G. Timing difference: Billing (and the resulting revenue) for the entire fiscal year pertaining to Residential (non-condominium) customers are recorded in October

H. Timing Difference - Underage primarily due to a budgeted and committed State Grant (FDEP #SO374) in the amount of \$474,000 that will not be received by the end of fiscal year FY 11/12

  
 Interim Finance Support Svcs Dept Head

  
 Town Manager



**Town of Surfside  
Town Commission Meeting  
May 8, 2012**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Fl  
Surfside, FL 33154

**POINTS OF LIGHT  
After Action Items**

**1. Downtown Vision Project**

**Current Status:** The Sidewalk Café Ordinance was deferred during the April 10, 2012 Town Commission meeting to the May 8, 2012 meeting for second reading due to the lengthy Young Israel hearing. The impacted businesses were notified of the deferral and were informed that they could use this additional time to request clarification or changes to the ordinance. To date not one of the businesses have contacted the Town regarding the ordinance. This may be due to the extensive information effort carried out over the past three months.

The April 23, 2012 Downtown Vision Advisory Committee (DVAC) meeting focused on a presentation by the firm of Rich & Associates, Inc. which was ranked by a resident and staff selection committee to be the highest scoring of the five firms submitting through the Parking Structure Feasibility Study RFP process. The award of the study and approval of the rankings appears elsewhere on this agenda. DVAC unanimously supported a motion recommending the Town Commission approve this firm and that the study commence as soon as possible.

Information was disseminated to all of the businesses downtown regarding the Miami-Dade Energy Saver Reimbursement Grant opportunity being offered for up to \$10,000 per applicant with rebates available to County businesses only on a first-come, first-serve basis. The grant application deadline is August 8, 2012.

The next in a series of meetings with the Downtown Business District (Downtown Dialogues II) will occur on Friday, May 11, 2012 at 8:30 am at Asa-2, 9489 Harding Avenue. Representatives from the Town Administration will present information and hold a question and answer session. Some of the discussion topics will include: the Parking Structure Feasibility Study, FDOT construction on Harding Avenue, grant opportunities, upcoming events such as the Culinary Event and Surfside Spice.

Based upon the extraordinary effort of Duncan Tavares, Julia Magnani and Eli Tourgeman, approximately 15 Mom and Pop applications were submitted for business expansion grants not to exceed \$5000. This is far more than has been submitted in the past. The applicants should be notified in early May 2012. We will inform the Town Commission which applicants were funded as soon as the results are announced.

## **2. Water, Sewer and Storm Drainage and Collins Avenue Force Main Projects**

**Current Status:** The project began on August 15, 2011 and is approaching 50 percent completion. 99 percent of the permission slips to install the water tie-ins have been received, 600 water services have been replaced, 16,250 linear feet of water pipes have been installed, 13,000 feet of sewer laterals have been repaired or lined, 750 sewer connections have been replaced or repaired, 15,810 linear feet of water main has been installed, 16,025 linear feet of sewer main has been lined and 1800 linear feet of sewer main point repairs have been completed. 72,250 square yards of asphalt has been placed (first lift) on the various roads throughout Phase 1. We have also had to repair nearly 58 small and 11 major pipe breaks since the project started to keep the old system operational. The new Collins Avenue sewer force main became operational in April 2012. This will allow the Town and Bal Harbour to clean and video the 60 plus year old force main on Byron Avenue and decide the best strategy regarding the future of the old force main.

A very interesting opportunity has presented itself in that the State of Florida has approved financing at a rate of 2.5 percent to partially replace and enhance our current project financing which carries a 4.72 percent rate. The Administration is working with our bond counsel and financial advisor and has completed an update of the TischlerBise (now Black & Veatch) rate study to determine how the partial refinancing will impact rates. We have also met with Regions Bank to determine if their interest rate could be lowered. The water/sewer/storm drainage citizen committee will be reconvened with a report to be made to the Town Commission regarding the best recommended strategy. The bottom line is that we may be able to hold our current rates in place if the interest rate is lowered and any prepayment penalty is absorbed while providing resources necessary to complete the project as originally envisioned and possibly have funds available for some of the additive alternatives such as new street signs, tree planting and landscape upgrades for the street ends. The source of funds to achieve this would be interest rate savings, the project contingency account and reserves. The Black & Veatch study update appears elsewhere on this agenda to allow the refinancing discussion by the Town Commission to begin.

## **3. Feral Cat and Dog Feces Concerns: Mayor Daniel Dietch**

**Current Status:** The Town hosted its second Meow Mobile visit on April 7, 2012, at the Town Hall parking lot. Twenty three feral cats were captured and neutered. Residents also brought their domestic cats for treatment at a reduced cost. Surfside resident, Adam Markow has submitted a grant application with Pet Smart to fund an \$18,750 program for neutering 250 feral cats. The grant is still pending at this time. Three civil citations were issued to cat feeders for littering. One of the illegal feeders became a volunteer and joined the Town's feral cat feeding program. The second illegal feeder has not returned and the third refused to stop and has been cited under the Town's litter control program.

#### **4. Tourist/Resort Tax Audit/Certificate of Use/Local Business Tax Receipt/Short Term Rentals Programs**

##### **Current Status:**

Resort Tax Audit: Of the original group of audits, only two audits conducted on two restaurants owned by the same entity remain unresolved. The Town Manager met with the owner on May 7, 2012. One additional entity settled their claim and then retracted. That dispute has been scheduled for review by the Special Master. A final report regarding the initial group of audits will be made on the June 12, 2012 Town Commission Agenda.

Certificate of Use (CU) /Local Business Tax Receipt (LBTR): Only fourteen Certificates of Use are pending approval with 149 issued. 23 LBTR's (approximately 10%) are pending. Front Office staff and Code Compliance continue to strive for 100% voluntary compliance. However, certain businesses have failed to respond to repeated efforts by Staff to communicate with them. Civil Citations were previously issued to 28 business entities and nine more businesses have recently been cited. Of the original 28 cases, some businesses were found to be closed, some have complied, and six are scheduled to go before a Special Master for non-compliance.

Short Term Rentals: Code Compliance is conducting on-going efforts to investigate web based advertising and gathering additional information from other departments to facilitate verification and support the development of prosecutable cases. To date three condominium associations have been notified that there is evidence of short term rentals occurring in their buildings and the fact that these rentals are violating the Town's Short Term Rental Ordinance. These notifications also include a payment request for applicable outstanding Resort Tax fees. Code Compliance will continue with enforcement and collection proceedings on these and other individual examples presently being investigated. All three condominium associations have received and acknowledged the letter. Additionally, several individual condominium units have been identified via web-based advertising and other sources and pending confirmation of ownership will be cited.

#### **5. Bus Shelters: Commissioner Marta Olchyk**

**Current Status:** Due to recent Federal Transportation Administration (FTA) audits, the Metro Dade Transit Agency (MDTA) has implemented additional controls and procedures in order to satisfy FTA concerns. As a result, several payments to the design consultant were delayed and the consultant stopped work on the project due to non-payment. This impacted the consultant's deliverables to MDTA as originally scheduled.

As of January 19, 2012, MDTA met the necessary financial requirements to process pending payments to the consultant. Commissioner Olchyk and the Town Manager have met with County Commissioner Sally Heyman to seek her assistance to accelerate the December, 2012 projected completion date. That meeting was successful in that MOTA Director Ysela Llorc agreed that Surfside's shelters would be the first installed in Commissioner Heyman's district with an anticipated installation in the Fall rather than December 2012.

We have also learned that Surfside may be qualified through Calvin Giordano and Associates to install the shelters with our own forces. This information will be transmitted to Ysela Llort to determine if the schedule can be further accelerated.

## **6. Clean Up/Update/Enhance Town Website Content: Commissioner Michael Karukin**

**Current Status:** A meeting was held with representatives of various Town departments that will be most affected by the process of moving to a new website and the new capabilities and initiatives being incorporated. Feedback from this meeting was given to e-City Services and Duncan Tavares has had extensive contact with the firm regarding the design and content of the new website. CGA has provided a complete external hard drive backup of the entire site and accompanying files to e-City Services. A mockup of the design will be available soon for review before the site is built. Presently this Point of Light is on schedule. The following is an update on some of the planned features:

The VTHQA Citizen Request Management feature is part of the agreement - not an optional service. This will be implemented after the website is up and running and any basic issues are tackled. The Town will also need to roll out a response procedure, policy and monitoring system to manage this feature.

While on-line bill paying is a priority, the Finance Department is still considering what company to go with based on integration with SunGuard and existing banking relationships. Therefore this will also occur after the basic website is established. Resolving this issue will be a high priority for the new Finance Director.

A decision to award new Code Compliance/Building Department software to iWorQ Systems, Inc. has been reached. Costs for the program is limited to a \$500 set-up fee, approximately \$243 month service charge and will include components for Code Compliance, Building Permit Management, License Management, Service Requests from the public and is cancellable at the Town's discretion with 30 day written notice. Moreover, iWorQ Systems agreed to a free thirty (30) day trial of the program prior to any payments being required. Initial implementation of the program is expected to take approximately 15 to 30 days, and fully incorporating historical information may take an additional several months depending on staff availability. We will accelerate the data migration using a part time temporary employee.

The Town Administration is revisiting the Live Media Streaming Service option proposal from e-City Services to include a more in depth review of the service capabilities. If chosen, this too could be implemented soon after the website is established.

Mobile capability is more of a mid-term / long range option for review as e-City Services does not offer this service and a separate vendor would be needed.

## **7. Bike Rental Station**

**Current Status:** Deco Bike installed both "Surfside Blue" stations, one along Collins Avenue near Town Hall and one at Publix in the month of April, 2012. Since the installation, many Surfside

residents and visitors have used the bikes to enjoy the Town's scenic beach hard pack. Item completed.

## **8. Beach Concessions**

**Current Status:** As the only service and maintenance provider for the beach in Miami Dade County, the Miami Dade County Parks and Recreation Department has determined that a lease from the State of Florida for the beach in Surfside and Bal Harbour similar to their agreement in Sunny Isles Beach is necessary. The lease will include a management plan. The management plan will identify the services the County will provide for the beach, the manner and frequency the area will be maintained and rules or standards for upland properties regarding the storage and deployment of chairs, umbrellas, and cabanas on the beach. Mayor Dietch has requested that a situation wherein condominium associations place chairs on the beach in an area marked "private" be clarified and that concern will be incorporated in the negotiations. John Ripple, Beach Operations and Maintenance Supervisor for the Miami Dade County Parks and Recreation Department has requested that the Town support the effort that the County is leading to create the lease with the State of Florida. We have provided a support letter subject to working out the management agreement with Miami Dade County. There will be a discussion of this entire effort before the County Recreation and Cultural Affairs Committee in May 2012 which, if forwarded, will go to the Board of County Commissioners in their June 2012 meeting. Once the proposed lease is prepared by the State of Florida, the County will offer the Town of Surfside the proposed management agreement for the Town's review. The package will be presented to the Town Commission as soon as the documents are available. Parks and Recreation Director Tim Milian attended the County Recreation and Cultural Affairs Committee meeting on May 7, 2012.

## **9. 9501 Collins Avenue Townhome Development**

**Current Status:** The Town Commission declined the first right of refusal for acquisition of the site during the August 9, 2011 meeting. Subsequently Greystone Residential LLC closed on the property and will develop the seven permitted townhomes. While there was not a legal requirement for the developer to make any capital contributions to the Town, as a matter of goodwill, the developer has offered a \$100,000 contribution to the 95<sup>th</sup> Street upgrade project which will renovate 95<sup>th</sup> Street from the hard pack to Collins Avenue with the potential for extension to Abbott Avenue in the future. In a recent meeting, the developer agreed to an additional \$50,000 based on release of a security deposit which has been held by the Town since 2005. With the \$200,000 committed by the Grand Beach Surfside Hotel it is now possible to build the first block of the project. The Town Commission viewed preliminary renderings of the project during the October 11, 2011 Town Commission meeting and passed a resolution accepting the funds from Greystone. During the January 17, 2012 Town Commission meeting, Staff was authorized to make contact with the architecture/engineering departments of FIU and UM to determine their interest in a design competition with cash prizes for the top three submissions. Rocco Ceo, Dean of the University of Miami School of Architecture offered to have a student design effort for a second street end in Fall 2012. Details of this effort are being negotiated.



In a recent development, Greystone Residential LLC has been offered \$12.7 million by a single purchaser for the entire completed project. This again triggered the first right of refusal clause. During the April 13, 2012 Town Commission meeting, the determination was reached to forego the first right of refusal for a second time. Due to the need to complete the street end project contemporaneously with the building construction, the Administration will move forward with a simple elegant project for one block only and to be implemented within the \$350,000 available. When the design is further along it will be brought to the Town Commission for review.

#### **10. Property Assessed Clean Energy (PACE): Program to retrofit existing residential and commercial buildings for energy efficiency: Mayor Daniel Dietch**

**Current Status:** Staff has just begun to investigate this program which allows existing buildings to be retrofitted for energy efficiency with the cost funded from a loan pool authorized by the State of Florida and funded by Barclay's Capital. The low interest loans are repaid from a long term assessment on the property. There are no guarantees provided by the Town of Surfside. When Staff and the Town Attorney have completed research on the program, a report will be brought to the Town Commission.

#### **11. FPL/AT&T/Cable Undergrounding Project**

**Current Status:** The Town Commission allocated funds in the Water/Sewer/Storm Drainage project to provide mid-block crossover conduit so that a future undergrounding project would not have to break the pavement. Staff is working with FPL and other utilities to complete their study of the cost of undergrounding Town wide. We will keep the Town Commission aware of progress in the FPL study and bring forth methods for funding the project when the study is complete.

#### **12. FEMA Flood Insurance Status**

**Current Status:** The FEMA Community Assistance Visit, which is the necessary step to lower rates, was held on March 21 and 22, 2012. During an exit interview with Prasad Immula of FEMA's Atlanta office, it was learned that information provided by Paul Gioia to the State office was not timely forwarded to Atlanta. That information has subsequently been sent by Paul Gioia directly to FEMA in Atlanta. We should have a letter from FEMA regarding our status for the discount prior to the June 2012 Town Commission meeting. Depending on that outcome, FEMA will make a determination in October, 2012. It is the Administration's intent to go to Atlanta after the FEMA letter is received to ensure that this process comes to a correct conclusion. The matter is a very high priority.

### **13. Bus Stop Pull-in at East Bound 96<sup>th</sup> Street, West of Abbott Avenue**

**Current Status:** Due to the heavy traffic on 96<sup>th</sup> Street, busses do not use the pull-in because it is difficult to return to the line of vehicles. Miami Dade Transit has verbally approved the removal of the bus pull-in and the cost to close the pull-in and add landscaping has become a condition of the proposed Development Agreement with Young Israel.

### **14. American Cancer Society - Relay for Life Event**

**Current Status:** Staff has attended several meetings with representatives from Bal Harbour, Bay Harbor, the American Cancer Society and event Chair Orly Alexander. A successful fundraising kickoff event was held March 22, 2012 at One Bal Harbour that included a silent auction. As of April 24, 2012 the total of \$38,443.41 had been collected. This total includes sponsorship donations as well as team contributions/fundraising. Team Surfside was recognized (2<sup>nd</sup> Place) (Attachment 1) in being instrumental in raising funds for the Relay for Life and helping to fund the mission of the American Cancer Society. The Relay for Life event is scheduled for Saturday May 5, 2012 on the hard pack at 96<sup>th</sup> Street. Yami Slate-McCloud is the Town's team coordinator. All employees and their families were encouraged to join the Town's team and help raise money for this worthwhile cause. A final report will be made in the June, 2012 Points of Light.

### **15. FPL and AT&T Leaning Poles: Commissioner Marta Olchyk**

**Current Status:** FPL and AT&T have replaced their poles. Item completed.

### **16. Restore Birdhouses at Beach-side Street Ends: Mayor Daniel Dietch**

**Current Status:** Frank McBride III, a young Town resident, built the birdhouses in 2001 as an Eagle Scout project. Two birdhouses, in rather code enforceable condition, remain at the beach street ends on 88th and 90th Streets. The Town has acquired four new birdhouses and with the assistance of the Cub Scouts Pack 320, Howard Rennert will assemble and decorate the new birdhouses. The Parks and Recreation Department and Public Works Department will assist the Cub Scouts to install the new houses at the beach ends. This effort is scheduled to be completed by May 12, 2012.

### **17. Options to Mitigate Inadequate Number of Parking Spaces at Multi-family Establishments along the Collins Avenue Corridor: Mayor Daniel Dietch**

**Current Status:** Staff has begun an investigation of this Point of Light to determine if all the buildings on the east side of Collins actually built the number of spaces required in their development approval. This will be called the "first level shortfall". The "second level shortfall" will be a number developed with the condominium managers regarding peak time of day and seasonal shortages. We

will then develop strategies that require little or no capital cost such as potentially issuing monthly after hours parking permits in the street ends. As can be seen from this Point of Light update, the solution to the parking issue along Collins Avenue is not a short term project. Staff will continue to report as progress is made on this Point of Light.

#### **18. Dog Park: Mayor Daniel Dietch**

**Current Status:** Ms. Ann Findlay, Surfside resident, is presently conducting outreach to residents interested in a possible dog park. This group of residents has been charged with forming an association, similar to that of the Surfside Urban Gardeners, which would assume stewardship of a park with a possible location at 93<sup>rd</sup> Street and Byron Avenue near the lift station. Ms. Findlay has been made aware of the need to establish an organization to manage the facility.

#### **19. Upgrade to Town Hall Elevator**

**Current Status:** The Town Commission approved the upgrade to the Town Hall elevator at the March 13, 2012 Commission meeting. This was one of the projects included in the Town Commission “shovel ready” discussion. The contractor ThyssenKrupp was selected by the Town Commission during the March 13, 2012 meeting. The elevator project will begin after the June 12, 2012 Town Commission meeting and be completed before the July 17, 2012 meeting assuming parts are available.

#### **20. Isaac Bashevis Singer Movie: Mayor Daniel Dietch**

**Current Status:** The Mayor, Town Manager and TEDACS Director met with Mr. Daniel Strehlau of The Windows Film Studio regarding his documentary feature on the life of Isaac Bashevis Singer. Mr. Strehlau plans on filming some of this feature in Surfside. The TEDACS Director contacted him to ensure that he understands Surfside’s film ordinance requirements and has also provided a number of contacts within the County and State’s Film Offices as well as introductions to various Surfside residents who may be of assistance. The Tourist Board, at their February 6, 2012 meeting, discussed the possibility of underwriting a scene in the feature where Surfside’s shoreline and downtown will be prominently featured in exchange for film credits and did not allocate any funds. Staff is awaiting a proposed time frame for potential Surfside filming. Mr. Daniel Strehlau will present three clips of his movie at his Film Introduction and Fundraising event at the Community Center on Thursday May 10, 2011 from 6:00 pm – 7:00 pm.

#### **21. Turtle Sculptures - Art in Public Places**

**Current Status:** The TEDACS Director has met extensively with Prince Media Development on the “Call To Artist” and “Sponsorship” documents. The search for artists and sponsors as well as an expansive public relations campaign has begun. The unfinished sculptures are presently in production

with a June 17, 2012 reveal planned at the Community Center as part of the building's one year anniversary. All eighteen painted sculptures will be unveiled at a four day event at the Community Center in mid to late October with a planned placement to occur soon thereafter. The Tourist Board discussed the sale of merchandise to coincide with this project at their May 7, 2012 meeting. A loggerhead turtle awareness campaign will be developed in conjunction with the eighteen month exhibit.

## **22. Coastal Partnership Initiative Grant**

**Current Status:** A grant application in the amount of \$30,000 has been submitted to the Florida Department of Environmental Protection for providing improved handicap parking and beach access at the 90th Street beach access point. Future Points of Light will keep the Town Commission up to date as this process evolves.

## **23. FDOT Surfside Repaving**

**Current Status:** There are three repaving projects which will be accomplished by FDOT over the next 18 months. These include (1) Kane Concourse from the Surfside Town limits to Collins Avenue; (2) Collins Avenue from 75th Street in Miami Beach to 96<sup>th</sup> Street and Harding Avenue from 96<sup>th</sup> Street to 94<sup>th</sup> Street and (3) Collins Avenue in Bal Harbour from 96<sup>th</sup> Street to the Haulover bridge. The last project schedule may be impacted by recent progress made with the north force main. See Point of Light number 30. All of these projects will have major traffic impacts and Staff is working with FDOT on the Maintenance of Traffic (MOT) and public information elements of the plans.

## **24. Bus Route Linkage: Former Vice Mayor Joe Graubart**

**Current Status:** Former Vice Mayor Graubart requested during the February 14, 2012 Town Commission meeting that Staff meet with the Miami Dade Transit Agency (MDTA) regarding extending the County bus route that passes the North Beach Publix to Surfside's downtown area. Initially, MDTA staff informed us that they could do this with the northbound bus on Collins Avenue making a U-turn at 97th Street and heading south on Harding Avenue with a stop in front of Publix at 94th Street. Miami Dade County Transit Agency further informed us that their new bus "line-up" will be delayed until July 2012. Based on the somewhat unenthusiastic reaction of the Town Commission during the March 13, 2012 meeting to Miami Dade County's request for 50 percent of the estimated \$50,000 cost of the route extension, Staff informed County officials that this contribution would not happen. County Staff has informed us that they will not have the funds for this project regardless of any potential match (Attachment 2). Finally, Public Works Director Bill Evans has determined that we will be unable to amend the scheduling of our Town bus service to better link with the northern limit of the existing County bus route. Therefore, this matter has been concluded. Item completed.

## **25. Jewish Community Services - Memorandum of Understanding (MOU): Mayor Daniel Dietch**

**Current Status:** A Memorandum of Understanding (MOU) and accompanying Resolution are on this Town Commission meeting agenda. In response to increasing social services needs of seniors living in the community and to help mitigate rising costs, JCS plans to establish and manage a membership-based program for seniors designed to support their continued independent living at home. JCS will provide members with a range of social services and amenities for seniors designed to support an active, independent and fulfilling lifestyle for as long as it is safe and appropriate. Should the MOU be approved by the Town Commission, Staff and the JCS will disseminate information regarding the new program and further Point of Lights will keep the Town Commission aware of project implementation. See separate item on this agenda.

## **26. Parking Structure Feasibility Study**

**Current Status:** The selection committee comprised of residents, downtown retail tenants and Staff members reviewed the five (5) proposals that were submitted and heard oral presentations from the proposers on April 17, 2012. The proposals were then scored by each of the selection committee members and a rank order was established. The firm that was ranked the highest made a presentation before the DVAC committee on April 23, 2012 which resulted in a motion of support for the feasibility study. A full report on the selection committee's recommendation appears on this agenda.

## **27. Identity and Wayfinding Signage**

**Current Status:** The Town's design consultant has completed specification documents for the identity and wayfinding signs. Included in the documents are gateway signs, parking lot identifiers and locators, beach regulatory signs and a sign identifying the Tourism office. An invitation to bid for fabrication and installation of the signs was posted on March 22, 2012 and advertised in the Daily Business Review. Closing date for responses to the bid package was May 7, 2012. Award of the signs to the lowest and best bidder will appear on the June 12, 2012 Town Commission agenda.

## **28. Bal Harbour Shops Expansion Status Report**

**Current Status:** It appears from the attached South Florida Business Journal article (Attachment 3) that Bal Harbour Shops is nearing the conclusion of negotiations with the Church by the Sea. Town Manager Roger M. Carlton met with owner Stanley Whitman and his son on April 16, 2012 to discuss the project. A verbal report will be made during the Town Commission meeting.

### **29. Bay Harbor Islands Agreement with the Miami Dade County Public Library System**

**Current Status:** The establishment of an agreement wherein the Miami Dade Public Library (MDPL) system bills the Town of Bay Harbor Islands (BHI) for resident use of the libraries rather than the residents paying the library directly and being reimbursed by the Town is presently under review by MDPL. The Miami-Dade County Commission is being approached by MDPL to provide direction regarding municipalities such as Bay Harbor Islands and Surfside on all current and future agreements before proceeding. It will be the recommendation of MDPL to not offer the individual memberships to residents outside of the taxing district in the hope of having these communities join the taxing district. Staff will continue to work with MDPL and keep the Town Commission informed as this Miami Dade County budget decision unfolds.

### **30. North Force Main/Building Better Communities Bond Program**

**Current Status:** The Town Commission reviewed a letter jointly signed by the managers of Surfside, Bal Harbour and Bay Harbor Islands during the March 13, 2012 meeting. Staff was given direction to move forward to obtain the \$8.5 million included in the Building Better Communities bond issue for Bal Harbour and Surfside to build this critical project. A meeting with Deputy County Mayor Jack Osterholt was held April 13, 2012. While a commitment to address the issue was made, nothing has happened. The situation was discussed with Sally Heyman on April 30, 2012 in a meeting attended by Commissioner Olchyk. Both Mr. Osterholt and Commissioner Heyman were given a report regarding the \$29,668,200 paid by the three municipalities to Miami Dade County in FY 2011/2012 (Attachment 4). A tentative meeting with WASD Director John Renfrow, Budget Director Jennifer Glazer-Moon and Deputy Mayor Alina Hudak has been set for May 10, 2012. Staff will continue to report on this situation as information becomes available.

### **31. Best Western Property Sale**

**Current Status:** The Best Western property sale was closed on March 27, 2012 in the amount of \$50 million. Town Attorney Lynn Dannheisser and Town Manager Roger Carlton have met with the new owners to discuss their preliminary plans. The Town Manager has also met with project architect Bernardo Fort-Brescia of Arquitectonica to discuss the need for great sensitivity to the values of the Town. The Town Commission will be kept aware as this project develops.

### **32. White Fly**

**Current Status:** This problem has grown to an epidemic in the Town of Surfside. In order to combat the infestation, the Town has engaged our landscaping contractor Lukes Landscaping to treat all Town trees and shrubs for the eradication of white fly. This process began a week ago. Over 150 trees have been injected and all affected shrubbery has been treated. There are approximately 700 more trees to inject. The approximate project cost is \$35,000. Funding will

be provided by the Public Works and Parks and Recreation departments landscaping budgets. A full report will be given at the June 12, 2012 Town Commission meeting. (Attachment 5)

### **33. Scholarship Program**

**Current Status:** Due to time constraints for the 2012/2013 academic year, a scholarship is earmarked to be awarded at the June 12, 2012 Town Commission meeting. Staff will meet with the Principal of Miami Beach High School to assess a final year candidate based on being a Surfside student of excellent academic standing with community involvement experience. Over the summer, a committee will be formed to create procedures and accompanying forms and application to manage the program for academic year 2013/2014 and beyond. The work of that committee will be presented to the Town Commission in September, 2012.

### **34. Renovations to Parking Lots**

**Current Status:** The price to renovate the Abbott, 95<sup>th</sup> Street (Shul), 94<sup>th</sup> Street, Town Hall (93<sup>rd</sup> Street) and Town Hall (Collins) lots came in at \$220,000 which is well below the \$450,000 estimated figure. Work will begin on the two Town Hall and the 95<sup>th</sup> Street (Shul) lots for \$95,000 in order to complete the project during Summer 2012. The remaining lots will be kept on hold until after the parking structure feasibility study (3 lots) is complete.

### **35. Solid Waste and Recycling Bill on the TRIM Notice**

**Current Status:** Staff attended a briefing by the Miami Dade Property Appraiser regarding this new process on May 3, 2012. A detailed presentation will be made to the Town Commission during the June 12, 2012 meeting.

### **36. Island Community Initiative Automatic License Plate Reader Project (ALPR)**

**Current Status:** The Island Community Initiative ALPR Project is a new crime prevention program involving the Bal Harbour, Bay Harbor Islands, Golden Beach, Sunny Isles Beach, and Surfside Police Departments. The project will monitor all vehicular ingress and egress into the five island Towns with ALPR cameras. Phase 1 of the project will Geo-fence the entrance roads to the five communities. The cameras will be installed in north Golden Beach; Sunny Isles at 192 Street and Collins Avenue and Sunny Isles Blvd.; the Bay Harbor Islands tollbooths; and at 88 Street and Collins Avenue, Harding Avenue, and Byron Avenue in Surfside. Phase 2 of the project will allow Towns to add interior ALPR and surveillance cameras to the interior of the Geo-fence such as parks, schools, etc.

Dispatchers and Police Officers in all of the communities will be alerted automatically at police stations and on laptops in real time to stolen cars, BOLOs, Amber Alerts, and hot lists. The project will also provide inter-agency sharing of investigative intelligence. The server will be shared by all of the communities.



A Memorandum of Understanding (MOU) with the participating municipalities is being prepared. The cost will be shared equally by the Towns. The crime prevention initiative has a special pricing offer. The server will be shared by all agencies further reducing the price. The vendor will upgrade the server to support all five agencies. The Towns will piggyback on the Golden Beach contract. The four other Towns have committed to the project. Surfside's cost is \$100,000 to become part of the project. Funds will be provided from the Law Enforcement Trust Fund.

There have been many planning meetings for this project. The most recent was held April 10, 2012 when the Police Chiefs and Police Command Staffs met to discuss data retention and security policy and procedures for the five agencies. The Chiefs met again on April 27, 2012 to review and discuss the draft for the Memorandum of Understanding for the five municipalities. Vice Mayor Karukin attended that meeting to discuss First Amendment Freedom of Information Act (FOIA) and other concerns. The group will address those issues in the first draft of the MOU.

### **37. Finance Director Recruitment**

**Current Status:** The recruitment phase has been completed. A total of seven finalists were short listed. Colin Baenziger & Associates is currently verifying credentials, conducting reference checks as well as background checks. Interviews are scheduled to be held in Town Hall on May 17, 2012. The interview panel will consist of Town Manager Roger M. Carlton, Human Resources Director Yamileth Slate-McCloud, Chief David Allen, Bay Harbor's Finance Director Alan Short and representatives from Colin Baenziger & Associates.

### **38. Police Vehicle Leasing Program**

**Current Status:** Pursuant to the direction given by the Town Commission during the April 10, 2012 meeting, the six new police vehicles have been ordered using the Florida Sheriff's Association contract. Therefore, the goal of awarding the purchase before a price increase for the 2013 models has been met. In addition, five firms and two cities were contacted (Attachment 6) to ensure that the lease rate was competitively procured. Once again, SunTrust Bank came in low with a rate of 1.56 percent which is slightly below the 1.584 percent for the SunTrust lease last year. Finally, there is approximately \$6200 left in last year's 10 vehicle procurement. Staff is investigating the possibility of replacing the Parks and Recreation Department scrapped mule (beach rescue vehicle) to have it in service before the summer beach season. The cost of this vehicle will be under the \$8500 limitation for the Town Manager's procurement authorization.

