



**Town of Surfside
Town Commission Meeting
AGENDA**

December 10, 2013

7 p.m.

**Town Hall Commission Chambers - 9293 Harding Ave, 2nd 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

2. Quasi-Judicial Hearings

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

A. Carmona Veterinary Corporation – Sarah Sinatra, Town Planner Page 1-26

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A CONDITIONAL USE APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE TO PERMIT A VETERINARY OFFICE TO BE OPERATED ON THE PROPERTY LOCATED AT 9530 HARDING AVENUE SUBMITTED BY CARMONA VETERINARY CORPORATION, SUBJECT TO CERTAIN CONDITIONS, AND AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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 – November 12, 2013 Regular Town Commission Meeting Page 27-38**
- B. Budget to Actual Summary as of September 30, 2013 – Donald Nelson, Finance Director Page 39-41**
- *C. Town Manager’s Report – Michael P. Crotty, Town Manager Page 42-66**
- *D. Town Attorney’s Report – Linda Miller, Town Attorney Page 67-70**
- *E. Projects Progress Report – Calvin, Giordano and Associates, Inc. Page 71-72**
- F. Committee Reports – Michael P. Crotty, Town Manager Page 73-97**

- September 12, 2013 - Pension Board Minutes
- October 2, 2013 – Planning and Zoning Board Minutes
- October 21, 2013 - Parks And Recreation Committee Minutes
- October 28, 2013 – Downtown Vision Advisory Committee Minutes
- November 4, 2013 – Downtown Vision Advisory Committee Minutes

- G. Resolution Surfside General Election – Sandra Novoa, Town Clerk Page 98-100**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR HOLDING A GENERAL MUNICIPAL ELECTION UNDER THE DATE OF MARCH 18, 2014 FOR THE ELECTION OF MAYOR AND ALL FOUR COMMISSIONERS OF THE TOWN OF SURFSIDE; PROVIDING FOR AN EFFECTIVE DATE.

H. Proposed Mutual Aid Agreement and Joint Declaration with the City of North Miami Beach Police Department – Chief David Allen Page 101-111

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO EXECUTE A JOINT DECLARATION AND MUTUAL AID AGREEMENT FOR OPERATIONAL ASSISTANCE IN LAW ENFORCEMENT, EMERGENCIES AND ROUTINE LAW ENFORCEMENT SERVICES WITH THE CITY OF NORTH MIAMI BEACH POLICE DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

I. Proclamation to the Youth Environmental Alliance (YEA) – Mayor Daniel Dietch Page 112-113

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA SUPPORTING BEACH DUNE RESTORATION AND PROCLAIMING JANUARY 1, 2014 AS THE “TOWN OF SURFSIDE RE-NOURISH THE BEACH DAY”; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

(Set for approximately 7:30 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Readings (Ordinances and Public Hearing)

1. Capital Improvement Element Update – Sarah Sinatra, Town Planner Page 114-131

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE 2013 ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN’S COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY AND CONFLICT; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

2. Construction Fences – Sarah Sinatra, Town Planner Page 132 - 141

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-56.1.B. “CONSTRUCTION FENCING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PERMIT CONSTRUCTION FENCING MATERIALS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

B. First Reading Ordinances

1. Garage Door Modification – Sarah Sinatra, Town Planner Page 142 - 146

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-50 “ARCHITECTURE AND ROOF DECKS” TO ALLOW FOR THE INSTALLATION OF TWO CAR GARAGE DOORS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

2. Side Setback Ordinance – Sarah Sinatra, Town Planner Page 147 - 150

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-45 “SETBACKS”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

- 3. Ordinance prohibiting the sales of live animals in Surfside – Commissioner Michelle Kligman Page 151 - 154**

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION 90.41 “REGULATED USES” PROHIBITING THE SALE OF LIVE ANIMALS AS A PERMITTED USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

5. Resolutions and Proclamations

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

- A. Authorization to Enter into Agreement with Florida Inland Navigation District for the Seawall Replacement Project – Michael P. Crotty, Town Manager Page 155 - 189**

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH FLORIDA INLAND NAVIGATION DISTRICT AND APPROVING AN EXPENDITURE NOT TO EXCEED \$494,445. FOR THE SURFSIDE SEAWALL REPLACEMENT, PROJECT NO. DA-SU-13-149; THE EXPENDITURE IS MATCHING GRANT FUNDING RECEIVED FROM FLORIDA INLAND NAVIGATION DISTRICT; AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF FUNDS FROM THE GENERAL FUND RESERVE FROM THE 2013/2014 FISCAL YEAR BUDGET NOT TO EXCEED \$494,445 TO THE STORMWATER FUND-SURFSIDE SEAWALL REPLACEMENT ACCOUNT NO. 404-5500-538.63.30; PROVIDING FOR APPROVAL AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. Approval to enter into an agreement for crosswalk installation at 93rd/Harding Avenue and 94th/Abbot with Paveway Systems, Inc – Joseph Kroll, Public Works Director Page 190 - 194**

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN ADMINISTRATION TO RETAIN PAVEWAY SYSTEMS INC. TO INSTALL A STAMPED ASPHALT CROSSWALK AT THE INTERSECTION OF 93RD STREET AND HARDING AVENUE AND AT THE INTERSECTION OF 94TH STREET AND ABBOTT AVENUE; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO EXECUTE AN AGREEMENT WITH PAVEWAY SYSTEMS, INC; AUTHORIZING THE APPROPRIATION AND EXPENDITURE FROM THE 2013/2014 FISCAL YEAR BUDGET NOT TO EXCEED \$19,700 FROM THE MUNICIPAL TRANSPORTATION FUND; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

- C. Plastic Bag Ban Legislation – Mayor Daniel Dietch Page 195 - 197**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA IN SUPPORT OF LEGISLATION RESTRICTING THE USE OF PLASTIC SHOPPING BAGS, OR IN THE ALTERNATIVE TO REPEAL THE BAN ON LOCAL AND STATE REGULATION OF THE USE OF PLASTIC SHOPPING BAGS; PROVIDING FOR AUTHORIZATION; 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. **Town of Surfside 2014 Legislative Priorities**– Michael P. Crotty, Town Manager [SET FOR TIME CERTAIN 8:45 PM] **Page 198 - 203**
- B. **2014 Meeting Calendar Schedule** – Michael P. Crotty, Town Manager **Page 204**
- C. **Early Voting and the March 18, 2014 General Election** – Sandra Novoa, Town Clerk **Page 205**
- D. **Updated Code Compliance Priorities Recommendations** – Joe Damien, Code Compliance Director **Page 206 - 229**
- E. **Communications between Commissioner Graubart and Silvia Coltrane from Transacta Lanai Developers** – Commissioner Joe Graubart **Page 230 - 233**
- F. **Construction Hours** – Commissioner Joe Graubart **Page 234 - 236**

10. Adjournment

Respectfully submitted,



Michael P. Crotty
Town Manager

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

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

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

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

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH

COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



Town of Surfside Commission Communication

Agenda item #

Agenda Date: December 10, 2013

Subject: Carmona Veterinary Corporation

From: Sarah Sinatra Gould, AICP, Town Planner

Request

The applicant, Carmona Veterinary Corporation, has submitted an application (Attachment 1) for a Conditional Use to permit the operation of a veterinary office at 9530 Harding Avenue. This location was previously a shoe store.

Location



Analysis

Veterinary offices were specifically prohibited by the Town's Code of Ordinances (Code) until the recent passage of Ordinance 13-1608 (Attachment 2) which modified section 90-41 of the Code to permit a veterinary office as a Conditional Use in the SD-B40 zoning district. A veterinary office is defined as a facility for the diagnosis and treatment of pet animals (pet animals defined as dogs, cats, rabbits, guinea pigs, hamsters, mice, ferrets, birds and fish retained for the purposes of being kept as a household pet). Per the Code a conditional use approval for a veterinary office is subject to the following conditions. The responses to the conditions are in italics below:

Responses to Conditions in Ordinance 13-1608

a. Animals shall be walked on the premises in an enclosed area and all waste shall be disposed of immediately.

The applicant has provided a dog walk area with a decorative fire hydrant and trash can for disposal of waste. Animal waste bags will be provided within this area so that any accidents will be attended to immediately. The applicant will also be installing an irrigation system to allow for proper dilution of any waste.

b. No overnight boarding shall be permitted.

The applicant has indicated that the facility will not offer any overnight boarding. Any animals in need of overnight monitoring will be transferred to a nearby animal hospital.

c. Soundproofing shall be required and the noise outside the building shall not exceed that of average daily traffic measured at the lot line.

The interior renovations will include soundproofing on the ceiling and walls. The plans also indicate the doors and windows will provide weather stripping for sound control.

d. No malodor shall be perceptible at the boundary of the premises.

The applicant is including a floor drainage system to allow for a quick clean up and antimicrobial commercial cleaners for both the inside and outside courtyard area of the facility.

e. All waiting rooms and patient areas shall not be visible from the public right of way.

The applicant's plans indicate that the waiting area is setback from public view. The front of the facility, adjacent to Harding Avenue, will have a retail area. The rear entrance is through a courtyard.

f. A minimum of 10% of the floor area of the establishment shall provide retail sales located at the front of the establishment.

The applicant is proposing a 12.3% retail component to the establishment.

g. Grooming shall be permitted as an ancillary use to a veterinary service.

The applicant is proposing grooming.

h. There shall be a minimum distance separation of 400 feet between veterinary offices.

There are no other veterinary offices within 400 feet of the proposed location. A map indicating the location of the proposed veterinary office with a 400 foot radius is included as Attachment 3.

i. A violation of any of the conditions described in Section 90-41 (24) a – h, or a violation of the Standards of Review in Section 90-23.2 or a violation of additional conditions required by the Town Commission, shall result in the rescinding of the Conditional Use permit after the Conditional Use permit holder has been notified of these deficiencies. An administrative decision to revoke the Conditional Use permit may be appealed to the Town Manager within thirty (30) days of the date of the revocation. The Town Manager shall schedule an informal hearing with the applicant and the Town Manager's decision shall be rendered in writing within ten days of the meeting. Any decision made by the Town Manager regarding Conditional Use permits may be appealed to the Town Commission.

This requirement will be a condition of approval to this application.

Responses to Standards of Review in Code Section 90-23

Section 90-23 of the zoning code provides standards of review for Conditional Uses. Conditional Uses are generally compatible with the other land uses permitted in a zoning district but, because of their unique characteristics or potential impacts on the surrounding neighborhood and the Town as a whole, require individual review as to their location, design, configuration, and/or operation for the particular use at the particular location proposed, as well as the imposition of individualized conditions in order to ensure that the use is compatible with the surrounding neighborhoods and appropriate at a particular location.

In addition to the standards set forth in this zoning code for the particular use, all proposed Conditional Uses shall meet each of the following standards. The responses to the criteria are in italics below:

(1) The proposed use shall be consistent with the Comprehensive Plan and the Zoning Code;

With the adoption of the veterinary office regulations in Section 90-41, the proposed use is consistent with the Comprehensive Plan and Zoning Code.

(2) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare;

The applicant has proposed a number of practices to meet this criteria including daily biohazard collection service, a gated courtyard outside the main entrance (rear elevation), placement of waste bags at the gate and the rear entrance for arrivals and at the check-out counter. Waste receptacles are located within the gated courtyard. Staff will have scheduled inspection and pick up of waste overlooked by clients. Clients will be

encouraged to use the courtyard entrance to allow time for their pets to use the courtyard, which will be irrigated to allow for proper grounding and dilution of waste.

- (3) The proposed use shall be compatible with the community character of the immediate neighborhood. In addition to compatibility there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes or legislation.

The proposed use is in keeping with the small business atmosphere in the area. The applicant is not proposing any exterior improvements at this time. Any proposed signage will require a permit and be required to meet the sign code applicable to this area.

- (4) Adequate provisions shall be included for safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use;

Staff agrees with the applicant's statement that the main entrance for the clients with animals in need of treatment of services (such as grooming) will be the west entrance, adjacent to the Abbott parking lot. Applicant states a secondary retail entrance located adjacent Harding Avenue is available for pedestrian patrons for their retail needs.

- (5) Adequate measures exist including landscaping or other buffering measures or shall be taken to mitigate any adverse effects of noise, light or other potential nuisances; and

In addition to measures described previously in item two, the applicant states that soundproofing will also be accomplished by the use of solid doors impervious to sound transference and all doors and windows sealed with weather stripping for sound control.

- (6) The establishment of the Conditional Use shall not impede the development of surrounding properties for uses permitted in the zoning district; and

With the requirements of the Conditional Use and the proposed mitigation measures offered by the applicant, the approval of the Conditional Use should not impede the operation of any existing or future business allowed in the existing zoning district.

- (7) Any other condition imposed by the Planning and Zoning Board.

The Planning and Zoning Board did not add any additional conditions.

Recommendation

The Planning and Zoning Board unanimously recommended approval of this resolution at their November 21, 2013 meeting to permit a veterinary office located at 9530 Harding Avenue. Staff is recommending approval with the following conditions of approval:

1. The applicant shall provide an irrigation system in the dog walk area located at the rear of the property.
2. All animals shall be leashed to an owner or attendant at all times while on the premises (waiting area, courtyard) to ensure the animal does not escape the courtyard or interact with other animals in a threatening manner.
3. A violation of any of the conditions described in Section 90-41 (24) a – h, or a violation of the Standards of Review in Section 90-23.2 or a violation of additional conditions required by the Town Commission, shall result in the rescinding of the Conditional Use permit after the Conditional Use permit holder has been notified of these deficiencies. An administrative decision to revoke the Conditional Use permit may be appealed to the Town Manager within thirty (30) days of the date of the revocation. The Town Manager shall schedule an informal hearing with the applicant and the Town Manager's decision shall be rendered in writing within ten days of the meeting. Any decision made by the Town Manager regarding Conditional Use permits may be appealed to the Town Commission.