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*These items have been completed and deleted from the April 2012 Points of Light report*

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#### **8. New Crime Prevention Initiatives: Mayor Daniel Dietch**

**Current Status:** Six crime prevention initiatives were reviewed by the Town Commission at the May and June 2011 Commission meetings. Four initiatives were completed and one was eliminated. The following initiative will be implemented as time and funding is available.

- Crime prevention through environmental design – landscaping, lighting, and physical barriers at the entrances to residential areas enhances safety and deters criminal activity. Several options for entrance features to major streets have been designed by the same firm that has designed the “Wayfarer” signs and the alleys east and west of Harding Avenue. Now that the signage design has been approved, Staff will seek funding sources for the entrance features and will bring a more complete single family entrance feature program to the Town Commission in the near future.

Item completed until such time as funds become available for implementation.

#### **17. Grease Trap Ordinance**

**Current Status:** The Town’s Building Official has determined that the existing Miami Dade County enforcement program has not been sufficient to protect our new sewer system investment. This problem has been growing with more and more clogs coming from restaurants that do not maintain, or do not have adequate grease traps. Miami Dade County had balked at allowing the Town to enforce applicable codes saying that this was their responsibility. After further discussion, the PERA (formerly DERM) has acknowledged that Town has the authority to enforce the Florida Building Code’s grease trap provisions and may act as first responders in enforcing the Code. The Building Department and Code Enforcement will be issuing letters to all restaurant establishments informing them of their responsibilities to clean and maintain their grease traps and following up with inspections as necessary. There will be a fee associated with these inspections as there was when the PERA did the work. Item completed.

#### **18. Welcome to Town of Surfside Packet for New Residents: Former Vice Mayor Joe Graubart**

**Current Status:** This item will be addressed during the Fiscal Year 12/13 Budget process. Item completed.

#### **21. Job Classification Study**

**Current Status:** The Cody and Associates Job Classification Study appears on the April 10, 2012 Town Commission agenda.

#### **22. Community Center Concession Operation Concerns**

**Current Status:** The new vendor Shaka Jons started operations at the Community Center Concession on March 8, 2012. The transition has been very successful and the response from the public has been very positive. The start date for the new vendor was only two days before the beginning of spring break in

Miami Dade County. The Community Center had well over 1,000 patrons during spring break and the concession operations were smooth and efficient. The Town employee lunch daily specials have been well received and we look forward to the start-up of a weekend brunch program. Item completed.

**23. Sea Level Awareness Project (SLAP): Mayor Daniel Dietch**

**Current Status:** The Town Commission reaffirmed its decision to install two poles during the March 13, 2012 meeting. These poles will be installed soon. Item completed.

**24. Red Light Camera Safety Program Report**

**Current Status:** This program has been successful from both a safety and financial standpoint. The vendor has reduced the monthly cost as previously reported. This item will no longer be a Point of Light unless circumstances merit. Item completed.

**27. Replacement of Town Hall Roof**

**Current Status:** The Town Commission approved the sealing of the Town Hall roof at the March 13, 2012 meeting. This was one of the projects included in the Town Commission “shovel ready” discussion. Gulfstream Roofing was chosen as the contractor and the project is underway.

# POINTS OF LIGHT ATTACHMENTS

ATTACHMENT 1: RELAY FOR LIFE

ATTACHMENT 2: BUS SHELTERS

ATTACHMENT 3: BAL HARBOUR SHOPS EXPANSION

ATTACHMENT 4: REAL PROPERTY ASSESSMENT DATA

ATTACHMENT 5: WHITEFLY

ATTACHMENT 6: VEHICLE LEASE FINANCE RATE

***Certificate of Recognition is awarded to:***  
***Town of Surfside***  
***2nd Place***

Winner for the week of April 16, 2012

As of today your team was instrumental in raising an estimated \$750.00 for Relay For Life of Surf-Bal-Bay, and helping to fund the mission of the American Cancer Society, helping people Stay Well, Get Well, Find Cures and Fight Back!

*Orly Alexander*

Relay For Life Event Chair  
2012 Relay For Life of Surf-Bal-Bay

*Janey Mayville*

Community Representative  
American Cancer Society



**Celebrate. Remember. Fight Back.®**

**Dawn Hunziker**

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**From:** Roger Carlton  
**Sent:** Thursday, April 19, 2012 5:03 PM  
**To:** Dawn Hunziker; Bill Evans  
**Subject:** FW: Thanks for the call today

Info for the POL on this topic.

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**From:** Pearsall, Robert (MDT) [<mailto:rpear@miamidade.gov>]  
**Sent:** Thursday, April 19, 2012 4:54 PM  
**To:** Roger Carlton  
**Subject:** RE: Thanks for the call today

Roger, sorry again for the delay in responding to your last email. Miami-Dade Transit has decided not to go ahead with the extension of the Route 115/117 to Surfside for our next bus lineup scheduled in July, 2012. There were several improvements that had higher priority for our limited resources such as resolving overcrowding issues and the extension of bus routes to the Miami Intermodal Center. We may reconsider the extension of the route to Surfside in our November, 2012 bus lineup.

Robin and I went up to St. Pete this past weekend and spent some time with Joe and Dorothy Fletcher. They treated us to a picnic at Pass-a-Grille Beach in St. Pete which we enjoyed thoroughly.

**Robert P. Pearsall**  
**Section Chief, Service Planning and Scheduling**  
**Miami-Dade Transit**  
**786-469-5163**  
**[rpear@miamidade.gov](mailto:rpear@miamidade.gov)**

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**From:** Roger Carlton [<mailto:RCarlton@townofsurfsidefl.gov>]  
**Sent:** Tuesday, March 20, 2012 12:05 PM  
**To:** Pearsall, Robert (MDT)  
**Cc:** Bill Evans  
**Subject:** RE: Thanks for the call today

My Commission was hesitant to spend the 50 percent cost sharing. They asked us to check into slightly amending the schedule of our own minibus to see where it could meet your current northern terminus. We can apparently do that four times per day. There is also a demand response service from Sunny Isles Beach minibus that is available at Publix on Harding and 94<sup>th</sup> Street. We will get back to you in a few days with our final position. Do you think there is some flexibility on the 50/50 cost sharing to lower our contribution to \$5,000 and measure demand for six months? If it works we enter into a longer term deal. If it doesn't, the service is terminated?

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**From:** Pearsall, Robert (MDT) [<mailto:rpear@miamidade.gov>]  
**Sent:** Tuesday, March 20, 2012 11:21 AM  
**To:** Roger Carlton  
**Cc:** Llort, Ysela (MDT)  
**Subject:** RE: Thanks for the call today

Roger, has a decision been made to assist MDT with this potential route extension? We would need to know by the end of the week to include Rt. 115/117 for our June 24 lineup. Thanks.

**Robert P. Pearsall**  
**Section Chief, Service Planning and Scheduling**  
**Miami-Dade Transit**  
**786-469-5163**  
**[rpear@miamidade.gov](mailto:rpear@miamidade.gov)**

---

**From:** Pearsall, Robert (MDT)  
**Sent:** Tuesday, March 13, 2012 8:37 AM  
**To:** 'RCarlton@townofsurfsidefl.gov'  
**Cc:** Llort, Ysela (MDT)  
**Subject:** FW: Thanks for the call today

Roger, attached are the maps of the Routes 115 and 117. They are essentially the same route with the Rt. 115 operating clockwise between 63 St. and Lincoln Road and the Rt. 117 running counter-clockwise. For example, if someone from Surfside wished to travel to Mt. Sinai Hospital, they could catch either route but it is faster to take Rt. 117 to the Hospital and Rt. 115 to return to Surfside.

Both Rts. 115 and 117 would be extended to the turnaround near 97 Street and would have the end of the line on Harding between 95 and 94 Streets. We may need to have a couple more metered parking spaces removed along this block as this is where operators would take their recovery.

Thanks.

**Robert P. Pearsall**  
**Section Chief, Service Planning and Scheduling**  
**Miami-Dade Transit**  
**786-469-5163**  
**[rpear@miamidade.gov](mailto:rpear@miamidade.gov)**

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

**From:** Llort, Ysela (MDT)  
**Sent:** Tuesday, March 13, 2012 6:02 AM  
**To:** Pearsall, Robert (MDT)  
**Subject:** Fw: Thanks for the call today

Pls handle

Ysela Llort, Director  
Miami-Dade Transit  
Phone: (786) 469-5406  
Fax: (786) 469-5580  
[www.miamidade.gov](http://www.miamidade.gov)  
"Delivering Excellence Every Day"

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

**From:** [rcarlton@townofsurfsidefl.gov](mailto:rcarlton@townofsurfsidefl.gov) [<mailto:rcarlton@townofsurfsidefl.gov>]  
**Sent:** Monday, March 12, 2012 09:22 PM

Roger, has a decision been made to assist MDT with this potential route extension? We would need to know by the end of the week to include Rt. 115/117 for our June 24 lineup. Thanks.

**Robert P. Pearsall**  
**Section Chief, Service Planning and Scheduling**  
**Miami-Dade Transit**  
**786-469-5163**  
**[rpear@miamidade.gov](mailto:rpear@miamidade.gov)**

---

**From:** Pearsall, Robert (MDT)  
**Sent:** Tuesday, March 13, 2012 8:37 AM  
**To:** 'RCarlton@townofsurfsidefl.gov'  
**Cc:** Llort, Ysela (MDT)  
**Subject:** FW: Thanks for the call today

Roger, attached are the maps of the Routes 115 and 117. They are essentially the same route with the Rt. 115 operating clockwise between 63 St. and Lincoln Road and the Rt. 117 running counter-clockwise. For example, if someone from Surfside wished to travel to Mt. Sinai Hospital, they could catch either route but it is faster to take Rt. 117 to the Hospital and Rt. 115 to return to Surfside.

Both Rts. 115 and 117 would be extended to the turnaround near 97 Street and would have the end of the line on Harding between 95 and 94 Streets. We may need to have a couple more metered parking spaces removed along this block as this is where operators would take their recovery.

Thanks.

**Robert P. Pearsall**  
**Section Chief, Service Planning and Scheduling**  
**Miami-Dade Transit**  
**786-469-5163**  
**[rpear@miamidade.gov](mailto:rpear@miamidade.gov)**

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**From:** Llort, Ysela (MDT)  
**Sent:** Tuesday, March 13, 2012 6:02 AM  
**To:** Pearsall, Robert (MDT)  
**Subject:** Fw: Thanks for the call today

Pls handle

Ysela Llort, Director  
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----- Original Message -----

**From:** [rcarlton@townofsurfsidefl.gov](mailto:rcarlton@townofsurfsidefl.gov) [<mailto:rcarlton@townofsurfsidefl.gov>]  
**Sent:** Monday, March 12, 2012 09:22 PM



From the South Florida Business Journal

:<http://www.bizjournals.com/southflorida/print-edition/2012/03/23/bal-harbour-shops-hopes-to-begin.html>

## Bal Harbour Shops hopes to begin expansion in 2013

Premium content from South Florida Business Journal by Susan R. Miller, Senior Reporter

Date: Friday, March 23, 2012, 6:00am EDT

### Related:

[Commercial Real Estate](#), [Retailing & Restaurants](#), [Bal Harbour](#)



[Susan R. Miller](#)

Senior Reporter - *South Florida Business Journal*

[Email](#) | [LinkedIn](#) | [Twitter](#)

After having plans in the works for several decades, it appears an act of God – or something close to it – is about to help expand the **Bal Harbour Shops**.

The congregation of the nearby Church by the Sea would have to approve Bal Harbour Shops' acquisition of its land to make the deal happen. The church occupies land the luxury shopping destination must have in order to move forward with plans to add 200,000 square feet to its 400,000 square feet of retail space.

In May, members of the church are expected to vote "once and for all" on whether to accept a deal from the owners of Bal Harbour Shops to relocate, says [Matthew Whitman Lazenby](#), operating partner of Bal Harbour Shops and the grandson of [Stanley Whitman](#), who created the center in 1965.

And, if all goes according to the current plan, Bal Harbour expects to break ground on its expansion in 2013.

"It's not an exaggeration to say that, for nearly 50 years, various members of my family have been in conversations with many different members of the church," Lazenby said. "This time it's different because we have been able to find a solution that was in everyone's best interest."

That solution is to buy the land at 501 96th St., where the church stands, and build a new church at the intersection of Bal Bay Drive and Park Drive.

The Whitman family has also been in similar talks with the village of Bal Harbour to purchase the land next door, where its Village Hall is located, and build a new one near the Indian Creek Waterway.

Village Manager Alex Treppeda said the Village Council does not plan to consider any deals until it gets "concrete proof of the fact that there is a deal with the church. That's when the village will look at what they want us to do."

Repeated attempts to reach representatives of the church were unsuccessful.

### **Stores want bigger footprint**

Although expansion plans have been on the drawing board for years, demand by luxury retailers to go big or go elsewhere has heated up in the last year or so, making the need more urgent. Several, including Hermès, **Louis Vuitton** and Dior, have left Bal Harbour Shops for nearby Aventura Mall and Miami's flourishing Design District. Those that left have cited the need for a bigger footprint.

"Those we couldn't accommodate quickly enough have been the ones who have ventured out to this other, unproven area," Lazenby said, referring to the Design District.

Bal Harbour Shops has been a victim of its own success. There are about 100 stores between anchors **Saks Fifth Avenue** and Neiman Marcus, as well as a waiting pool of others "that we have sought out or who have come to us and said 'we want to be here,'" Lazenby said.

Average sales are \$2,419 a square foot, the best in Bal Harbour's history. Sales per square foot have increased every year since 1965, except for 2001, following the Sept. 11 attacks, and during the economic downturn in 2009. The national average for shopping centers nationwide is \$390 a square foot, according to the **International Council of Shopping Centers**.

For the 200,000-square-foot addition to work, Bal Harbour Shops is going to need another large department store as anchor – one that is synergistic with Neiman Marcus and Saks.

There have been conversations with Neiman Marcus to bring its subsidiary Bergdorf Goodman to Bal Harbour, Lazenby noted. With its international reputation, the name would resonate with South Florida's international visitors, who play a significant role in the center's success.

While snowbirds continue to be a strong presence, "the international market has exploded in a huge way," he said.

Lazenby said that, from all initial accounts, he expects the church vote to go their way. He hopes all approvals will be finalized by the end of the year.

"We presume that, by the end of this year, the vote will take place," he said. "We will have all of our working drawings prepared so we can break ground in 2013."

# LUXURY RETAIL DNA

Bal Harbour Shops welcomes new luxury tenants, sticks to its 'allure' of exclusivity

BY ELAINE WALKER  
ewalker@MiamiHerald.com

The Bal Harbour Shops may be losing tenants as others aim to take a share of its market, but one of the country's top shopping malls isn't ready to give up its dominance.

During a week when the attention of the luxury market is focused on South Florida for Art Basel, visitors will find several new tenants opening stores at Bal Harbour, including Balenciaga, Breguet, CH Carolina Herrera, Panerai, La Perla and Stella McCartney. And more are on the way including Moncler, Canali and Alexander McQueen.

Many of the new arrivals are filling space left earlier this year as Bal Harbour saw the departures of several longtime luxury mainstays: Louis Vuitton, Dior and Cartier. Hermes has also announced plans to leave when its lease expires at the end of next year.

Those departures came as many of the brands wanted to expand the size of their stores at Bal Harbour and were told there wasn't space available. In exchange, they wanted the rights to open an additional store in the market and the owners of Bal Harbour refused. Bal Harbour's leases prohibit tenants from opening a second store within 20 miles unless the luxury retail center's owners receive a percentage of the additional store.

"Duplicating uses in a center this small is not good for us in the long run," said Matthew Whitman Lazenby, Bal Harbour's operating partner and the third generation of the Whitman family to run the business. "That's never been in our DNA, not in the past and not in the future. It's always been important for us to maintain the allure of luxury, and exclusivity has always defined that."

But the world of luxury retail has changed and so has Miami-Dade County. Retailers now see the need to expand their presence.

Louis Vuitton has already opened at Aventura Mall and announced plans to open in the Design District by 2014. Expected to follow Louis Vuitton's lead are at



PHOTOS BY PATRICK FARRELL/MIAMI HERALD STAFF

**INTERNATIONALLY KNOWN:** Alex Luz and his wife, Priscila Luz, of Brazil shop in November at the Bal Harbour Shops, one of the country's top shopping centers and a magnet for visitors.

least some — or possibly all — of the other brands owned by parent-company Louis Vuitton Moët Hennessy that currently have stores at Bal Harbour Shops. So far the only one that has said it's staying put is Thomas Pink.

DACRA's Craig Robins has said he plans to have between 40 and 50 luxury brands open in the Design District by 2014, as he seeks to create Miami's version of SoHo or the Meat Packing District. Hermes and Cartier are already in the works and Dior is expected to follow.

"The Design District is a work in progress that is going to end up being successful in a different kind of way," said Arthur Weiner, principal of AWE Talisman in Coral Gables, who specializes in luxury retail leasing. "Bal Harbour is not going anywhere. It's no longer the judge and jury of what is luxury and what is not. They no longer have a stranglehold over what is admitted into the Miami luxury market."

Weiner says the challenge for Bal Harbour will be to replicate the sales volumes that it has lost

• TURN TO BAL HARBOUR, 8B



**NEW TENANTS:** A shopper in November walks past a giant ad outside the location of the incoming Stella McCartney store at Bal Harbour Shops. Although the exclusive shopping center has lost some coveted merchants and faces threats to its market share, it keeps finding new high-end retail tenants.



# Bal Harbour Shops still exclusive

• BAL HARBOUR, FROM 10B

from these big name departures.

"Those are the building blocks of luxury," Weiner said. "You cannot replicate LVMH either in global luxury stature or in sales per square foot."

Louis Vuitton was one of Bal Harbour's oldest and most successful tenants. The brand has been there for about 30 years, when it chose the site for its first U.S. location outside of New York.

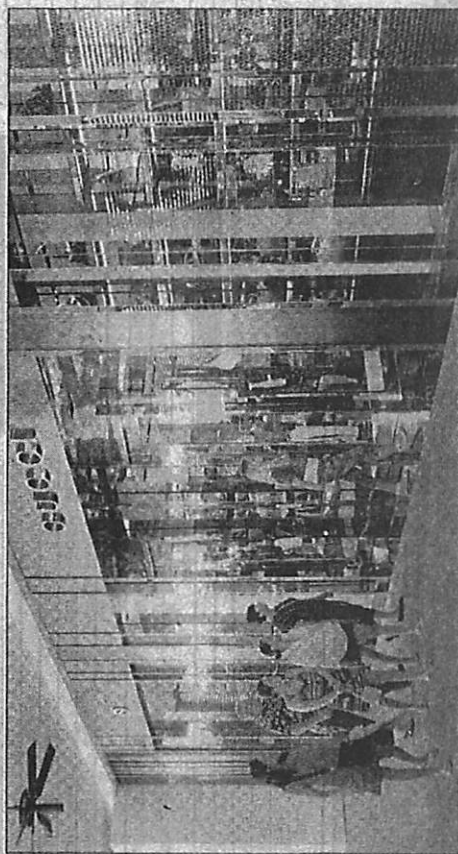
Since its opening in 1965, Bal Harbour's sales per square foot have increased every year but two. The exceptions were in 2001 after the Sept. 11 attacks and during the recession in 2009.

As the luxury market continues to rebound, the mall's sales are on track to hit what is expected to be a national record in 2011 of \$2,277 in sales per square foot. Bal Harbour same store sales are up this year 26 percent compared to the same period last year.

"Invariably it will be our best year of all time," Lazenby said. "Some tenants are up as much as 100 percent."

That kind of success is what attracts tenants like Officine Panerai. The luxury Italian watchmaker, which celebrated its opening at Bal Harbour this week to coincide with Art Basel, has been trying for some time to get a store in the luxury mall.

"Bal Harbour Shops is known internationally for its collection of high-end retail boutiques and is considered to be a major tourist



PHOTOS BY PATRICK FARRELL/MIAMI HERALD STAFF  
**HIGH-END STORES:** Shoppers walk past the Gucci store at Bal Harbour Shops, a center known for such luxury merchants.



**BIG PLANS:** Operators of the Bal Harbour Shops hope to move forward with a major expansion.

destination," Rafael Alvarez, Officine Panerai North America president, said in a statement. "Bal Harbour not only caters to the local community but also has a strong seasonal business."

In addition to bringing in new tenants, Bal Harbour has also taken the opportunity to allow existing tenants to expand. Bottega Veneta recently opened a new store, almost doubling its space to add fine jewelry. Yves St. Laurent, Jimmy Choo, Tory Burch and Ralph Lauren also have expansions under way or recently completed.

*'Invariably it will be our best year of all time. Some tenants are up as much as 100 percent.'*

— Matthew Whitman  
 Lazenby, Bal Harbour's  
 operating partner

pansion plan that would bring another specialty department store and 100,000 square feet of small retailers, allowing room for about 50 new tenants.

"My number one goal is getting this expansion done," said Lazenby, who is in the process of finalizing an agreement to acquire the property next to the mall belonging to the Church by the Sea. "What we really need is to be able to accommodate the huge demand for space that's resulted in people having to get space elsewhere in the market."

	Millage Rate per \$1,000	Total Taxes Levied	Town of Surfside \$1,007,612,910	Town of Bay Harbor Islands \$577,100,052	Bal Harbour Village \$2,343,445,178
Total Assessed Value*					
<b><u>Miami-Dade County</u></b>					
County-wide Operating	4.80500	\$18,874,800	\$4,841,580	\$2,772,966	\$11,260,254
County-wide Debt Service	0.28500	\$1,119,525	\$287,170	\$164,474	\$667,882
		<u>\$19,994,325</u>	<u>\$5,128,750</u>	<u>\$2,937,439</u>	<u>\$11,928,136</u>
Fire Rescue Operating	2.44960	\$9,622,416	\$2,468,249	\$1,413,664	\$5,740,503
Fire Rescue Debt Service	0.01310	\$51,459	\$13,200	\$7,560	\$30,699
		<u>\$9,673,875</u>	<u>\$2,481,448</u>	<u>\$1,421,224</u>	<u>\$5,771,202</u>
Total Miami-Dade County Taxes Levied		<u>\$29,668,200</u>	<u>\$7,610,198</u>	<u>\$4,358,664</u>	<u>\$17,699,338</u>

\*Based upon Real Property Assessment Data 2011 from Miami Dade County Property Appraiser.

6NC | THURSDAY, APRIL 19, 2012

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## KEY BISCAYNE

# Fighting whiteflies by trimming leads to fines

■ About two dozen Key Biscayne residents have been fined for trimming their trees in an effort to deal with whiteflies.

BY STEPHANIE PARRA  
sparra@miamiherald.com

With whiteflies dropping a steady stream of sticky goo on his car, driveway and pool, Steven Vogel decided enough was enough. He trimmed two trees in front of his Key Biscayne home.

Then, on March 6, the village left him a present: a citation carrying a \$500 fine for illegal tree-trimming.

Vogel is one of about two dozen Key Biscayne homeowners to be fined in the last few months for severely pruning trees as a way to reduce damage from whiteflies.

Vogel, a 29-year resident of the island village, is outraged.

"No one will reimburse me for the paint on my car, or for cleaning my house, or for the fees to clean my pool," he said. "The trees were planted in my home by my wife and me, and I was never aware that an ordinance was in place."

But village officials said residents should have known better than to severely prune their trees.

The village has prohibited severe trimming or pruning of trees for years, Village Attorney Stephen Helfman said.

What's more, the village did its best to publicize the right and wrong ways to deal with whiteflies, said Michael Mila, the village's senior code enforcement officer. He said articles about the rules were published in a community newspaper on the key, "The Islander."



ADRIAN HUNSBERGER/UF EXTENSION

**BE CAREFUL:** The correct type of pesticide applied to the base of an infested tree may get rid of whiteflies, but it takes time, and this method should not be used near water.

The village also held a seminar at its community center, where a Miami-Dade agricultural extension agent explained "that hat racking wasn't the solution," Mila said. "We have put several updates on our website and have tried educating the community about the dangers of hat racking."

At the meeting, the agricultural extension service's expert, Catharine Mannion, recommended that homeowners use pesticide treatments to fight whiteflies. These methods are most beneficial for the environment and most effective to alleviate the massive whitefly population, she said.

Mannion recommended

that those who have small trees or small ferns to purchase products at garden shops that contain the active ingredient imidacloprid, and to follow the directions on the container. These products should be put into the soil about 12 to 15 inches from the trunk, but should not be placed in plants on or near bodies of water.

She also advised citizens to hire professionals to inject trees with the pesticides for trees located near the water. That way, the harmful pesticides do not seep to the water and create further environmental damage.

According to Mannion, pruning or hat-racking does not lead to a solution.

"Just because you cut off branches of your trees doesn't mean the whiteflies will leave," Mannion said. "You're pruning for one reason, thinking it's going to improve the problem, but you're really stressing the plant and making it more vulnerable to attack. It won't solve the problem at all."

But residents who have received \$250-per-tree tickets are not satisfied with the recommended treatments, which are slow to make noticeable effects.

Residents have noted that treatments Mannion and



TIN CHAPMAN/MIAMI HERALD STAFF

**BAD STUFF:** Whitefly goop can harm cars, inundate pools and otherwise make a nuisance of itself.

other experts recommend can take months to work, while their property continues to suffer damage.

And despite the village's efforts, they don't believe the tree-trimming rules are widely known in the village.

"This ordinance is not public knowledge. It's like if you're speeding and you abuse the limit, you know the limit exists," said Nicholas Cortes, who received a \$250 fine. "When you try to maintain your property, you are doing what's in the best interest for your property. No one wants to live in a place that looks worse. If you're taking action, it's for a reason. ... It's to protect your property."

Mila said the next step for residents who have received citations is for them to ap-

peal to a magistrate. The first magistrate meeting is scheduled to take place at 9 a.m. May 4. Both Cortes and Vogel, along with several other residents, will attend the magistrate hearing and they will appeal their fines. The magistrate operates similar to a traffic court. Both sides will make their case.

Though the main complaints are against the fines, Mila believes that violations to this ordinance will only get more severe.

"We're honest with the residents. We're being lenient, though the arborists are recommending that they actually replace some of the trees," Mila said. "The basis of these codes is to protect South Florida's fragile environment."



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**MEMORANDUM**


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**TO:** ROGER M. CARLTON  
**FROM:** ASSISTANT CHIEF DI CENSO  
**SUBJECT:** VEHICLE LEASE FINANCE RATE  
**DATE:** 4/26/2012

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I contacted the below listed financial institutions and vehicle leasing companies that submitted bids last year on our vehicle lease/purchase financing RFP. The following quotes were given for Phase II of our vehicle lease program. The amount to be financed was \$200,000 over four (4) years with semi-annual payments.

SunTrust Bank	1.56%
Pinnacle Public Finance	1.98%
Sovereign Bank	2.35%
Branch Banking & Trust	\$250,000 minimum finance amount
Acme Auto Leasing	Not interested

In addition, I contacted the following police agencies who have vehicle lease programs to see if there is a contract we could piggyback on.

Homestead – No RFP issued. SunTrust Bank provided the lowest finance rate

South Miami – No RFP issued. Received quotes and SunTrust provided the lowest rate

It should be noted that last year's finance rate provided by SunTrust Bank was 1.584%.



## John Di Censo

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**From:** Gatton.Lawanna <Lawanna.Gatton@suntrust.com>  
**Sent:** Wednesday, April 18, 2012 9:42 AM  
**To:** John Di Censo  
**Subject:** Lease rate

Hi John,

It was a pleasure speaking with you this morning. Based on our conversation, the rate is 1.56% with 8 semi annual payments in arrears. We can move the dates around as we move toward closing. once you determine we can move forward, please let me know so I can lock the rate for 30 days to allow time to close.

Should you need anything additional, please call or email.

**Interest Rate: 1.5600% (Semi-Annual)**

<u>Payment Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Principal Component</u>	<u>Interest Component</u>	<u>Principal Balance</u>
	5/4/12	0	0	0	200,000.00
1	11/1/12	25,882.10	24,348.20	1,533.90	175,651.80
2	5/1/13	25,882.10	24,512.02	1,370.08	151,139.78
3	11/1/13	25,882.10	24,703.21	1,178.89	126,436.57
4	5/1/14	25,882.10	24,895.90	986.20	101,540.67
5	11/1/14	25,882.10	25,090.08	792.02	76,450.58
6	5/1/15	25,882.10	25,285.79	596.31	51,164.80
7	11/1/15	25,882.10	25,483.02	399.08	25,681.78
8	5/1/16	25,882.10	25,681.78	200.32	0
	<b>Totals</b>	<b>207,056.80</b>	<b>200,000.00</b>	<b>7,056.80</b>	

Thanks!

Lu

Lawanna S. Gatton  
Vice President - Public Finance  
SunTrust Equipment Finance & Leasing Corp.  
300 E. Joppa Road; Suite 700  
Towson, MD 21286  
410-307-6705  
410-952-1208 cell  
410-307-6620 fax

**Live Solid. Bank Solid.**

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**TOWN OF SURFSIDE**  
**Office of the Town Attorney**

MUNICIPAL BUILDING  
 9293 HARDING AVENUE  
 SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser  
 Town Attorney

Telephone: 305 993-1065

**MEMORANDUM**

**TO:** Town Commission

**FROM:** Lynn M. Dannheisser, Town Attorney *[Signature]*

**CC:** Roger M. Carlton, Town Manager

**DATE:** May 8, 2012

**SUBJECT:** Town Attorney Monthly Update for May, 2012

The following Ordinances and Resolutions have been prepared (and/or reviewed and researched) or other advice rendered regarding the issues contained in them. In the case where agreements are attached, those contracts have also been drafted and/or reviewed and revised this month:

**Ordinances:**

1. Sidewalk café ordinance
2. Amending Retirement Plan for Police Officers

**Resolutions:**

1. Second Amendment Town Manager Employment Agreement
2. Appointing Planning & Zoning Board
3. Reappointing and Appointing Special Masters
4. Bifurcation Town Commission Meetings
5. MOU Jewish Community Services
6. Award Municipal Parking Feasibility Study
7. Award of Work Order #53

**The Town Attorney has prepared for, attended and/or rendered advice for the following meetings:**

April 10, 2012 Commission Meeting and Quasi-judicial Hearing  
April 28, 2012 License Plate Recognition Meeting  
April 30, 2012 Commission Goals Workshop/Charter Review Workshop  
May 1, 2012 Special Election  
May 2, 2012 Swearing in of new Commissioner  
May 7, 2012 Special Election Canvassing Board

**Town Manager and Town Clerk Issues:**

Continuing research on numerous election related/campaign financing/disclosures issues.  
State of Florida Beach Lease  
FPL rate issues  
Research re FPL undergrounding issues  
Continue research of PACE program  
Numerous Code Enforcement issues raised by Town Manager  
Assist and supervise Town Clerk with Public Records requests, minutes, records and notices  
Website issues  
95<sup>th</sup> Street Improvement issues  
Young Israel Hearing follow-up with counsel for objector; counsel for applicant  
Continuing advice, inquiries, and meetings re: Best Western site  
Inquiries re Surf Club site  
Continuing issues re Shul project  
Sephardic Temple legal issues  
Downtown Business Improvement District issues  
Carlisle building code issue  
Spiaggia Condo parking issue and potential resolution of same  
Follow-up research for mechanical lift code provisions  
Town College scholarships legal issues  
Research re manager spending authority  
Prepare Town Manager Second Amendment to Contract  
Begin work related to Charter revision issues  
Agenda preparation  
Parking regulation  
Discussion with counsel for Bal Harbour Shoppes and research re Village approval process

**Planning and Zoning Board Sitting with Design Review Board** April 27<sup>th</sup> meeting cancelled.

Answer inquiries re home occupations and commercial vehicle parking  
Answer inquiries re board appointments and facilitate process  
Follow up on Declaration of Restrictive Covenants re valet parking

**Building Department/Code Enforcement/Planning:**

Several Meetings with Code Compliance Officer and Building Official regarding on-going enforcement matters and scheduling of thirteen (13) special master hearings

Prepare for May 17, 2012 Special Master Hearings including notice issues relative to same  
Commence training of a legal advocate for prosecution of code enforcement cases  
Assist Town Building Official on continuing FEMA Flood Insurance issues; conferences re Gibbs case and follow up with outside counsel re questions by FEMA representative.  
On-going issues with 9372 Bay Drive "Unsafe Structure" and court hearings re fees; begin preparation of affidavit re same  
Short-term rental public records and other issues with Carlisle  
Advice re foreclosure cases

**Human Resources Department:**

FOP Arbitration closure  
On-going advice to HR Director  
Evaluate EEOC Claim

**Finance Department:**

Preparation of Departmental Budget items for 2012-2013/continuing evaluation of legal needs of the Town and the most cost-effective means of meeting those needs

**Parks and Recreation:**

Release agreement for special needs camp  
Issues related to medical waiver  
Follow-up issues for Zambelli Fireworks Agreement  
Follow-up background checks for independent contractors

**Police Department:**

Continuing work and preparation for July trial re: Davis v Surfside  
License Plate Recognition meeting and identification of issues for Interlocal Agreement with surrounding municipalities; research re public records issues and opinion re same; follow up with lawyer for the five cities  
Research and advice re RFQ response questions  
Davis counsel research and FOP matters

**Public Works:**

Continuing Utility/Sewer project issues  
On-going advice to Department Director

**Tourist Bureau:**

Resort tax issues and underground utility issues  
MOU Jewish Community Services  
Prince Media Contract

Turtle Statutes purchase and issues related to tax deductions and potential creation of foundation

**Litigation:**

Wells Fargo v Maranon – receipt and review of foreclosure action

Kahalon v Town of Surfside and the Town of Surfside Building Department Case No. 12-10534 CA 08, Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. The Town Building Official inspected 9372 Bay Drive, determined the property was an “Unsafe Structure” and the occupants must vacate the premises. Plaintiff filed an emergency injunction to stay the proceedings. The Town filed a Motion to Dissolve the injunction. The Court heard arguments, ordered a Special Magistrate to inspect the premises and the Special Master agreed the property was an “Unsafe Structure.” The Motion to Dissolve was granted and the occupants of the property vacated the premises. The Court will hear the Town’s Motion for Entitlement to Determine Attorney’s Fees and Costs on June 11, 2012.

John Davis v. Town of Surfside Case No. 07-17286 CA 08, Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. This case has been consolidated as to discovery with a previous case filed by a former sergeant in the Town’s police department. The Court denied the Motion to Consolidate both cases for trial. Outside counsel and this office have begun to prepare for trial which is currently scheduled for the week of July 30, 2012. On-going discovery and strategy sessions occurring.

Young Israel of Bal Harbour, Inc. v. Town of Surfside Civil Action No. 1:10-cv-24392 in the United States District Court for the Southern District of Florida. On December 10, 2010, Young Israel served a complaint alleging the Town Zoning Code imposes a substantial burden on Young Israel in violation of the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA). This matter is primarily being defended by The Florida League of Cities which has approved counsel to assist in the defense of this case. Mediation was held on January 4, 2012 with a follow-up Executive Session on January 9, 2012. A settlement was negotiated and approved at a Special Commission Meeting held on January 23, 2012. The Stipulation of Settlement has been filed with the Court and a joint motion to stay the matter for 120 days was filed with the Court. A Stay was granted until May 23, 2012. A site plan was filed, and there have been two meetings of the DRG beginning February 2, 2012. The Development Impact Committee met on March 1, 2012. The Planning and Zoning Board met on March 29, 2012 to recommend the site plan to the Town Commission. The Town Commission met on April 10, 2012 and approved the site plan. Unless an appeal is filed, this matter will be eliminated from my report next month.

**Florida League of City Cases:**

We monitor, coordinate witnesses and assist with requests for discovery with League counsel on cases that are covered by the FMIT. In addition to Young Israel (see above), we assist counsel with the following FMIT cases:

Americo Wehbe v Town of Surfside, Civil Action No. 11-23445 in the United States District Court for the Southern District of Florida. Plaintiff filed a ten (10) count Complaint served December 13, 2011 and a Motion to Dismiss to Strike or Motion for More Definite Statement was filed on January 18, 2012. Mediation is scheduled for September 19, 2012. Florida League counsel

represents the Town and these claims are currently under investigation by the Florida League of Cities counsel in accordance with the Town's insurance policy and subject to the attorney-client privilege. This office is working with the Police Department and Florida League of Cities to sort out the facts and coverage issues. The Florida League previously investigated this matter and determined there was no liability on the Town or any of the officers, and the League stated there was no probable cause for the arrest. Trial has not been set.

**Special Matters:**

Review of new case law out of various districts and circuits and monitor legislation at Federal, State, and County levels. Monitor articles on emerging issues such as red light cameras, social media and sunshine issues, attorney-client privilege as it relates to government, environmental sustainability; initiative efforts, foreclosures and lien issues for cities, beach renourishment, conflicts of interest and other ethics opinions, workplace issues, the possibility of internet postings as public notice, etc.





## TOWN OF SURFSIDE

9293 HARDING AVENUE  
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WWW.TOWNOFSURFSIDEFL.GOV

### TOWN OF SURFSIDE PROJECTS PROGRESS REPORT CALVIN, GIORDANO & ASSOCIATES. INC. May, 2012

1. **Planning and Community Development** – Planning and Community Development – Planning staff has signed off on the Young Israel site plan after approval at the Town Commission. Staff is anticipating the submittal of additional plans that will be reviewed by the Design Review Board for the southern wall, landscaping, doors and the stained glass. Major projects just getting underway include the Best Western site and the Surf Club. Staff is also working closely with the Administration on the parking structure feasibility study and the potential expansion of the Bal Harbour Shops. Planning staff continues to answer general zoning calls and e-mails from the public and to review building permits for conformance with the zoning code.
2. **Website, Information Technology, TV Broadcasts** – New computers and monitors have been installed for the entire Town Hall and Community Center Staff. An additional battery backup was added at the Community Center to support additional devices installed since inception. The wifi system at the Community Center continues to provide a wireless wifi signal that can be accessed inside each building and across the pool deck area. The public wifi is utilizing the existing cable broadband connection which has been isolated to protect the Town's internal network. The Community Center staff is utilizing the new T1, installed to improve bandwidth speed when accessing the Town's private network. The Community Center staff has received training on all e-reader devices and the two (2) 70" flat screen TVs that were installed at the Community Center. IT is getting quotes for a universal remote for the community center TV's. Disposal of the old Police Department computers has begun. IT is gathering pricing on a replacement copier for the Town Attorney's office and a new color copier for Town Hall. IT staff continues to respond to IT support requests via email and phone on a daily basis.
3. **Public Utilities / Engineering** – The Water/Sewer/Storm Drainage Project commenced on August 15, 2011 in the southern sector (Phase I) of the City. The project involves water main / water service replacements, lining of the gravity sewer mains and sewer lateral replacements, rehabilitation of the sewer pump stations, and improvements to the stormwater collection system including three (3) new storm drainage pump stations. Construction also commenced within the Harding and Collins Avenues corridors (with a break that occurred during the holiday season) preceding the FDOT resurfacing project which began in late April 2012. The public information project website continues to be updated frequently.

Phase II (central portion of the Town) construction commenced in late January, 2012 after successful substantial completion of Phase I in mid-January. Phase II contains a majority of the drainage portion of the project as well as rehabilitation and repairs of the sewer and water mains.

Bal Harbour Village has completed the construction / installation of a parallel force main within the Collins Avenue corridor through the Town. Bal Harbour received approval from WASD early in January to connect to the newly installed main. This month, Bal Harbour made the connection to and is currently utilizing the newly constructed / accepted force main. The Surfside project force main improvements from the two (2) sanitary sewer pump stations have been substantially completed and are in the process of being submitted for certification of completion. Upon acceptance, the sewage flow can be diverted into the new Bal Harbour – Surfside force main to allow the old force main to be cleaned, investigated and tested. The appropriate course of action (repair / abandonment / continued back-up utilization) for the old force main can then be determined.

CGA continues to work with the Town Manager regarding the potential for a partial refinancing of the project to reduce the interest cost and provide funding for additional main replacements serving the Collins / Harding Avenue corridors.

### **Stormwater System**

The stormwater system improvements include the installation of a backbone stormwater conveyance system along Bay Drive that will interconnect existing stormwater culverts / piping and direct the run-off from existing outfalls into two (2) drainage pump stations. A third pump station will be constructed on the southern end of Carlyle Avenue to intercept run-off to the existing outfall.

Construction of the Bay Drive backbone stormwater conveyance system has commenced as well as construction of the three associated drainage pump stations.

### **Sanitary Sewer Collection System**

Sewer lateral replacement, television inspection and lining of the gravity sewer mains have commenced in Phase II and shall continue within the Harding and Collins Avenue corridors. TV inspection and main lining (or point repair) of sewer mains will continue Town wide. Rehabilitation of the sewer manholes is a part of the sewer system rehabilitation and will occur after main lining is complete. The improvements being completed on the Sanitary Sewer System are required per a consent decree with Miami-Dade County.

### **Water Distribution System**

Phase II water main installation / replacement is on-going including work outside of the roadway (behind the curb and on private property) including connecting the new meters / water services.

Grant status - Miami-Dade (GOB) Building Better Community Bonds \$829,000 – In place



**Stormwater Master Maintenance**

CGA staff assisted the Town with the response to the Florida Department of Environmental Protection comment letter on the July 2011 submittal of the Year 8 Annual Report Form. The Town staff has implemented the street sweeping program, with a private contractor sweeping every two weeks, as per National Pollution Discharge Elimination System permit requirements.

**Funding Summary –**

<b><u>Funding Status:</u></b>	<b><u>Amount</u></b>	<b><u>Status</u></b>	<b><u>Probability</u></b>
FDEP Grant	\$873,500	In place	100%
FDEP Grant	\$125,000	In place	100%
FDEP Grant	\$100,000	In place	100%
FDEP State Revolving Fund Loan	\$9,312,881	In place*	100%
<b>\$10,411,381 Total In Place Funding</b>			
FEMA/PDM Grant	\$2,949,550	In process**	10%
<b>\$2,949,550 Total In Process Funding</b>			

\*The Town received the letter to incur costs on October 25, 2011.

\*The Town received the letter stating \$9.312MM in available funds for the project on February 28, 2012.

\*\*FEMA Anticipated determination in process funding sources is scheduled for June 2012.

4. **Neighborhood Improvements** – The Town Commission directed CGA to begin design alternatives working with the Contractor for a traffic calming solution for 88<sup>th</sup> St. A resident information meeting was held at the Community Center to obtain resident input and feedback on the conceptual design. This study has been expanded to include upgrades and additions to all existing and potential traffic calming devices Town wide. The Town Commission determined to hold on the additive alternate projects until the water/sewer/storm drainage project was underway for one year to determine if remaining contingency account funding would be available.



## Town of Surfside Commission Communication

**Agenda Item #** 3F

**Agenda Date:** May 8, 2012

**Subject:** Florida League of Cities City Spirit Award

**Objective:** To be awarded by the Florida League of Cities with the City Spirit Award

**Recommendation:** Provide award information and submit to the Florida League of Cities.

**Background:** With the completion of the Community Center an opportunity presents itself for the Town of Surfside to be recognized for completion of a citywide effort addressing a local need. The award recognizes why the project was needed, how the program positively affected our residents and how it strengthened the relationship between Town government and the community.

**Analysis:** The award would be an honor demonstrating the success of the Community Center.

**Budget Impact:** None

**Growth Impact:** Having the prestigious award recognition presents opportunities for the Department to obtain future grants, along with applying for additional awards through this organization and other organizations.

**Staff Impact:** The award nomination has been completed by Surfside resident, Adam Markow, as a volunteer. If the award is received, the Town Manager and a representative of the Town Commission will be invited to attend the annual conference.

Department Head

Town Manager



## Town of Surfside Commission Communication

**Agenda Item #** 3G

**Agenda Date:** May 8, 2012

**Subject:** Florida Recreation and Parks Association (FRPA) Agency Excellence Award

**Objective:** To be recognized by the FRPA as an outstanding Parks and Recreation Department.

**Recommendation:** Provide award information and submit to the Association by the May 1, 2012 deadline. The award presentation will be held at the FRPA State Conference in August 2012 in Orlando.

**Background:** With the completion of the Community Center there is a prime opportunity for FRPA to recognize the growth of the Department. The FRPA provides community education and networking to parks and recreation professionals across the State of Florida. The annual state conference is in August in Orlando. The conference is attended by over 800 delegates who attend week long educational sessions and opportunities to network with other agency members of the Association. The conference concludes with an installation banquet and award ceremony. At the ceremony, the awards are presented to the recipients.

**Budget Impact:** None

**Growth Impact:** The Department will be expected by the FRPA to continue maintaining the award standards to apply every three years. Having the prestigious award recognition presents opportunities for the Department to obtain future grant opportunities.

**Staff Impact:** If the award is received, the Town Manager and a representative of the Town Commission will be invited to the acceptance ceremony.

Department Head

Town Manager





# Town of Surfside Commission Communication

**Agenda Item #** 4A1

**Agenda Date:** May 8, 2012

**Subject:** An Ordinance Amending Chapter 18, Division 3 "Sidewalk Businesses"

**Background:** Sidewalk cafes have become a mainstay of successful downtown districts across the country for decades. This popular amenity is a relatively recent addition to Surfside. The present Surfside sidewalk café code does not address many of the components that accompany existing twenty first century dining in Town. The downtown business community has increasingly pursued alternatives to additionally enhance the business district with the expansion of existing restaurant uses onto Harding Avenue sidewalks. This addition of sidewalk cafes is now a vital aspect of dining options for Surfside and has greatly enhanced the Harding Avenue Business District experience and will continue to contribute to the revitalization efforts for the district. Outside dining is fully supported by the Planning and Zoning Board, Downtown Vision Advisory Committee, Tourist Board, former Beautification Committee, and Surfside Business Association.

In response to the growth in sidewalk usage, and in an effort to manage future expansion of this amenity, the Town Administration reviewed the current Town Code of Ordinances associated with the guidelines and regulations for sidewalk businesses. The conclusion is that amendments to Chapter 18 of the Town Code would allow for a more comprehensive and effective process to provide the restaurants in the downtown business district with the ability to legally expand their operations, to include a sidewalk café component, while providing an effective means of ensuring accessible passage and to address safety requirements.

The sidewalks in the business district, and in fact all sidewalks on Harding and Collins Avenues through the entire length of the Town, actually come under the jurisdiction of The Florida Department of Transportation (FDOT). Therefore FDOT oversees the entire width of Harding Avenue right up to the walls of the buildings in the downtown district. As the Town is concerned about addressing accessible passage and safety requirements, so is FDOT. Through the Administration's ongoing efforts to engage and forge a cooperative working environment with FDOT, meetings were held with FDOT and Town Administration to discuss the way forward on the issue of sidewalk cafes. This Ordinance is a product of such discussions. FDOT also informed the Town that it requires a lease agreement with Surfside

in order for their sidewalks to have cafes. In effect, without a valid lease substantiated with a comprehensive Town management plan (this Ordinance), sidewalk cafes are not permitted by the State on these State controlled rights-of-way. The existing ability to dine outside would be at risk and could result in a detrimental and economically negative effect for the downtown business community and the Town as a whole.

**Analysis:** Although Chapter 18 of the current Town Code contains a provision for open air cafes, said provisions are not comprehensive and do not sufficiently provide for the necessary level of detail required to appropriately administer this program. Additionally, the Town currently does not have a policy or procedure in place to accept, review and process applications and apply fees or issue permits. The new Ordinance would also address the following:

- Management of the placement and condition of sidewalk café furniture to ensure handicap and emergency accessibility as well as enhance the overall Business District aesthetic and experience.
- Prohibit the use of serving stations, including temporary storage of dirty dishes and trash receptacles, as well as the exhibit of food items.
- Provide for a comprehensive violation schedule and procedures for appeal.
- Manage the removal of items in case of emergency (hurricane) or continued violation.
- Formally address the encroachment of cafes in front of their adjacent properties.
- Allow for small menu boards to inform potential patrons.

Bay Harbor Islands, Miami Beach and Sunny Isles all have ordinances regulating sidewalk cafés and include fees associated with permitting the use of the sidewalks. The Surfside Ordinance fee schedule (Ordinance Appendix A) permits the use of the sidewalk via a fifteen dollar (\$15) per square foot charge. This is less than the twenty dollar per square foot (\$20) charge in Miami Beach which has an existing sidewalk café lease agreement with FDOT. Bay Harbour Islands and Sunny Isles utilize a per seat charge process that is more difficult to monitor and manage.

With regard to Surfside's lease with FDOT, the terms and conditions are presently in the negotiation stage. This lease will be brought to the Town Commission, after second reading of this Ordinance, at the April 10, 2012 Town Commission Meeting for review. Both the Downtown Vision Advisory Committee and Planning and Zoning Board had an opportunity at their meetings to revisit this Ordinance. Both organizations recommend the Ordinance as presented. In addition, the Ordinance was reviewed at a meeting of impacted restaurant operators held on March 8, 2012 and all restaurants have been provided the Ordinance at least three times.

Adoption of this Ordinance will allow the Town to provide a process to legally permit sidewalk cafes to existing and future restaurants while providing appropriate processes for application, approvals and monitoring of sidewalk café use.

**Budget Impact:** While the initiation of this program will result in added revenues to the Town via Sidewalk Café permit fees, the charges are in direct relation to the anticipated administrative processing costs. However, a portion of the per square foot annual permit fee (currently anticipated at twenty percent) would go to the Florida Department of Transportation as part of the required lease agreement mentioned above.

**Staff Impact:** Existing staff will manage the application and permitting process as well as Ordinance compliance. The Sidewalk Café Permit process will be blended into the annual Certificate of Use and Local Business Tax Receipt requirements to create a single, seamless application process for the business community.

**Recommendation:** The Administration recommends that the Town Commission adopt this Sidewalk Café Ordinance on second reading.



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Code Compliance Director  
Joe Damien



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TEDACS Director  
Duncan Tavares



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Town Manager  
Roger M. Carlton

**ORDINANCE NO. 12- \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 18 AND SPECIFICALLY DIVISION 3 "SIDEWALK BUSINESSES" AND SPECIFICALLY AMENDING SECTIONS 18-80, 18-81; AND CREATING SECTIONS 18-82, 18-83, 18-84, 18-85, 18-86, 18-87, 18-88, 18-89, 18-90, 18-91, 18-92, AND 18-93 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 establish guidelines and regulations for sidewalk businesses.

**WHEREAS**, The Town Commission held its first public reading on February 14, 2012 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 Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments to the sidewalk business regulations on February 23, 2012 with due public notice and input; and

**WHEREAS**, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on April 10, 2012 and further finds the proposed change to the Code necessary and in the best interest of the community.

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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:

### DIVISION 3. SIDEWALK BUSINESSES

**Sec. 18-80. Open air cafes. Definitions.**

~~As an exception to sections 18-26, 54-62, 54-63 and 54-64 of this Code, a restaurant holding a valid local business tax receipt may serve customers at tables placed on the sidewalks adjacent to the restaurant. The tables may not unnecessarily impede traffic, including pedestrian traffic, or they shall be considered a nuisance and shall be removed. These tables shall be referred to as open air cafes in conjunction with a restaurant or food establishment and shall be considered an accessory use in this district.~~

Town manager means the town manager or the town manager's designee.

Code compliance officer means the code compliance officers, fire inspectors, or any other authorized agent or employee of the Town whose duty it is to assure code compliance.

Menu holder means a board allowing for the posting of a restaurant's complete menu and fabricated in such a manner so as not to constitute a form of general advertising or establishment identification. The location, size, design, materials and color of the menu board shall be approved by the town manager and shown on the sidewalk cafe site plan (as hereinafter defined). Menu boards shall be no larger than one and one half (1 ½) square feet and in conformance with requirements set forth in Article IV Signs of the Code. The menu board shall not be a sandwich or "A" frame sign (as defined herein) provided that for limited special events, the Town may utilize a temporary menu holder.

Permittee means the recipient of a sidewalk cafe permit under the terms and provisions of this division.

Restaurant for purposes of this division only, means a duly licensed food service establishment that is maintained and operated as a place where food and/or beverages are prepared and/or served and sold for consumption within the premises, or a business establishment which has, as an ancillary or secondary use, a part thereof where food and/or beverages are prepared and/or served and sold for consumption within the premises. Sidewalk cafe permits shall be issued to a restaurant whose local business tax receipt or certificate of use licensed for take-out only for certain items and. Such restaurant may have a bench, or similar furniture, only subject to application approval.

Right-of-way means land in which the state, the state department of transportation, the county or

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the town owns the fee or has an easement devoted to or required for use as a transportation facility or street.

Sandwich or "A" frame sign means a freestanding, A-frame structure located on a sidewalk or street which may be placed in position or is collapsible and which contains a sign (as defined in section 90-68).

Sidewalk means that portion of the right-of-way which is located between the curb line or the lateral line of a street and the adjacent property line and which is intended for use by pedestrians.

Sidewalk cafe means a use located on the sidewalk portion of the right-of-way which is associated with a restaurant and is primarily characterized by tables and chairs; may be shaded by awnings, canopies or umbrellas; and may include such other sidewalk cafe furniture (as hereinafter defined) as permitted and/or approved pursuant to this division.

Sidewalk cafe furniture means those nonpermanent items, furnishings and equipment associated with the operation of a sidewalk cafe and approved pursuant to this division including, without limitation, tables, chairs, umbrellas, planters, heaters, fans and menus and/or specials boards.

Sidewalk café signage means a sign located on an umbrella that is used as shelter for sidewalk tables.

Sidewalk cafe site map means a town-approved map detailing the location of the pedestrian pathway as it relates to a sidewalk cafe.

Sign shall have the same meaning as provided for in section 90-68.

Specials board means a board allowing for the posting of a restaurant's daily specials and fabricated in such a manner so as to not constitute a form of advertising or establishment identification. The location, size, design, materials and color of the specials board shall be approved by the town manager and shall be shown on the sidewalk cafe site plan. specials boards shall be no larger than one and one half (1 ½) square feet; and in conformance with requirements set forth in Article IV Signs of the Code. The menu board shall not be a sandwich or "A" frame sign (as defined herein).

Street means that portion of a right-of-way improved, designed or ordinarily used for vehicular traffic and/or parking.

**Sec. 18-81. ~~Conditions and restrictions.~~ Declaration of necessity and intent.**

~~(a) A site plan, drawn to scale, which shall have been approved by building and planning department staff, shall be submitted and approved by the town manager and his/her designee, as appropriate. Such plan shall include the floor plan of the existing restaurant, including tables, chairs and restrooms, and the proposed open air cafe. The plan shall also show the existing parking, any proposed landscaping, location of refuse containers, proposed lighting, layout of all tables, chairs, benches, and other furniture, and pedestrian ingress and egress. An open air cafe~~

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~~located on sidewalks must remain at the elevation of the existing sidewalk. All provisions of the South Florida Building Code with respect to handicapped accessibility and restroom fixtures shall apply.~~

~~(b) The operation of such open air cafe shall not be conducted in such a way as to become a public nuisance and that the operation of such business shall not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets, alleys or sidewalks. A minimum space of 44 inches shall be allowed for pedestrian circulation.~~

~~(e) The service of patrons of the open air cafe shall be at tables only and no counter service, self service or pass through window shall be permitted.~~

~~(d) The open air cafe shall not occupy an area of more than 30 percent of the total area of the primary restaurant operation in the B-1 district.~~

~~(e) The open air cafe shall be unenclosed and shall be open except that it may be covered with a canvas cover or structural canopy of a building's arcade, loggia or overhang as may be permitted by the Code. In the event such covering or canopy is utilized, the permitting requirements of Section 301.1, South Florida Building Code, shall apply.~~

~~(f) All kitchen equipment used to service the open air cafe shall be located within the kitchen of the primary restaurant.~~

~~(g) The open air cafe shall be kept in a neat and orderly appearance and shall be kept free from refuse and debris. After the close of business, all tables and chairs shall be removed from the premises unless they are properly secured.~~

~~(h) No additional signage shall be permitted in the open air cafe area.~~

~~(i) No outdoor speaker, stereo system, live bands, or outdoor entertainment shall be allowed except on occasion when a special permit for an event is issued by the town.~~

~~(j) In reviewing any site plan open air cafe, the department may prescribe appropriate conditions and safeguards in conformity with the provisions of the Code. Violations of such conditions and safeguards, when made a part of the terms under which the open air cafe is approved, shall be deemed grounds for revocation of the accessory use and punishable as a violation of the Town Code~~

~~(k) Seating and tables employed for an open air cafe shall comply with accessibility standards of F.S. §§ 553.501 through 553.513.~~

It is hereby found and declared that:

(1)

There exists the need for outdoor eating establishments (sidewalk cafes) in certain areas of the town to provide a unique environment for relaxation and food and/or beverage consumption.

(2)

The existence of sidewalk cafes encourages additional pedestrian traffic to these areas.

(3)

The presence of sidewalk cafes may however impede the free and safe flow of pedestrian traffic and thus there is a need for regulations and standards for the existence and operation of sidewalk cafes to facilitate and ensure a safe environment in these areas.

(4)

The establishment of permit conditions and safety standards for sidewalk cafes is necessary to protect and promote the general health, safety and

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welfare of the residents of the town and is granted only to the extent the Town enjoys a possessory interest in the sidewalks pursuant to a lease agreement for that purpose by and between the Town and the State of Florida Department of Transportation.

**Sec. 18-82. Removal and storage fees; disposition of property.**

If, pursuant to this Section 18, the town removes, relocates, and/or stores any sidewalk cafe furniture, the permittee shall be responsible for the reasonable expenses incurred by the town for the removal, relocation, and/or storage of all such sidewalk cafe furniture. The town manager shall promulgate and review, as needed, regulations regarding the storage and disposition of sidewalk cafe furniture under this division. The town and its officers and employees after due notice for non-compliance shall not be responsible for any damage to or loss of any sidewalk cafe furniture, removed, relocated and/or stored pursuant to this division.

**Sec. 18-83. Appeals from the decision of the town manager.**

Appeals from decisions of the town manager made pursuant to this division shall be to the special master in accordance with the procedures set forth in sections 15-12 and 15-13 hereof. Appeals from the decisions of the special master shall be to a court of competent jurisdiction by petition for writ of certiorari.

**Sec. 18-84. Notice of Violation.**

1. Code compliance officers shall issue 24-hour warning notices for all non-life safety violations of this division.
2. No warning notices shall be required prior to the issuance of life safety violations and/or sidewalk cafe site plan violations, and such violations shall be corrected immediately. Life safety violations are defined as those conditions which, in the reasonable determination and judgment of the town manager, involve serious danger and/or risk to the public health, safety or welfare (including, without limitation, blocking pedestrian pathways and violations of the state handicapped accessibility code for building construction). Site plan violations are defined to include those instances where the permittee is operating outside of the permitted sidewalk cafe area (as approved herein) and shall include a table or tables set up outside the approved boundaries of the sidewalk cafe site plan, and/or umbrellas, heaters, fans and other sidewalk cafe furniture found to be outside the approved site plan; but shall not be deemed to include instances where a chair or chairs are moved outside the approved boundaries of site plan by a sidewalk cafe patron(s).
3. If a code compliance officer finds a violation of this division, such code compliance officer shall issue a notice of violation to the violator, as follows:
  - a. For non-life-safety violations of this division (where a 24-hour notice has been previously issued within the preceding 60 days for the same violation), a violation will be issued.
  - b. For life safety violations of this division and for site plan violations, no 24-hour

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warning notice is required, and a violation may be issued at any time.

**Sec. 18-85. Civil fines and penalties; denial of future permits to repeat violators.**

1. The following civil fines and penalties shall be imposed for violations of this division:
  - a. First violation \$100.00
  - b. Second violation within the preceding 12 months \$250.00
  - c. Third violation within the preceding 12 months \$500.00
  - d. Fourth within the preceding 12 months \$750.00
  - e. Fifth violation within the preceding 12 months, suspension of the sidewalk cafe permit for one weekend (Saturday and Sunday) and \$1,000.00
  - f. Sixth violation within the preceding 12 months, revocation of the sidewalk cafe permit for the remaining portion of the permit year and \$1,000.00
  - g. Failure to apply for permit—termination of sidewalk cafe operations.
  - h. Failure to renew permit—suspension of sidewalk cafe operations.
  
2. A permittee who has been issued more than six violations pursuant to this division within a permit year shall be prohibited from applying for and obtaining a sidewalk cafe permit for a period of two permit years, following the permit year in which the applicant/permittee incurred the aforestated violations.

**Sec. 18-86. Rights; payment of fine; right to appeal; failure to pay civil fine or to appeal.**

1. A violator who has been served with a notice of violation shall elect either to:
  - a. Pay the civil fine in the manner indicated on the notice; or
  - b. Request an administrative hearing before a special master, to appeal the decision of the code compliance officer which resulted in the issuance of the notice of violation. Warnings may not be appealed.
  
2. The procedures for appeal shall be as set forth in sections 15-12 and 15-13 hereof.
  
3. Failure of the named violator to appeal the decision of the code compliance officer within twenty (20) days after the date printed on the notice of violation shall constitute a waiver of the violator's right to administrative hearing. A waiver of the right to administrative hearing shall be treated as an admission of the violation, and penalties shall be assessed accordingly.
  