Attachments

1. Application
2. Ordinance 13-1608
3. Location map with 400 foot buffer
4. Site Plan



Sarah Sinatra Gould, AICP, Town Planner



Michael Crotty, Town Manager



TOWN OF SURFSIDE CONDITIONAL USE APPLICATION

Approval of such conditional use(s) shall only be granted where it has been clearly shown that the public health, safety, morals, and general welfare will not be adversely affected; that adequate off-street parking facilities, in accordance with this chapter, will be provided; and that necessary safeguards will be provided for the protection of surrounding property.

A complete submittal includes all items on the "Submission Checklist for Conditional Use Application" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in ink or type on this application form.

PROJECT INFORMATION	<i>Carmona Veterinary Corp.</i>
OWNER'S NAME	<i>Key Realty LLC</i>
PHONE / FAX	<i>305.864.8665</i>
AGENT'S NAME	
ADDRESS	<i>216 N. 11th St</i>
PHONE / FAX	
PROPERTY ADDRESS	<i>9530 Harding Ave.</i>
ZONING CATEGORY	
DESCRIPTION OF CONDITIONAL USE REQUESTED (please use separate sheet if necessary)	

INTERNAL USE ONLY	
Date Submitted _____	Project Number _____
Report Completed _____	Date _____
Comments _____	

<p><i>Haim</i> SIGNATURE OF OWNER</p> <p><i>Haim Yehezkel on behalf of Key Realty LLC</i></p>	<p><i>10/1/2013</i> DATE</p>	<p><i>[Signature]</i> SIGNATURE OF AGENT</p>	<p><i>10/1/13</i> DATE</p>
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**TOWN OF SURFSIDE
SUBMISSION CHECKLIST
CONDITIONAL USE APPLICATION**

Approval of such conditional use(s) shall only be granted where it has been clearly shown that the public health, safety, morals, and general welfare will not be adversely affected; that adequate off-street parking facilities, in accordance with this chapter, will be provided; and that necessary safeguards will be provided for the protection of surrounding property.

Project Name Carmona Veterinary Cof. Project Number _____
Review Date _____

SUBMITTAL REQUIREMENTS FOR REVIEW (Permit clerk shall initial if item has been submitted):

- Completed "Conditional Use Application" form
- Survey less than one (1) year old (including owner's affidavit that no changes have occurred since the date of the survey). A survey over one (1) year is sufficient as long as the property has not changed ownership and the owner provides an affidavit that no changes change occurred since the date of the survey.
- Recent photographs of the subject property and all abutting, diagonal and fronting properties visible from the street.
- Site Plan (Minimum scale of 1" = 20').
 - ✓ Two (2) full sized sets of complete design development drawings (24" x 36" sheets) signed and sealed
 - ✓ Eight (8) reduced sized copies of the plans (11" x 17" sheets)

Please show / provide the following:

- . Tabulations of total square footage, lot coverage, setbacks and acreage
- . Entire parcel(s) with dimensions and lot size in square feet
- . Existing and proposed buildings with square footage
- . Buildings to be removed
- . Setbacks
- . Dimensions and locations of all existing and proposed right-of-ways, easements and street frontage, including sidewalks, curb and gutter and planting strips
- . All existing and proposed site improvements, including, but not limited to, all utilities, retaining walls, fences, decks and patios, driveways and sidewalks, signs, parking areas, and erosion control features
- . Location of all existing and proposed trees, vegetation, palms and note tree species
- . Locations and dimensions of parking spaces and lot layout
- . Driveway entrance width and setbacks from property line
- . Map indicating the general location of the property.



- Written Narrative of request that addresses each of the following standards of review:**
 1. That the requested Conditional Use will not adversely affect public health, safety, morals, and general welfare;
 2. That the requested Conditional Use will provide adequate off-street parking facilities;
 3. That the requested Conditional Use will provide necessary safeguards for the protection of surrounding property.
- Such additional data, maps, plans, or statements as the Town may require to fully describe and evaluate the particular proposed plan.

To Whom It May Concern:

(1) The proposed use shall be consistent with the Comprehensive Plan and the Zoning Code

The Veterinary Wellness Center of Surfside shall abide by and be consistent with the Comprehensive Plan and the Zoning Code.

(2) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.

This will be accomplished via contracted biohazard collection service that picks up specimens daily. The main entrance will consist of an outside gate followed by a landscaped courtyard and a main entrance door. This shall mitigate the traffic flow of clients and their companion animals. Animal waste bags will be available close to both entrances and will also be given to all clients upon check out to minimize the potential for fecal accidents surrounding the premises. Veterinary Wellness Center staff will have scheduled pick up and inspection intervals in the landscaped courtyard and front side walk to provide precise and efficient cleaning of any waste overlooked by clients. Clients will be encouraged to use the courtyard entrance and allow time for their pets to urinate in the designated area of the landscaped courtyard. This courtyard will have an irrigation system that will allow for proper grounding and dilution of urinary waste.

(3) The proposed use shall be compatible with the community character of the immediate neighborhood. In addition to compatibility there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes or legislation.

This will be accomplished by designing coherent color schemes on the outside of the building as well as precise and purposeful landscaping on this existing structure. All new fencing and landscape will precisely follow the Town of Surfside zoning code.

(4) Adequate provisions shall be included for parking and safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use.

This will be accomplished by using the west (public parking lot) entrance as its main entrance for patients and their clients seeking services and goods. A secondary "retail entrance" will also be available for patrons arriving by foot.

(5) Adequate measures exist including landscaping or other buffering measures or shall be taken to mitigate any adverse effects of noise, light or other potential nuisances.

Noise and odor control shall be a daily priority of the Veterinary Wellness Center. This will be accomplished via installment of impermeable modern flooring system as well as a floor drainage system which allows quick clean up. Antimicrobial commercial cleaners that are environmentally safe will be used for cleaning purposes on the inside of the facility as well as the outside courtyard. Soundproofing will be a part of the construction process on the inside walls of the facility. All doors used will be made of solid materials impervious to sound transference. All doors and windows will be sealed with "weather striping" for sound control.

(6) The establishment of the conditional use shall not impede the development of surrounding properties for uses permitted in the zoning district; and

Veterinary Wellness Center will follow all the permitting and zoning laws and will not impede on any surrounding properties.

(7) Any other condition imposed by the planning and zoning board and/or the development impact committee.

Any other conditions imposed by the planning and zoning boards will be schematically abided by Veterinary wellness center of surfside.

ORDINANCE NO. 13- 1608

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION SEC. 90-41(d) "REGULATED USES" ADDING VETERINARY OFFICE AS A CONDITIONAL USE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 90-41 of the Code states that business offices, except veterinary offices, are permitted in the business district; and

WHEREAS, Section 90-41 specifically prohibits all veterinary offices in Town; and

WHEREAS, permitting veterinary offices will require a conditional use application, which will require the Town Commission to analyze the specific location requested for the use, and determine if any special conditions should be applied to the use; and

WHEREAS, the Town Commission recognizes the need to regulate veterinary offices for the health, safety and welfare of the Town; and

WHEREAS, the Town has attempted to create regulations to address the specific needs of the this unique community and continues to amend these regulations to address the placement of veterinary offices as they may best suit the needs of the community; and

WHEREAS, the Town Commission held its first public hearing on September 17, 2013, having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on October 2, 2013 and recommended approval of the proposed

amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on October 8, 2013.

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

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

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

Sec. 90-41. Regulated uses.

Applicability and validity of tables. Nothing shall be used to misconstrue or reinterpret the provisions, limitations and allowances made here in.

(a) *Purpose.* Permitted uses are considered to be fundamentally appropriate within the district in which they are located and are deemed to be consistent with the comprehensive plan. These uses are permitted as of right, subject to the required permits and procedures described in this section. Permitted uses require final site plan review and approval for compliance with the standards applicable to a particular permitted use as provided in this zoning code.

(b) *Permits required.* Except as explicitly provided herein, no use designated as a permitted use in this chapter shall be established until after the person proposing such use has applied for and received all required development permits.

(c) *Table—Regulated uses.*

	H30A	H30B	H30C	H40	H120	SD-B40
Office Uses and Professional Services						
Business and professional offices, except veterinary offices	-	-	-	-	-	P

<u>Veterinary office</u>	-	-	-	-	-	<u>CU</u> <u>(24)</u>
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(24) Veterinary Office is a facility for the diagnosis and treatment of pet animals.

Pet Animals are defined as dogs, cats, rabbits, guinea pigs, hamsters, mice, ferrets, birds and fish retained for the purposes of being kept as a household pet.

Veterinary offices approved by Conditional Use are subject to the following:

a. Animals shall be walked on the premises in an enclosed area and all waste shall be disposed of immediately.

b. No overnight boarding shall be permitted.

c. Soundproofing shall be required and the noise outside the building shall not exceed that of average daily traffic measured at the lot line.

d. No malodor shall be perceptible at the boundary of the premises.

e. All waiting rooms and patient areas shall not be visible from the public right of way.

f. A minimum of 10% of the floor area of the establishment shall provide retail sales located at the front of the establishment.

g. Grooming shall be permitted as an ancillary use to a veterinary service.

h. There shall be a minimum distance separation of 400 feet between veterinary offices.


i. A violation of any of the conditions described in Section 90-41 (24) a – h, or a violation of the Standards of Review in Section 90-23.2 or a violation of additional conditions required by the Town Commission, shall result in the rescinding of the Conditional Use permit after the Conditional Use permit holder has been notified of these deficiencies. An administrative decision to revoke the Conditional Use permit may be appealed to the Town Manager within thirty (30) days of the date of the revocation. The Town Manager shall schedule an informal hearing with the applicant and the Town Manager’s decision shall be rendered in writing within ten days of the meeting. Any decision made by the Town Manager regarding Conditional Use permits may be appealed to the Town Commission.

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.

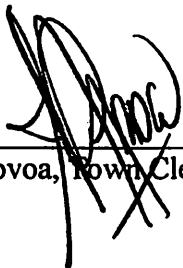
Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

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.

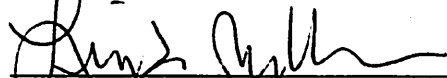


 Daniel Dietch, Mayor

Attest:


 Sandra Novoa, Town Clerk

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



 Linda Miller, Town Attorney

On Final Reading Moved by: Commissioner Kligman

On Final Reading Seconded by: Commissioner Olchyk

Vote:

Mayor Dietch	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Karukin	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Graubart	yes	<input type="checkbox"/>	no	<input checked="" type="checkbox"/>
Commissioner Kligman	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Olchyk	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>



Veterinarian Office
400 Feet Buffer

RESOLUTION NO. 13-Z-0_

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A CONDITIONAL USE APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE TO PERMIT A VETERINARY OFFICE TO BE OPERATED ON THE PROPERTY LOCATED AT 9530 HARDING AVENUE SUBMITTED BY CARMONA VETERINARY CORPORATION, SUBJECT TO CERTAIN CONDITIONS, AND AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 1, 2013 the Carmona Veterinary Corporation submitted a conditional use application to permit a veterinary office to be operated on the property located at 9530 Harding Avenue; and

WHEREAS, the proposed veterinary office will be located on Harding Avenue in the SBD-40 Business Zoning District, as legally described in Exhibit "A", and

WHEREAS, Section 90-41(d)(24) *Regulated Uses*, of the Town of Surfside Zoning Code requires conditional use approval for veterinary offices; and

WHEREAS, on November 21, 2013, the Planning & Zoning Board, at a duly noticed and televised quasi-judicial public hearing, after reviewing the Application and hearing from its professional staff, the Applicant, and members of the public, considered the requirements of Section 90-41 et seq. of the Town Zoning Code and Section 90- 23 for Conditional Use Approval and the Application's consistency with the Town of Surfside's Comprehensive Plan and recommended the Application for approval by the Town Commission in Resolution No. 13-Z-04 (attached hereto as Exhibit "B"), subject to all of the conditions recommended and incorporated herein under Section 4; and

WHEREAS, on December 10, 2013, the Town Commission, at a duly noticed and televised quasi-judicial public hearing, after reviewing the Application, the recommended conditions, and all accompanying documentation, including written reports from its Town Planner and other consultants, and hearing from its professional staff, the Applicant, and members of the public, found substantial competent evidence that the Applicant's requests for approval of the conditional use are in compliance with the Zoning Code and the Comprehensive Plan of the Town and maintain the basic intent and purpose of the zoning, subdivision or other land use regulations, which are to protect the general welfare of the public, particularly as it affects the stability and appearance of the community; and, further, found that said requests should be granted, per plans on file, and subject to all of the conditions set forth in this Resolution, which shall be binding upon the Applicant, its heirs, successors and/or assigns, and the execution of any attendant agreements.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPLICABLE TO APPLICANT, ITS SUCCESSORS OR ASSIGNS, AS FOLLOWS:

Section 1. **Recitals.** The above stated recitals are hereby adopted and confirmed.

Section 2. **Approval.** The Application for conditional use approval to permit a veterinary office to be operated on the property located at 9530 Harding Avenue is hereby recommended for approval, subject to the conditions in Section 4.

Section 3. **Finding of Fact.** The Town Commission, after review of competent substantial evidence in the record and a duly noticed public hearing, hereby recommends for approval the Conditional Use Application and finds that the Application meets the conditional use requirements set forth in Sections 90.41 “Regulated Uses” and 90.23 “Conditional Uses” of the Zoning Code of the Town of Surfside.