4. Any party aggrieved by the decision of a special master may appeal that decision to the circuit court pursuant to section 15-15.

**Sec. 18-87. Recovery of unpaid fines; unpaid fines to constitute a lien; foreclosure.**

1. The town may institute proceedings in a court of competent jurisdiction to compel payment of civil fines pursuant to section 15-14.
  
2. A certified copy of an order imposing a civil fine may be recorded in the public records

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and thereafter shall constitute a lien upon any other real or personal property owned by the violator, and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the filing of any such lien which remains unpaid, the town may foreclose or otherwise execute on the lien.

**Sec. 18-88. Permitted areas; conditional permit; town manager's right to remove sidewalk cafes.**

1. Sidewalk cafes shall only be located where permitted by the town's zoning ordinance and land development regulations, as same may be amended from time to time.
2. The approval and issuance of a sidewalk cafe permit is conditional at all times and shall serve as an exception to sections 18-26, 54-62, 54-63, and 54-64.
3. It shall be unlawful for any person to operate a sidewalk cafe without a valid permit as required by this division. No permit shall issue without a Landlord's prior written approval
4. The town manager shall have the right to immediately remove, after 24-hours written and/or verbal notice to the permittee, any sidewalk cafe furniture used in connection with a sidewalk cafe which is operating without a valid permit.
5. The town manager may cause the immediate removal, relocation, and/or storage of all or part of a sidewalk cafe in emergency situations or for public safety considerations.
6. The town manager may require the temporary removal and/or relocation of all or part of a sidewalk cafe when street, sidewalk, or utility repairs, or other public construction, necessitates such action. If such temporary removal exceeds 15 days, the town manager shall pro-rate the remaining permit fee for each additional day the sidewalk cafe (or portion thereof) is removed and apply a credit toward the following year's permit fee or, upon written request by the permittee, refund the remaining fee to the permittee.
7. Upon written and/or verbal notification by the town manager of a hurricane or other major weather event, or the issuance of a hurricane warning by Miami-Dade County, whichever occurs first, the permittee shall, within no more than four hours of same, remove and place indoors all tables, chairs and any other sidewalk cafe furniture located on the right-of-way. The notification by the town manager of a hurricane or other major weather event, or the issuance of a hurricane warning, shall constitute a public emergency situation as referenced in this division. The town manager may remove, relocate, and/or store any sidewalk cafe furniture found on the right-of-way that has otherwise not been removed by the permittee pursuant to this subsection. Any and all costs incurred by the town for removal, relocation and/or storage of sidewalk cafe furniture shall be the responsibility of the permittee. Sidewalk cafes will not re-open for business following a

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hurricane or other major weather event until notified by the town manager. Violation of this subsection (g) shall result in the issuance of an immediate \$1,000.00 fine, and/or suspension, for up to 30 days, of the sidewalk cafe permit.

**Sec. 18-89. Application.**

- 1. A sidewalk cafe permit shall be effective for one year, from October 1 until September 30 of the following year. During the first year of implementation of this ordinance and/or permit application, the permit fee shall be pro-rated.**
- 2. Application for a permit to operate a sidewalk cafe shall include, but not be limited to, the following information:**
  - a. The name, address and telephone number of the applicant/permittee.**
  - b. The name and address of the business establishment seeking a permit to operate the sidewalk cafe ( including the name and address of the restaurant).**
  - c. A copy of a valid town local business tax receipt to operate the restaurant in front of which the proposed sidewalk cafe will be operating. The total count of chairs to be utilized for the restaurant must include the number of chairs used in conjunction with the sidewalk cafe and the number of chairs inside the restaurant, as authorized by the license.**
  - d. A copy of a valid certificate of use for the restaurant in front of which the proposed sidewalk cafe will be operating.**
  - e. Copies of current certificates of insurance in the amounts and categories required by section 18-93.**
  - f. At the time of the first request for approval, a site plan drafted by the Town Building Official or designee and paid for by the Applicant must be submitted and it shall accurately depict the layout and dimensions of the existing sidewalk area and adjacent private property; proposed location, size and number of tables, chairs, umbrellas, and any other sidewalk cafe furniture; and location of doorways, steps, trees and/or landscaped areas, fountains, parking meters, fire hydrants, bus shelters, directory/kiosks, public benches, trash receptacles, and any other existing public fixtures, furnishings and/or other obstruction(s), within the proposed sidewalk cafe area. The sidewalk cafe site plan must be approved by the town manager prior to the issuance of a sidewalk cafe permit and the permit shall be specifically limited to the subject area shown on the approved site plan. This requirement shall be waived each year thereafter provided there are no modifications to the originally approved site plan. Any changes will require the filing of a new site plan and associated fee.**
  - g. Photographs, drawings or manufacturer's brochures fully describing the appearance and dimensions of all proposed tables, chairs, umbrellas, and any other sidewalk cafe furniture related to the operation of the sidewalk cafe. Tables, chairs, umbrellas, and any and all other sidewalk cafe furniture shall be approved by the town manager prior to the issuance of a sidewalk cafe permit.**
  - h. A copy of the approved sidewalk cafe site plan, shall be maintained on the permittee's premises and shall be available for inspection by town personnel at all times.**
  - i. The annual leasing permit and initial fees are set forth in Appendix A.**
  - j. Applications shall be reviewed for compliance with applicable local, state and**

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federal laws, and must be reviewed and approved by the town's public works department; fire department; office of risk management; finance department; planning and zoning department; and building department.

- k. Prior to issuance of a sidewalk cafe permit, the town's Finance Director shall certify that there are no outstanding fines, monies, fees, taxes or other charges owed to the town by the applicant/permittee and/or the business establishment/restaurant. A sidewalk cafe permit will not be issued until all outstanding debts to the Town are paid in full.
- l. A sidewalk cafe permit may not be transferred and/or otherwise assigned. A new owner and/or operator of a restaurant and/or business establishment with a sidewalk cafe permit will be required to apply for and obtain a new permit.
- m. The permit covers only the public right-of-way. Tables and chairs on private property will be governed by other applicable regulations. No outdoor seating authorized pursuant to this division shall be used for calculating seating requirements pertaining to location of, applications for, or issuance of, a liquor license; nor shall the outdoor seating be used as the basis for computing required seating for restaurants, or as grounds for claiming exemption from such requirements under the provisions of any applicable town, county, and/or state law.
- n. Sidewalk cafes shall comply with all applicable accessibility codes including, without limitation, the Americans with Disabilities Act (ADA), and state code provisions addressing accessibility for building construction, as same may be amended from time to time. Any café that would violate the terms of the lease agreement between the Town and Florida Department of Transportation shall be deemed in violation of this ordinance.

3. Renewals. As provided in subsection 82-371(b), a permittee who has been issued more than six violations pursuant to this division within a permit year, shall be prohibited from applying for and obtaining a sidewalk cafe permit for the following two consecutive permit years. Renewals shall be applied for and accompanied by the business tax receipt and certificates of use applications.

**Sec. 18-90. Permit fee; penalties for late payments; review of fee.**

1. The annual permitting fee for operation of a sidewalk cafe shall be as set forth in Appendix A, and shall be based on a per square foot calculation of permitted sidewalk area (including the area between the tables and chairs).
2. The town manager, in his reasonable discretion and judgment, may suspend or prorate the annual permitting fee in cases of public construction or public emergency situations.
3. The permitting fee shall be paid on or before October 1, and shall cover the time period from October 1 through September 30 of the following calendar year (license year). If the fee exceeds \$2,000.00, the fee may be paid in two semiannual installments, with the first installment due on October 1, and the second due on April 1. No permit shall be issued for any portion of a year, but any person/entity operating a sidewalk cafe for a period beginning after the commencement date of the full permit year (October 1) may obtain a permit for the remaining portion of that permit year upon payment of a pro-rated portion of the permit fee calculated from the first day of the month of issuance of the permit to

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the end of the permit year. Except as expressly provided in this division, no refund of the permitfee shall be granted.

4. Late payments for fees shall accrue at the rate of ten percent per annum for the first 30 days. If the permit fee is not paid within 60 days after it is due, the permit shall terminate automatically. Any continued operation of a sidewalk cafe after termination of a permit shall be construed as operating a sidewalk cafe without a valid license, and the town manager shall have the right to remove, upon 24 hours' written and/or verbal notice to the permittee, any and all sidewalk cafe furniture used in connection with the sidewalk cafe.

**Sec. 18-91. Permitted sidewalk café frontage; requests for expansions.**

1. Sidewalk cafes are restricted to the sidewalk frontage of the restaurant to which the permit is issued or, if the restaurant is an ancillary and/or secondary use to another type of business establishment, the sidewalk cafe shall be restricted to the sidewalk frontage of the building (or portion thereof) of the "primary" business establishment (within which the restaurant is located).
2. An applicant for a sidewalk cafe permit may be permitted, upon prior written request by the permittee to the town manager, to extend by a maximum total of 50 feet in the right-of-way on one side and/or the other side of the restaurant to which the permit is issued (of the business establishment where the restaurant is located); the permittee shall make written application to the town manager setting forth the reason(s) for the proposed expansion and provide a site plan showing the proposed expansion. All requests for expansions pursuant to this subsection (b) shall be reviewed by the town manager on a case by case basis. In reviewing such requests, the town manager, in making his determination to approve or deny, shall consider the following:
  - a. Pedestrian access.
  - b. Visibility of the front of the adjacent owner's business.
  - c. Obstructions.
  - d. Accessibility to the adjacent owner's business by patrons.
  - e. The town manager, shall solicit input from businesses and property owners on the same block including, without limitation, the immediately adjacent (i.e., next door) business and property owners.
  - f. The property owner of record for the applying shall provide written notice via certified mail to the adjacent business establishment (tenant) and property owner of record on to whose frontage the sidewalk cafe proposes to expand. The notification shall include the following information: the name and address of the permittee/business establishment requesting the expansion; the approximate location and size of the area requested; and the name and address of the town

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official and/or employee to forward comments to, and the time period within which to forward said comments (which time period shall be no less than fourteen (14) days). Said notice shall be sent, as to the adjacent business establishment (tenant), to the name and address on file with the town for the establishment's local business tax receipt and, for the property owner, to the name and address identified in the records of the Miami-Dade County Property Tax Appraiser's Officer. Any objections not submitted and received by the town within the date provided in the notice shall be deemed waived.

g. The town manager may also consider any history of violations and/or warnings.

3. In the event of approval by the town manager to expand a sidewalk cafe pursuant to this subsection (b), the additional square footage will be computed into the new permit fee.

4. Notwithstanding the town manager's approval of a sidewalk cafe expansion pursuant to this subsection (b), in the event that the adjacent business establishment and/or property owner (on to which a sidewalk cafe has expanded) subsequently elects to apply for a sidewalk cafe permit to operate a cafe in front of its premises, that new applicant/permittee shall provide the town manager with notice of such intent stating the applicant's name; the property address; the name of the business establishment and/or the restaurant (of which the cafe is a part of); and the anticipated opening date. The town will provide the business establishment (tenant) and property owner which is currently expanding into the proposed new applicant/permittee's frontage with a courtesy copy of the notice. Following receipt of said written notice by the town, and provided that the new applicant/permittee obtains a sidewalk cafe permit, as well as any other required permits and/or licenses for operation of the business establishment and/or restaurant associated with the proposed new sidewalk cafe, then the town manager's prior consent for expansion shall terminate, and the town shall provide written notice to the adjacent sidewalk cafe permittee advising it of such termination, and providing a termination date therefore. The town's notice shall provide the adjacent property owner with at least seven calendar days' notice prior to the effective date of termination of the expansion. Upon the termination date of the town's consent to expansion, the sidewalk cafe permit and the permit fee will be adjusted accordingly.

**Sec. 18-92. Minimum standards, criteria, and conditions for operation of sidewalk cafes.**

1. The permittee shall take any and all actions to assure that its use of the public right-of-way in no way interferes with patrons of other sidewalk cafes, or limits their free, unobstructed passage thereto, or the use of the public right-of way (including sidewalks) by the general public.

2. Sidewalk cafes shall be located in such a manner that a distance of not less than five feet is maintained at all times as a clear and unobstructed five-foot pedestrian path around public amenities and areas such as, by way of example, fountains, landscaped areas (excluding town planters), and seating/shade structures. Notwithstanding the preceding, the town manager, in his reasonable judgment and discretion, and on a case-by-case basis, may approve and allow for a pedestrian path of less than five feet where an applicant/permittee's sidewalk cafe operation would be significantly impacted. In

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considering such cases, and in determining whether an applicant/permittee is "significantly impacted," the town manager may apply the criteria set forth in subsections 82-384 (c)(1)–(4). A five-foot pedestrian path shall also be required and established where the town manager, in his reasonable judgment and discretion, determines that the operation of a sidewalk cafe inhibits pedestrian access to an adjacent business establishment or adversely affects the visibility of an adjacent storefront.

3. No tables, chairs, umbrellas, or other sidewalk cafe furniture shall be permitted within ten feet of a bus bench and/or bus shelter. A distance of five feet shall be maintained from taxi stands, fire hydrants, bike racks, directory signage/kiosks, and/or other similar public street furniture and/or fixtures.
4. No tables, chairs, umbrellas or other sidewalk cafe furniture shall be permitted within five feet of an alley, pedestrian crosswalk, or corner curb cut.
5. No object shall be permitted around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the free use of the tables and chairs by the public, or which would have the effect of obstructing the pedestrian path or public access.
6. The area covered by a sidewalk cafe permit, and the sidewalk and street immediately adjacent to it, shall be maintained in a clean, neat and orderly appearance at all times by the permittee. The area of the sidewalk, curb and gutter immediately adjacent to the sidewalk cafe shall be cleared of all debris during hours of operation, and again at the close of each business day, or as may otherwise be determined by the town manager. The permittee shall be responsible for pressure cleaning the floor surface on which the sidewalk cafe is located at the close of each business day. The town shall pressure wash the right-of-way from time to time in accordance with such schedule as shall be established in the reasonable judgment and discretion of the town manager. In establishing said schedule, the town manager shall use reasonable efforts to assure that the town's pressure cleaning of the public right-of-way occurs at such times as will cause the least disruption to sidewalk cafe operations.
7. Tables, chairs, umbrellas and any other sidewalk cafe furniture shall be maintained in a clean, attractive, and orderly appearance, and shall be maintained and kept in good repair at all times.
8. All sidewalk cafe furniture shall be of high quality, design, materials, and workmanship and shall be maintained in such condition so as to ensure the safety and convenience of the public.
9. Only the sidewalk cafe furniture specifically shown on the approved sidewalk cafe site plan shall be allowed in the permit area.
10. All tables, chairs, umbrellas, and any other sidewalk cafe furniture shall be readily removable, and shall not be physically attached, chained, or in any other manner affixed

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to any public structure, street furniture, signage, and/or other public fixture, or to a curb and/or public right-of-way.

11. The stacking or piling up of chairs shall be prohibited on the right-of-way. Any and all other sidewalk cafe furniture may only be maintained in the permit area during hours of operation provided however, that planters that cannot be readily removed may remain within the permit area subject to the provisions hereof. Notwithstanding anything contained in this subsection, the town manager may require a permittee to store its tables, chairs and/or umbrellas off of the right-of-way if, in his reasonable judgment and discretion, the town manager determines that the sidewalk cafe permit area and immediately adjacent public right-of-way are not being adequately maintained in accordance with this division.
12. No storage of dishes, silverware or other similar sidewalk cafe equipment shall be allowed in the permit area, or in any other portion of the public right-of-way, or outside the structural confines of the building in which the restaurant is located.
13. There shall be no live entertainment or speakers placed in the permit area unless expressly permitted as a special event. Conditions such as hours and days of operation and audio levels will be regulated by the town's special events office, and these may vary during the year.
14. With the prior written approval of the Town Manager or his designee, one menu board and one specials board shall be permitted, per sidewalk cafe, for every 50 feet of frontage.
15. No food preparation, food storage, refrigeration apparatus or equipment, or fire apparatus or equipment, shall be allowed on the right-of-way. The use of garbage receptacles is also prohibited.
16. No food displays shall be permitted on the public right-of-way. No advertising signs or business identification signs shall be permitted on the public right-of-way except that the restaurant name and/or its logo may be permitted on umbrellas but such logos and/or lettering may not exceed six inches in height.
17. Umbrellas shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than six feet eight inches above the right-of-way. Two or more umbrellas may not be clipped, zipped or otherwise fastened together in order to form a tent like structure. Clear plastics or other materials may not be fastened, rolled or otherwise be attached to umbrella edges in order to create an enclosure. No additional signage shall be permitted on the umbrellas.
18. Permittees may make written request to the town manager to use town electricity for powering floor fans during the summer months. Summer months are defined as the period beginning on May 1, and ending on September 30. The town manager will make electrical outlets operable upon payment of a flat fee, which fee shall be determined, and

Ordinance No. \_\_\_\_\_

may be adjusted from time to time, in the reasonable judgment and discretion of the town manager, for each of the calendar days during the summer months. Town electrical outlets will be restricted to powering floor fans only. Using the electrical outlets for powering lights, menu board lighting, and any other electrical device is strictly prohibited. Any outside lighting must comply with existing building codes and is subject to approval. Permittees violating this restriction will have the electrical boxes deactivated and forfeit any monies paid for electrical use. Fans must be UL approved for outdoor use and fan blades must be fully encased for the safety of patrons and passersby. Extension cords are not allowed.

19. No permit shall be granted in an area designated in the sidewalk cafe site map as restricted for special and cultural events; provided however, that the town manager may approve temporary use of such area(s), on a case by case basis, and only for a defined, limited time.

#### **Sec. 18-93. Indemnification and insurance.**

1. The permittee agrees to indemnify, defend, save and hold harmless the town, its officers and employees from any and all claims, liability, lawsuits, damages and causes of action which may arise out of the permit or the permittee's activity on the public right-of-way.
2. The permittee agrees to meet and maintain for the entire permit period, at its own expense, the following requirements:
  - a. Commercial general liability insurance in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage. The town must be named as an additional insured on this policy, and an endorsement must be issued as part of the policy reflecting compliance with this requirement.
  - b. For sidewalk cafes which serve alcoholic beverages, liquor liability insurance in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage. The town must be named as an additional insured on this policy, and an endorsement must be issued as part of the policy reflecting compliance with this requirement.
  - c. Workers' compensation and employers' liability as required by the state.
3. All policies must be issued by companies authorized to do business in the state and rated B+:VI or better per Best's Key Rating Guide, latest edition.
4. The town must receive 30 days' written notice prior to any cancellation, non-renewal or material change in the coverage provided.
5. The permittee must provide and have approved by the town an original certificate of insurance as evidence that the requirements set forth in this section have been met prior to commencing operations.
6. Failure to comply with these requirements shall be deemed to be operating without a

Ordinance No. \_\_\_\_\_

valid permit and shall cause an immediate suspension or revocation of the permit.

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2012.

PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2012.

---

Daniel Dietch, Mayor

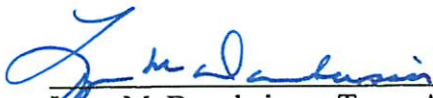
Attest:

Ordinance No. \_\_\_\_\_

Attest:

\_\_\_\_\_  
Sandra Novoa, CMC, Town Clerk

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

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: \_\_\_\_\_

On Second Reading Seconded by: \_\_\_\_\_

**VOTE ON ADOPTION:**

Commissioner Sheldon Lisbon	yes _____	no _____
Commissioner Marty Olchyk	yes _____	no _____
Vice Mayor Michael Karukin	yes _____	no _____
Mayor Daniel Dietch	yes _____	no _____

Ordinance No. \_\_\_\_\_

**APPENDIX A**

**Fee Schedule**

<b>Initial Sidewalk Café Permit Application</b> <b>(Subsequent annual renewals are part of the Certificate of Use process)</b>	<b>\$80 onetime charge</b>
<b>Initial Town Issued Sidewalk Café Site Plan</b> <b>(Not required as part of an annual renewal if unchanged)</b>	<b>\$250 per plan</b>
<b>Annual Sidewalk Café Permit For Use Of Public Space</b> <b>(Percentage due Florida Department of Transportation per annual agreement)</b>	<b>\$15 per square foot</b>

Ordinance No. \_\_\_\_\_





## Commission Communication

**Agenda #:** 4B1

**Date:** May 8, 2012

**Subject:** Amending Sec 2-176 Service Retirement Allowance and Clarify the Normal Retirement Date for Members who are Police Officers

**Background:** The Retirement Plan for the Employees of the Town of Surfside is a Defined Benefit (DB) plan. Defined Benefit plans specify the monthly benefit that vested employees will receive upon reaching normal retirement or early retirement eligibility. This is accomplished by a mathematical formula utilizing a benefit accrual factor for each year of service multiplied by final average compensation earned prior to retirement.

DB plans are actuarially funded by the plan sponsor taking into account actuarial experience which varies from one year to the other. Therefore, the Town's contribution (funding requirements) fluctuates every year. The source of contribution comes from the Town, which is required to contribute the amount mandated by the State Statute and by the actuary. The employee contribution as a percent of covered compensation is 6% for General Employees and 8% for Police Officers. Employee contributions as of January 1, 2009 are pre-tax.

As a condition of employment any full time employee (who works 32 hours or more per week) shall become a member of the plan. Charter officers (Town Manager and Town Attorney) have the option to opt out of the plan at any time.

The vesting (the period of service required for a plan member to earn a legal right to plan benefits) requirement is:

For General employees starting at age 65 or the date that would have been their normal retirement date. General Employees become *partially vested* (50%) in retirement benefits after completing 5 years of Creditable Service with the Town. This vesting percentage increases by 10% for the next 5 years until *fully vested* in retirement benefits after completing 10 years of Creditable Service. Police Officers become *fully vested* in retirement benefits after completing 5 years of Creditable Service.

The Pension Board serves as the trustee and is responsible for the administration and management of the plan assets subject to the responsibility of the Town Commission. The Town Commission's responsibility is to fund the annual requirement and to ensure that an appropriate audit is prepared annually. The plan is fully funded and in excellent financial condition. A special situation has arisen that has caused the Pension Board to request the Town Commission to amend Section 2-176 of the Pension Ordinance relating to Normal Retirement Date for Police Officers.

**Budget Impact:** An actuarial review was conducted (**Attachment 1**). Based on actuarial assumptions the proposed Ordinance is a "no cost proposed Ordinance... this proposed ordinance would reduce future Plan costs".

**Analysis:** Effective October 1, 1984 the normal retirement date for a Police Officer is the (1) date an officer both reaches age 52 and completes 20 years of Creditable Service, (2) **the date you reach age 62 regardless of your service** or (3) the date you complete 25 years of Creditable Service.

The Pension Board held a Special Board meeting on November 17, 2011 to discuss the retirement of a Police Officer who after only serving the Town for four years was eligible to retire and collect a normal retirement pension from the Town regardless of the years of service because the officer was over 62 years old.

The Pension Board concluded that it was unfair to all other members of the plan to allow Police Officers to retire and collect a pension without reaching the vesting requirements of the plan. The Pension Board recommend that the eligibility to retire and collect a retirement benefit at the attainment of age 62 be tied to the vesting requirement of (five) 5 years of creditable service.

**Staff Impact:** We currently have one officer who could be eligible to retire and collect a retirement benefit from the Town due to his/her age. That officer voluntarily agreed to the five year requirement at the time of hire. In order to clarify the Pension Plan so that five years employment is a requirement regardless of age, the Pension Ordinance should be amended.

**Recommendation:** It is the Pension Board's recommendation that the Town Commission approve the amendment to Section 2-176 of the Code that requires a minimum of five years of service regardless of age.

  
\_\_\_\_\_  
Roger M. Carlton  
Town Manager

  
\_\_\_\_\_  
Yamileth Slate-McCloud  
Human Resources Director



Gabriel Roeder Smith & Company  
Consultants & Actuaries

One East Broward Blvd.  
Suite 505  
Ft. Lauderdale, FL 33301-1804

954.527.1616 phone  
954.525.0083 fax  
www.gabrielroeder.com

March 29, 2012

Ms. Mayte Gamiotea  
Pension Administrator  
Retirement Plan for Employees of the  
Town of Surfside  
9293 Harding Avenue  
Surfside, Florida 33154-3009

**Re: Retirement Plan for Employees of the Town of Surfside  
Actuarial Impact Statement**

Dear Mayte:

As requested, we have performed an actuarial review of the proposed Ordinance (copy attached).

Based upon our review, the proposed Ordinance:

1. Provides for normal retirement for Police Officers upon attainment of age 62 and completion of 5 years of creditable service.
2. Repeals all Ordinances in conflict herewith.
3. Provides for severability.
4. Provides for codification.
5. Provides for an effective date.

In our opinion, based upon the actuarial assumptions and methods employed in the October 1, 2011 Actuarial Valuation, the proposed Ordinance is a *no cost* proposed Ordinance under State funding requirements. We would expect this proposed Ordinance would reduce future Plan costs.

Please provide a signed copy of the Ordinance upon passage at second reading for our records.

If you should have any question concerning the above, please do not hesitate to contact us.

Sincerest regards,

Lawrence F. Wilson, A.S.A.  
Senior Consultant and Actuary

Enclosure

cc: Ms. Alyce M. Jones, C.P.A., P.F.S.  
Stuart A. Kaufman, Esq.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SURFSIDE; RELATING TO THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-176 OF THE CODE TO CLARIFY THE NORMAL RETIREMENT DATE FOR POLICE OFFICERS UNDER THE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside sponsors a defined benefit retirement plan for Town employees;

**WHEREAS**, an Amendment to Section 2-176 of the Town Code is needed to further clarify the normal retirement date for police officers in the plan;

**WHEREAS**, the Commission of the Town of Surfside believes that the adoption of this amendment is in the best interests of the citizens and taxpayers of the Town;

**NOW, THEREFORE, BE IT ORDAINED** by the Town Commission of the Town of Surfside:

**Section 1.** Section 2-176, Service Retirement Allowance, is hereby amended and to be read as follows:

**Sec. 2-176. Service Retirement Allowance.**

(a) Normal Retirement Date. Each member who retires or otherwise terminates employment with the town on or after his normal retirement date, as determined below, shall be entitled to receive a service retirement annuity in the amount provided in subsection (c) of this section. Effective October 1, 1984, the normal retirement date for each member shall be the first day of the month coincident with or next following the earlier of:

(1) For members who are police officers:

- a. The attainment of age 52 and the completion of 20 years of creditable service; or
- b. The attainment of age 62 and the completion of 5 years of creditable service; or
- c. The completion of 25 years of service.

**Section 2. 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 3. 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 4. 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 5. Effective Date.** This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this \_\_\_\_ day of \_\_\_\_\_, 2012.

PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2012.

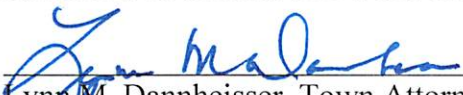
\_\_\_\_\_  
Daniel Dietch, Mayor

**Attest:**

\_\_\_\_\_  
Sandra Novoa, CMC  
Town Clerk



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

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

Moved by: \_\_\_\_\_

Second by: \_\_\_\_\_

**Vote:**

Commissioner Sheldon Lisbon      yes\_\_\_      no\_\_\_

Commissioner Marta Olchyk      yes\_\_\_      no\_\_\_

Vice Mayor Michael Karukin      yes\_\_\_      no\_\_\_

Mayor Daniel Dietch      yes\_\_\_      no\_\_\_



**Town of Surfside  
Town Commission Meeting  
May 8, 2012  
7:00 pm**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**DISCUSSION ITEM MEMORANDUM**

**Title:** Town Manager Employment Agreement Amendment

**Objective:** To amend the Town Manager's Employment Agreement.

**Consideration:** Town Manager Roger Carlton began employment with the Town of Surfside in September 2010 as interim Town Manager. On December 15, 2010 the Town Commission amended his employment agreement to make him permanent Town Manager. The main elements of the amended agreement were an annual salary of \$121,105 which was the amount paid to the previous Town Manager; fringe benefits comparable to other Town Managers in the area; six months severance pay which decreased by one month each month after July 2012 until any severance was eliminated after January 2013; and a pension contribution to the International City Management Association (ICMA) retirement program established as the same blended percentage put into the Town pension plan on behalf of all employees. The term of the agreement was two years renewable at the discretion of the Town Commission in December 2012 for an additional year.

During December 2011 the Town Commission approved a non-pensionable performance bonus for Mr. Carlton in the amount of \$7,266.31. This bonus was for previous year's performance (see attached performance evaluation – Exhibit A). His base salary has not been increased since he began employment with the Town nearly 21 months ago.

**Justification for Adjustments:**

My philosophy regarding employee compensation is "best value" rather than lowest cost. During Mr. Carlton's tenure this Town has made extraordinary strides in many areas including: capital projects (Water/Sewer/Storm Drainage and the Community Center); cleanliness and appearance (the "shine" is being restored in our Town); transparency (first CAFR report since 2006, check register posted online, and much more information on the Town's website and in the Annual Budget); professionalization of staff (mentoring, recruitment, and training); how we engage and respond to our citizens (most initial responses are in a matter of hours); and keeping the Town Commission informed (Points of Light and numerous articles about contemporary government topics). Firmly stated we have a first class professional team led by a seasoned professional who is respected throughout the south Florida community.



**Proposed Employment Agreement Amendments:**

1. Increase annual salary to \$145,000 which is comparable to the Managers' salaries in Bal Harbour Village and Bay Harbor Islands.
2. Exercise the third year renewal option to December 2013.
3. Adjust the termination without cause (i.e., severance) compensation by reducing the amount to five months compensation from May 8, 2012 through the end of July 2013 and then decreasing by one month each month until the end of November 2013. This will bring the termination clause into compliance with new State of Florida Legislation which caps termination at five months.
4. Adjust the retirement contribution to ICMA to 15 percent which is the same percentage provided to the Town Attorney.
5. Adjust life insurance funded by the Town to a total of \$250,000 (less any base provided to general employees).

**Conclusion:**

These adjustments to the Town Manager's Employment Agreement recognize his demonstrated performance, provide comparability with similar nearby communities and actually still below the salary range recently adopted by the Town Commission by adopting the independently prepared Pay and Classification Study, and ensure that there is a reasonable separation between the Town Manager's compensation and those he supervises. The amendments meet the needs of our Town Manager as to where he is in his career path and ensures that this newly elected Town Commission will have an experienced administrator in place during our term. Further, when we seek a new Town Manager in the future, the salary earned by Mr. Carlton is not the base for the recruitment. A new salary range could certainly be established at that time as needed to ensure we find the best successor for our Town Manager.