Section 4. **Conditions.** The recommended approval granted in Section 2 above is subject to the following conditions:

1. Animals shall be walked on the premises in an enclosed area and all waste shall be disposed of immediately.
2. No overnight boarding shall be permitted.
3. Soundproofing shall be required and the noise outside the building shall not exceed that of average daily traffic measured at the lot line.
4. No malodor shall be perceptible at the boundary of the premises.
5. All waiting rooms and patient areas shall not be visible from the public right of way.
6. A minimum of 10% of the floor area of the establishment shall provide retail sales located at the front of the establishment.
7. Grooming shall be permitted as an ancillary use to a veterinary service.
8. There shall be a minimum distance separation of 400 feet between veterinary offices.
9. A violation of any of the conditions described in Section 90-41 (24) a – h, or a violation of the Standards of Review in Section 90-23.2 or a violation of additional conditions required by the Town Commission, shall result in the rescinding of the Conditional Use permit after the Conditional Use permit holder has been notified of these deficiencies. An administrative decision to revoke the Conditional Use permit may be appealed to the Town Manager within thirty (30) days of the date of the revocation. The Town Manager shall schedule an informal hearing with the applicant and the Town Manager’s decision shall be rendered in writing within ten days of the meeting. Any decision made by the Town Manager regarding Conditional Use permits may be appealed to the Town Commission.
10. There shall be an irrigation system in the dog walk area located at the rear of the property.
11. All animals shall be leashed to an owner or attendant at all times while on the premises (waiting area, courtyard) to ensure the animal does not escape the courtyard or interact with other animals in a threatening manner.

Section 5. Violation. Failure to adhere to the terms of this approval shall be considered a violation of the Town Code of Ordinances. Penalties for such violation shall be as prescribed by the Town Code of Ordinances, which include, but are not limited to, the revocation of the approval granted by this Resolution.

Section 6. Authorization. The Town Manager is authorized to cause the issuance of permits in accordance with the approvals and conditions herein and to indicate such approvals and condition upon the records of the Town.

Section 7. Severability Clause. In the event any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no way affect the remaining portions of this Resolution, which shall remain full force and effect.

Section 8. Effective Date. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this _____ day of _____, 2013

Motion by Commissioner _____,

Second by Commissioner _____.

FINAL VOTE ON ADOPTION


Commissioner Joseph Graubart _____
Commissioner Michelle Kligman _____
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:**



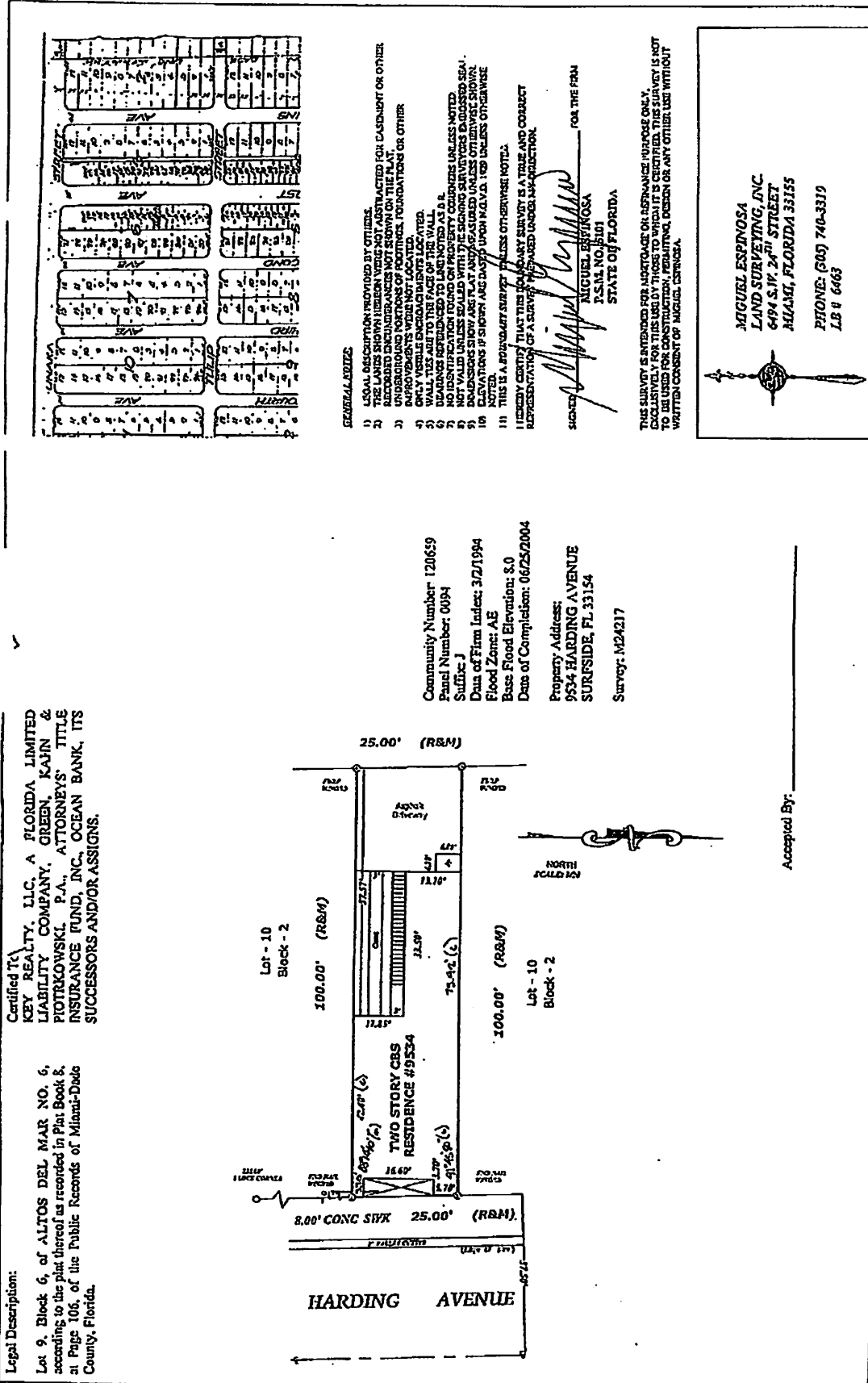
Linda Miller, Town Attorney

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, Sandra Novoa, CMC, Town Clerk of the Town of Surfside, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No.13-Z-_____ adopted by the Town Commission at its meeting held on the ___ day of December, 2013.

Issued: _____

Sandra Nova, CMC
Town Clerk



RESOLUTION NO. 13-Z-04

A RESOLUTION OF THE PLANNING AND ZONING BOARD OF THE TOWN OF SURFSIDE, FLORIDA, RECOMMENDING FOR APPROVAL A CONDITIONAL USE APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE TO PERMIT A VETERINARY OFFICE TO BE OPERATED ON THE PROPERTY LOCATED AT 9530 HARDING AVENUE SUBMITTED BY CARMONA VETERINARY CORPORATION, SUBJECT TO CERTAIN CONDITIONS, AND AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 1, 2013 the Carmona Veterinary Corporation submitted a conditional use application to permit a veterinary office to be operated on the property located at 9530 Harding Avenue; and

WHEREAS, the proposed veterinary office will be located on Harding Avenue in the SBD-40 Business Zoning District, as legally described in Exhibit "A", and

WHEREAS, Section 90-41(d)(24) *Regulated Uses*, of the Town of Surfside Zoning Code requires conditional use approval for veterinary offices; and

WHEREAS, public notice was provided in accordance with the law; and

WHEREAS, this Application came before the Planning and Zoning Board at a duly noticed public hearing on November 21, 2013; and

WHEREAS, the Planning and Zoning Board reviewed the Application, the written and oral recommendations of the Town Planners and other consultants who render reports with respect to the Application, including the recommended conditions, and found substantial competent evidence to support a showing by the Applicant that the requests for the approval of the conditional use application approval are in compliance with the zoning code and the Comprehensive Plan of the Town and maintain the basic intent and purpose of the zoning, subdivision or other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community; and, further, recommend to the Town Commission that said requests should be granted, subject to all of the conditions set forth in this Resolution and the execution of any attendant agreements.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING BOARD OF THE TOWN OF SURFSIDE, FLORIDA, APPLICABLE TO APPLICANT, ITS SUCCESSORS OR ASSIGNS, AS FOLLOWS:

Section 1. Recitals. The above stated recitals are hereby adopted and confirmed.

Section 2. Approval. The Application for conditional use approval to permit a veterinary office to be operated on the property located at 9530 Harding Avenue is hereby recommended for approval, subject to the conditions in Section 4.

Section 3. Finding of Fact. The Planning and Zoning Board, after review of competent substantial evidence in the record and a duly noticed public hearing, hereby recommends for approval the Conditional Use Application and finds that the Application meets the conditional use requirements set forth in sections 90.41 "Regulated Uses" and 90.23 "Conditional Uses" of the Zoning Code of the Town of Surfside.

Section 4. Conditions. The recommended approval granted in Section 2 above is subject to the following conditions:

1. Animals shall be walked on the premises in an enclosed area and all waste shall be disposed of immediately.
2. No overnight boarding shall be permitted.
3. Soundproofing shall be required and the noise outside the building shall not exceed that of average daily traffic measured at the lot line.
4. No malodor shall be perceptible at the boundary of the premises.
5. All waiting rooms and patient areas shall not be visible from the public right of way.
6. A minimum of 10% of the floor area of the establishment shall provide retail sales located at the front of the establishment.
7. Grooming shall be permitted as an ancillary use to a veterinary service.
8. There shall be a minimum distance separation of 400 feet between veterinary offices.
9. A violation of any of the conditions described in Section 90-41 (24) a – h, or a violation of the Standards of Review in Section 90-23.2 or a violation of additional conditions required by the Town Commission, shall result in the rescinding of the Conditional Use permit after the Conditional Use permit holder has been notified of these deficiencies. An administrative decision to revoke the Conditional Use permit may be appealed to the Town Manager within thirty (30) days of the date of the revocation. The Town Manager shall schedule an informal hearing with the applicant and the Town Manager's decision shall be rendered in writing within ten days of the meeting. Any decision made by the Town Manager regarding Conditional Use permits may be appealed to the Town Commission.
10. There shall be an irrigation system in the dog walk area located at the rear of the property.
11. All animals shall be leashed to an owner or attendant at all times while on the premises (waiting area, courtyard) to ensure the animal does not escape the courtyard or interact with other animals in a threatening manner.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption hereof.

PASSED and ADOPTED on this 21 day of Nov 2013.

Motion by Planning and Zoning Board Member Dray,
Second by Planning and Zoning Board Member Glynn

FINAL VOTE ADOPTION

Member, Armando Castellanos	<u>yes</u>
Member, Jennifer Dray	<u>yes</u>
Member, Carli Koshal	<u>yes</u>
Vice Chair, Peter Glynn	<u>yes</u>
Chair, Lindsay Lecour	<u>yes</u>

L. Lecour
Lindsay Lecour, Chair

ATTEST:

[Signature]
Sandra Novon, CMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Linda Miller
Linda Miller, Town Attorney

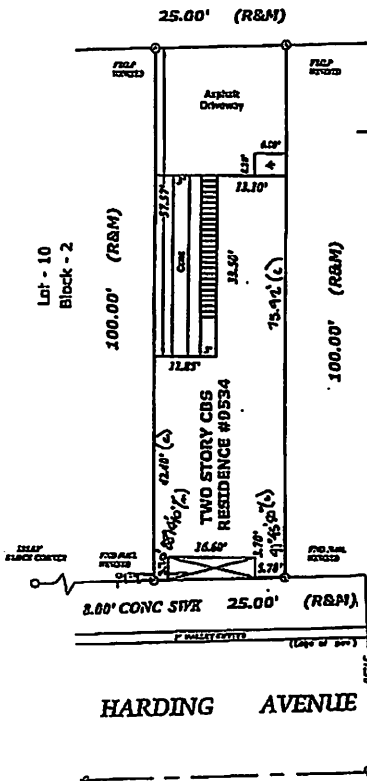
Exhibit "A"

Legal Description:

Lot 9, Block 6, of ALTOS DEL MAR NO. 6, according to the plat hereof as recorded in Plat Book 8, at Page 106, of the Public Records of Miami-Dade County, Florida.

Certified To:

KEY REALTY, L.L.C. A FLORIDA LIMITED LIABILITY COMPANY, GREEN, KAHN & PIOTRKOWSKI, P.A., ATTORNEYS' TITLE INSURANCE FUND, INC., OCEAN BANK, ITS SUCCESSORS AND/OR ASSIGNS.



Community Number: 120659
 Parcel Number: 0894
 Date of Firm Index: 3/2/1994
 Sublot: J
 Flood Zone: AE
 Base Flood Elevation: 8.0
 Date of Completion: 06/25/2004
 Property Address:
 9534 HARDING AVENUE
 SURFSIDE, FL 33154
 Survey: M24217

Accepted By: _____




GENERAL NOTES

- 1) LEGAL DESCRIPTION FOR OTHERS.
- 2) THE LOTS SHOWN HEREIN WERE NOT ABSTRACTED FOR EASEMENT OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THIS PLAN.
- 3) UNRECORDED PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- 4) ONLY VISIBLE ENCUMBRANCES LOCATED.
- 5) BEARINGS REFERENCED TO LANE NO. 10 OR 11.
- 6) NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS NOTED.
- 7) NOT VALID UNLESS SEALED WITH THE SIGNING SURVEYORS ENGRAVED SEAL.
- 8) DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- 9) LEVELS ARE BASED UPON MVD 1989 UNLESS OTHERWISE NOTED.
- 10) THIS IS A RECONSTRUCT SURVEY UNLESS OTHERWISE NOTED.
- 11) I HEREBY CERTIFY THAT THE FOREGOING SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PERFORMED UNDER MY SUPERVISION.

SURVEY *Miguel Espinosa* FOR THE FIRM
 MIGUEL ESPINOSA
 P.S.M. NO. 5101
 STATE OF FLORIDA

THIS SURVEY IS INTENDED FOR LOCATING OR REFERENCE PURPOSES ONLY. EXCLUSIVELY FOR THIS USE BY THOSE TO WHOM IT IS CERTIFIED. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION, PERMITTING, DESIGN OR ANY OTHER USE WITHOUT WRITTEN CONSENT OF MIGUEL ESPINOSA.


MIGUEL ESPINOSA
LAND SURVEYING, INC.
 6894 S.W. 24TH STREET
 MIAMI, FLORIDA 33155
 PHONE: (305) 740-3319
 LR # 6463



**Town of Surfside
Town Commission Meeting
MINUTES
November 12, 2013
7 p.m.**

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

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:02 P.M

B. Roll Call of Members

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

C. Pledge of Allegiance

Chief David Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Mayor Dietch thanked the Town, his colleagues and the Parks & Recreation Dept. for a very well done Veterans Day ceremony.

Vice Mayor Karukin said he will be out of town December 10-12, 2013.

Mayor Dietch announced he will be out of town December 17-19, 2013

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

Commissioner Graubart asked that we move discussion item 9H (CGA). Mayor Dietch suggested moving 9H to become 9A and everything else bumped down. Mayor Dietch asked that item 9C (Pension Board) become 1H.

Vice Mayor Karukin made a motion to approve the agenda changes and the motion received a second from Commissioner Olchyk with all in favor.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced the upcoming community events which can be found on the Town's website. The Mayor also gave an update on the Harding Avenue project as well as an update from the Water and Sewer Dept. and the Homeless Drive.

Barbara Cohen gave an update on Tourist Board activities.

Commissioner Graubart announced that he will be principal of the Miami Beach High School the day of November 20th and invited parents to attend with their children.

Commissioner Graubart requested that the upcoming Town Hall Meeting scheduled for November 19th be advertised so those interested may attend.

G. Proclamation Presentation to Stanton Bershad – Mayor Daniel Dietch

Mayor Dietch presented Stan Berchad with a proclamation and thanked him for being an amazing resident and for all his efforts on behalf of the town.

2. Quasi-Judicial Hearings (None)

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

Items pulled:

Commissioner Graubart pulled item 3B Budget to Actual Summary and from the Town Manager's Report item D3 Massing and Zoning

Commissioner Kligman pulled item 2 Bullying Program and from the Town Manager's Report item D1 The Shul Project.

Vice Mayor Karukin made a motion to approve the consent agenda minus the pulled items. The motion received a second from Commissioner Olchyk and all voted in favor.

A. Minutes – September 17, 2013 Regular Commission Meeting Minutes

September 26, 2013 Second Budget Hearing Minutes

September 30, 2013 Town Commission and Planning and Zoning Board Special Meeting Minutes

October 8, 2013 Regular Commission Meeting Minutes

B. Budget to Actual Summary as of August 31, 2013 – Donald Nelson, Finance Director

Commissioner Graubart had a few questions

Vice Mayor Karukin asked for a better way to present

Director Nelson gave more input for Commissioner Graubart and Vice Mayor Karukin.

***C. Town Manager's Report** – Michael P. Crotty, Town Manager

Item 2, Page 1 (page 39 of the agenda packet) – Bullying Program – Commissioner Kligman – The Commissioner specifically spoke about the 96th Street park which is frequented by lots of children of all ages from other municipalities as Bay Harbor is now closing its park. The staff supervising the park is young and when giving direction they are almost ignored and feels better supervision is now required.

Item D3, Page 16 (page 54 of the agenda packet) – Massing and Zoning Discussion - - Commissioner Graubart deferred

Item D1, Page 16 (page 54 of the agenda packet) – The Shul Project – Commissioner Kligman – Town Planner Sinatra gave an update on the project.

A motion was made by Vice Mayor Karukin to extend the meeting 10 minutes. Commissioner Kligman seconded the motion and it carried 4-1 with Commissioner Graubart voting in opposition.

Vice Mayor Karukin made a motion to approve the pulled items from the consent agenda. The motion received a second from Commissioner Kligman and all voted in favor.

- *D. Town Attorney's Report** – Linda Miller, Town Attorney
- *E. Projects Progress Report** – Calvin, Giordano and Associates, Inc.
- F. Committee Reports** – Michael P. Crotty, Town Manager (*Note: Vice Mayor Karukin has requested that Committee minutes appear on the Consent Agenda. The most recent approved minutes have been included*)

- July 15, 2013 Parks and Recreation Committee Minutes
- July 25, 2013 Planning and Zoning Board Minutes
- August 26, 2013 Parks and Recreation Committee Minutes
- August 29, 2013 Planning and Zoning Board Minutes
- September 10, 2013 Tourist Board Minutes
- September 10, 2013 Downtown Vision Advisory Committee Minutes
- September 25, 2013 Tourist Board Minutes

G. Voters Right Registration Urging Resolution – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA URGING AND ENCOURAGING THE FLORIDA LEGISLATURE TO REPEAL ALL LAWS WHICH DENY THE RESTORATION OF VOTING RIGHTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Adopted on Consent.

B. Expenditure of Forfeiture Funds for the Purchase of Special Equipment – David Allen, Chief of Police

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2013/2014 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$46,000 FROM THE FORFEITURE FUND TO SUPPORT CRIME PREVENTION INITIATIVES, COMMUNITY-BASED PROGRAMS AND LAW ENFORCEMENT EQUIPMENT; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

Adopted on Consent.

C. Resolution Ratifying Charter Review Board Appointees – Linda Miller, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RATIFYING APPOINTEES TO THE TOWN OF SURFSIDE CHARTER REVIEW BOARD; PROVIDING FOR AUTHORIZATION AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted on Consent.

D. National Flood Insurance Program Rate Hikes Urging Resolution – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) AFFIRMING SUPPORT FOR CONGRESSWOMAN ILEANA ROS-LEHTINEN’S CO-SPONSORSHIP OF LEGISLATION TO SUSPEND NATIONAL FLOOD INSURANCE PROGRAM PREMIUM HIKE; URGING THE U.S. CONGRESS TO PASS THIS MUCH NEEDED LEGISLATION; PROVIDING FOR AUTHORIZATION; PROVIDING FOR DIRECTION TO THE TOWN MANAGER AND TOWN CLERK AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted on Consent.

E. Proposed Agreement with the Miami-Dade State Attorney’s Office to Prosecute Criminal Municipal Ordinances – Chief David Allen

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER OF THE TOWN OF SURFSIDE TO EXECUTE AN AGREEMENT WITH THE MIAMI-DADE STATE ATTORNEY’S OFFICE TO PROSECUTE CRIMINAL MUNICIPAL ORDINANCE VIOLATIONS IN SURFSIDE; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted 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)

- 1. Capital Improvement Element Update – Sarah Sinatra, Town Planner**
{Ordinance has been deferred to the December 10, 2013 Town Commission Meeting due to advertisement requirements}

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE 2013 ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN'S COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY AND CONFLICT; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

No action. Item deferred to the December 10, 2013 Town Commission Meeting.

- 2. Construction Fence – Sarah Sinatra, Town Planner**
{Ordinance has been deferred to the December 10, 2013 Town Commission Meeting due to advertising requirements}

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-56.1.B. "CONSTRUCTION FENCING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PERMIT CONSTRUCTION FENCING MATERIALS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

No action. Item deferred to the December 10, 2013 Town Commission Meeting.

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

B. First Reading Ordinances

5. Resolutions and Proclamations

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

- A. Employee Health Benefits Retroactive Contract Renewal for FY 13-14 – Yamileth Slate-McCloud, Human Resources Director**

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, RETROACTIVELY APPROVING THE GROUP HEALTH AND DENTAL PLAN WITH UNITED HEALTHCARE AND THE TERM LIFE INSURANCE, ACCIDENTAL DEATH, SHORT TERM DISABILILTY, AND LONG TERM DISABILITY WITH MUTUAL OF OMAHA; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Karukin made a motion to approve for discussion. The motion received a second from Commissioner Graubart.

Commissioner Graubart asked if anything had changed from the last presentation to the Commission. HR Director McCloud indicated there was a change from an HMO plan to a POF plan and explained the benefits of the change with a minimal change in outlay. Commissioner Kligman asked about competitive bidding and Town Manager Crotty indicated that because there was insufficient time as the contract was near expiration as well as the proposed 17% increase, staff felt it best to handle it this way. However, if the Commission wishes, next year they can look at different options and plans and present them to the Commission.

Mayor Dietch had questions regarding the Health Reimbursement Account and what happens to the funds if not utilized. HR Director McCloud said the funds would go back to the town. Finance Director Donald Nelson gave a more detailed account on the issue.

Mayor Dietch asked what the impact would be to change the date cycle of the contract so the town doesn't have to make quick decisions. Director McCloud and Director Nelson were asked to review this and get back with its report at the next meeting.

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

B. Approval and Award of Contract to Witt/O'Brien's for Emergency Debris Monitoring via a Piggy Back Bid from the Indian Creek Village – Joseph Kroll, Public Works Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH WITT O'BRIEN'S LLC. FOR DEBRIS MONITORING SERVICES PIGGYBACKING OFF THE COMPETITIVELY BID CONTRACT AWARDED BY THE VILLAGE OF INDIAN CREEK, FLORIDA; APPROVING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO EXECUTE THE REQUIRED AGREEMENT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Works Director Joseph Kroll presented the item to the Town Commission.

The Commission had a few questions which Director Kroll answered to their satisfaction. Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Graubart and all voted in favor.

C. Approval and Award of Contract to DRC Emergency Services for Emergency Debris Removal via a Piggy Back Bid from the City of North Miami – Joseph Kroll, Public Works Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH DRC EMERGENCY SERVICES LLC. FOR DISASTER DEBRIS REMOVAL AND DISPOSAL SERVICES PIGGYBACKING OFF THE COMPETITIVELY BID CONTRACT AWARDED BY THE CITY OF NORTH MIAMI, FLORIDA; APPROVING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO EXECUTE THE REQUIRED AGREEMENT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Works Director Joseph Kroll presented the item to the Town Commission. Director Kroll gave an overview of the item and indicated there is no retainer fee involved and a fee is charged only when service needed.

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

D. Approval to Expend Funds From the Storm Water Reserve Account for Drainage Improvements to Biscaya Island Drive for Engineering, Permits and Construction – Joseph Kroll, Public Works

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA APPROVING TOWN STAFF TO OVERSEE THE BISCAYA DRAINAGE IMPROVEMENT PROJECT; AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF FUNDS FROM THE 2013/2014 FISCAL YEAR BUDGET NOT TO EXCEED \$174,000 FROM THE STORMWATER FUND-RENEWAL AND REPLACEMENT ACCOUNT NO. 404-5500-538.63.20; PROVIDING FOR APPROVAL AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE. - Public Works Director Joseph Kroll presented the item to the Town Commission.

Town Manager Crotty explained the item and asked Bob McSweeney of CGA to give an overview of the item. Mr. McSweeney indicated that the system in place does not meet any level of service and is undersized which causes some flooding. The suggested pipe size increase would allow for better drainage in a ten day one year storm event which is a standard roadway system.

Vice Mayor Karukin asked why this was not part of the initial planning when work was done years ago. Mr. McSweeney indicated that this was part of a matching grant funding program and at that time the town had limited funds available. He gave a detailed

account as to what was done and why the focus was on the water system and sewage. Also, Biscaya Island was not identified as a problem at that time.

Both Mr. Chris Giordano and Mr. McSweeney addressed questions from Commissioner Graubart regarding engineering and design fees and high tide issues.

Commissioner Kligman made a motion to approve for appropriation and expenditures. The motion received a second from Commissioner Olchyk and all voted in favor.

AND

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NO. 76; A WORK AUTHORIZATION TO INCLUDE CIVIL ENGINEERING, CONSTRUCTION INSPECTION, GOVERNMENT CONSULTING AND SURVEYING FOR BISCAYA DRAINAGE IMPROVEMENTS; AUTHORIZING THE APPROPRIATION AND EXPENDITURE FROM THE 2013/2014 FISCAL YEAR BUDGET NOT TO EXCEED \$58,000 FROM THE STORMWATER FUND-RENEWAL AND REPLACEMENT ACCOUNT NO. 404-5500-538.63.20; AUTHORIZING THE TOWN MANAGER TO TAKE ANY NECESSARY ACTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Karukin made a motion to approve. Commissioner Graubart seconded for discussion purposes only.

After some discussion Commissioner Graubart seconded the motion to approve. The motion carried 5-0.

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

Mayor Dietch opened the meeting to Good and Welfare

Andrea Diamond expressed her concerns about the amount of people from other municipalities that came to the town on Halloween. In the past the Community Center hosted a Halloween Party for the children and she feels it is much safer for the residents and the children. Commissioner Graubart suggested that the Town Manager meet with the Chief of Police and discuss the issue.

Sebastien DesMorais asked for assistance with a noise problem with a neighbor whose dogs wake the family several times during the night. He has been in contact with Code Compliance and the Police Dept but the problem has not been resolved. The Mayor indicated that there was a recent workshop on code compliance and Commissioner Olchyk said that at the workshop she indicated issues must be followed through with fines after initial warning.