**Town of Surfside  
Town Commission Meeting  
October 11, 2011  
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**DISCUSSION ITEM MEMORANDUM**

- Title:** Compensation Adjustment for the Town Manager
- Objective:** To recognize the level of service and results demonstrated by our Town Manager over the past twelve months and compensate him a manner commensurate with his performance, consistent with comparable communities, within our budget, and in adherence to the annual review provision in the Town Manager's contract.
- Background:** On September 14, 2010, this Commission voted to hire Roger Carlton as our interim Town Manager for ninety days and on December 14, 2010, voted to hire him permanently. One provision of Mr. Carlton's employment agreement was that the Commission perform an annual evaluation by December 15<sup>th</sup> for possible merit/performance salary adjustment.
- During the June 14, 2011 Town Commission meeting, Commissioner Kopelman placed an agenda item directing the Mayor to review the Town Manager's compensation package. The Town Manager requested the item be deferred until after the FY 11/12 budget cycle was completed. During this process, in part thanks to the Town Manager's work, the millage rate was lowered and there were no increases as originally expected for water/sewer/storm drainage rates. There was also no increase for the very high level of service we receive in solid waste collection and recycling programs.
- Consideration:** It is important to consider Mr. Carlton's performance in the job, comparability/parity with nearby similar jurisdictions and internal equities. There is no established set of guidelines so I reviewed Mr. Carlton's performance on the following criteria I found to be pertinent:
1. **Work Ethic:** The Town Manager consistently works seventy hour weeks, including attending and leading many evening meetings each week.
  2. **Due Diligence:** The Town Manager has quickly familiarized himself with the history of Surfside and has met (and continues to in many cases) with past and present community leaders to gain valuable perspective on issues ranging from cat management to economic development.
  3. **Mentorship:** The Town Manager has mentored department directors and staff in a focused effort to raise proficiency, efficiency and accountability. This action will have a positive, long-lasting impact on the lives of Town employees and has certainly improved the value of service provided to our residents. In addition, the Town Manager's years of

experience in both the public and private sectors and extensive relationships throughout all segments of the South Florida community have been shared without reservation with the staff and the energy level of our key people is visible and felt by all residents and visitors of the Town.

4. **Responsiveness and Demeanor:** The Town Manager provides requested information quickly (a few days at most), calls and e-mails are returned within hours and initiatives are included in the Points of Light for monitoring. He also has an open-door policy for any resident or interested party to meet with him. The Town Manager treats all members of the Town Commission respectfully and fairly and does the same for Boards and Committees. While he has occasionally displayed indignation, he is self-reflective and has modified his behavior accordingly.
5. **Operational Enhancements:** One of our charges to the Town Manager is to implement technology to better deliver services (and reduce operational expenses). This has occurred in the parking program (electronic multi-space meters), water/sewer billing process (using Municode/Muni-bills), Parks and Recreation (automated patron ID system), telephone system conversion to VOIP and the recently initiated program to convert Town records in the Clerk's office and Building Department to electronic images. Improving the Town's website is also underway.
6. **Organizational Improvements:** The Town Manager has realigned the Town administration to better meet the needs of the community. This has occurred in the Clerk's Department where contracts are now monitored and document imaging has begun to improve the availability of public records and reduce storage expenses. A new Code Compliance Office has been hired to bring stability and consistency to our code compliance program. A new Public Works Director was also hired who quickly restored confidence in the Department.
7. **Operational Transparency:** The Town now posts weekly check registers on the Town Website, the CAFR contains financial information never presented to the Town Commission or our citizens in the past, the budget summary contained in our monthly agenda presents both revenues and expenditures to better reflect our economic condition, the Gazette has been enlivened as to format and content, we have a website up and running for two major capital projects giving citizens access to information 24/7, and the Points of Light monthly report keeps us and our constituents up to date on many initiatives.
8. **Enthusiastic Administration:** One of the reasons that I advocated for a new Town Manager was the need for effective administration of Commission policy. We now have it. To be sure, it sometimes means that he moves quickly to accomplish a task or resolve a time-sensitive issue. However, at the end of the day, if the water/sewer/storm drainage project or the recommendations of the Downtown Vision Advisory Committee or reform of the code enforcement program seem too aggressive, we can all vote "no" on any issue or suggest modifications and limitations. Personally, I would rather modify a recommendation or vote "no" rather than have no recommendation to consider.
9. **Development Process:** The Town Manager initiated and brought to life the Development Impact Committee, which is a transformational process to ensure that

major developments are well designed and provide mitigation for their impacts on the Town. The two examples that have gone through the DIC process are the Transacta Lanai 175 room hotel and the Grand Beach Surfside 341 room hotel. Both projects have been modified substantially from the initial proposals for the betterment of the community. The Town Manager has proven himself to be a tough negotiator for offsite contributions totaling more than \$500,000 for the benefit of the Town and its residents and visitors.

10. **Advocacy:** The ongoing issues with the City of Miami Beach relative to their receipt of our sewage and the need to update their aging infrastructure as well as the resolution of the sand pile issue with the Florida Department of Environmental Protection and the recently engaged effort with Miami Dade County to meet their obligations in the Building Better Community Bond issue funded northern sewer force main demonstrate the Town Manager's ability to take tough positions on the Town's behalf. At the same time, the joint force main project with Village of Bal Harbour as well as the street sweeping and bus route expansion program with the City of Sunny Isles Beach reflect a cooperative capability where appropriate.
11. **Innovation and Long-Term Thinking:** While the political process in Surfside creates great challenges for long term thinking (two year election cycle for all members of the Town Commission), the Town Manager's Five Year Financial Plan has created the vehicle for all of us to think how our annual adoption of the budget impacts the goals of revenue diversification and creating adequate reserves that were greatly diminished by cash funding the construction of the Community Center. Innovations, such as alternative financing using bond funds to replace/repair the water/sewer/storm drainage fund is but one example as is the leasing of police vehicles to provide a safe and efficient fleet and actually reduce operational costs.
12. **Continuous Learning:** We receive an extraordinary amount of articles that are relevant to the issues we handle as part of our responsibility to the people of Surfside. We also each meet with the Town Manager to discuss local and regional issues that helps us gain perspective that informs our policy positions.
13. **Sense of Humor:** I love the New Yorker and Wall Street Journal cartoons. We also seem to be able to laugh at Town Commission meetings no matter how contentious the issue and we go home without anger and acrimony. Certainly the Town Manager's desire that we all have fun and feel a sense of accomplishment in our elected roles has a lot to do with this.

In terms of external equity with the salaries of managers in our neighboring communities (e.g., Town of Bay Harbor Islands, Village of Bal Harbour and City of Sunny Isles Beach), there is inequity. While not determinative on its own because many considerations go into each municipality's formula, it should be considered. Our Manager's current salary is \$121,105, while the salary for the manager's in our neighboring communities is significantly higher: Town of Bay Harbor Islands = \$142,116; Village of Bal Harbour = \$146,600; and City of Sunny Isles Beach = \$180,000). The Managers all have comparable benefit packages.

In terms of internal equity, conventional wisdom is that a supervisor should earn more than subordinates. Chief Allen's salary is currently ten percent higher than the Town Manager. This situation is contrary to conventional wisdom.

You have heard me remark on many occasions that there is a time to be low cost and a time to be best value. Certainly, as it relates to our Town Manager, we have best value, and we should recognize his performance and appropriately compensate him for his contribution.

**Recommendation:** The Town Manager's current salary is \$121,105. In order to be respectful to Commissioner Olchyk's concern that the base be kept low for future recruitments, I recommend that the Town Manager receive a \$20,000 one-time, non-pensionable performance adjustment. This will bring his total annual compensation to \$141,105 which addresses both the internal and external inequity. This approach will not increase his base salary this or any year, and as committed to in his employment agreement, he will be eligible for another performance evaluation 12 months from now.

One other adjustment is recommended. The Town Manager's employment agreement states that he receives a contribution to his ICMA retirement program equal to the blended rate of the Town's contribution to the Pension Plan. Due to the Town Manager's and staff's hard work, the Town's contribution to the Pension Plan was lowered 12.8 percent or a \$143,000 reduction during FY 11/12. He should not be penalized by this and his retirement contribution should remain at 15 percent.

**Final Thought:** My recommendation to provide a merit bonus to the Town Manager based on his stellar performance will likely become an issue of debate, particularly in a time where money is tight. However, we do have the money available in the budget. For this reason, I have given careful consideration to this and reached the conclusion that our community has benefitted greatly during the past year from the Town Manager's work and that it is appropriate to award him for this outcome. I think it is appropriate to give a bonus to a Town Manager who has met our objectives and beyond. I welcome your input.

**SECOND AMENDMENT TO EMPLOYMENT AGREEMENT**  
**TOWN MANAGER**

This Addendum to the Employment Agreement dated December 15, 2010 (“Agreement”) approved by Resolution No. 10-1987 is made and entered into this \_\_\_\_\_ day of May, 2012 (“ Second Addendum”), between the Town of Surfside, a Florida municipal corporation, (the “Town”) and Roger M. Carlton (“Town Manager”). The Amendment and Agreement shall collectively be referred to herein as the “Final Agreement”. In the event of any conflict between this Amendment and the Agreement, it is agreed that this Amendment shall control.

**RECITALS:**

WHEREAS, the Town Manager and the Town now wish to extend the Town Manager’s term and amend certain provisions of the Agreement including the salary, payment schedule in the event of severance, and retirement plan;

NOW, THEREFORE, in consideration of the premises and mutual covenants contained in this Agreement the parties agree as follows:

**Section 1. Recitals.**

The above and foregoing recitals are true and correct and are incorporated herein by this reference.

**Section 2. Salary.**

Section 3.1 of the Agreement is now amended as follows:

Beginning May 14, 2012, the Town Manager shall receive an annual salary in the amount of \$145,000.00 payable in equal installments in accordance with the Town's existing pay periods.

**Section 3. Retirement Contribution.**

Section 9 of the Agreement is now amended as follows:

Beginning May 14, 2012, the Town shall contribute into the ICMA retirement program an amount equal to 15 % of his annual salary. This provision shall replace and supersede the provision of Section 9 previously provided in the Employment but in no event shall exceed 15% of the annual salary.

**Section 4. Term.**

Section 17 is hereby amended as follows:

This Second Amended Agreement shall commence on May 8, 2012, and continue until December 15, 2013 unless extended annually by mutual agreement.

**Section 5.**

Section 18.2 relating to termination is hereby amended as follows:

18.2 In the event the Town Commission wishes to terminate the Town Manager without cause prior to the expiration of the Term specified in Section 17, the Town Manager shall receive severance payment as follows:

(i) if terminated without cause between May 8, 2012, through and including the month of July, 2013, a severance payment equal to five (5) months' salary; (ii) in the month of



August, 2013, a severance payment equal to four (4) months' salary; (iii) in the month of September, 2013, a severance payment equal to three (3) months' salary; (iv) in the month of October, 2013, a severance payment equal to two (2) months salary; (v) in the month of November, 2013, a severance payment equal to one (1) months' salary.

For purposes of this Section, "severance payment" shall be based upon the salary specified in Section 3.1 as may be amended from time to time. All severance payments shall be paid to Town Manager in a lump sum upon his termination without cause or within no more than thirty (30) days thereafter at the Town Commission's option.

**Section 6.** Town Manager shall obtain life insurance in the amount of \$250,000 and the Town will reimburse the Town Manager for the cost of the insurance and the related taxes. The amount of reimbursement shall be proportionately reduced by the amount of insurance the Town provides to the general employees. e.g., if the Town provides \$50,000 of insurance to the general employees, the reimbursement shall be 80% of the cost of the Town Manager's policy plus related taxes.

**Section 7.** The balance of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Town, by signature of the Mayor as authorized by the Town Commission in accordance with Resolution No. \_\_\_\_\_ passed on May 8, 2012, and Town Manager have signed an executed this Agreement the day and year first above written.

**TOWN OF SURFSIDE**

By: \_\_\_\_\_  
**Daniel Dietch, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Sandra Novoa, Town Clerk**

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

\_\_\_\_\_  
**Lynn M. Dannheisser,  
Town Attorney**

**TOWN MANAGER**

\_\_\_\_\_  
**Roger M. Carlton**  
Date \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE TOWN COMMISSION OF  
THE TOWN OF SURFSIDE, FLORIDA;  
APPROVING SECOND AMENDMENT TO  
EMPLOYMENT AGREEMENT BETWEEN TOWN  
MANAGER, ROGER M. CARLTON AND THE  
TOWN; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, on September 14, 2010 by Resolution No.1952, the Town Commission approved an Employment Letter between Roger M. Carlton, as Interim Town Manager and the Town; and

**WHEREAS**, on December 14, 2010 by Resolution No. 10-1987, the Town Commission approved an Employment Agreement to employ the services of Roger M. Carlton as Town Manager (see Attachment "A"); and

**WHEREAS**, Roger M. Carlton has agreed to accept the terms and conditions set forth in the Second Amendment to Employment Agreement attached hereto as Exhibit "B."

**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 incorporated herein by reference.

**Section 2. Approval of Employment Agreement.** The Second Amendment to Employment Agreement between Roger M. Carlton and the Town attached hereto as Exhibit "B" be and the same is hereby approved. The terms of said Employment Agreement shall be effective May 8, 2012.

**Section 3. Authorization to Execute.** The Mayor shall execute the Employment Agreement on behalf of the Town.

**Section 4. Effective Date.** This Resolution shall be effective immediately upon adoption.

Motion by Commissioner \_\_\_\_\_, Second by Commissioner \_\_\_\_\_.

Resolution No. \_\_\_\_\_

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012

**FINAL VOTE ON ADOPTION**


Commissioner Sheldon Lisbon \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Michael Karukin \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra Novoa  
Town Clerk

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

  
\_\_\_\_\_  
Lynn M. Dannheisser  
Town Attorney

Resolution No. \_\_\_\_\_



**TOWN OF SURFSIDE**  
**Office of the Town Attorney**

MUNICIPAL BUILDING  
 9293 HARDING AVENUE  
 SURFSIDE, FLORIDA 33154-3009  
 Telephone: 305 993-1065

Ldannheisser@townofsurfsidefl.gov

Lynn M. Dannheisser  
 Town Attorney

**MEMORANDUM**

**TO: Town Commission**

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

**CC: Roger M. Carlton, Town Manager**

**DATE: May 8, 2012**

**SUBJECT: Appointment of Planning & Zoning Board/Design Review Board Members**

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Section 90-15 (d) of the Zoning Code provides as follows:

**“d) Board member term(s): The term of each board member appointment shall begin on the last Thursday of April of the year in which the board member is appointed and end when a successor board member is appointed or on the last Thursday in April, whichever dates comes first. The term of any board member filling a vacancy created on the board as provided in paragraph (e) shall begin at the time of the board members appointment and end the last Thursday in April or whenever a replacement is appointed. “**

This year in light of the special circumstances Emergency Ordinance No. 12-1586 calling for a Special Election provided as follows with regard to appointments:

**Section 6. Contingency Provisions....**The term of all appointed boards shall be extended by an additional month from the date of the special election scheduled herein or from the appointment of the fourth Commissioner.

Accordingly, at this Commission meeting, it is incumbent upon the newly elected full Commission to now appoint or in re-appoint members of the P & Z Board and Design Review Board in accordance with the Code.

**RESOLUTION NO. 2012- \_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPOINTING MEMBERS OF THE TOWN PLANNING AND ZONING BOARD AND DESIGN REVIEW BOARD; PROVIDING FOR IMPLEMENTATION; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 90-52 (d) of the Town of Surfside Code of Ordinances provides in pertinent part:

“(d) *Board member term(s)*: The term of each board member appointment shall begin on the last Thursday of April of the year in which the board member is appointed and end when a successor board member is appointed or on the last Thursday in April, whichever dates comes first...”

**WHEREAS**, this year in light of the special circumstances Emergency Ordinance No.

12-1586 calling for a Special Election provided as follows with regard to appointments:

**Section 6. Contingency Provisions**...The term of all appointed boards shall be extended by an additional month from the date of the special election scheduled herein or from the appointment of the fourth Commissioner, and

**WHEREAS**, Sec. 90-15. - Membership/quorum, minimum qualifications, officers, terms of officers, vacancies, general regulations, recommendations provides in pertinent part as follows:

(1) *Membership/quorum*: The planning and zoning board membership and quorum requirements for zoning matters and design review matters are as follows:

(a) *Zoning matters*: The planning and zoning board, when performing its zoning functions, shall consist of five members. One of the board members must be a Florida-licensed architect or a Florida-licensed general contractor or certified planner (AICP) or a Florida-licensed landscape architect. Each commissioner shall be entitled to one board appointment, not subject to majority approval. Three members present at the planning and zoning board meetings shall constitute a quorum.

(b) *Minimum board member qualifications:* All board members must have been a town resident for a minimum period of one year, except for the licensed architects, including the Florida-licensed landscape architect, if applicable, who must have been a town resident for a minimum period of six months. The Florida-licensed architects must have a minimum of five years of practical experience in the field of landscape design. To the extent that no licensed architect (whether for service on the design review board only as more specifically described in section 90-18 hereinbelow) who is also a town resident can be identified and is willing to serve at the time of appointment to either board, then the commission may select a non-resident architect who otherwise fulfills the requirements of this section, provided that appointment shall be ratified by a majority of the board of commissioners; and

**WHEREAS, Sec. 90-18. - Design review board** provides as follows:

The planning and zoning board, when performing its design review and FEMA variance and appeals board functions shall be constituted as the design review board and shall have seven members. The seven members shall include the five members appointed by the commission and two additional Florida licensed architects, one of which may be a Florida licensed landscape architect. Both of these architects shall be appointed by a majority of the town commission. Four members present at the planning and zoning board design review meetings shall constitute a quorum and at least one of the four members shall be a licensed architect.

**WHEREAS,** the newly elected full Town Commission desires to appoint and approve the members of the Planning and Zoning Board who meet the foregoing criteria;

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

**Section 1. Recitals Adopted.** That the foregoing recitals are true and correct and are incorporated herein by this reference.

**Section 2. Nominations.** The following citizens are nominated to the Planning & Zoning Board:



1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

**Section 3. Nominations.** The following qualified citizens are nominated to the Design Review Board:

1. \_\_\_\_\_
2. \_\_\_\_\_

**Section 4. Approval of Appointment.** That the Town Commission, by majority vote, approves the foregoing nominations to serve on the Board in accordance with the provisions of Section 90-52 of the Code.

**Section 4. Implementation.** That the Town Manager and Town Clerk are authorized to take any and all action which is necessary to implement this Resolution.

**Section 5. Effective Date.** That this Resolution shall be effective immediately upon adoption.

**PASSED and ADOPTED** on this 8<sup>th</sup> day of May, 2012.

Motion by Commissioner \_\_\_\_\_, second by Commissioner \_\_\_\_\_.

**FINAL VOTE ON ADOPTION**

Commissioner Sheldon Lisbon	_____
Commissioner Marta Olchyk	_____
Commissioner	
Vice Mayor Michael Karukin	_____
Mayor Daniel Dietch	_____

\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

\_\_\_\_\_  
Sandra Novoa, Town Clerk

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

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney



## TOWN OF SURFSIDE

9293 HARDING AVENUE  
 SURFSIDE, FLORIDA 33154  
 (305) 861-4863 • FAX: (305) 861-1302  
 WWW.TOWNOFSURFSIDEFL.GOV

### MEMORANDUM

**TO:** Mayor and Members of the Town Commission  
**FROM:** Roger M. Carlton, Town Manager *R. M. Carlton*  
 Lynn M. Dannheisser, Town Attorney *L. M. Dannheisser*  
**DATE:** April 30, 2012  
**SUBJ:** **Reappoint Two Special Masters and Appoint Two New Special Masters**

With the addition of Code Compliance Director, Joe Damien to the Town Senior Staff, our capability to complete cases for the Special Master process has been greatly enhanced. Our underlying philosophy remains to obtain voluntary compliance, however, this desired outcome does not always occur. To ensure a sufficient quantity of Special Masters, Town Attorney, Lynn Dannheisser has recommended that Jimmy Morales, Esq. and Rafael Suarez-Rivas, Esq. be reappointed and that Bruce A. Blitman, Esq. and Aleksandr Boksner, Esq. be appointed. All four resumes are attached.

**RESOLUTION NO. 2012- \_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RE-APPOINTING SPECIAL MASTERS AND RATIFYING TWO NEWLY APPOINTED SPECIAL MASTERS TO BE INCLUDED IN THE LIST; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside enforces its code, in part, through a Special Master system; and

**WHEREAS**, pursuant to Section 15-7 of the Town Code of Ordinances appointments and renewal of appointments of Special Masters are made by the Town Manager; and

**WHEREAS**, Section 15-7 requires that the Commission ratify first time appointments of Special Masters; and

**WHEREAS**, pursuant to Resolution No. 2011-2024, the Town Commission ratified and reappointed Jimmy Morales, Esq. and Rafael Suarez-Rivas, Esq. as Special Masters; and

**WHEREAS**, the Town Manager wishes to update the Special Master List to include two highly qualified individuals and to appoint Bruce Alan Blitman, Esq. and Aleksander Boksner, Esq. as Special Masters; and is seeking ratification from the Commission and reappointment of Jimmy Morales, Esq. and Rafael Suarez-Rivas, Esq. as Special Masters. (See resumes attached as Composite Attachment "A")

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

**Section 1. Recitals.** That the above and foregoing recitals are true and correct and are incorporated herein by reference.

**Section 2. Special Masters Appointments Ratified.** The following Special Masters have been appointed by the Town Manager and are hereby ratified by the Town Commission:

1. Jimmy Morales, Esq.
2. Rafael Suarez-Rivas, Esq.
3. Bruce Alan Blitman, Esq.
4. Aleksander Boksner, Esq.

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

**PASSED** and **ADOPTED** on this    day of May, 2012.

Motion by Commissioner \_\_\_\_\_, Second by Commissioner \_\_\_\_\_.

**FINAL VOTE ON ADOPTION**

Commissioner Sheldon Lisbon	_____
Commissioner Marta Olchyk	_____
Vice Mayor Michael Karukin	_____
Mayor Daniel Dietch	_____

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra Novoa, CMC, Town Clerk

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

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney



**Jimmy L. Morales, Shareholder**  
Miami  
305-789-3532  
jmorales@stearnsweaver.com

Jimmy L. Morales is a Shareholder in the Land Use, Environment and Government Affairs Department. He also serves as a member of the Firm's Board of Directors. His practice focuses on land use and eminent domain, municipal and county law, and governmental affairs. As part of his practice, Mr. Morales currently serves as City Attorney to The City of Doral and Special Master for The City of Miami Gardens. He previously served as Special Master for The City of Sunny Isles Beach and Chief Special Master for the City of Miami Beach. In addition to his legal background, Mr. Morales also brings the perspective of a former Miami-Dade County Commissioner and candidate for Miami-Dade County Mayor. Mr. Morales has represented private clients before both Miami-Dade County and Monroe County, and before numerous cities, including The City of Miami and The City of Miami Beach.

**Practice Areas**

Environment  
Government Affairs  
Land Use

**Industries**

Construction

**Education**

J.D., *magna cum laude*,  
Harvard Law School, 1987  
  
B.A., *magna cum laude*,  
Harvard University, 1984

**Admissions**

Florida, 1987  
District of Columbia, 1989

**Ratings & Certifications**

AV Rated by  
Martindale-Hubbell

**Languages**

Spanish

**Representative Experience**

- Serves as City Attorney for the City of Doral
- Serves as Special Master for the City of North Miami
- Serves on the City Attorney team for the City of Marathon
- Served as Special Master for the City of Sunny Isles Beach
- Served as Chief Special Master for the City of Miami Beach
- Served on the Board of Miami-Dade County Commissioners, District 7 1996-2004
- Served as Chairman of the Code Enforcement Board for the City of Miami

**Community and Professional Involvement**

- Orange Bowl Committee, Active Member
- Autism Speaks, Chairman of the Miami Chapter
- South Florida National Parks Trust, Board of Trustees
- Silver Knight Alumni Legacy Network, Chairman of the Board of Directors
- American Red Cross, Board Member



Jimmy L. Morales - 2

- Aspira of Florida, former Board Member
- Autism Speaks, Walk Co-Chairman 2006 and 2007
- Miami-Dade County's liaison to the Miami Downtown Development Authority and the Miami-Dade League of Cities 1997-2004
- Crime Stoppers of Miami-Dade County, former Board Member
- Dade Foundation, past Chairman, current Board Member
- East Little Havana CDC, former Board Member
- Florida Association of Counties, past Member
- The Florida Bar, Eminent Domain Committee and the Annual Meeting Committee, current Board Member
- Girl Scout Council of Tropical Florida, former Board Member
- Leadership Florida, Graduate
- Leadership Miami, Graduate
- Livability Task Force of the Miami-Dade Alliance for Human Services, Chairman
- National PTA Hispanic Advisory Board, former Member
- Neighborhood Lending Partners of South Florida, Board Member
- University of Miami Center for Autism and Related Disorders, Advisory Board Member
- WLRN Community Advisory Board, Member
- 5,000 Role Models of Excellence Project, Mentor

#### Recognition

- The Greater Miami Chamber of Commerce Bill Colson Leadership Award for Outstanding Leadership and Superior Ability
- The First Annual McClaskey Leadership Award from the Guardianship Program of Dade County
- The Ambassador of the Arts medal from the Dade Cultural Alliance
- The "Civic Trailblazer" Award from the Miami-Dade Alumni Chapter of Bethune-Cookman College
- Inducted into the Miami-Beach Senior High School Alumni Association Hall of Fame
- *South Florida Legal Guide's* annual list of "Top Lawyers in South Florida," 2008-2009; 2011
- *Florida Super Lawyers*, selected for inclusion, 2006-2010





**Rafael E. Suarez-Rivas, Esq.**  
4766 Alton Road  
Miami Beach, Florida 33140  
(305) 674-9546 Home  
(786) 368-6797 Cellular  
suarezrivasr@bellsouth.net

**AREAS OF  
PROFESSIONAL  
CONCENTRATION**

Florida Bar Board Certified – City, County and Local Government Law  
Land Use/Real Estate Law and Litigation  
Procurement Law  
Commercial Law– Public Works and Contracts

**LEGAL EXPERIENCE**

City of Miami, Florida, Assistant City Attorney, 2002-present  
Broward County Hearing Officer, 2003-07  
City of Hollywood, Florida, Senior Assistant City Attorney, 1999-2002  
City of Boca Raton, Florida, Special Counsel, 1999  
Broward County, Assistant County Attorney, 1992-1998  
Katz, Kutter, Haigler & Alderman, Associate, 1991-1992  
City of Miramar, Florida, City Attorney, 1989-1991  
City of Miami, Florida, Assistant City Attorney, 1985-1989  
City of Miami Beach, Florida, Assistant City Attorney, 1982-1985  
Britton, Cohen, Kauffman, Benson, & Schantz, Associate, 1981-1982  
Michael N. Weiss, Esq., Associate, 1980  
United States Attorney's Office, Civil Division, Clerk 1979

**ACTIVITIES**

Lecturer, Procurement and Public Records/Sunshine Law,  
Lorman Educational Systems, 2001-present  
Recipient, Deborah M. Smoot Memorial Editor's Award,  
Florida Bar Journal, 1998  
Member, Central and East European Law Initiative,  
American Bar Association, 1997-1998  
Adjunct Professor, Continuing Legal Education Program  
Florida International University, Miami, Florida 1994-1997  
Editor in Chief, Court Handbook for Dade County Lawyers  
Dade County Bar Association, Pub. 1990  
Editorial Board Member, Florida Bar Journal, 1989-2002, 2005-present  
Board of Editors, The Public Lawyer, 1994-1995  
Member, Local Government Law Section Executive Council  
The Florida Bar, 1992-1994  
Editor, Dade Bar Bulletin, 1987-1988  
Member, Editorial Advisory Committee, Local Government Law  
Symposium, Stetson Law Review, 1987-1993

**PROFESSIONAL  
ASSOCIATIONS**

Florida Bar Association, member since 1980  
American Bar Association, member  
Dade County Bar Association, member  
Cuban-American Bar Association, member

**EDUCATION**

Nova University Law Center, Juris Doctor, 1979  
University of Miami, Bachelor of Arts, 1976

**REFERENCES**

Daniel L. Abbott, Weiss, Serota, Ft. Laud., Florida  
Lucia A. Dougherty, Esq., Greenberg, Traurig, Miami, Florida

Writing samples and additional references available upon request.

## ALEKSANDR BOKSNER

Phone: 305-216-6258; E-mail: [aleksandrboксner@miamibeachfl.gov](mailto:aleksandrboксner@miamibeachfl.gov)

---

### PROFESSIONAL EXPERIENCE

#### **Office of the City Attorney, Miami Beach, Florida**

##### Senior Assistant City Attorney (2009 – Present)

Provide legal counsel to the Miami Beach City Commissioners, City Administrator, and Department Directors in reference to issues pertaining to governmental liability, State of Florida public records, contract interpretation, ordinance drafting and disputes, land use, franchise agreements and fees. Provide contract review for compliance with the City of Miami Beach procurement code, in conjunction with the negotiation of various public/private contracts within the City of Miami Beach. Supervise and prosecute violations of the City of Miami Beach Code under the special master code enforcement procedure. Serve as the Police Legal Advisor to the Miami Beach Police Department. Defend the City of Miami Beach in civil litigation surrounding land use decisions, developmental regulations, orders and interpretations. Handle forfeiture proceedings under the Florida Contraband Forfeiture Act for the City of Coral Gables and the City of Miami Beach.

#### **Office of the County Attorney, Marion, Florida**

##### Chief Assistant County Attorney (2008 – 2009)

Legal counsel to the Marion County Board of County Commissioners, County Administrator, and Department Bureau Chiefs, Directors and county staff in reference to issues pertaining to sunshine and Public records law, sovereign immunity, governmental liability, contract interpretation, ordinance Drafting and disputes, Marion County ordinances, land use, and civil litigation. Legal counsel to the Development Review Committee, Board of Zoning Appeals and Board of Adjustments. Defended the Marion County government and its various departments in civil lawsuits arising from contract disputes, foreclosures, land use, and torts. Supervised the prosecution of Marion County ordinance violations in accordance with Florida statutory law pursuant to Section 162 of the Florida Statutes. Attend, prepared and conducted depositions of party and non-party witnesses. Supervised the legal Support staff, and formulated budget expenditures for the Office of the County Attorney.