Paul Yavis said the town of Surfside has a dog problem especially on the beach where dogs are not allowed and their use of a vacant lot on 90th Street which emits a very bad odor. Town ordinances should be enforced more strictly.

Vanesa Scheim spoke about the amount of construction being done, traffic lane closures and noise level. She feels the hours of construction should be adjusted to 9:00 a.m.-5:00p.m. Commissioner Graubart understands her concerns and suggested the Commission bring the issue as a discussion item. Commissioner Olchyk said there has to be better code enforcement and has spoken to Public Works as there is also a lack of cleanliness with lunch trash from workers as well as hours of operation.

Peter Neville was in agreement with Halloween being very dangerous this year with many people, and some adults wearing masks as well, knocking on doors. He also suggested that a leaflet be provided to foreigners who have purchased in Surfside outlining what requires a permit from the town before a project is started. Mayor Dietch said that was discussed at the code compliance workshop. Commissioner Olchyk took issue with the word “foreigners” and said information should be provided to all new resident of Surfside.

Julia Magnani represented the PTA of Ruth K. Broad which will be holding its annual fundraising carnival. In the past the town of Surfside, Bay Harbor, Bal Harbor and Indian Creek have sponsored this event but they were told that this year the town of Surfside did not put it into their budget. She is asking the Commission if the town would contribute \$500 towards this event.

Commissioner Olchyk said she voted no on the budget item because she feels that money spent should benefit all residents of Surfside not just those with children. She also indicated that other groups just as worthy may then ask for assistance and how do you justify saying yes to one and no to another. She also said that former attorney Miriam Meyer recently made a significant contribution to Ruth K. Broad upon the recommendation of the Commission. Commissioner Graubart and Commissioner Kligman asked Finance Director Donald Nelson where the money would come from if approved and Director Nelson said it would come from the general fund, miscellaneous.

Commissioner Kligman made a motion that \$500 be allocated to sponsor the carnival and the motion received a second from Commissioner Graubart. The motion carried 3-2 with Commissioner Olchyk and Mayor Dietch voting in opposition.

There being no further speakers Mayor Dietch closed Good and Welfare.

7. Town Manager and Town Attorney Reports

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

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

A. Six-Month Performance Evaluation Town Manager Michael Crotty– Mayor Daniel Dietch

Mayor Dietch informed the Commission that based on the evaluation Town Manager Crotty rated above average in all criteria. Commissioner Olchyk congratulated the Town Manager and said she is very satisfied with his performance. She suggested that the Town Manager be somewhat more forceful with his supervisors regarding code enforcement especially when these issues are brought before the Commission for resolution. Commissioner Olchyk also suggested that an update be presented to the Commission on such issues.

B. Wall Frontage and Side Setbacks in H120 District – Vice Mayor Michael Karukin
Vice Mayor Karukin presented the item to the Town Commission
Town Planner Sarah Sinatra spoke on the item.
After some discussion the Town Commission directed the Town Manager to work with the Town Planner on graphics.

C. Pension Board Vacancy – Sandra Novoa, CMC, Town Clerk
Item was heard as item 1H
Mr. Issa, CFP presented to the Commission his background and expertise in pensions and 401ks.
Vice Mayor Karukin made a motion to approve Mr. Abraham Issa, CFP to the Pension Board. The motion received a second from Commissioner Kligman and all voted in favor.

D. Water/Sewer/Storm Drainage Project Contract Summary and Closeout – Michael P. Crotty, Town Manager (TIME CERTAIN 8:00 PM)
Chris Giordano presented the item to the Town Commission. The item was for discussion purposes only. Mr. Giordano addressed questions from the Commission.

E. RKB Bay Harbor Islands K-8 Center- Basketball Court Update – Commissioner Joe Graubart
Commissioner Graubart stated that he provided the report as an update to the Town Commission.

F. Turtle Project – Art in Public Places Update – Duncan Tavares, TEDACS Director
Town Manager Crotty gave an update on the issue and said the remaining pieces of artwork will be retained and become the property of the town Tourist Board and will be placed on display for public viewing. Ideas such as fundraising and marketing were mentioned. Commissioner Olchyk spoke of the cost of upkeep of the turtles and

that was why approval was made to sell the turtles in the past. At the Tourist Board Meeting there was strong support to keep the turtles.

G. Public Corruption – When Will it End – Commissioner Joe Graubart
For information purposes

H. Report on Contracted Services – Michael P. Crotty, Town Manager

*** Item was heard as item 9A ***

Town Manager Michael P. Crotty presented the item to the Town Commission.

Vice Mayor Karukin made a motion for discussion and the motion received a second from Commissioner Graubart.

Commissioner Graubart said he had mixed feelings about going forward with CGA as citizens of Surfside had expressed some concerns.

Commissioner Kligman said the report was very helpful and saw positive feedback from various departments working with CGA. However, she thinks the town should go out to bid in light of the length of time with the same company. She was also at a loss as to why this is being brought up again as it was voted on to go out to bid at the November 13, 2012 meeting. As indicated at previous meetings she is asking why the will of the Commission is being ignored and why aren't we moving forward on this item.

There was further discussion with Chris Giordano, Town Manager Crotty, and the Commission. Finance Director Nelson said that in his opinion CGA is a first class quality firm that has provided excellent service to the town and works well with each department. He further indicated that the time element was not a factor because of the quality of service provided. There was further discussion regarding going out to bid.

Commissioner Kligman made a motion to issue an RFP for Architectural, Landscape and Engineering Services, excluding IT and Community Development Services. The motion received a second from Commissioner Olchyk.

The Mayor made a friendly amendment for the successful bidder to sign a contract that would have a term of three years with up to two (2) one year extensions.

Commissioner Kligman and Commissioner Olchyk accepted the Mayor's friendly amendment. The motion carried 4-1 with Vice Mayor Karukin voting in opposition.

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 11:00 p.m.

Accepted this _____ day of _____, 2013

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk

TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2012/2013

AS OF

September 30, 2013

100% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 3

Agenda Date: December 10, 2013

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET
GENERAL FUND			
REVENUE	\$ 10,327,594	\$11,198,285	92%
EXPENDITURES	10,353,550	\$11,198,285	92%
Net Change in Fund Balance	(25,956)		
Fund Balance-September 30, 2012 (audited)	5,266,374 ^A		
Fund Balance-September 30, 2013 (Reserves)	<u>\$ 5,240,418</u>		
RESORT TAX (TEDAC SHARE)			
REVENUE	\$ 194,277 ^B	\$304,661	64%
EXPENDITURES	271,280	\$304,661	89%
Net Change in Fund Balance	(77,003)		
Fund Balance-September 30, 2012 (audited)	171,496		
Fund Balance-September 30, 2013 (Reserves)	<u>\$ 94,493</u>		
POLICE FORFEITURE/CONFISCATION			
REVENUE	\$ 65,655	\$162,490	40%
EXPENDITURES	50,602	\$162,490	31%
Net Change in Fund Balance	15,053		
Fund Balance-September 30, 2012 (audited)	122,272		
Fund Balance-September 30, 2013 (Reserves)	<u>\$ 137,325</u>		
TRANSPORTATION SURTAX			
REVENUE	\$ 205,947	\$287,862	72%
EXPENDITURES	196,774	\$287,862	68%
Net Change in Fund Balance	9,173		
Fund Balance-September 30, 2012 (audited)	122,302		
Fund Balance-September 30, 2013 (Reserves)	<u>\$ 131,475</u>		
CAPITAL PROJECTS			
REVENUE	\$ 410,379	\$707,467	58%
EXPENDITURES	466,905	\$707,467	66%
Net Change in Fund Balance	(56,526)		
Fund Balance-September 30, 2012 (audited)	132,783		
Fund Balance-September 30, 2013 (Reserves)	<u>\$ 76,257</u>		

NOTES:

- A. Includes \$2,000,000 available for hurricane/emergencies. The balance of \$3,266,374 is unassigned fund balance (reserves).
 B. Total Resort Tax Revenues of \$521,510 were received thru September, 2013 (\$194,277 to TEDAC, \$327,233 to the General Fund).

ENTERPRISE FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET
WATER & SEWER			
REVENUE	\$ 2,736,042	\$3,070,859	89%
EXPENDITURES	2,824,256	\$3,070,859	92%
Change in Net Assets	(88,214)		
Unrestricted Net Assets-September 30, 2012 (audited)	(2,949,483)		
Loan Proceeds *Subsequent to FY 2012 Close	7,339,928		
Restricted Net Assets-Renewal & Replacement	1,017,776		
Capital Project Expenses to date for Water & Sewer	(6,516,017)	\$5,464,014	119%
Unrestricted Net Assets-September 30, 2013 (Reserves)	<u>\$ (1,196,010) F</u>		
MUNICIPAL PARKING			
REVENUE	\$ 1,059,467	\$852,286	124%
EXPENDITURES	823,190	\$916,344	90%
Change in Net Assets	236,277		
Unrestricted Net Assets-September 30, 2012 (audited)	1,258,325		
Capital Project Expenses to date for Municipal Parking	(425,606)	\$451,188	94%
Unrestricted Net Assets-September 30, 2013 (Reserves)	<u>\$ 1,068,996</u>		
SOLID WASTE			
REVENUE	\$ 1,237,305	\$1,267,303	98%
EXPENDITURES	1,217,156	\$1,267,303	96%
Change in Net Assets	20,149		
Unrestricted Net Assets-September 30, 2012 (audited)	228,437		
Unrestricted Net Assets-September 30, 2013 (Reserves)	<u>\$ 248,586</u>		
STORMWATER			
REVENUE	\$ 499,969	\$505,000	99%
EXPENDITURES	377,395	\$505,000	75%
Change in Net Assets	122,574		
Unrestricted Net Assets-September 30, 2012 (audited)	(161,489)		
FDEP Grant	986,000	\$512,500	192%
Capital Project Expenses to date for Storm Water	(714,808)	\$728,781	98%
Restricted Net Assets-Renewal & Replacement	266,140		
Unrestricted Net Assets-September 30, 2013 (Reserves)	<u>\$ 498,417</u>		

NOTES:(con't)

F. The reserves balance of (\$1,196,010) is the result of a change in current net assets as of September 30, 2013 of (\$88,214), net assets as of September 30, 2012 of (\$2,949,483), subsequent receipts of the State Revolving Loan payment #1 of \$4,151,234 and payment #2 of \$3,188,694 for a total of \$7,339,928, \$1,017,776 for renewal and replacement, less the total expense paid through September 30, 2013 date on the Utility Project.

The Unrestricted Net Assets as of September 30, 2013 of (\$1,196,010) includes funds of \$651,144 for rate stabilization.


Donald G. Nelson, Finance Director


Michael P. Crotty, Town Manager

**ATTACHMENT

**Town of Surferside
Fund Balance (Reserves)
September 30, 2013**

FUND	9/30/2010	9/30/2011	9/30/2012	9/30/2013
General	\$ 3,163,038	\$ 4,256,315	\$ 5,266,374	\$ 5,240,418
Resort Tax	179,035	184,867	171,496	94,493
Police Forfeiture	71,825	117,889	122,272	137,325
Transportation Surtax	416,500	239,760	122,302	131,475
Capital	4,888,357 *	399,754	132,783	76,257
Water & Sewer	2,108,920	2,692,379	(1,931,707)	(1,196,010)
Parking	2,043,034	1,385,581	1,258,325	1,068,996
Solid Waste	82,210	207,462	228,437	248,586
Stormwater	194,564	342,240	104,651	498,417
Total	\$ 13,147,483	\$ 9,826,247	\$ 5,474,933	\$ 6,299,957

4,201,479 *

\$ 8,946,004

*Committed to Capital Project (Community Center)



Town of Surfside

TOWN MANAGER'S REPORT December 2013

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

TOWN MANAGER'S REPORT
December 2013

A. COMMUNITY PROGRAMS/INITIATIVES/ENHANCEMENTS

1. Sister Cities: Mayor Daniel Dietch

Current Status: The concept of Surfside entering into Sister City relationships with other towns/cities was first discussed within the Administration due to the success of such programs in Surfside's neighboring communities of Miami Beach and Sunny Isles Beach. The idea was recently proposed at the August, 2013 Town Commission meeting by resident Peter Neville as an initiative the Tourist Board might consider given the advent of the revitalization of the Town's tourism economy. Becoming a Sister City (or Town Twinning) creates a broad-based relationship and partnership between two communities nationally or internationally. Traditionally this relationship requires a cooperative agreement between the two towns that often promotes cultural and commercial ties. Possible programs could be established with communities such as Newtown, CT, given the established relationship created by the gift of Ruth the Turtle, with those that have an historical tourism connection (i.e. Canada), as well as with towns based on the heritage of Surfside's population (e.g. those in Israel, Latin and South America). The Tourist Board endorsed the idea at their October 7, 2013 meeting but feels that it should be a collaborative effort with the Town Commission. This concept will come before the Commission for direction at a later meeting.

2. Bullying Program: Commissioner Michelle Kligman

Current Status: The bullying program was held on January 16, 2013 in the Community Center. The event consisted of an informative session that included an expert panel in the control of bullying with a question and answer session and a showing of the movie *Bully*. The event was a great success with approximately 100 people in attendance. Commissioner Kligman proposed a robust program that incorporates surrounding communities and the School Board to further this program. A resolution defining this effort was approved by the Town Commission during the February 12, 2013 Commission meeting. The resolution along with an outline for implementing the program was introduced to the Parks and Recreation Committee during their March 18, 2013 meeting. Summer camp staff received the bully training during the summer camp in-service training on June 8, 2013. The bully training program was held September 19, 2013 in the Community Center for full and part time staff. Staff will also work on holding a youth anti-bully program January 29, 2014 at 6:30 pm. Staff is at this time preparing an agenda for this program. The Parks and Recreation Committee was asked again to review the resolution and is preparing suggestions for an anti-bully policy to be presented for review in January 2014. This will be an ongoing process and updates will be provided monthly.

3. Mt. Sinai Bus Route: Commissioner Michelle Kligman

Current Status: Following the Town Manager and TEDACS Director meeting with the Jewish Community Services (JCS) team on May 30, 2013 regarding transportation options and related costs, JCS staff prepared a bus proposal. This information will be presented to the Town Commission in the FY 13/14 budget process. A subsequent meeting on June 24, 2013 explored further partnership options to mutually benefit Town residents and JCS clients. A Program Modification addressing transportation to Mount Sinai in conjunction with JCS has been included in the proposed FY 13/14 budget. In the interim, JCS conducted outreach meetings with all Police Department shifts to inform them of their services available to seniors. Being aware of the benefits of the Surf-Bal-Bay Program, police officers can pass on information to residents/seniors that they interact with during their daily community involvement/activities. The Town will continue to inform Surfside residents of the program through the Gazette. The FY 13/14 Adopted Budget includes up to \$7500 addressing this transportation need. Following budget adoption, the Town Manager met with JCS on a proposal that would address the request for a Mount Sinai route and also provide additional services to the Town's seniors through the Surf/Bal/Bay Club. In late November, the Town was notified that JCS has made a financial decision to close the Surf/Bal/Bay Club. Other options will be explored including discussions with neighboring barrier island communities including Bal Harbour; Bay Harbor; Sunny Isles and Miami Beach.

4. Joint Skate Park with City of Miami Beach

Current Status: Initial contact was made with Miami Beach officials on May 31, 2013 regarding a joint skate park project located south of the Tennis Center and discussions have begun with the Town's Parks and Recreation Committee. A meeting with Miami Beach officials and Town Representatives was held on July 11, 2013 and September 13, 2013. The meeting was positive in nature and Miami Beach is on board with the Town researching the possibility of building a skate park as a joint venture between Miami Beach and the Town of Surfside. At this time Miami Beach has a possible \$400,000 for the project along with the 2 lots of land. The project was presented to the Parks and Recreation Committee during the July 15, 2013 meeting and was supported by the Committee. Staff work on the project continues including finalizing a proposal for partnership with Miami Beach; options for park development and operation; and community outreach. Also, Bay Harbor Islands officials have expressed an initial interest in the skate park partnership and exploring possible participation. A meeting was held on September 13 with Miami Beach representatives (Assistant Manager and Recreation Director) to discuss the status of the project. They identified an additional site (the "log cabin" site approximately 5 blocks south of 87th Terrace lot) which they are also considering. Miami Beach staff will present skate park options at a Neighborhood meeting in mid-October. The idea of a joint skate park was reviewed by the Miami Beach Neighborhoods/Community Affairs Committee on October 28, 2013 and has been forwarded on to the Miami Beach City Commission for review.



Approximate 9000 sqft site identified as a possible location for a joint partnership with Miami Beach for developing a skate park located south of the Town's tennis facility (87th Terrace).

5. MAST Academy – Miami-Dade County Public Schools Maritime and Science Technology Academy (FIU Biscayne Bay Campus)

Current Status: Miami-Dade County Public School District is currently in the process of finalizing the startup of a District operated secondary program in environmental sciences at the FIU Biscayne Bay Campus (3000 NE 151st Street, North Miami) for School Year 13/14.

Mayor Daniel Dietch and the Town Manager received a briefing on June 18, 2013 from County School District officials on the start-up of the Environmental Science Program and longer range plans to fund and permanently establish a facility. Commissioner Michelle Kligman also received a briefing from the Superintendent's Office on the proposal.

In a number of locations through the County, municipalities partner with the School District to invest in educational opportunities for its residents particularly as it relates to MAST academies. On September 9th, Surfside and Miami-Dade County School District will host an information meeting at Town Hall regarding the Environmental Sciences at Florida International University (FIU), located at 3000 NE 151 Street in North Miami. The meeting will take place in the Commission Chambers. The agenda and meeting information has been posted on the Town's website under Town News. Elected Officials and staff from Bal Harbour and Bay Harbor Islands were invited to attend the September 9th meeting to hear about this opportunity to expand educational opportunities for local students. The Commission has been provided with a written report on the September 9th Community meeting. An open house tour of the MAST Academy at FIU was held on October 17. There were approximately 25 attendees at the open house and the Town was represented by Linda Jain, Web and Special Projects Coordinator.

During a recent meeting with Lobbyist Fausto Gomez, funding for the MAST Academy was discussed. An option of creating a Town non-profit educational fund was identified as an additional

funding opportunity. Fausto Gomez indicated several Miami-Dade communities have established such a non-profit in conjunction with the School District.

6. Town-wide Traffic Study Public Outreach

Current Status: The proposal for the outreach/education process on the Town-wide Traffic Study was presented to the Commission at the May 15, 2013 meeting. The first outreach meeting was held June 25, 2013 in the Commission Chambers. Approximately 10 residents attended. Another outreach meeting is planned; however, in order to receive more input, a different approach is necessary. Correspondence to FDOT addressing several study recommendations (timing of traffic signals at 96th/ Harding and Collins); pedestrian crosswalk feature at Byron and 96th and the 96th/Harding crosswalk) was sent to FDOT in November. A copy of the correspondence has been provided to the Commission.

7. Turtles Project – Art in Public Places

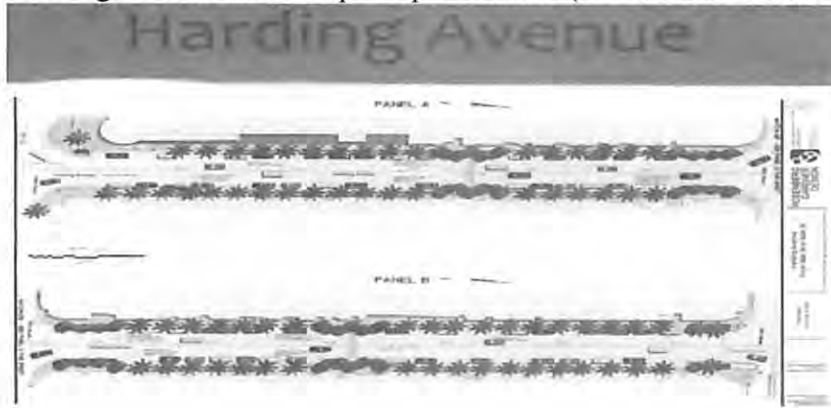
Current Status: The Tourist Board agreed to keep the Turtles per Town Commission request. Presently the sculptures reside on Turtle Way, 93rd Street between Collins and Harding Avenues. The Tourist Board will continue to oversee and market this initiative as an asset to Surfside. Staff will continue to manage the program under the stewardship of the Tourist Board. The Turtle that the Tourist Board has donated to RKBBHK8, to replace “Ruth”, will be relocated from Town Hall to the school during a ceremony tentatively scheduled for December 10, 2013 (the one year anniversary of the Newtown, CT tragedy). More information will be provided as soon as it is available.

B. DOWNTOWN BUSINESS DISTRICT AND TOURISM

1. Harding Avenue Streetscape Plan

Current Status: The project is nearing completion. All trees and shrubs scheduled for removal on Harding Avenue have been removed and the trees have been re-located to various locations throughout Town (94th and Bay; 93rd and Bay; Tot Lot; Tennis Center). These trees were required to be relocated by the FDOT permit. These locations are utilized to beautify and add more greenery; this practice eliminates the Town from discarding healthy plantings. All of the medjools for the project have been planted. The rough in for the up-lighting has been completed on the east/west side of Harding. The cut outs for the pocket parks on both sides of Harding Avenue are complete and concrete will be put back the week of December 2. The committee met and chose the hardscape furniture and trash receptacles for this project. Public Works is in the process of planting the smaller trees and shrubbery in the pocket parks. Public Works and the contractor are continuing to work diligently to complete the project. All trees and shrubs as well as the tree grates and replaced sidewalks are expected to be completed within 10 days. The remaining items are tree lights, furniture and trash receptacles.

Harding Avenue streetscape improvements (94th and 96th Streets):



2. Downtown Vision Project: Commissioner Michelle Kligman

Current Status: DVAC met on November 25 as part of the Parking Structure outreach to the downtown property owners and business operators. Despite hand delivered and emailed invitations to the meeting, plus the publication of the meeting in the Gazette (which was also hand delivered) attendance was scarce. While there is real concern and frustration on the part of downtown stakeholders regarding the parking situation and the historical inaction of the Town to truly address the issue, there is a reticence to attend any meetings. The lack of a cohesive body to represent downtown (like a BID) only further exasperates all outreach attempts. The Town will continue to involve the downtown stakeholders on the parking challenge as best possible. A Community Dialogue meeting for residents will be held Wednesday December 18, 2013.

The meeting also discussed the following timeline of the proposed BID straw vote:

- Week of Nov 18 – finalize Straw Ballot Document and Summary of the BID for dissemination. RMA to start preliminary outreach.
- Week of Nov 25 – RMA & TEDACS Director completes preliminary outreach.
- Week of Dec 2 – Outreach by Mayor, Commissioner Kligman, Town Manager to Property Owners. RMA and TEDACS Director outreach to all business operators.
- Weeks of Dec 9/Dec 16 – Conduct Straw Ballot and follow-up (RMA).
- Week of Dec 23 – Summary of findings report completed for TC Jan meeting.

The results of the ballot will be presented to the Town Commission for direction on whether or not to proceed with the formal process for a BID.

3. Sidewalk Ordinance Implementation

Current Status: The agreement, as well as the accompanying resolution, remains with FDOT for their final review and signature. The ordinance continues to be rolled out as part of the Town's Fall business licensing process (see information on the LBTR/CU Process in this report) and will coincide, as well as complement, the Harding Avenue Business District Streetscape.

4. Parking Structure Feasibility Study

Current Status: The completed study was issued to the DVAC Parking Subcommittee (which includes members appointed by the Town Commission and the Town Manager) on March 8, 2013 for the March 20, 2013 meeting. Rich and Associates and C3TS/Stantec presented to the committee and public in attendance and the meeting was broadcast over Channel 77. The committee unanimously voted in favor of moving the study on to the Planning and Zoning Board (April 3, 2013) and Town Commission (April 9, 2013).

At the April 9, 2013 meeting, the Commission acknowledged receipt of the March, 2013 Parking Structure Feasibility Study. The Commission tasked Staff to develop a public outreach and educational process to move the Study forward in order to ensure all stakeholders have been informed and involved prior to the Commission proceeding with its action on the Study.

Staff began the outreach/education process on the Parking Structure Feasibility Study. At the May, 2013 DVAC meeting, the committee members were asked to share their ideas/suggestions on the community outreach/vision process. At the June 24, 2013 DVAC meeting, the committee members provided ideas/suggestions on the community outreach/vision process. The item was also discussed at the two BID Property Owners/Business Operators meetings held on June 26, 2013.

At its October meeting, the Commission provided direction to move this process forward including:

- Acknowledging the parking deficiencies in the business district; (shortage of parking spaces presents unacceptable conditions for business and customers and needs a comprehensive solution).
- Supporting the outreach effort to develop a final report to be prepared no later than April 1, 2014 containing: detailed recommendations on parking facility improvements to address deficiencies including location; financing options and construction timeframes.
- Recognition that the Commission retains the ultimate decision making authority in how the recommendations of the report are implemented, including method of approval.

On December 18, a Community Dialogue will be held as part of the outreach. Regular updates will be provided including status update on the project at the January 2014 Commission meeting.

5. Five Year Tourism Strategic Plan

Current Status: Staff is working on implementing the first year identified in the plan (FY 13/14). The Tourist Board finalized their ethics, conflict of interest, policies and procedures as well as governance policies. Along with suggested changes to the Town's Resort Tax Ordinance, these items will be brought before the Town Commission at the January 2014 meeting.

C. INFRASTRUCTURE AND UTILITIES

1. 95th Street End Project

Current Status: The project is about 70% completed. Curb installations are complete; all of the medjool palms are in; pavers are installed on the north side of the project from back of curb to the driveway as well as on the roadway from the bulkhead west to about 100 feet from Collins Avenue. The paver portion is scheduled to be completed by December 6th. The south side of the project (Spiaggio) has been demo'd and pavers are being installed. The project is on schedule to be finished by the January completion date.

Pictured is 95th and Collins to bulkhead paver design:



2. North Force Main/Building Better Communities Bond Program

Current Status: There is both progress and pushback on this effort to obtain funding for this critically important second sewage disposal alternative for Surfside, Bal Harbour and Bay Harbor Islands. Miami-Dade County WASD has retained the firm of Hazen and Sawyer to study the situation at the North Dade Regional Plant and the 163rd Street force main. This is recognition that something needs to be done that will resolve the issue which we keep top of their minds. The negatives are that specific projects which would facilitate acceptance of our sewage are not listed in the draft settlement agreement with EPA and FDEP. Surfside was represented in a community meeting held by WASD September 27, 2012 and our concerns were placed on the record, Mayor Daniel Dietch, Donald Nelson and the former Town Manager also attended a meeting held at WASD on October 25, 2012 in which the draft settlement agreement was further discussed. A new resolution was approved by the Board of County Commissioners that gave specific direction to the County Administration to consider innovative municipal projects as they prioritized the Building Better Communities bond funding. This amendment

was written by the former Town Manager and supported by County Commissioner Sally Heyman. Finally, the risks inherent in the Virginia Key plant (where our sewage is treated) and the new force main under Government Cut have been documented in the Miami Herald.