#### **Office of the County Attorney, Charlotte County, Florida**

##### Assistant County Attorney (2005 – 2008)

Provide legal counsel to the Charlotte County Board of County Commissioners, County Administrator, and Department Directors in reference to issues pertaining to sovereign immunity, governmental liability, civil rights violations under § 1983, contract negotiation and drafting, ordinance drafting and disputes, Charlotte County ordinances, land use, and civil litigation. Defend the Charlotte County government and its various departments in civil lawsuits arising from contract disputes, bankruptcy, foreclosures, copyright infringement, land use, and torts. Prosecute Charlotte County ordinance violations in accordance with Florida statutory law. Attend, prepare and conduct depositions of party and non-party witnesses. Investigate individual claims filed pursuant to the State of Florida's waiver of sovereign immunity. Conduct complex legal research on various governmental issues and draft corresponding motions.



**NRT Incorporated**, Weston, Florida

Associate Litigation Counsel (2004 – 2005)

Drafted and filed complaints for civil litigation involving matters and cases surrounding real estate transactions. Attended, prepared and conducted depositions of party and non-party witnesses. Reviewed potential cases for possible legal action, submitted correspondence demanding compliance with various contract provisions, and formulated legal opinions on contract provisions. Conducted legal research and drafted appropriate motions. Legal counsel to Managing Brokers and Sales Associates.

**Office of the State Attorney**, Miami, Florida

Assistant State Attorney (2001 – 2004)

*Felony Cases* (2003 – 2004): Prosecuted felony cases from investigation to jury trial. Conducted first appearances, pre-trial conferences, plea negotiations and probation violation hearings. Additionally, handled Rule 3 evidentiary hearings and complex motion practice on various constitutional, statutory, and procedural laws. Responsible for over 300 felony cases.

*DUI/Traffic Cases* (2002 – 2003): Prosecuted DUI and criminal traffic cases from investigation to jury trial. Trained and supervised over 50 Assistant State Attorneys. Prepared the 2003 DUI/Traffic Training Manual for Assistant State Attorneys. Facilitated the criminal investigation of blood draw DUI cases involving issuance of criminal subpoenas for medical records and filing of formal charges. Initiated policies and procedures for issuance of Arrest Warrants in 1<sup>st</sup> degree misdemeanor offenses.

*Misdemeanor Cases* (2001 – 2002): Prepared, oversaw and handled the prosecution of criminal misdemeanor cases. Conducted 25 jury trials. Ensured the efficient operation of the County Court Division. Trained and supervised 5 Assistant State Attorneys.

## **BAR ADMITTANCE**

State of Florida

State of Tennessee

United States District Court, Middle District of Florida

## **EDUCATION AND TRAINING**

**The University of Toledo College of Law**, Toledo, Ohio

J.D., 2001

Participated in Charles W. Fornoff Moot Court Competition, 29<sup>th</sup> Annual Albert R. Mugel National Tax Moot Court Competition, University of Toledo National Moot Court Member, University of Toledo Moot Court Tax Team Advisor

**The University of Cincinnati**, Cincinnati, Ohio

B.A., 1998

### **Specialized Training Seminars**

Florida Association of County Attorney's, Summer 2007

Florida Association of County Attorney's, Summer 2006

Florida Association of Code Enforcement, Summer 2005

Institute of Police Technology and Management (IPTM) Seminar on Horizontal Gaze Nystagmus (HGN) for Prosecutors and Law Enforcement, Summer 2003

Mothers Against Drunk Driving (MADD) Death Notification Workshop, Summer 2003

Florida Prosecuting Attorneys' Association Advanced DUI Seminar, Winter 2003  
Drug Recognition Expert School, Spring 2002  
Florida Prosecuting Attorneys' Association DUI Trial Advocacy School, Winter 2002

### **INTERESTS AND SKILLS**

Prepare and give presentations on legal issues and procedures involving Governmental Liability as it pertains to the operations of Charlotte County Public Works Department, Charlotte County Fire Rescue Department and Charlotte County Parks & Recreation Department, Drug Recognition Expert (DRE) School, Dade County Association of Chiefs of Police (DCACP) Traffic Enforcement Committee, Florida Department of Law Enforcement (FDLE) Breath Testing Certification Course, Institute of Police Technology and Management (IPTM) DUI Case Preparation and Courtroom Presentation.

Involved in community service and professional outreach groups.

Proficient in Windows 98, WordPerfect, Excel, Power Point and Internet

**BRUCE A. BLITMAN, ATTORNEY AT LAW**  
**CERTIFIED CIRCUIT, COUNTY, FAMILY AND FEDERAL MEDIATOR**  
9050 Pines Boulevard, Suite 450  
Pembroke Pines, Florida 33024  
Phone: (954) 437-3446 Fax: Same (Please Call First)

**EDUCATION:** BRUCE A. BLITMAN was admitted to the Florida Bar in 1982. He received his Bachelor of Arts degree from the University of Florida in 1978, and his Juris Doctor degree from the University of Miami School of Law in 1981.

Mr. Blitman maintains a private law practice in Pembroke Pines. He is a sole practitioner with a general civil practice concentrating in commercial litigation, probate administration, and circuit and family mediation.

**MEDIATION TRAINING AND EXPERIENCE:** Bruce is certified by the Supreme Court of Florida as a County, Circuit, and Family Mediator. From December, 1989 until January, 1998, Bruce mediated with the Florida Mediation Group, Inc., a privately owned mediation organization with offices in Miami and Fort Lauderdale. In early 1998, Bruce established his own mediation practice. Bruce has mediated more than two thousand (2,000) court-appointed and stipulated cases throughout Florida, involving such complex and diverse matters as negligence and personal injury claims, labor and employment law, professional malpractice, construction defects, admiralty, eminent domain, commercial and contractual disputes, franchise disputes, workers' compensation disputes and family disputes concerning custody, child support, alimony, and visitation rights.

**ARBITRATION PANELS:** Bruce is a member of the New York Stock Exchange Panel of Arbitrators, the National Futures Association (NFA) Arbitration Panel, the National Association of Securities Dealers' (NASD) Board of Arbitrators, the National Arbitration Forum's National Panel of Arbitrators and Mediators, and the American Arbitration Association's Roster of Mediators. He served as an arbitrator to decide issues arising under the Broward County Sheriff's Office applicable collective bargaining agreements. In 1989, Bruce completed the training required to serve as a qualified arbitrator. Bruce is a qualified arbitrator for the 11th (Dade County) and 17th (Broward County) Judicial Circuits.

**MEDIATION PANELS:** Mr. Blitman has been appointed to Mediation Panels for the Florida Departments of Insurance and Business Regulation, as well as the Mediation Roster for Florida's Growth Management Conflict Resolution Consortium. Nationally, Bruce is a mediator in the U.S. Department of Justice's

Key Bridge Foundation project to promote compliance with the Americans With Disabilities Act (ADA). He is on the nationwide Internal Revenue Service (IRS) List of Mediators. Bruce is also a panelist on the NASD's newly created roster of mediators. He is an arbitrator and mediator/conciliator for the Commercial Dispute Resolution Center of the Americas, and serves on the Roster of Mediators for Franchise Arbitration and Mediation, Inc. In 1999, Bruce was selected by the Miami District Office of the Equal Employment Opportunity Commission to serve as a mediation contractor for the EEOC's new Alternative Dispute Resolution Program. In late 1999, Bruce was selected to serve as a contract mediator in the United States Postal Service's mediation program. In 2000, Bruce was appointed to the Panel of Mediators for National Employment Mediation Services (NEMS). In 2001, Bruce was selected to serve as a mediator for the Florida Agricultural Mediation Service, administered by the University of Florida's College of Law. In 2001, Bruce was invited to join the Franchise Panel of the CPR Institute for Dispute Resolution's Panel of Distinguished Neutrals. CPR is a nonprofit alliance of 500 general counsel of major corporations, leading law firms, and legal academics, established in 1979 to develop alternatives to the high costs of litigation. CPR Neutrals are used to resolve disputes involving major corporations or the government, or issues of public sensitivity. Bruce was enrolled as a Dispute Resolver in the American Health Lawyers Association Alternative Dispute Resolution (ADR) Service from March, 2002 through 2003. In September, 2004, Bruce was certified by the State of Florida's Division of Florida Land Sales, Condominiums and Mobile Homes as a mediator in the area of community association operations for the new mandatory mediation program provided by section 720.311(2), Florida Statutes. In October, 2004, Bruce was selected and trained to serve as a mediator in the Florida Department of Financial Services' (DFS) Mediation Program, which was established to help storm victims resolve claim disputes with their insurance companies as a result of property damage sustained during the 2004 hurricane season. In 2005, Bruce was reappointed to serve as a mediator in the DFS' Mediation Program to resolve claims arising from the 2005 hurricane season.

**SPECIAL MASTER:** Bruce served for four years as a Special Master at the City of Miami Beach's Code Violation hearings.

**UMPIRE:** Bruce is a member of The Windstorm Insurance Network, Inc. (WIND), and has completed the Umpire Certification Course sponsored by WIND. He has served as an umpire in insurance appraisal proceedings to decide claims disputes involving the scope and amount of loss.



**MEDIATION TRAINER:** Bruce has met Florida's qualifications to serve as a primary trainer for circuit civil and family mediation training programs. Bruce worked for four years as an approved training assistant for Circuit Court Mediation with the Mediation Institute of America, Inc. Prior to that, he was on the faculty of Nova Southeastern University's Mediation Institute, where he lectured about mediation and ADR as part of the university's "Mediation In The Community" series. Bruce currently serves as a primary trainer with Dispute Management, Inc. (DMI) for DMI's circuit civil mediation training programs in Orlando. In August, 2002, the Community Associations Institute (CAI) approved Bruce as a facilitator for CAI's *Conflict Resolution* course. CAI is the designated condominium and cooperative educational provider of the State of Florida's Department of Professional and Business Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes. In 2005, Bruce was approved as a volunteer instructor for Florida Atlantic University's Small Business Development Center. He has presented a seminar "The Mediation Advantage: Getting Ahead By Getting Along In Business" at FAU's training site in Fort Lauderdale.

**FEDERAL MEDIATION:** Bruce is a member of the Trial Bar for the United States District Court for the Southern District of Florida. He is certified as a federal mediator in both the United States District Courts for the Southern and Middle Districts of Florida.

**PROFESSIONAL MEMBERSHIPS AND AFFILIATIONS:** Bruce is a Past President and a Diplomate member of the Florida Academy of Professional Mediators. In September, 1997, he received the "President's Award" for his outstanding contribution to the Florida Academy of Professional Mediators. He served as a member of the Mediation Committee for the Broward County Bar Association. He is a current member of the Association for Conflict Resolution (formerly known as the Society of Professionals in Dispute Resolution (SPIDR) and the Association of South Florida (Broward County) Mediators (where he once served on the Board of Directors). He has been a member of the Academy of Florida Trial Lawyers, the Academy of Family Mediators, as well as the Association of Trial Lawyers of America, the Broward County Trial Lawyers Association, and the American Association of Franchisees and Dealers.

**ADR TELEVISION SERIES:** In 1998, Bruce created, produced and hosted a twelve-part television series entitled "The ABC's Of ADR: An Introduction To Mediation, Arbitration and Alternative Dispute Resolution," which aired on a Miami community access television network and reached an audience of approximately 500,000 households.

**PROFESSIONAL ARTICLES AND PUBLICATIONS:** Bruce frequently lectures and writes about the benefits of mediation and alternative dispute resolution. His article, "Mediation In Florida: The Newly Emerging Case Law," was published in the October, 1996 issue of *The Florida Bar Journal* and was selected as a finalist for the Barbara Sanders Memorial Award for Legal Writing by a panel of the Florida Bar Journal Editorial Board. His article, "Florida's Ethics Advisory Committee Breaks New Ground," was published in the Spring, 2001 issue of *Dispute Resolution Magazine*, the quarterly publication of the American Bar Association Section of Dispute Resolution. His article, "Dealing With Discrimination? Consider Mediating ADA Disputes" was published in the Spring, 2002 issue of *MSFOCUS* magazine, the national publication for the Multiple Sclerosis Foundation. His article, "Building Your Practice One Satisfied Client At A Time" was published in the May 1, 2002 issue of *The Florida Bar News* and July 8, 2002 issue of *Lawyers Weekly USA*. His article, "10 Ingredients For An Effective Mediation" appeared in the June-August, 2002 issue of *ADR CURRENTS: The Newsletter of Dispute Resolution Law And Practice*, a national publication of the American Arbitration Association. A similar article, entitled "Ingredients For A Successful Mediation" was published in the August, 2002 issue of *For The Defense*, the national magazine for defense, insurance and corporate counsel. Another article, "Ten Steps To A Successful Mediation" appears in the September, 2002 issue of *TRIAL*, the national publication for the Association of Trial Lawyers of America. His article, "Conflict Resolution Techniques: Dealing With Debtors, Creditors, Clients And Other Adversaries or When The Check Isn't Really In The Mail" was published in the July/August, 2002 issue of *The Commercial Law Bulletin*, the national magazine for The Commercial Law League of America. Another of his mediation articles was published in the November/December, 2003 issue of *The Commercial Law Bulletin*. His article, "Visioning and Coaching Techniques in Mediation", co-authored with Professor Jeanne D. Maes of the University of South Alabama, was published in the May/July 2004 issue of the American Arbitration Association's publication *The Dispute Resolution Journal*. Bruce also collaborated with Professor Maes and Professors Arthur Jeffery and Robert A. Shearer of the University of South Alabama to co-author an article entitled "Using Collaborative Modeling To Mediate Workplace Conflicts." This article was published in the most recent issue of *EQUAL OPPORTUNITIES INTERNATIONAL* (Volume 22, Number 5, 2003). Bruce's article, "Ten Tips To Increase Your Edge In A Competitive Marketplace" was published in the Spring 2006 issue of *ACResolution*, the quarterly magazine of the Association For Conflict Resolvers (ACR), the world's largest association for dispute resolvers.

His article, "The Power of Active Listening", co-authored with Brian Schriener, Ph.D., was published in the November 1, 2006 issue of *The Florida Bar News*.

**ONLINE CONTINUING LEGAL EDUCATION/CONTINUING MEDIATOR EDUCATION COURSE:** In January, 2003, Bruce collaborated with Online CLE Provider, Taecan.com, to create an online mediation course which helps attorneys and certified Florida mediators fulfill a portion of their continuing education requirements. This online offering, *Mediation Matters: Benefits of Mediation, Conflict Resolution Styles, and The Continuum of Alternative Dispute Resolution Processes*, was divided into two parts, *Mediation In Florida* and *Tempering The Tempers: Conflict Resolution Skills For Busy Professionals*. The course (Florida Bar Course Number 1071 3) was approved by The Florida Bar for 2.50 hours of General CLE credit. The program was also eligible for up to 2.50 hours of Continuing Mediator Education credit in Florida. This online mediation course was also approved for Continuing Legal Education credit in California, New York, Arizona and Missouri. The course was available online at [www.Taecan.com/blitman](http://www.Taecan.com/blitman).

**VOLUNTEER SERVICE TO MEDIATION AND LEGAL PROFESSIONS AND TO THE COMMUNITY:** For many years, Bruce has lectured about Mediation and Alternative Dispute Resolution at the Florida Bar's "Practicing With Professionalism" seminars for Young Lawyers. He has spoken to law and graduate students at the University of Miami, Saint Thomas University, Florida International University, Florida Atlantic University and Nova Southeastern University.

In 1994, Bruce was appointed by former Chief Justice Grimes to the Mediator Qualifications Advisory Panel, which issues advisory ethical opinions to certified mediators. He continued to serve as Vice Chair of the Panel (which was renamed the Mediator Ethics Advisory Committee in April, 2000) until August, 2001.

Since 1998, Bruce has volunteered as a program mediator for then newly created Florida Bar Grievance Mediation Program. He is also a member of The Florida Bar Speakers Bureau. In 2001, Bruce was appointed to serve on the Ombudsman Committee For Managed Health Care, District X (for Broward County) by the Florida Agency for Health Care Administration. In January, 2004, Bruce was elected Vice Chair of this Committee and served in this capacity until the Committee's termination in 2005. The Ombudsman Committee helped patients resolve health insurance disputes with their managed care providers.

In 2004, Bruce was elected to the Constituency Board of the University of Miami Center For Autism And Related Disabilities (UM CARD). The purpose of UM CARD is to provide services to individuals who have autism, pervasive developmental disorder, autistic-like disability, dual sensory impairment or sensory impairment with other disabling conditions. It is the purpose of the Constituency Board to provide advice to the Center staff on policies, priorities and activities. In July, 2004, Bruce was appointed to the Advisory Board of The Sterling Aventura, an assisted living community in Aventura, Florida. The Advisory Board helped Sterling Aventura develop additional programs and services to meet the needs of the facility's seniors and their families.

In 2006, Bruce was appointed to the Litigation Alternatives Advisory Committee of the Florida Patient Safety Corporation. The main focus of this corporation, which was created by the Florida Legislature in 2003, is to be an information gathering body to evaluate medical errors in the state of Florida and recommend ways to decrease their occurrences.

In 2007, Bruce was appointed to the Education Advisory Board by the Cooper City (Broward County) Commission. The Education Advisory Board was created for the purpose of advising the City Commission on issues relating to educational matters which impact the quality of education for residents of the City of Cooper City or which will impact education facilities within the City of Cooper City.

Bruce has been a guest speaker at numerous advanced mediation training seminars sponsored by organizations such as Florida's Dispute Resolution Center, The Florida Academy of Professional Mediators, the Association of Broward County (South Florida) Mediators, SPIDR, The Florida Bar and the American Bar Association's Section of Dispute Resolution. Several years ago, he established and chaired the Florida Academy of Professional Mediators' first "Adopt-A-School" Partnership with the Broward County School Board. He continues to chair this Committee. Bruce has also donated many hours to speaking to parents, teachers, and students in elementary, middle and high schools about the importance of resolving disputes peacefully. From 2001 until 2005, Bruce volunteered as a facilitator and Mediation Trainer (he previously served as Co-Chair) for the "Young Diplomats" Project, a partnership program between the School Board of Broward County and the Broward County Bar Association. The program involves high school students throughout the county who are interested in developing their social, communication, mediation and interpersonal relations skills. Bruce served for two terms (six years) as a member of The Florida Bar's Law Related Education Committee. Since 2003, Bruce has

been the Chair of The Florida Academy of Professional Mediators' newly created Community Involvement Committee.

HONORS: Bruce is an Honored Member of Strathmore's "Who's Who Millennium Edition 2000-2001; 2002-2003; 2003-2004; 2004-2005; and 2005-2006" editions. In August, 2001, Bruce was recognized for his contributions to Florida's mediation profession at the Florida Dispute Resolution Center's 10th Annual Conference for Mediators and Arbitrators in Orlando. The DRC presented him with a special Award of Appreciation for his seven years of service as Vice-Chair and a Founding Member of the Mediator Ethics Advisory Committee. In June, 2002, Bruce received the Broward County Bar Association Board of Directors' "Outstanding Service Award" for his work as Co-Chair of the organization's Young Diplomats Program. In August, 2002, The Florida Academy of Professional Mediators presented Bruce with its prestigious Award of Merit. This Award, the highest distinction bestowed upon a mediator by The Academy, is presented to an individual who has made significant contributions to the mediation profession in the state of 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: Roger Carlton**

**Date: May 8, 2012**

**Re: Proposed Bifurcation of Commission Meetings**

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April's Commission meeting generated some discussion about the length of our monthly meetings, particularly when there are zoning matters to be heard on the agenda. Significant zoning matters can, and usually do, last at minimum two hours and sometimes take us until 10:00 PM. This results in the balance of the agenda items getting less than deserved attention.

After some discussion with the Town Manager, we would like to propose as a possible solution to this problem that we bifurcate the Commission Meetings. This would mean that the Town would continue to hold its regular commission meetings on the second Tuesday of each month, but in the event that there are zoning matters on the agenda, the Commission would call for a second special meeting to be held on the fourth Tuesday of the month to hear ***zoning matters only***. That special meeting could be announced at the regular Commission meeting and it would still allow proper time for noticing. In other words, from a structural standpoint, legislative items would be considered at the regularly scheduled monthly Commission meeting and the quasi-judicial matters would be heard on a specially set Commission meeting for the fourth Tuesday of the month.



**RESOLUTION NO. 12-\_\_\_\_\_**

**RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE BIFURCATION OF TOWN COMMISSION MEETINGS IN THE EVENT THAT THE TOWN HAS QUASI-JUDICIAL/ZONING MATTERS TO DISCUSS, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, The Town Charter of the Town of Surfside, Florida provides that the Town Commission may establish procedures relative to Town Commission meetings; and

**WHEREAS**, the Town Commission acknowledges the need to change the procedures relative to Town Commission meetings; and

**WHEREAS**, the Town Commission has determined the new procedures for Town Commission meetings to be in the best interest of the Town of Surfside.

**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.** The following Town Commission Meeting Procedure is hereby adopted.

**a. Regular Meetings.** The Town Commission shall hold regular meetings on the second Tuesday of each month. The meetings shall be held in the Commission Chambers at 9293 Harding Avenue, or such location as may be approved by the majority of the Commission members present and shall be open to the public and all news media.



**b. Special Meetings.** In the event that there are zoning matters to discuss in a given month the Town Commission shall hold a special meeting on the fourth Tuesday of each month to discuss the quasi-judicial/zoning matters only. Such a meeting will be announced at the regular Commission meeting on the first Tuesday of the month or as otherwise designated. The meetings shall be held in the Commission Chambers at 9293 Harding Avenue, or such location as may be approved by the majority of the Commission members present and shall be open to the public and all news media.

**Section 3. Effective Date.** This Resolution shall take effect immediately upon adoption.

**PASSED and ADOPTED** on this \_\_\_\_ day of April, 2012.

Motion by Commissioner \_\_\_\_\_, Second by Commissioner \_\_\_\_\_.

**FINAL VOTE ON ADOPTION**

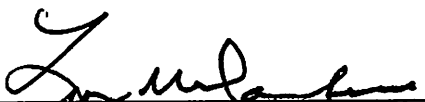
Commissioner Sheldon Lisbon	_____
Commissioner Marta Olchyk	_____
Vice Mayor Michael Karukin	_____
Mayor Daniel Dietch	_____

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra Novoa, CMC. Town Clerk

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

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Lynn M. Dannheisser, Town Attorney



## Town of Surfside Commission Communication

**Agenda Item #** 5E

**Agenda Date:** May 8, 2012

**Subject:** Memorandum of Understanding with Jewish Community Services of South Florida.

**Background:** Jewish Community Services (JCS) of South Florida President/CEO, and Surfside resident Fred Stock, approached the Town of Surfside in an effort to introduce the services offered by the organization. Challenged to also approach Surfside's neighbors by Mayor Daniel Dietch, JCS returned with a program (Attachment A) that would be rolled out to the entire Surf-Bal-Bay community of seniors, regardless of religion, upon the endorsement of the three communities.

In response to increasing social services needs of seniors, and to help mitigate rising costs, JCS plans to establish and manage a membership-based program for seniors designed to support their continued independent living at home. JCS will provide members with a range of social services and amenities for seniors designed to support an active, independent and fulfilling lifestyle for as long as it is safe and appropriate.

The nation's 65+ population will double between 2000 and 2030. This translates to one of every five Americans or 72.1 million people. In part, this senior explosion can be attributed to increased life expectancy resulting in an average of 20 years of post-retirement living.

Increasing longevity is producing significant demands on the healthcare and social service systems in both additional utilization and corresponding financial underwriting of these services. In addition, is the overwhelming preference of these seniors to remain living in the communities they have known for decades – surrounded by family and friends as well as the proximity to familiar surroundings within their community. While aging in place reduces or delays the expense of institutionalization, it can severely strain local municipalities challenged to provide needed services without the essential support of Federal funding.

**Analysis:** One of the largest and most influential social services agencies in Florida, JCS is uniquely positioned to create a comprehensive *Village* program by leveraging and expanding existing programs and services.

JCS has served the needs of South Florida community for more than 90 years. Each year, more than 25,000 people of all ages, religions and ethnicities benefit from our information referral, diverse support initiatives and healthcare-related programs. In addition, JCS enjoys the loyal support of generous benefactors and strong relationships with other community agencies.

The number one priority of their experienced Senior Support Services team is keeping seniors active, healthy and living in their own homes for as long as it is safe and appropriate. JCS' established delivery system for home services includes:

- Behavioral Health Counseling Services
- CareConnect Case Management Services
- Clean Sweep Housekeeping Services
- Holocaust Survivor Support
- Masada Alert Emergency Response System
- Masada Home Care and Companion/Homemaker Services

By creating a “Club” program, JCS’ expertise is more accessible, user-friendly and broader with the addition of concierge-level services for members only. Their team of Licensed Clinical Social Workers; Case Managers; Caregivers and Companions are available to provide services at special, member rates.

Club membership benefits include:

The personalized attention of Service Coordinators:

- Arrange for and coordinate all services – a personal assistant is just a phone call way
- Make ‘friendly’ phone calls to verify service delivery and invite to upcoming events
- Provide emergency assistance when necessary

A wide variety of specially-designed social, cultural and wellness programs such as interest groups, exercise activities, and educational seminars

Door to door transportation services to nearby physicians’ offices, shopping and around-town errands.\*

Personal Emergency Response System for 24-hour help at the push of a button

Monthly newsletter featuring schedule of Club events, wellness tips, membership forum, new vendor announcements and much more

In addition, members can take advantage of the Privileges Discount Program for:

- Dining, entertainment and shopping
- Home delivery of gourmet meals
- Excursions to cultural events and recreational activities
- Prescreened home repair and service providers such as handyman and housekeeping services to computer repair
- Professional care managers help determine, arrange and coordinate healthcare and social services, and update family members if and when appropriate
- Companions to accompany to physicians’ offices, shopping, or community events or serve as a personal assistant
- Professional caregivers, such as nurses and aides, are available to provide a full range of personal care services
- A team of Licensed Clinicians offering an array of counseling support

*\*Service coordinators arrange transportation based on schedule and frequency of demand.*

*Membership*

Annual membership dues for The Club are \$500 for individuals and \$750 for couples. Members can choose to make two payments of \$275 for individuals/\$425 for couples or three payments of \$200 for individuals/\$300 for couples. Note: membership fees do not include the cost of discounted services.

*Specifics of the Agreement for Surfside*

The Town of Surfside is committed to disseminating information regarding Jewish Community Services of South Florida programming and services to all the residents of Surfside through our communications processes.

The Jewish Community Services of South Florida will also provide the following:

1. Designate a staff member who will serve as the Program liaison.
2. Promote their services to the community.
3. Efficiently and effectively communicate to the Town of Surfside any service changes to maximize customer understanding.
4. Provide exceptional customer service to the residents of the Town of Surfside.

**Budget Impact:** None.

**Staff Impact:** Existing staff will be utilized to assist in disseminating the information from JCS to Surfside residents.

**Recommendation:** Staff recommends the Town Commission enter into a MOU with JCS for one year and adopt the accompanying resolution. If the program is successful as expected, the MOU will be extended.

  
TEDACS Director

  
Town Manager

# MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF SURFSIDE AND JEWISH COMMUNITY SERVICES OF SOUTH FLORIDA

The Surf Bal Bay Club

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## **Introduction**

In response to increasing social services needs of seniors living in the community, and to help mitigate rising costs, Jewish Community Services of South Florida (JCS) plans to establish and manage a membership-based program for seniors designed to support their continued independent living at home. JCS will provide members with a range of social services and amenities for seniors designed to support an active, independent and fulfilling lifestyle for as long as it is safe and appropriate.

## **Background**

The nation's 65+ population will double between 2000 and 2030. This translates to one out of every five Americans or 72.1 million people. In part, this senior explosion can be attributed to increased life expectancy resulting in an average of 20 years of post-retirement age living.

This cohorts' increasing longevity is producing significant demands on the healthcare and social service systems in both additional utilization and corresponding financial underwriting of these services.

In addition, is the overwhelming preference of these seniors to remain living in the communities they have known for decades – surrounded by family and friends as well as the proximity to familiar surroundings within their community. While aging in place reduces or delays the expense of institutionalization, it can severely strain local municipalities challenged to provide needed services without the essential support of Federal funding.

## **The Village Model**

An effective way to provide needed services for community-dwelling seniors is the *Village* model which is cost efficient and client centered. While every *Village* program is unique, they have a collective goal: to provide a range of services that foster wellbeing and increase socialization to a defined group, of membership-paying seniors.

Services may include care management, home maintenance, transportation services, social, cultural and wellness activities and access to a wide range of discounted services. The Village model helps insure that all vendors are screened and licensed. Service Coordinators recommend and arrange for appropriate services as warranted, as well as initiate phone contact with each member to insure their wellbeing; arrange for help at home and around town with errands, grocery shopping, home-delivered meals, correspondence, medical appointments and even reading for those with visual problems.

More than 50 Villages, non-profit membership-based programs, are currently operating across the country to support aging in place. Most Villages serve affluent communities with the ability to pay membership dues in exchange for support services. Some communities participate by providing some or all start-up costs and/or by subsidizing memberships for residents meeting income and other criteria.

Considered the pioneer of this model is **Beacon Hill Village** in Boston, which has been in operation since February 2002. A grass-roots effort, Beacon Hill Village is managed and financially supported by its Board of Directors. Operations are primarily conducted by a professional staff and supplemented by some volunteer support. The program has benefited from a great deal of publicity and enjoyed consistent grant funding in recent years. Annual membership dues for Beacon Hill Village are \$640 for individuals and \$925 for households.

Funding sources are as varied as the programs. One program is operated by a hospital while others benefit from private and foundation grants as well as traditional fundraising efforts. Most employ a combination of these combined with membership dues to cover start-up and operational expenses. In an effort to keep expenses at a minimum, some programs are run by volunteers only while most employ some professional staff.

Joining a Village program offers piece of mind to the member and the member's family and reduces isolation while keeping the member in familiar surroundings close to friends, family and neighborhood resources. Help is always just a phone call away from trusted, background-checked providers, and monthly social, cultural and wellness activities offer important socialization opportunities.

### **Building a Better Village – The JCS Model**

One of the largest and most influential social services agencies in Florida, JCS is uniquely positioned to create a comprehensive Village program by leveraging and expanding existing programs and services.

JCS has served the needs of South Florida community for more than 90 years. Each year, more than 25,000 people of





all ages, religions and ethnicities benefit from our information referral, diverse support initiatives and healthcare-related programs. In addition, JCS enjoys the loyal support of generous benefactors and strong relationships with other community agencies.

The number one priority of our experienced Senior Support Services team is keeping seniors active, healthy and living in their own homes for as long as it is safe and appropriate. JCS' established delivery system for home services includes:

- **Behavioral Health Counseling Services**
- **CareConnect Case Management Services**
- **Clean Sweep Housekeeping Services**
- **Holocaust Survivor Support**
- **Masada Alert Emergency Response System**
- **Masada Home Care and Companion/Homemaker Services**

By creating a *Village* or "Club" program, JCS' expertise is more accessible, user-friendly and broader with the addition of concierge-level services for members only. Our team of Licensed Clinical Social Workers; Case Managers; Caregivers and Companions are available to provide services at special, member rates.