In a conversation with Doug Yoder, Assistant WASH Director who is handling the negotiations with EPA and DEP, it was learned that an environmental group has filed a lawsuit which questions the advisability of upgrading shoreline sewer plants that may go underwater if global warming raises sea level. Therefore WASH is looking at the alternative of an inland plant at a higher elevation. There is a long way to go on this issue.

At the May 21, 2013 County Commission meeting, the County adopted a resolution regarding the Federal Consent Decree. Commissioner Heyman again expressed support for recognition of funding efforts of municipal governments in upgrading sanitary facilities. Bob McSweeney, PE of CGA represented the Town at this meeting. However, since the County Commission action on the Consent Decree was a resolution, no public comment was received. The following is a summary of the long established Town talking points on this issue which were to be presented:

1. There should be recognition for communities that have made substantial investment to combat I&I. Rate increases should be discounted for communities which took initiative to reduce the I&I utilizing their own funds. Surfside has expended \$23 million on their utilities with the goal of reducing the I&I by 90%.
2. Lift stations – Surfside has fixed its own, as has Miami Beach. Surfside's sewage flows through upgraded lift stations with acceptable NAPOT reports. Again, communities which showed initiative should not be punished by these rate increases.
3. Support for Commissioner Heyman's position: "Any Building Better Communities water and/or sewer project in which a municipality has put forth an innovative financing plan shall not be adjusted as to priority in this analysis and in fact, shall be accelerated if possible. Further, the analysis requested of the Mayor shall include the implication for any recommended adjustments in dollars or timing in the Building Better Communities Bonds as to allocation of water and sewer permits for new or updated construction projects. Said analysis shall be done in a format that clearly demonstrates how the proposed adjustments impact the construction industry and job creation."
4. There should be recognition for building permits issuance and utilization of County capacity to offset County costs/ burden by developers. This burden should not be placed solely on the wholesale customers such as the Town of Surfside.

On May 29, 2013, Town Manager Michael Crotty discussed with Commissioner Heyman establishing a meeting to follow-up on sanitary sewer issues. The Commission will be provided updates.

On July 11, 2013, Town representatives met with Miami Beach officials regarding the agreement with Miami Beach on sanitary sewer services they provide to the Town. Issues identified during the preparation of the new agreement with Miami Beach may identify additional issues to assist in the Town's discussions with Miami-Dade. Miami Beach will be encouraged to partner with

the Town and our adjoining communities as we approach Miami-Dade regarding the possibility of a north force main. This enhancement would be a significant “back-up” for Miami Beach. Once the negotiations are concluded with Miami Beach, Bob McSweeney, CGA Director of Engineering Construction, will prepare a report outlining the Town’s efforts in upgrades/improvements to its sanitary sewer system and issues in support of our talking points listed above which will serve as the basis for discussions with the County.

Finally, a meeting was held with DERM on August 29th to discuss the Town’s successful compliance with the terms of the 2007 Consent Agreement as a result of the Town’s \$23.6M Water/Sewer/Storm Drainage Project. Town staff discussed with DERM representatives the contemplated north force main project; benefits to be derived and possible approaches to achieve this objective. Miami Beach officials have been initially approached to discuss the north force main project and determine their interest in participating with the County in this dialogue. Additional dialogue will occur with the Manager’s Office, Utilities and Economic Development staff.

3. Water/Sewer/Storm Drainage Project and Collins Avenue Force Main Project

Current Status: See CGA monthly report in the Commission agenda packet for the status of the Water/Sewer/Storm Drainage Project.

4. Seawall Project (Agenda Item: December 10, 2013)

Current Status: Miami Dade County Regulatory and Economic Resources (RER) (formerly DERM) has completed the Biological Opinion (BO). The results of the BO were submitted to the Town and CGA has incorporated the BO permit requirements into our final plans. The US Army Corps of Engineers (USACE) permit was obtained in late February 2013 and the FDEP permit was obtained in April 2013. The SFWMD and RER final permits have been received. The Town received final authorization from Florida Inland Navigation District (FIND) and the Commission will vote on a resolution to allocate the Town’s matching funds at the December 2013 Commission meeting.

5. Beach Management

Current Status: Hurricane Sandy and high full moon tides and wind caused significant erosion on our beach. Due to the storm, Surfside lost up to 75 feet of beach (with nearly 25 feet returning by natural drift of sand) and was one of the least damaged segments of beach countywide. Staff has begun work on many fronts to ensure that various agencies with authority and funding initiate a re-nourishment program. A meeting was held with Miami Dade County staff on December 20, 2012 and the County accepted responsibility for coordinating the re-nourishment. Town Staff will be kept updated as Miami-Dade County moves forward with any re-nourishment project.

Congresswoman Debbie Wasserman Shultz sponsored a Coastal Community Roundtable on April 4, 2013. Governmental representatives from Miami-Dade and Broward Counties heard presentations from U.S. Army Corps of Engineers in Jacksonville, Florida. Of local interest,

Corps representatives presented an overview of the sand re-nourishment project scheduled in Bal Harbour (Contract G: August, 2013 Award and start date at the conclusion of Sea Turtle Season). After this project, compatible sand sources for re-nourishment will be depleted.

The Corps began an outreach pertaining to their planned sand source study (Contract J: tentative date August, 2014). The study will attempt to locate compatible sand (non-County borrow area) for future projects.

Discussions were held on the long delayed Bypass project at Port Everglades and the legal issues and challenges associated with the use of foreign sand (i.e. Bahamas) for domestic projects. Also, the Town has been approached about possible coordination with Miami Beach on their dune restoration initiative.

The dune re-nourishment project in April, 2014 is still a work in progress. Public Works staff continues to coordinate this effort with Lee Gotlieb.

6. Collins Avenue Sidewalk Utility Box Repairs: Commissioner Marta Olchyk

Current Status: Public Works met with FDOT on September 27, 2013 to discuss the remaining trip hazards on the Collins Avenue pedestrian walkway (sidewalks). The FDOT met with FPL to discuss their many different locations along the Collins Avenue walkway that have FPL boxes that are subject to trip and fall. FDOT requested that FPL expedite and fix these locations. In October, the Public Works Director and Building Official did a walk through with representatives of FPL (including Aletha Player) to specifically identify the problem areas. As of November 2013, the Collins Avenue Utility Box has been repaired by FPL. The Public Works department continues to inspect/maintain all sidewalks for possible trip hazards on a weekly basis. Item completed.

7. Pedestrian Crosswalk at Harding Avenue and 96th Street

Current Status: This FDOT experiment in modifying pedestrian behavior by requiring a three light alternative has been an issue of concern. A meeting was held with FDOT District Engineer Gus Pego and he agreed to study going back to the original crosswalk. This will slow eastbound traffic on 96th Street making a right turn to Harding Avenue southbound, however, that is a more desirable consequence than leaving the current dangerous unauthorized pedestrian movement. A meeting was held with Mr. Pego on July 3, 2013 regarding the history of the pedestrian crossing at 96th/Harding.

Public Works Director Joseph Kroll, also met with the Town's Traffic Consultant, Jeff Maxwell of Calvin, Giordano, and Associates to discuss the aforementioned traffic issue. Mr. Maxwell was able to provide his findings for Harding Avenue and 96th Street crosswalk as follows:

Potential Crosswalk at 96th Street/Harding Avenue – South Leg of the Intersection: The intersection of Harding Avenue/96th Street currently provides pedestrian crosswalks on the north, east, and west approaches. The south leg of the intersection does not provide a pedestrian crosswalk. Westbound traffic is prohibited from turning left onto Harding Avenue (southbound)

and would therefore not present a conflict with the proposed pedestrian crosswalk. Eastbound traffic allows for dual eastbound to southbound right-turn movements. This will present a conflict with the proposed pedestrian movement on the south side of the intersection during the eastbound through movement green phase. For this reason, it will be necessary to provide a dedicated pedestrian phase for the proposed pedestrian movement on the south side of the intersection. It will very likely result in the deterioration of the intersection traffic Levels of Service since the cycle time will need to be allocated for an exclusive pedestrian phase. This will be the primary disadvantage of the proposed crosswalk facility. If a pedestrian crosswalk is installed on the south leg of the intersection, pedestrians on the south side of 96th Street wishing to cross Harding Avenue will no longer need to crossover to the north side of 96th Street. This will be the primary advantage of the proposed crosswalk facility.

In November, correspondence was sent to FDOT District Secretary Gus Pego requesting FDOT undertaking a study re-establishing this crosswalk and the resulting pedestrian, traffic and safety impacts.

8. Community Center Expansion: Second Floor Addition: Vice Mayor Karukin

Current Status: During the December 17, 2012 Parks and Recreation Committee meeting, the second floor of the Community Center was listed by the Committee as the top priority for the Parks and Recreation Infrastructure Plan. The FY 13/14 proposed budget contains \$100,000 funding from voluntary proffers to undertake conceptual planning and design of projects including the second story addition to the Community Center. This funding is subject to the Commission approving a Five Year Capital Parks and Recreation Plan. The Resolution adopting the Five Year Capital Parks and Recreation Plan was approved at the September 17 Commission meeting. Also, the resolutions authorizing engineering and architectural services have sunset and will need to be reviewed.

Finally, since this project contains varied components (structural analysis of an existing facility to determine expansion capability; public outreach to determine features to be included; design and permitting, bidding and construction services) the option of competitively selecting a firm which would be retained for "design build" or "best value". The October 30, 2013 report on contractual services recommends that the upcoming RFP under the Consultant's Competitive Negotiation Act for architectural and engineering services include a reservation of rights to do a separate RFP for architectural/engineering services for the expansion/second story of the Community Center.

9. Tennis Facility

Current Status: At the July 15, 2013 Parks and Recreation Committee meeting, the Committee recommended that the improvements to the tennis facility be ranked as the #2 priority with implementation beginning in FY 13/14, (#1 priority being the second floor addition to the Community Center). The improvements (court surface, lighting and fencing) are estimated to cost \$255,000. The Committee moved up the tennis facility on its priority list due to the deteriorating condition of the court surface and overall condition of the supporting infrastructure including lights.

Photos of the existing condition of tennis court surface, light poles and fence/screening to be addressed in FY 13/14:



The Commission approved the Five Year Parks and Recreation Capital Plan during the September 17, 2013 Commission Meeting. The Town will receive in excess of \$400,000 during FY 13/14 from voluntary proffers. A proposal for the renovation of the Tennis Center was approved by the Town Commission at the October 8, 2013 Commission meeting. After meeting with the contractors, the following is the preliminary/tentative schedule:

- Approximately a week turnaround time from Musco Lighting for plan submittal. Upon town's execution, equipment will be ordered.
- Fast Dry will be providing any plan submittals needed as well.
- Delivery time for equipment -- 4-6 weeks.
- Approximately a week prior to delivery, Musco will be on site for demolition.
- Musco Lighting install expected to take approximately 2-3 weeks.
- Immediately concluding Musco's work, if not coinciding, Fast Dry will be on site for court demolition.
- Fast Dry will need at least 14 days for the courts to cure. In the meantime, fence work will be completed.
- Fast Dry expected to take approximately 3 weeks for project work.

The existing agreements have been signed by all parties and the required permits have been issued as of November 21, 2013. The renovation started December 2, 2013 with the delivery of the new light poles. The courts will be closed until the project is completed. Arrangements have been made with the City of North Miami for the Town of Surfside Residents to use the City of North Miami San Suocci Tennis Center Facility at the City of North Miami Resident rate/fee. As the renovation moves forward updates will be posted in the Town Manager's report. Renovation is expected to be completed by the first week of February 2014.

Pictured: light poles have been delivered to the tennis center:



10. Biscaya Drainage

Current Status: At the November 2013 meeting, the Commission approved the Biscaya Drainage Project in the total amount of \$230,858.81 with a substantial portion of the project being completed by Public Works thus reducing the cost of the project by approximately \$90,000. The “in-house” capability to undertake this project is due to the acquisition of the front loader/back hoe funded in the FY 13/14 budget. The savings to the Town by using Public Works to undertake the project exceeds the purchase cost of the front loader/back hoe.

The project will increase the outfall culvert size (pipe diameter) through replacing the existing outfall running north-south which discharges into the northern canal opening.

This design option will serve to provide increased storm water run-off conveyance and an increased level of service for the affected / identified portion of road Right-of-Way. It is anticipated that using 18” and 24” diameter piping for replacing the existing longitudinal drainage culverts in this area will increase the outfall capacity to meet the 10 year – 1 day rainfall event (meeting Miami-Dade County standards) for the contributing Right-of-Way area and crown of roadway protection. The hydraulic capacity of the pipe size increases shall be verified for the 3 year - 1 hour storm event. Additional elements to be incorporated into the project include adding manatee grates on the islands three outfalls, and installing backflow prevention devices on the three outfalls.

The proposed design will include backflow prevention devices to be installed on the island’s three outfalls. These devices are intended prevent tidal water from backing up into the roadway drainage system and subsequently onto the roadway surface through the existing drainage catch basins during extreme high tide events. The current proposal would utilize a single backflow prevention device (in-

line or sea wall mounted check valves including but not limited to a duck bill/Red Valve, Tide Flex or flap gate) on each of the three outfalls.

Based on additional input received, consideration of a second (redundant) in-line check valve or manually operated secondary devices such as sluice gates or control valves will be investigated for inclusion in the system design, and will be cost analyzed.

When the Commission approved the project, Staff was requested to meet with Biscaya residents to ensure on-going communication throughout the project.