Club membership benefits include:

The personalized attention of Service Coordinators:

- Arrange for and coordinate all services – a personal assistant is just a phone call away
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- Provide emergency assistance when necessary

A wide variety of specially-designed social, cultural and wellness programs such as interest groups, exercise activities, and educational seminars

Door to door transportation services to nearby physicians' offices, shopping and around-town errands.\*

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- Professional care managers help determine, arrange and coordinate healthcare and social services, and update family members if and when appropriate
- Companions to accompany to physicians' offices, shopping, or community events or serve as a personal assistant
- Professional caregivers, such as nurses and aides, are available to provide a full range of personal care services
- A team of Licenses Clinicians offering an array of counseling support

\*Service coordinators arrange transportation based on schedule and frequency of demand

### **Membership Fees**

Proposed annual membership dues for The Club are \$500 for individuals and \$750 for couples. Members can choose to make two payments of \$275 for individuals/\$425 for couples or three payments of \$200 for individuals/\$300 for couples. Note: membership fees do-not include the cost of discounted services.

### **Specifics of the Agreement**

The Town of Surfside is committed to disseminating information regarding Jewish Community Services of South Florida programming and services to the residents of Surfside through its communications vehicles.

The Jewish Community Services of South Florida will

1. Designate a staff member who will serve as the Program liaison.
2. Promote their services to the community.
3. Efficiently and effectively communicate to the Town of Surfside any service changes to minimize customer dissatisfaction.
4. Provide exceptional customer service to the residents of the Town of Surfside.
5. This agreement shall commence thirty (30) days from execution by both parties of this Agreement (the "Commencement Date"). This Agreement shall be for a term of one (1) year from Commencement Date, unless terminated sooner pursuant to paragraph 6 of this Agreement. At the conclusion of nine (9) months from the Commencement date both parties shall meet to discuss an extension. Any changes in fees, terms, or conditions shall be accomplished by written amendment to this Agreement with approval by

both parties. Any renewal of this agreement shall be in writing and executed by both parties.

6. This Agreement may be terminated by either party hereto, without cause, by providing the other party written notice thereof by certified mail, return receipt requested, or hand delivery, to be effective forty-five (45) days from receipt of said written notice.
7. Both parties represent and warrant that they, their agents, staff, and consultants employed by them are protected by worker's compensation insurance and that each party has such coverage under public liability and property damage insurance policies which both parties deem to be adequate and in line with other municipalities currently practicing under similar conditions. Certificates for all such policies of insurance shall be provided to the requesting party upon such request in writing.
8. JCS shall defend, indemnify, and hold harmless the Town, its officers, agents, and employees, from and against any and all demands, claims, losses, suits, liabilities, causes of action, judgment or damages, including legal fees and costs, arising out of or, related to, or in any way connected with JCS's performance of non-performance of this Contract. JCS shall defend, indemnify, and hold the Town harmless from all losses, injuries, or damages and wages or overtime compensation due its employees in rendering services pursuant to this Contract, including payment of reasonable attorneys' fees and costs in the defense of any claim made under the Fair Labor Standards Act, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act or any employment related litigation or workers' compensation claims under federal or state law. The provisions of this section shall survive termination of this Contract.

For other and additional good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, JCS, including but not limited to the JCS's officers, officials, employees, representatives, agents, contractors officers, etc., subcontractors and their officers, etc. (hereinafter JCS) hereby agrees to indemnify, hold harmless and defend the Town of Surfside, including but not limited to its officers, agents, subcontractors, officers, officials, representatives, volunteers, employees and all those others acting on the Town's behalf (hereinafter TOWN) against any and all liability, loss, cost, damages, expenses, claims or actions of whatever type or nature, including but not limited to attorney and expert fees and suit cost, for trials and appeals, that the Town may pay, sustain, or incur arising wholly or in part due to any negligent or deliberate act, error or omission of JCS in the execution, performance or non-performance or failure to adequately perform JCS's obligation pursuant to this Agreement.

9. Nothing in this agreement shall be deemed or otherwise interpreted as waiving the Town's sovereign immunity protections existing under the laws of the State of Florida, or as increasing the limits of liability as set forth in Section 768.28, Florida Statutes.

10. This Agreement, regardless of where executed, shall be governed by and construed according to the laws of the State of Florida. The venue for any litigation arising out of this Agreement shall be Miami-Dade County, Florida. The parties hereto acknowledge and agree, for adequate and valuable consideration that they waive their right to trial by jury in any litigation that may arise out of any controversy that pertains to this Agreement.

**Execution of Memorandum of Understanding**

The Town of Surfside and Jewish Community Services of South Florida agree to fulfill their roles and responsibilities as outlined in this Memorandum of Understanding.

\_\_\_\_\_  
Jewish Community Services President/CEO

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town of Surfside Town Manager

\_\_\_\_\_  
Date

**RESOLUTION NO. 2012- \_\_\_\_\_**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACKNOWLEDGING THE PROGRAMMING BEING OFFERED BY JEWISH COMMUNITY SERVICES OF SOUTH FLORIDA TO THE RESIDENTS OF THE TOWN OF SURFIDE.**

**WHEREAS,** the Town of Surfside Town Commission the programs being offered through a Memorandum of Understanding between the Town of Surfside and Jewish Community Services of South Florida to the residents of the Town of Surfside;

**WHEREAS,** in response to increasing social services needs of seniors living in the community, and to help mitigate rising costs, Jewish Community Services plans to establish and manage a membership based program for seniors designed to support their continued independent living at home and;

**WHEREAS,** the Town of Surfside pledges support for the programming through information dissemination to its residents and;

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

**Section 1.** That the Town Clerk is authorized to send a copy of this resolution to the Jewish Community Services of South Florida.

**Section 2.** That this resolution shall be effective immediately upon its passage and adoption.

**PASSED and ADOPTED** on this \_\_\_\_ day of May, 2012.

Motion by Commissioner \_\_\_\_\_, Second by Commissioner \_\_\_\_\_.

FINAL VOTE ON ADOPTION

Commissioner Sheldon Lisbon  
Commissioner Marta Olchyk  
Vice Mayor Michael Karukin  
Mayor Daniel Dietch


\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra Novoa, CMC. Town Clerk

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

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney



**Town of Surfside  
Commission Communication**

**Agenda Item #** 5F

**Agenda Date:** May 8, 2012

**Subject:** Municipal Parking Structure(s) Feasibility Study

**Background:** During the January 17, 2012 Town Commission meeting, staff was directed to prepare an RFP for two municipal parking structures feasibility study in downtown Surfside. Subsequently, Town staff issued RFP #2012-001 requesting bids from qualified, licensed and experienced firms for the parking structure feasibility study. Two sites for the study were identified; the Abbott Avenue lot and the 94<sup>th</sup> Street lot.

Five (5) bids were received and opened on Friday, March 9, 2012. The following is a list of firms that responded:

Rich & Associates  
Desman Associates  
Walker Parking Consultants  
Tim Haahs Engineers & Architects  
Advanced Transportation Engineering Consultants (ATEC)

A selection committee was formed comprised of the following residents, business owners and staff:

Sandra Argow: Resident  
Jessica Flax: Resident  
Sergio Castaneda: Retail Business Owner  
Martin Oppenheimer: Resident  
Duncan Tavares: Tourism Director  
Bill Evans: Public Works Director  
John DiCenso: Assistant Police Chief/Parking Director

The selection committee reviewed the proposals and each firm made an oral presentation. Committee members then individually scored the proposals based upon several evaluation factors which had been published in the RFP. The scores were then totaled and the following rank order was established:

1. Rich & Associates (564.5)
2. Desman Associates (543.87)
3. Walker Parking Consultants (490)
4. Tim Haahs Engineers & Architects (460.06)
5. Advanced Transportation Engineering Consultants (375)

The proposal submitted by Rich & Associates is included as Attachment 1.



Should the Town Commission decide to move forward with a parking structure feasibility study it is staff's recommendation that Rich & Associates be awarded the project as they provided the best overall proposal. Further, a number of Town Commissioners have requested that the Post Office lot (including a new Post Office which would be built into the structure) be considered as a third site. The Town Manager met with the owner of the Post Office site and he is interested in a joint development. Staff has also met with Rich & Associates and the firm will study the third site for an additional \$5,000 which is quite reasonable.

At the April 23, 2012 DVAC meeting Rich & Associates made a power-point presentation explaining their approach to the feasibility study and then answered questions from committee members and others present at the meeting. A motion was made and passed by the DVAC to support the parking structure feasibility study.

**Budget Impact:** The proposers were asked to submit three (3) separate fees; one for the Abbott Avenue lot, one for the 94<sup>th</sup> Street lot and a combined fee for both lots. Depending upon which site(s) is chosen the Rich & Associates cost would be as follows:

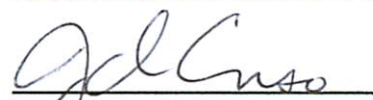
- Abbott Avenue lot - \$25,908
- 94<sup>th</sup> Street lot - \$17,505
- Both lots - \$39,514
- Additional cost for the Post Office lot - \$5,000

Costs for the feasibility study will be funded from available Parking Funds. There will be no impact on the General Fund and no use of property tax funds.

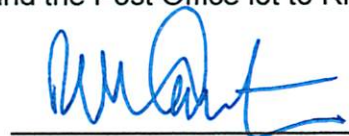
**Analysis:** There has been much discussion and debate over the issue of a parking structure(s) for the downtown area going back twenty years. A parking structure feasibility study conducted by a qualified and experienced firm such as Rich & Associates will provide hard statistical data that will help resolve this debate. Although the parking counts will be done off-season there will be adjustments made to reflect the time of year. If necessary the information can be validated at peak season. Parking revenue and other information that the Town has will also be used to project seasonal demands. The Rich & Associates proposal explains their approach to the study and the December 13, 2011 Town Commission agenda memorandum (Attachment 2) will explain the justification for an independent study. One final question is whether or not the award to Rich & Associates requires that the firm design a parking structure if that decision is made. The answer is an unequivocal "no". The firm may be selected; however, there is no requirement to go beyond the feasibility study with Rich & Associates.

**Staff Impact:** N/A

**Recommendation:** It is recommended that the Surfside Town Commission award the parking structure feasibility study for the Abbott lot, 94<sup>th</sup> Street lot and the Post Office lot to Rich & Associates for a fee not to exceed \$44,514.



John Di Censo  
Assistant Chief



Roger M. Carlton  
Town Manager

RESOLUTION NO. 12-\_\_\_

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A CONTRACT WITH THE FIRM OF RICH & ASSOCIATES, INC. FOR THE MUNICIPAL PARKING FEASIBILITY STUDY; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE TERMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on March 9, 2012 the Town received five (5) apparent responsive and responsible bids for the Municipal Parking Structure(s) Feasibility Study from Rich & Associates, Desman Associates, Walker Parking Consultants, Tim Haahs Engineers & Architects and Advanced Transportation Engineering Consultants (ATEC)., and those bids were publicly opened and read; and

**WHEREAS**, a Selection Committee was formed to assist in the review of the proposals submitted for a Municipal Parking Structure(s) Feasibility Study; and

**WHEREAS**, after reviewing all proposals submitted to the Town and the recommendation of the Selection Committee, and after further review of the lowest bidders, the Town Manager and Staff recommends the selection of Rich & Associates, Inc; and

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

**Section 1.    Recitals.**     The above recitals are true and correct and incorporated into this Resolution by this reference.

**Section 2.    Approval of Award to Rich & Associates, Inc.**

The Town Commission approves the award of this bid to Rich & associate, Inc. as the lowest, most responsible, responsive bidder (RFP Project Number 2012-001) for the Municipal

Parking Structure(s) Feasibility Study. The contract to be entered into shall be in substantially the same form as the contract contained in the RFP.

**Section 3. Authorization of Town Officials.** The Town Manager and Town Attorney are hereby authorized to take all steps necessary to complete the execution of the terms of this Resolution.

**Section 4. Effective Date.** This Resolution shall take effect immediately upon adoption.

Motion by \_\_\_\_\_, Second by Commissioner \_\_\_\_\_.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012

**FINAL VOTE ON ADOPTION**

Commissioner _____	_____
Commissioner Sheldon Lisbon	_____
Commissioner Marta Olchyk	_____
Vice Mayor Michael Karukin	_____
Mayor Daniel Dietch	_____


\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

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Sandra Novoa, CMC  
Town Clerk

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



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Lynn M. Dannheisser, Town Attorney



## ATTACHMENT 1

Parking Garage Feasibility Study Proposal from  
Rich & Associates, Inc.  
is found separately



## Commission Communication

### Agenda Item #

**Agenda Date:** December 13, 2011

**Subject:** Parking Garage Feasibility Study Discussion

**Background:** Much like the need for upgrading the water/sewer/storm drainage system and the discussion of how many floors the Community Center should provide once the determination was reached to tear down the old facility, the debate and dissent regarding a parking structure to serve the downtown business district has been underway for many years. The current Town Commission had the courage to move forward with the water/sewer/storm drainage system and to incorporate the addition room in the Community Center. Each of these decisions was based on professional analysis supported by community participation.

In the case of the water/sewer/storm drainage system bond financing was first analyzed in the Tischler Bise rate study to determine what rates would be necessary to repay a bond issue. The initial rate study was subsequently updated to adjust for lower than anticipated interest rates and current cost estimates. The updated rate study was then used by the Town's bond counsel Bryant Miller Olive and Financial Advisor Public Financial Management Group to help structure the debt and to market the issuance in the broadest possible manner to ensure low rates. Each of these steps were incremental until the Town Commission made the final decision in April, 2010. The Administration and Town Commission were advised by a Citizen Committee comprised of resident experts in various elements of the project. That advice was extremely beneficial and became an important element of justification for the project.

The determination to build the addition room for the Community Center was based on cost estimates which were prepared by the design consultant AECOM, intense scrutiny by project manager Calvin/Giordano and value engineering required by the Administration to ensure that the \$250,000 budget was achievable. The Parks & Recreation Committee and the Tourist Board were involved with the Tourist Board providing funding for the design cost for the room.

The determination regarding development of a parking structure should and has so far followed the same process as has proven successful in the previously described two situations. To date, the Downtown Vision Advisory Committee which represents a broad



spectrum of citizens and concerns for all Surfside has unanimously recommended that a feasibility study be initiated (detail regarding garage feasibility studies follows later in this memorandum).

The Administration incorporated a survey of parking demand at all municipal lots by the engineering firm retained to plan the Town wide parking lot renovations at very low additional cost. That independent analysis of actual parking demand when adjusted for seasonality and store vacancies concluded that the Abbott lot (95th-96th Street) was over capacity at peak times. The Town Commission was presented with this information during the November 8, 2011 meeting as well as additional concepts to enhance downtown including an alley upgrade (east and west of Harding) and a wayfarer sign program. Collectively these and other programs such as vacant store window treatment, enhanced code enforcement, sidewalk café ordinance, newspaper rack ordinance and encouragement of better sign and storefront renovation design in coordination with the DRB have created a new excitement downtown which is increasing business and reducing vacancy duration. We will soon be announcing a long desired national food tenancy which in major part is happening due to this new energy downtown. Finally as a capstone, the property owners have become active and supportive including investing in their properties and helping to energize a Business Improvement District.

#### **How is the Parking Enterprise Fund Structured?**

It is important to understand that Surfside financially accounts for the parking program as an Enterprise Fund. This means that the revenues and expenses are accounted for separately from the property tax supported General Fund. It further means that 1) parking program revenues must equal or exceed expenses and that 2) prudent rate setting generates a reasonable surplus, 3) sufficient to maintain existing facilities in first rate condition, 4) modernizing systems when appropriate and 5) grow the amount of spaces when real world market conditions in the downtown business district require additional capacity. There is one more factor to consider for a parking enterprise fund and 6) that is to generate sufficient funding capacity to support Comprehensive Plan goals and parking related elements in a Five Year Financial and Strategic Operations Plan which is a critical element of any well managed and policy directed community. Following is a brief evaluation of the current status of each of the six criteria referenced above:

- 1) Parking program revenues in Surfside significantly exceed expenses and have achieved this goal for a number of years. These available revenues have enabled the current Town Commission to greatly improve the parking system without any General Fund property tax support.
- 2) Parking rates in Surfside for both short term and monthly parkers are reasonable and comparable to other jurisdictions with municipal programs. The rates are significantly below those charged by nearby private parking facilities.
- 3) This Town Commission has actively moved to maintain and improve the existing parking system. The Town Commission approved the retention of a consultant to review all parking lots for maintenance needs and plans have been submitted for staff review. The renovation and expansion of the 95<sup>th</sup> Street lot (Post Office) has



been completed as has the employee lot where the portables were formerly located. Work will begin on all the remaining lots in mid-January.

- 4) Available funds in the parking program have been used to install the multi-space meters which accept credit cards and bills. This decision made by the current Town Commission has greatly increased customer convenience; improved aesthetics and nearly doubled revenue generated from the old deteriorated single-space meters. The Town has also upgraded its maintenance capacity allowing most meter issues to be resolved in hours rather than days as in the past. This has been achieved with Town staff reducing operating cost by \$10,800 per year.
- 5) Growing the number of spaces when market conditions require is a long term process which cannot be achieved in a single two year Town Commission term. This Town Commission has made the correct decisions to expand the 95<sup>th</sup> Street lot (project completed) and acquire land south of Town Hall to allow additional parking for the new Community Center (project completed) . The investment made in land acquisition and construction of these facilities exceeds \$1.3 million. The entire amount has been provided from the Parking Enterprise Fund without any General Fund property tax support.
- 6) The expansion of parking capacity to meet criteria in the Comprehensive Plan and the Five Year Financial and Strategic Operations Plan is a complex situation that this analysis will only touch briefly. In terms of the Comprehensive Plan, objective 6 requires adequate parking. "The Town shall provide an adequate supply of parking to serve the business area and major community facilities". Policy 6.1 requires the Town to consider the financial feasibility of conducting a "Parking Trust Fund Study" to evaluate the areas best suited for development, cost, funding techniques and sources, and timeline to construct parking garages within the business district, as identified in the November 2006 Charrette. It is the Administration's position that the recommended feasibility study will complete this requirement and that the work of the DVAC Committee and our parking lot renovation consultant met the required start-up date of June 2011.

The Five Year Financial and Strategic Operations Plan has an underlying and fundamental principle to evolve the mix of property tax generation from its current 88.5 percent residential/commercial ratio to a much more equitable 80 percent ratio over five years. This important goal is not achieved by wishful thinking. It is achieved by creating a hotel supportive environment that convinces developers to build hotels rather than condominiums. It is achieved by investing in downtown to support restaurants and retail establishments thereby generating additional resort taxes which offset the need for property taxes. Simply stated downtown cannot flourish and expand its non-property tax revenue generating capacity without adequate parking.

It is also important to mention that one of the elements of a potential settlement of the Young Israel issue requires the institution to make a contribution to the Parking

Trust Fund. It is reasonable and responsible to assume the Town's intention to build a garage using the funds generated from the Young Israel and other payments.

### **What is the goal of a Parking Garage Feasibility Study?**

It is the goal of a parking garage feasibility study to independently and rationally determine if a parking garage is necessary, economically justified, self-supporting and sized properly. Secondary level issues analyzed include the best funding strategy, the potential and advisability of a public/private partnership to limit the financial risk and the amount of public funds needed from the Town and the potential for ancillary uses such as artists lofts on the west side of an Abbott garage to blend better with the single family neighborhood to the west, the potential to rent/acquire store front(s) on Harding Avenue to "punch through" a mid-block access point for better pedestrian convenience and the potential for alley development along the rear face of Harding Avenue stores to clean up a very uninviting transition from the garage to the retail areas.

### **What are the elements of a Parking Garage Feasibility Study?**

The first element of parking garage feasibility study is an analysis of parking demand with estimates into the foreseeable future....usually 5 to 10 years. This work has already been done and has been presented to the Town Commission. This report is the result of Town Commission discussion during that presentation. To validate the parking counts already completed with 5-10 year projections is not a complex task and will be a very small element of the cost of the feasibility study.

2) The second task is to develop a 5-10 year "pro-forma" analysis of the financial operation of the garage reflecting revenues and expenses. This analysis results in "operating income" available for debt service should debt be necessary to fund the facility. In fact, the net operations of the entire Parking Enterprise Fund may be sufficient to build the facility without debt or a public/private partnership where the Town's only contribution is a long term lease on the land may achieve the goal of providing adequate parking without any further financial contribution from the Town. The feasibility study provides independent financial analysis that is used by our financial advisor and bond counsel if the Town chooses to finance the garage or the private sector if a public/private partnership is the best choice. Without this analysis it is nearly impossible to seek out and receive the best possible financial transaction for the Town. Payments to the Parking Trust Fund are also included to help retire debt or reduce construction cost.

3) The third task is to analyze the financial and operational impacts of optional additive items for the project. Will it be feasible to have a "west side liner building" of artists lofts to soften the impact of the west side of the parking structures on the Abbott Avenue residences? How will traffic entering and exiting the building be handled, what will it cost to clean up the alley on the east side of the garage and create a transition to Harding Avenue at mid-block? These and other issues are resolved in the study in order to allow the best possible decision making on the part of the Town Commission and full transparency for the community.


**What is the process to complete the study?**


Should the Town Commission accept this report the following steps would be taken:

- 1) The Administration would appoint a committee similar to the water/sewer/storm drainage citizen committee to help develop an RFP and to recommend to the Town Commission the ranking of the consulting firms that would complete the study. Time required to prepare the RFP for Town Commission approval would be 30 days placing the RFP on the January agenda.
- 2) The RFP would be advertised for 30 days and analysis, interviews and ranking would take another thirty days resulting in a recommended contract being brought to the Town Commission in April, 2012.
- 3) The study itself would require approximately 120 days thereby providing the Town Commission with the information necessary to make a "go/no go" decision on the project in September, 2012. Once this decision is made, there would be numerous decision points for the Town Commission until either a developer (public/private partnership) or a design firm/contractor (Town builds) are selected.
- 4) At best, the entire process from feasibility study to occupancy is a two year effort.

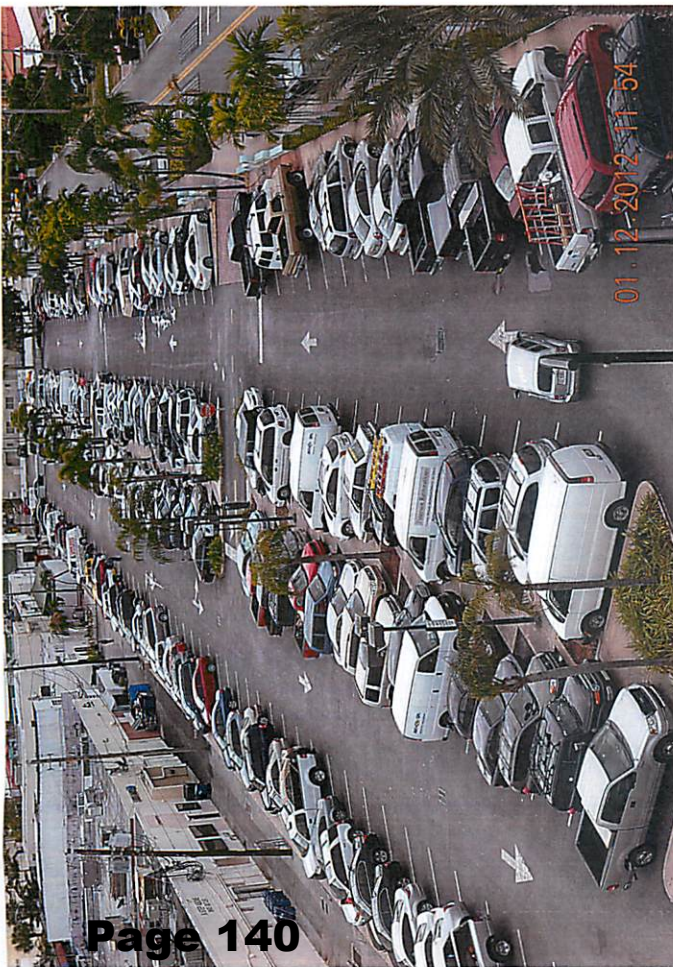
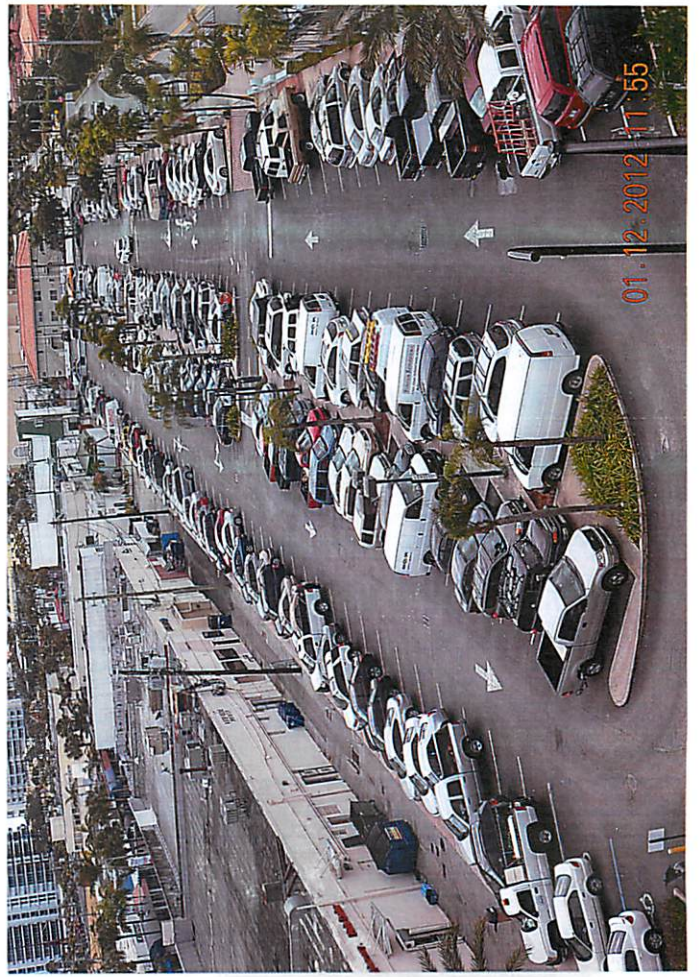
**Conclusion:**

Given the on-going renewal of our downtown and the many other factors addressed in this report, it is time to move forward with the feasibility study report just as the Town Commission determined it must move forward with completing the addition to the Community Center and the water/sewer/storm drainage project. This would be the first of many steps and many more decision points until a final commitment would be necessary. It will also fulfill the request of the downtown merchants and property owners as expressed through the DVAC Committee. There will also be many opportunities for citizen input along the way.

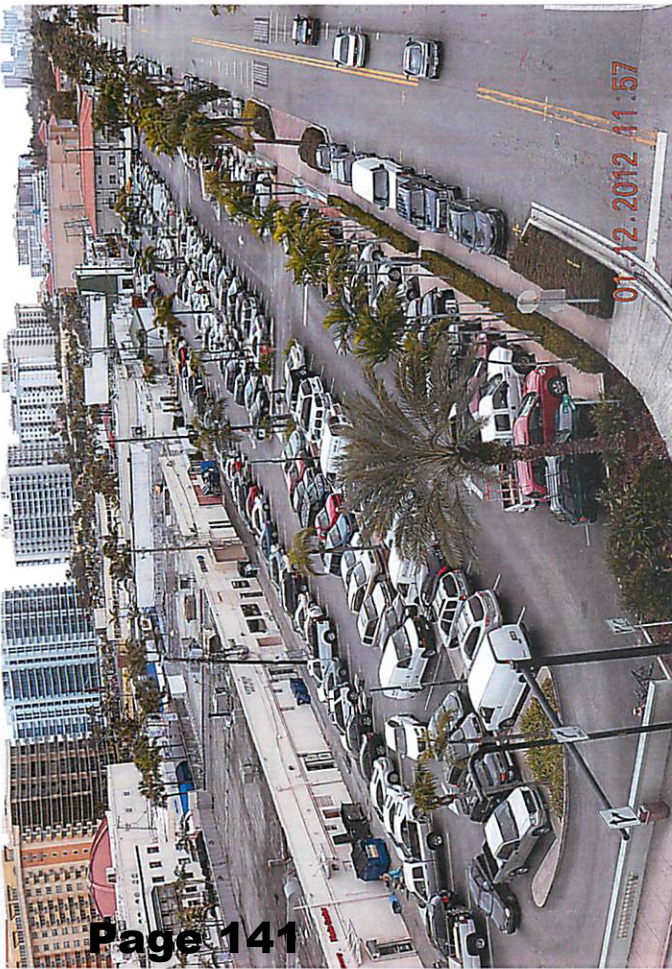
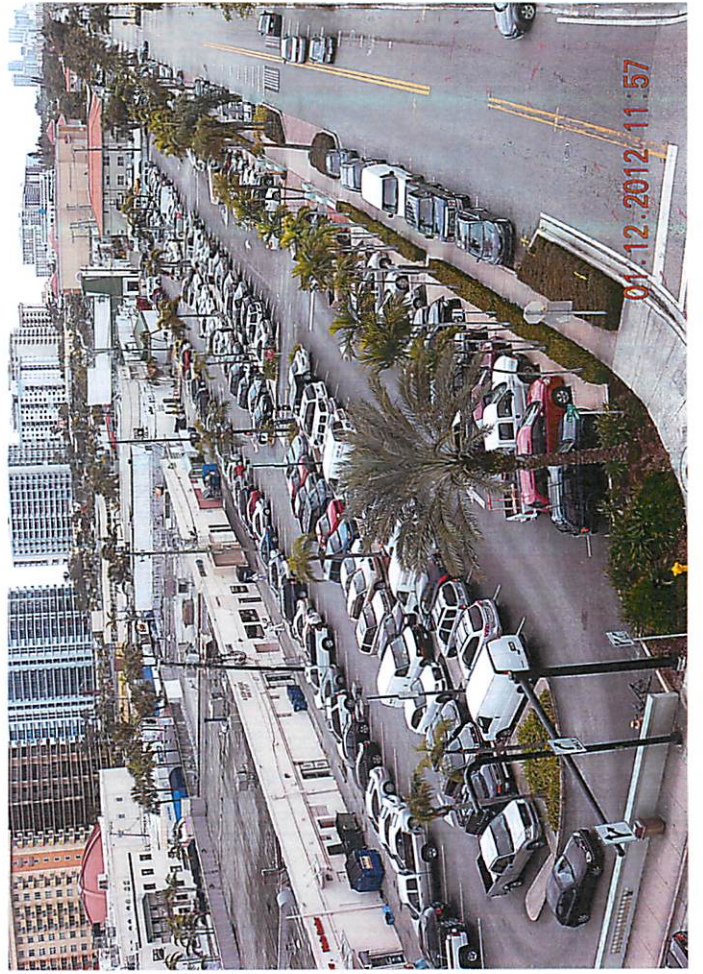
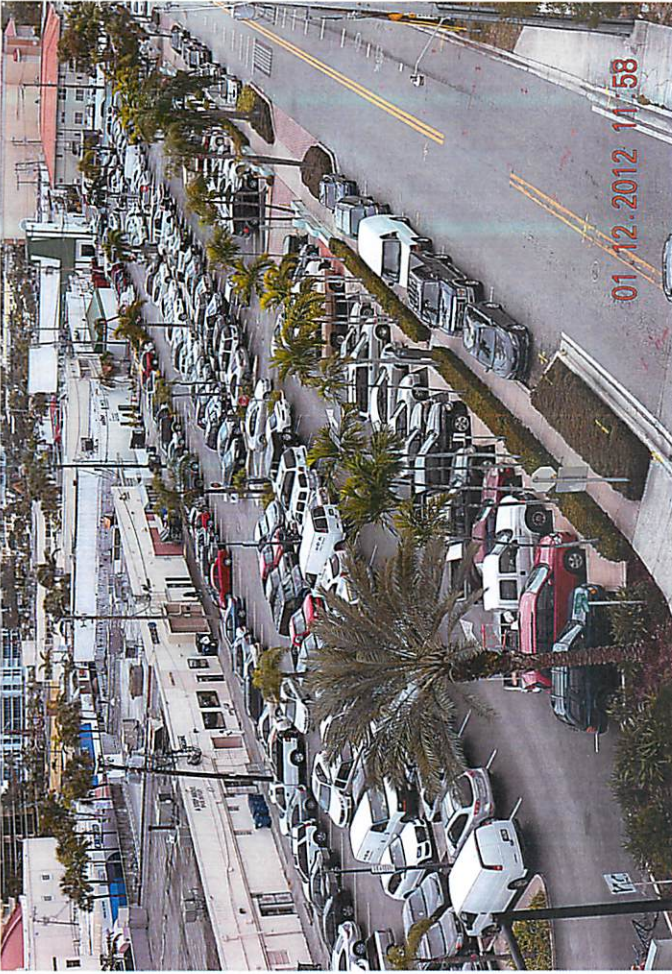
  
\_\_\_\_\_  
John Di Censo  
Assistant Chief

  
\_\_\_\_\_  
Roger M. Carlton  
Town Manager













# Town of Surfside Commission Communication

**Agenda Item #:** 5G

**Agenda Date:** May 8, 2012

**Subject:** Three Phase Work Authorization to include Traffic Calming, Seawall Inspection and Landscape Architecture

**Objective:** To improve local traffic flow within the Town limits, improve the aesthetic appearance of street ends and traffic circles and, to determine the status of Town owned seawalls to avoid failure due to long term neglect.

**Background:**

**Phase I:** Calvin, Giordano & Associates, Inc. (CGA) has provided conceptual designs for traffic calming devices to replace the existing curb median on 88<sup>th</sup> Street. After review and discussion with CGA it has been determined that traffic calming Town-wide could be improved by analyzing data collected from traffic analysis to perform the following tasks:

1. Speed Table Analysis
2. Traffic Circle Analysis
3. Signal Timing Analysis
4. Left-Turn Bay Analysis
5. Traffic Analysis

From the data collected during the traffic counts, CGA will compile a Final Report which will include the data, all reports/analysis and suggested recommendations for improving traffic flow and movement. A traffic model for the entire Town will be developed that can be used to support analysis of new major developments in the future, most importantly, this study will provide the tools necessary to enter negotiations with Bal Harbour Shops expansion subject

**Phase II:** CGA will perform plan review and on-site inspections to determine the status of the structural and aesthetic portions of the Town owned seawalls which are located at *mostly* street ends on the south and west sides of Town. These inspections shall include:

1. Landside visual inspections of existing wall and cap face.
2. In-water (snorkel gear) inspections to evaluate sheet pile condition in the intertidal zone.

3. Subsurface inspection of three tie rods behind the seawall.

CGA will prepare a full report with plans, sketches and photographs documenting the condition of each wall and provide recommendation for maintenance/repairs, if needed, to avoid larger deferred maintenance costs. It is important to note that a permit to repair a seawall is much easier to obtain as well as much less expensive to construct than a complete seawall demolition and replacement. Also, a comprehensive program greatly lowers the per foot repair cost since mobilization is also absorbed across a broad spectrum of repairs.

**Phase III:** CGA's Landscape Architect (LA) will perform on-site inspections of existing conditions of the street ends and traffic circles to document existing conditions and surrounding vegetation. The LA will work closely with the Traffic Engineers to ensure all plantings meet clear zone and site line traffic guidelines. The LA will present conceptual designs to the Town to include paving treatments, planting concepts and other design enhancements. Having the work ready to bid will help accelerate the aesthetic recovery of the Town once the water/sewer/storm drainage project is complete. It will also give us cost estimates to use in our negotiations with the Bal Harbour Shops as mitigation for their impacts on the north side of the Town.

**Analysis:** Phase I of the work being proposed will improve the quality of life throughout Town by slowing traffic to reduce the probability of non-residents using streets in the single family neighborhood.

Phase II of the work is being proposed to ensure that the Town performs all required maintenance when needed. If items like the seawalls are ignored, the deferred maintenance can end up costing the Town much more in the long run. The exact age of these seawalls and the subsurface condition is unknown at this time, however, there is substantial deterioration from a visual landside observation.

Phase III of the work is being proposed to enhance the aesthetics of the Town. The conceptual designs will be presented and discussed at future Town Commission meetings to provide direction and guidance to staff. Contiguous neighbors will be much involved in the design as they were in the 88<sup>th</sup> Street/Byron and Carlyle design. The enhanced street ends will not only be more aesthetically pleasing, they will also be brought up to Miami Dade Traffic Codes.

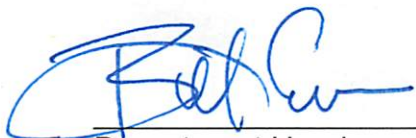
**Budget Impact:** The total impact to the budget will be a not to exceed \$90,640. The funds are available in the contingency for the water/sewer/storm drainage project. It should be clear that this is preparatory work and that the determination to build will not be made until the water/sewer/storm drainage project is complete.

**Growth Impact:** N/A

**Staff Impact:** The project team will report to Bill Evans, Public Works Director and Roger M. Carlton, Town Manager.



**Recommendation:** It is recommended that the Town Commission approve the execution of the work authorization for a not to exceed amount of \$90,640 to provide engineering services for the design of street ends, study of traffic calming and analysis of all Town owned sea walls.



Department Head



Town Manager



**Calvin, Giordano & Associates, Inc.**  
EXCEPTIONAL SOLUTIONS

Date: May 1, 2012

Mr. Roger M. Carlton  
Town Manager  
**TOWN OF SURFSIDE**  
9293 Harding Avenue  
Surfside, FL 33154

**RE: Work Authorization No. 53**  
**Town Wide Traffic Study & Analysis (3 Phases)**  
**CGA Proposal No. 12-4952**

Dear Mr. Carlton,

Enclosed for your review and approval is Work Authorization No. 53 for Town Wide Traffic Study & Analysis (3 Phases). The scope of the project includes Town Wide Traffic Study & Analysis (3 Phases).

The Scope of Services to be furnished under this Work Authorization includes Government Consulting, Landscape Architecture and Traffic Engineering as shown on the attached Work Authorization.

The Basis of Compensation is hourly based upon the established rates pursuant to the Professional Services Agreement between the Town and CGA, plus reimbursables, for a total not to exceed \$90,640.20.

Sincerely,

**CALVIN, GIORDANO & ASSOCIATES, INC.**

Shelley Eichner, AICP  
Senior Vice President

Building Code Services  
Code Enforcement  
Construction Engineering & Inspection  
Construction Services  
Contract Government  
Data Technologies & Development  
Emergency Management Services  
Engineering  
Governmental Services  
Indoor Air Quality  
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Utility & Community Maintenance Services

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[www.calvin-giordano.com](http://www.calvin-giordano.com)

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## **TOWN OF SURFSIDE**

### **Town Wide Traffic Study & Analysis (3 Phases)**

#### **PROJECT DESCRIPTION**

##### **1. SCOPE OF SERVICES**

Calvin, Giordano & Associates, Inc. will perform the following services based on our understanding of the project requirements:

##### **I. Professional Engineering Services**

###### **A. Traffic Engineering**

1. CGA will conduct a town-wide traffic analysis to determine appropriate applications for traffic calming and traffic control measures. The analysis will include the below listed tasks.
  - **Data Collection:** CGA will conduct morning and evening peak-hour turning movement counts at up to fifteen (15) primary intersections throughout the Town. CGA will also conduct 24-hour traffic volume counts with speed data at up to ten (10) locations throughout the Town. In addition, CGA will compile relevant, available existing traffic count data conducted in association with various studies and projects previously submitted to the Town or conducted on behalf of the Town.
  - **Speed Table Analysis:** Based on results obtained during the data collection phase, CGA will determine if speed tables are warranted along primary corridors throughout the Town based upon prevailing traffic calming warrants established by Miami-Dade County.
  - **Traffic Circle Analysis:** CGA will conduct a traffic engineering analysis to determine if traffic circles are appropriate at up to eight (8) intersection locations throughout the Town. If appropriate, CGA will develop conceptual renderings of the traffic circles.

- **Signal Timing Analysis:** CGA will examine existing morning and evening peak-hour traffic signal timing at the intersections of 96th Street with Byron Avenue and the Bal Harbour Shops to determine if timing modifications would improve intersection operations. The existing lane configuration on Byron Avenue will also be considered to determine if modifications are appropriate. In addition, CGA will examine existing morning and evening peak-hour traffic signal timing at the intersections of 96th Street with Collins Avenue and Harding Avenue.
- **Left-turn Bay Analysis:** CGA will conduct an alternatives analysis for the inclusion of an east bound and/or west bound left-turn deceleration lane on 95th Street between Collins Avenue and Harding Avenue. Existing parking conditions will be considered within the assumptions. CGA will also examine 94th Street between Collins Avenue and Harding Avenue to determine if operational changes are warranted.
- **Traffic Analysis:** CGA will analyze existing traffic conditions as well as traffic conditions resulting from proposed roadway and intersection modifications to determine capacity issues. Where capacity issues arise, CGA will propose appropriate mitigation measures. CGA will utilize traffic modeling software, such as VISSIM or SYNCHRO to identify and illustrate existing and proposed traffic levels of service, as appropriate.
- **Final Report:** CGA will develop a final report detailing the findings of the traffic analysis and recommendations for intersection and roadway modifications. Proposed improvements will incorporate Town of Surfside Gateway Signage features and graphics, where appropriate.

2. Phase I Traffic Engineering Fees = \$49,550.80

**II. Professional Government Consulting Services**

- A. Manage and coordinate efforts of all Phases of this proposal with both internal and sub consultant staff.
- B. Attend Public Meetings to discuss findings and recommendations for each Phase.
- C. Provide progress updates and milestones to Town Staff.

**D. Seawall Inspections & Report of Findings**

1. Coordinate with the City in an effort to locate copies of the construction plans for the bulkheads
2. Assuming no plans are located, prepare sketches of a typical street end and park wall sections to be used to report inspection observations. If plans are located, reproduce them for use with the inspection report base drawing(s).
3. Perform landside visual inspection of existing wall and cap face. Report any existing or potential problem areas such as spalling, openings between sheets, failure or weakening of tie back system and the condition of existing wall penetrations, walers, etc. Document observations with photographs and annotate plans or sketches.
4. Perform in water inspection (snorkel gear only) if needed to more closely evaluate sheet pile condition in the intertidal zone, wash-outs, waler condition, sheet pile displacement, and/or sheetpile corrosion.
5. Excavate up to three tie rods behind the wall to assess condition and approximate useful life of tie back system. Because of the buried nature of the tie back system, it is important to note that guarantees on the overall tie back system will be based on limited observations.
6. Prepare report with findings and recommendations

**E. Phase II Seawall Inspection Fees = \$14,798.23**

**III. Professional Landscape Architecture Services**

- A. Landscape beautification concepts for Street Ends. Up to ten locations are included in this scope.
- B. Graphics for "Typicals" where appropriate which shall include before and after images.
- C. Traffic circle beautification which shall include paving treatments, planting concepts or other design enhancements. Up to eight locations are included in this scope.

D. Note construction documentation and construction administration is not included in this scope, but can be included as an additional service to this contract upon request.

E. Landscape Beautification Phase: \$21,938.80

**2. BASIS OF COMPENSATION:**

Hourly rates with an estimated fee of \$86,324.00 plus reimbursables at \$4,316.20 with a total not to exceed amount of \$90,640.20. Payments to be made monthly.

**3. SUBMITTED**

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_  
Shelley Eichner, AICP

**4. APPROVAL**

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
Roger M. Carlton, Town Manager



**TOWN OF SURFSIDE  
WORK AUTHORIZATION ESTIMATE DATE**

**WORK AUTHORIZATION NO.** 53  
**PROJECT NAME** Town Wide Traffic Study & Analysis (3 Phases)  
 CGA Proposal No. 12-4952  
**DESCRIPTION** Town Wide Traffic Study & Analysis (3 Phases)

TITLE	RATE	HOURS/UNITS	COST
Associate Construction	\$159.14	12	\$1,909.68
Associate Engineering VI	\$185.66	60	\$11,139.60
Consultant	\$153.00	40	\$6,120.00
Director Engineering V	\$159.14	0	\$0.00
Eng CADD Technician	\$84.87	37	\$3,140.19
Jr. Engineer I	\$90.18	342	\$30,841.56
Landscape CADD Technician	\$84.87	39	\$3,309.93
Project Manager IV	\$137.92	25	\$3,448.00
Sr Landscape Architect	\$122.00	153	\$18,666.00
			<b>\$78,574.96</b>
<b>SUB-CONSULTANTS</b>			<b>COST</b>
Traffic Count Consultant			\$7,750.00
			<b>\$7,750.00</b>
<b>LABOR SUBTOTAL</b>			<b>\$86,324.96</b>
<b>REIMBURSABLE SUBTOTAL</b>			<b>\$4,316.25</b>
<b>TOTAL</b>			<b>\$90,641.21</b>

Reviewed by: \_\_\_\_\_  
 Roger M. Carlton, Town Manager



**TOWN OF SURFSIDE  
PROFESSIONAL FEE SCHEDULE**

Principal	212.18
Executive Assistant	74.26
<b>ENGINEERING</b>	
Associate, Engineering	185.66
Director, Engineering	159.14
Project Manager	137.92
Resident Inspector	127.31
Project Engineer	127.31
Engineer	106.09
Jr. Engineer	90.18
Senior CADD Technician	106.09
CADD Technician	84.87
Traffic Technician	79.57
Permit Administrator	79.57
Clerical	74.26

<b>DATA TECH DEVELOPMENT</b>	
Associate, Data Tech Dev.	159.14
GIS Coordinator	137.92
GIS Specialist	116.70
Multi-Media 3D Developer	95.48
GIS Technician	84.87
Sr. Applications Developer	169.74
Applications Developer	127.31
Network Administration	137.92
System Support Specialist	116.70
IT Support Specialist	84.87

<b>CONSTRUCTION</b>	
Associate, Construction	159.14
Construction Management Dir.	127.31
Senior Inspector	95.48

<b>EMERGENCY MANAGEMENT</b>	
Director	137.92
Planner	95.48
Jr. Planner	79.57

<b>PLANNING</b>	
Associate, Planning	159.14
Director of Planning	137.92
Planning Administrator	127.31
Assistant Director	116.70
Planner	95.48
Jr. Planner	79.57

<b>EXPERT WITNESS</b>	
Principal/Associate	318.27
Registered Engineer/Surveyor	265.23
Project Engineer	212.18

<b>LANDSCAPE ARCHITECT</b>	
Associate, Landscape	159.14
Senior Landscape Architect	122.00
Environmental Administrator	116.70
Landscape Architect	106.09
Environmental Specialist	95.48
Landscape CADD Technician	84.87
Environmental Assistant	74.26

<b>SURVEYING</b>	
Associate, Surveying	169.74
Hydrographic Survey Crew	344.79
G.P.S. Survey Crew	148.53
Survey Crew	132.61
Senior Registered Surveyor	137.92
Survey Coordinator	90.18
CADD Technician	84.87
Submeter G.P.S	68.96

<b>MICROBIAL/INDOOR AIR QUALITY SERVICES</b>	
Sr. Environmental Scientist	106.09
Environmental Scientist	90.18

- Building Code Services
- Code Enforcement
- Construction Engineering & Inspection
- Construction Services
- Contract Government
- Data Technologies & Development
- Emergency Management Services
- Engineering
- Governmental Services
- Indoor Air Quality
- Landscape Architecture & Environmental Services
- Municipal Engineering
- Planning
- Public Administration
- Redevelopment & Urban Design
- Surveying & Mapping
- Transportation Planning & Traffic Engineering
- Utility & Community Maintenance Services

*In addition to the hourly rates listed above, charges will include direct out-of-pocket expenses such as reproduction, overnight mail, and other reimbursables billed at a multiplier of 1.25.*

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[https://intranet.calvin-giordano.com/Libraries/CGA\\_-\\_Documents/Professional\\_Fee\\_Schedule\\_-\\_Surfside.sflb.aspx](https://intranet.calvin-giordano.com/Libraries/CGA_-_Documents/Professional_Fee_Schedule_-_Surfside.sflb.aspx) Effective December 1, 2009

**RESOLUTION NO. 12-\_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NO. 53; A THREE PHASE WORK AUTHORIZATION TO INCLUDE TRAFFIC CALMING, SEAWALL INSPECTION AND LANDSCAPE ARCHITECTURE; AUTHORIZING THE TOWN MANAGER TO TAKE ANY NECESSARY ACTION AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the Town of Surfside wishes to improve traffic flow within the Town limits, improve the aesthetic appearance of street ends and traffic circles, and to determine the status of Town owned seawalls to avoid failure due to long term neglect; and

**WHEREAS,** as part of a three phase Work Authorization No. 53 (attached as “Exhibit A”) Calvin, Giordano and Associates, Inc. will analyze data collected from the traffic analysis, perform plan review and on-site inspections of the Town owned seawalls and perform on-site inspections of existing conditions of the street ends and traffic circles to enhance the aesthetics of the Town; and

**WHEREAS,** it is in the best interest of the Town to approve Work Authorization No. 53.

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

**Section 1. Recitals.** The above recitals are true and correct and incorporated into this Resolution by this reference.

**Section 2. Approval.** That the Commission approves and authorizes Work Order No. 53 attached as "Exhibit A".

**Section 3. Authorization of Town Officials.** The Town Manager is hereby authorized to take all steps necessary to complete the execution of the terms of this Resolution.

**Section 4. Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of May 2012.

Motion by Commissioner \_\_\_\_\_, Second by Commissioner \_\_\_\_\_.

FINAL VOTE ON ADOPTION

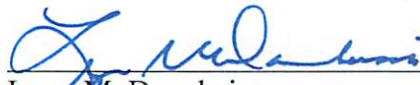
Commissioner Sheldon Lisbon \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Michael Karukin \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

\_\_\_\_\_  
Sandra Novoa, Town Clerk

**Approved as to form and legal sufficiency  
For the Town of Surfside only:**

  
\_\_\_\_\_  
Lynn M. Dannheisser  
Town Attorney



## Town of Surfside

**To:** Mayor and Members of the Town Commission

**From:** Roger M. Carlton, Town Manager

**Date:** April 26, 2012

**Subject:** Board and Committee Appointments

Attached is a list of the various Boards and Committees for the Town including the current members and the Town Commissioners who made the appointments. This item will be scheduled for action on the May 8, 2012 Town Commission meeting.

Please review the attachments in order to make your appointments on May 8, 2012 if you are ready. Here are a few thoughts to consider:

1. Please check with Lynn Dannheisser to make sure the potential appointee meets the requirements of the position.
2. I would be pleased to meet with any potential candidates if they want a briefing on current issues and the responsibilities of the position.
3. Each member of the Town Commission has one appointment to the Planning and Zoning Board, Design Review Board, Personnel Appeals Board, Parks and Recreation Committee and Tourist Board (Attachment 1).
4. The Personnel Appeals Board has not met in more than two years since no employee has sought to have their personnel action reviewed by the Board. This may be an item to be incorporated in the Charter discussion.
5. The Pension Board has two positions appointed collectively by the Town Commission. These positions have been filled for many years by Stan Bershad and Michael Feldman (who also serves as a Chairperson) (Attachment 2).
6. The Police Pension Trust has two members appointed collectively by the Town Commission and two members who are police officers. The four members recommend a fifth member who shall be ministerially confirm by the Town Commission (Attachment 2).
7. The Parks and Recreation Committee is a very active board which focuses on advising the Parks and Recreation Director, Town Manager and Town Commission regarding policies and new initiatives.
8. The Tourist Board advises the Tourism Director and represents the interest of the tourism industry. It controls the Tourist Bureau budget by receiving 34% of the 2% Food and Beverage tax and the 4% bed tax. There is a need for new direction as the

revenues will soon increase substantially due to new hotel product and an auditing program implemented for the first time since the tax was implemented more than 60 years ago. The Tourist Board has agreed to fund the cost of a consultant to prepare a strategic plan. These issues may influence your thoughts as to the appointments.

9. The Planning and Zoning Board and Design Review Board are critically important boards given the major projects which are underway or will become underway in the near future.
10. Please also consider if you wish to be a Commission Liaison to any of the committees/boards. That decision should also be made on May 8, 2012.
11. We will advertise the openings in the Miami Herald Neighbors section this Sunday, April 29, 2012 to generate additional applicants for you to consider (Attachment 3).

Please feel free to contact Lynn Dannheisser or me for clarification.



<b>PLANNING &amp; ZONING</b>
Peter Glynn (Dietch)
Galen Baken (Graubart)
Lindsay Lecour (Karukin)
Sheldon Lisbon (Kopelman)
Armando Castellanos (Olchyk)
Daniel Dietch (Liaison)
<b>DESIGN REVIEW BOARD</b>
Peter Glynn (Dietch)
Galen Baken (Graubart)
Lindsay Lecour (Karukin)
Sheldon Lisbon (Kopelman)
Armando Castellanos (Olchyk)
Elizabeth Ogden
Jorge Gutierrez
<b>PERSONNEL APPEALS BOARD</b>
Brian Dooreck (Dietch)
Alina Ramirez (Graubart)
Niza Motola (Karukin)
Richard Iacobacci (Kopelman)
Norma Parrone (Olchyk)
Daniel Dietch (Liaison)
<b>PARKS &amp; RECREATION</b>
Elizabeth Salzhauer (Dietch)
Doris Obregon (Graubart)
Retta Logan (Karukin)
Rasciel Socarras (Kopelman)
Arni Notkin (Olchyk)
Edward Kopelman (Liaison)
<b>TOURIST BOARD</b>
Barbara Cohen (Dietch)
Ricardo Mualin (Graubart)
Elaine Killeen (Karukin)
Eli Tourgeman (Kopelman)
Jacobo Blachar (Olchyk)
Michael Karukin (Liaison)
<b>PENSION BOARD</b>
Julio Torres (PD Elect)
Yamileth Slate-McCloud (Employee Elect)
Roger Carlton (Secretary)
Stan Bershad (Resident) - Appointed by Commission
Michael Feldman (Resident) - Appointed by Commission

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<b>POLICE OFFICERS PENSION TRUST</b>
Loxley Arch III (PD Elected)
John Gentile (PD Elected)
Joe Matthews (PD Elected)
Roberto Silvagni (Resident) - Appointed by Commission
Eduardo Yero (Resident) - Appointed by Commission

Revised 10/2011

**Sec. 2-185. - Pension board.**

(a)

*Generally.* The pension board, as described and empowered in this section, shall serve as the board of trustees and trustee of the trust fund, and shall be charged with the responsibility for the general administration and management of the plan and trust, subject, however, to the ultimate control and responsibility of the town commission. Such board shall be composed of five members; the town manager, an elected representative of the police department with at least one year of creditable service, an elected representative of the other employees of the town with at least one year of creditable service and two permanent residents of the town to be appointed by the town commission to serve for a period of two years or until their successors are appointed, which shall be evidenced by an acceptance in writing.

**Sec. 2-187. - Special police retirement trust fund.**

(a)

*Created.* There is hereby created in the town a special fund into which there shall be deposited all monies heretofore and hereafter received by the town, under the provisions of F.S. ch. 185.

(b)

*Administration.* The special fund shall be administered by a board of trustees consisting of five members, two of whom shall be legal residents of the town, who shall be appointed by the town commission, and two of whom shall be police officers, who shall be elected by a majority of the police officers who are members of such special fund. The fifth member shall be chosen by a majority of the previous four members; and such person's name shall be submitted to the town commission, which, as a ministerial duty, shall appoint such person to the board of trustees. Successors to such persons shall be chosen in the same manner, and such trustees shall have all powers provided by F.S. ch. 185.



**TOWN OF SURFSIDE  
9293 Harding Avenue  
Surfside, Florida 33154**

**The Town of Surfside is seeking residents to serve on the following  
Committees/Boards.**

**Planning and Zoning Board**

**Design Review Board**

**Personnel Appeals Board**

**Parks & Recreation Committee**

**Tourist Board**

**Applications and detailed information are available online at  
[www.townofsurfsidefl.gov](http://www.townofsurfsidefl.gov) or contact the Town Clerk's Office at 305-861-4863.**



**TOWN OF SURFSIDE**  
**Office of the Town Attorney**


MUNICIPAL BUILDING  
 9293 HARDING AVENUE  
 SURFSIDE, FLORIDA 33154-3009  
 Telephone: 305 993-1065

Ldannheisser@townofsurfsidefl.gov

Lynn M. Dannheisser  
 Town Attorney

**MEMORANDUM**

**TO:** Town Commission

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

**CC:** Roger M. Carlton, Town Manager

**DATE:** May 8, 2012

**SUBJECT:** Charter Review

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At the request of the Vice Mayor, the Commission was scheduled to discuss the Charter Review Process at the April 10<sup>th</sup> Commission meeting. Due to the lateness of the hour at which the matter came up for discussion, the matter was deferred for discussion to a special workshop held on April 30, 2012.

At that workshop, the work of the Charter Review Board who issued a report on March 9, 2010 was acknowledged. In addition to the issues proposed for referendum by the Charter Review Board, it was also recognized that certain other issues might merit additional discussion and attention including the vacancy in candidacy issue recently faced by the Town, the need for clarification of the language of the oft-discussed Section 4 of the Charter relating to density, intensity and height restrictions adopted in 2004, the staggering and length of terms of office, and whether or not as a cost saving measure, the Town should move elections to piggy-back on County elections dates.

In light of the County imposed deadlines to get a local ballot question placed on the November, 2012 general election ballot, i.e., no later than Tuesday July 24, 2012, it became evident that in order to create and adopt the questions and educate the general public about the questions, the Town might have to limit the number of questions to be considered by the voters. After some discussion, it was

proposed that the following four issues be considered for adoption by the Commission and placement of a ballot question on those issues before the electorate:

1. Procedure for a vacancy in candidacy
2. Adoption of a Citizen's Bill of Rights
3. Clarification of the intensity, density, and height restriction provision
4. Mandatory charter review every ten (10) years with the first review to commence in the twelve (12) months following adoption of the provision.

Inasmuch as the Commission could not vote at a workshop, this item is being brought back for full discussion and a vote. The original Charter Review Report is also attached for convenient reference.



**From:** Michael Karukin  
**Sent:** Tuesday, May 01, 2012 3:50 PM  
**To:** Roger Carlton  
**Subject:** ALPR

RE Motion to Reconsider April 10, 2012 Resolution on Island Community Initiative to install fixed automated license plate readers (ALPR) in Surfside if certain policy recommendations are not accepted.

**Background:**

The background for this program was detailed in the April Agenda book.

**The Issue**

The pros and cons of this technology relates to the never ending debate over security and privacy. LPR systems read the license plate of EVERY car that drives by. They do not discriminate. The accumulated data from these and other surveillance systems have the potential to reveal to the government individual driving habits and travel patterns of innocent people. **The problem is: laws have not kept pace with technology.**

There is no denying the criminal apprehension benefits of this technology. However, LPR systems have the potential for abuse if left unchecked. Data from these technologies may be used for applications beyond the original purpose. Without strict and enforceable data use, retention and access policies LPR data can be misused.

Therefore, I have asked participating police departments to adopt the following policies which I think are a reasonable approach to assuring the community that their data will be kept secure and confidential, while giving the authorities the tools they need to apprehend. My hope is that these policies are adopted and if so, I will withdraw this item from the agenda. .

I recommend the following policies be included in the ALPR agreement:

1) Data Retention Policy

The proposed policy of retaining data for 90 days is acceptable. My preference is 30 days. Researching the issue demonstrates a wide range of data retention time frames, from immediate if no Alert to several years. The 90 day retention is therefore reasonable. However, the policy should explicitly state the following elements:

- a) Purge all data unrelated to ongoing investigations.
- b) Purge all data that failed to raise an Alert.

2) Data Use Policy

- a) This data should be for law enforcement only. It is important that language be developed to prevent acquisition of LPR data via routine FOI requests.
- b) There must be a policy that prohibits the sale of LPR data to third parties

For example, the policy from ACLU North Carolina that says: "All electronic images or data gathered by ALPR's are for the exclusive use of law enforcement in the discharge of duties and are not to be made open to the public" (ACLU-NC, Letter to Chief Harry Dolan, Raleigh, North Carolina, October 7, 2009). <http://www.wral.com/news/local/flash/7331392/>

3) Rear View Only

Frontal scans should be prohibited.

4) Pursuit policy

The Hot List that triggers an Alert should not include routine civil infractions like expired tags or outstanding parking tickets. These infractions should not in and of themselves trigger an Alert.

5) Abuse, misuse of ALPR data

Policies should be put in place to prevent the abuse or misuse of LPR data.

6) Data Encryption

Since ALPR data will be transmitted via aircards, please include a provision to ensure proper data encryption.

7) Data Ownership

Data will be stored on a central server owned by the third party vendor. There should be unambiguous data ownership provisions.

**Thank you,**

**Michael Karukin**

Vice-Mayor

Town of Surfside

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