A meeting was held on November 26 with residents of Biscaya to discuss the project. The following was discussed:

1. Town's approach in planning and addressing the drainage issues including options considered; cost considerations; permitting requirements/variance for upsizing pipe; and safeguards included in the project to address water rise from high tides.
2. Estimated timeframes for the project.
3. Question/Answer session with residents. Resident concerns centered primarily with the impact of water rise/tidal action and the importance of regular maintenance to help offset this impact.
4. Future communications and meetings regarding the project including sending an invitation to residents to attend the pre-construction meeting--estimated to be during May.

The meeting was attended by 5 Biscaya residents and attending from the Town were the Mayor; Town Manager; Public Works Director; and representatives from CGA (Chris Giordano and Bob McSweeney, P.E.).

11. Street Signs Replacement

Current Status: This item has been deferred until the final costs of the water/sewer/storm drainage project are known. It does not appear that enough funds will be available for this project. A final report will be provided to the Commission upon closeout of the project.

D. PLANNING, ZONING AND DEVELOPMENT

1. The Shul Project

Current Status: An application in sufficient form to start the Design Review Group (DRG) process was received and the first meeting was held on August 22, 2012. A second Design Review Group meeting was held on February 13, 2013 and a third was held on March 28, 2013. A meeting took place with Stanley Price representing the Shul, former Town Manager and Town

Attorney Linda Miller on March 1, 2013 to further refine the voluntary proffers including an alternative to a Payment In Lieu of Taxes (PILOT). A DRG meeting occurred on July 18, 2013 and additional comments were discussed. A meeting was held on September 12, 2013 between the Shul and Town representatives to continue the dialogue.

A Development Impact Committee meeting was held on October 17, 2013. Initial conditions were discussed, but no items were brought to closure. A main topic of discussion was the alley between 96th Street and 95th Street. The Town expressed concerns relating to pavement quality, drainage, undergrounding the utilities, potentially moving and/or upgrading the water/gas lines in the alley, requiring easement (if necessary) for the transformers and providing lighting. The applicant will need to prepare a study describing the improvements needed in this alley and fund the cost of the improvements. Also discussed in length are the parking concerns. The applicant's proposed site plan is deficient by approximately 100 parking spaces on site. The Code permits both off-site parking, if there is adequate parking within 300 feet of the property, as well as contributions to the Downtown Parking Trust Fund. The applicant indicated at the DIC meeting that they would be proposing to park in a portion of the required parking in the Bal Harbour Shops and a portion of the required parking would be a payment into the Parking Trust Fund. They also indicated a desire to park in Bay Harbor for special events. Staff requested a full operations plan to review the full scope of the applicants request.

Bal Harbour has completed an analysis of the available parking in the Bal Harbour Shops, which indicates there is not adequate capacity at the Shops to accommodate 100% of the Shul's off-site required parking needs.

A second DIC meeting will be scheduled once additional information is provided to the Town from the applicant.

2. Tracking Development Orders

Current Status: Project management tracking will be an integral part of obtaining software for project tracking, departmental interfacing/sharing of critical information (i.e. Code Department and Building Department) and overall management of special/development projects and asset management. On May 30, 2013, a meeting was held to identify and discuss Enterprise Resource Planning (ERP – systems integration of internal and external management of information across the entire Town organization) requirements for upgrades for FY 13/14. This will include a project tracking component. Funds are included in the FY 13/14 budget to move ERP forward. (See additional information on IT/Channel 77 (SCALA)/Video Streaming/Communication/Mobile Application/ERP/Online Agenda Packets (Bookmarks) on pages 20 – 21 of this report.

3. Massing and Zoning Discussion: Vice Mayor Karukin

Current Status: At its May 15, 2013 meeting, the Town Commission directed the Town Manager to set up a Joint Workshop with the Planning and Zoning Board to discuss zoning issues. Those issues were clarified at the July 25, 2013 Planning and Zoning Board meeting and the Manager

announced that the public is encouraged to provide comments regarding the zoning code on a form provided on the website.

Vice Mayor Karukin clarified his concerns in a July meeting with the Town Attorney and Staff and these specific issues have been discussed at the August Planning and Zoning Board meeting. The Planning and Zoning Board has asked staff to look at side setbacks as a percentage of the lot width to increase the current setbacks, removing the side setback requirement, require parking below grade, requiring building lengths to be no greater than 150 with 30 feet of separation, explore breezeways and consider building platforms no greater than 30 or 40 feet in height without a break similar to the conditions at the Surf Club.

A presentation with follow-up discussion was made at the October, 2013 Planning and Zoning meeting. Staff is preparing additional graphics and options for an upcoming Planning and Zoning Board meeting.

E. TOWN COMMISSION

1. Legislative Priorities (Agenda Item: December 10, Commission Meeting)

Current Status: Initial discussions have been held with Fausto Gomez on the Town's 2014 Legislative priorities. A legislative priorities report has been prepared and will be an agenda item at the December Commission meeting (report included in the agenda packet).

2. Charter Amendment Review Board

Current Status: The Charter Review Board held its first meeting on November 14, 2013. Board Members by motion unanimously recommended Lou Cohen, Chairman and Marc Imberman, Vice Chairman. The Board discussed the Charter Review process moving forward and a second meeting was held on December 2, 2013.

F. TOWN DEPARTMENTS

1. Town Attorney

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

Current Status: Staff is finalizing information necessary to resolve this issue. Follow-up will be coordinated with the Town Attorney.

2. Building Department

a. FEMA National Flood Insurance Program (NFIP)

Current Status: As previously reported, the Town of Surfside CAV 5.27.13 was closed and all certifications including the cumulative substantial improvement verification, dry flood-proofing and elevation certificates that were pending have been reviewed by Dr. Prasad Inmula, DHS FEMA Region IV, Atlanta. All documents submitted for review were returned with minor, technical comments and/or clarifications. FEMA can only make flood insurance available in those communities that agree to regulate future development in the floodplain. The great majority of Surfside's land mass is located within an AE zone which is classified as a Special Flood Hazard Area (SFHA) with a defined Base Flood Elevation (BFE). Enforcement of the SFHA regulations is required as a condition of participation in the NFIP and the areas where the mandatory flood insurance purchase requirement applies.

b. Community Rating System (CRS)

Staff would once more like extend its gratitude for approving funding for CRS Max, Inc. to aid in application to the National Flood Insurance Programs Community Rating System (NFIP/CRS). At present we are working to amass and provide CRS Max with the required documentation necessary for the application ISO-CRS.

c. Building Code Effectiveness Grading System (BCEGS)

ISO is an independent statistical, rating and advisory organization that serves the property and casualty insurance industry. ISO collects information on a community's building code adoption and enforcement services, analyzes the data and then assigns a Building Code Effectiveness Classification number from 1 to 10. Class 1 represents exemplary commitment to building code enforcement. Municipalities with well enforced, up to date codes demonstrate better loss experience and their residents' insurance rates can reflect that. The prospect of minimizing catastrophe related damage and ultimately lowering insurance costs gives communities an incentive to enforce their building codes rigorously.

Not all communities have rigorous building codes, nor do all communities enforce their codes with equal commitment. Yet the effectiveness of local building codes can have a profound effect on how structures in the community will fare in a natural disaster. Studies conducted following recent natural disasters concluded that total losses might have been as much as 50% less if all structures in the area had met current building codes. That said, building code enforcement can have a major influence on the economic well-being of a municipality and the safety of its residents. The Insurance Services Office helps distinguish amongst communities with effective building code adoption and enforcement through the comprehensive program called the Building Code Effectiveness Grading Schedule (BCEGS).

Data collection and analysis ISO has collected and evaluated over 12,000 building code enforcement agencies across the United States. In each of these communities three elements of building code adoption and enforcement are reviewed. The three elements are code administration, plan review and field inspections.

The survey conducted has resulted in a BCEGS classification of 3 in both the residential and commercial sectors of the construction industry. Specifically in the Administration of Codes section the Town of Surfside Building Department earned a points rating of 47.12 and 46.52 out of a possible 54 points in its commercial and residential sectors respectively. The previous rating period in 2009 the Building Department was rated at a 40 in both sectors out a possible 54 points. In Sections II and III which correspond to Plan Review and Field Inspections the Town of Surfside Building Department earned a points rating of 77.78 in the commercial sector and 87.64 in the residential sector. This was an improvement over the previous reporting year of 2009 in which the Department earned 77.58 for both commercial and residential sectors of plan review and field inspections.

Some areas for improvement have been identified and are being evaluated for possible implementation into the present departmental operating procedure.

d. **Forty Year Building Certification - Collins and Harding Avenues**

Current Status: Collins Avenue mailings have been completed and the focus has been turned to Harding Avenue. To date three properties have been issued letters of violation for non-compliance, four properties have had their letters of violation placed on temporary hold awaiting response. In these cases the owners have responded and requested a short extension. One code sanctioned exemption was granted and one property has come into full compliance including final payment. At this time there are six total properties under the ninety day notice for which we are awaiting response. Steady progress is being made in the area of 40 year building certification.

3. Code Compliance Department

a. **Code Compliance Priorities Workshop**

Current Status: A Town Commission Special Meeting was scheduled and held on November 7, 2013, and a total of 35 priorities were established for Code Compliance, including enforcement priorities in the Single Family Residential, Multi-family Residential and Business Districts. A summary of the results from that Special Meeting has been prepared for the December 10, 2013 Commission Meeting, along with recommendations on the higher priority items, maximum compliance periods before imposition of penalties, and amounts for civil penalties in each priority category.

b. **Residential Home Based Businesses**

Current Status: At the direction of the Mayor and Town Commission, enforcement of the Local Business Tax Receipt and Certificate of Use provisions was stayed for Home Based Businesses for FY12/13, until such time as code compliance priorities are established. A Staff follow-up report from the April 17, 2013 Code Compliance Workshop was provided to the Town Commission on June 11, 2013, but deferred. Additional discussion, recommendations and options were originally to be provided at the November 7, 2013 Town Commission Special Meeting on Code Compliance Priorities, but due to time constraints was not pursued at that time.

c. Short Term Rentals

Current Status: Options/recommendations on short term rentals have been included in the Code Compliance Report that was provided, but deferred, at the June 11, 2013, Town Commission meeting as part of the follow-up to the April 17, 2013, Code Compliance Workshop. This item was incorporated in the Code Compliance priorities discussion at the November 7, 2013 Town Commission Special Meeting and addressed. The matter is also included in the Commission Communication submitted as part of today's agenda resulting from the November 7 Special Meeting when priorities were set.

d. Sight Triangle (Hedges) and Corner Visibility

Current Status: On August 20, 2013, Staff met with Miami-Dade County Traffic Engineer and looked at several intersections in the single family residential neighborhood. After much discussion, the County's position was that the Florida Green Book was the required minimum standard for all municipalities. County staff recommended adoption of same into our Town Code. Based on the discussions, it appears that compliance with Green Book requirements may not be easily attainable Town-wide, as many corner properties (due to limited width of easements and lack of sidewalks) may not be able to meet the minimum standards. These minimum standards include multiple "sight triangle" scenarios, some that address minimum sight clearances immediately after stop signs, as well as others that address visibility clearances that are related to cross traffic which are based on speed limits. It was also confirmed that many property owners have planted hedges and shrubs in the easement (in many cases, right up to the curb) that also hinder visibility. It was recommended that the most easily achievable resolution to compliance was to cut the hedges and shrubs back. Additional issues were also identified by County staff, such as the traffic circle at 95th & Byron, 4-way stop signs, stop sign locations, and speed limit signs, some of which may have been placed without County review or authorization. A follow-up report will be presented at the October 8 Commission meeting. With regard to the existing cases, as directed, lien releases were provided in all cases where compliance had been attained. A lien release was also provided to one non-compliant case after the administratively mitigated hearing and administrative fees were paid. Only one non-compliant case remains unresolved, as the resident has yet to pay the reduced fees. A Town Commission Special Meeting to discuss future policy and available alternatives to the corner visibility issues has been scheduled for December 12, 2013.

4. Finance Department

a. Online Bill Pay: Vice Mayor Michael Karukin

Current Status: The online payment by credit card of the water, sewer and storm water utility bill by residential and commercial customers was implemented as part of the water bill that was mailed in mid-June, 2013. The online bill pay went live on the website July 1, 2013. SunTrust Bank provides daily notifications to the Town on customer accounts that have been paid by credit card.

The online payment of water, sewer and storm water bills by electronic check (e-check or transfer of bank funds) will be operational in January 2013 by SunTrust Bank, Municode (utility bill preparer) and CBoss (credit card processor who will also be the processor for e-checks).

b. Certificate of Use (CU) /Local Business Tax Receipt (LBTR)

Current Status: New renewal packages were mailed since mid-July 2013. We have already had 80% of the Businesses come and renew the Certificates of Use & Local Business Tax Receipts.

c. Certificate of Achievement for Excellence in Financial Reporting for Comprehensive Annual Financial Report (CAFR)

Current Status: The Town of Surfside has been awarded the Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2012. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting. The Certificate of Achievement is awarded by the Government Finance Officers Association and is presented to only 3,908 of the 36,010 total governmental units nationwide. This is the third year that the Town has submitted and received this prestigious award. The preparation of the annual CAFR would not have been possible without the dedicated staff in the Finance Department.

d. IT/Channel 77 (SCALA)/Video Streaming/Communication/Mobile Application/ERP/Online Agenda Packets (Bookmarks)

Current Status: A meeting was held on November 20 and the following was addressed:

1. Bookmarks and file size of Agenda Packets
 - a. During the meeting, Bookmarks were enabled for all future Agenda Packets uploaded to the internet.
 - b. Training provided on how Agenda Packets can now be saved as a reduced file size. This will increase the download time when trying to open Agenda Packets over the internet.
2. Agenda / video integration – indexing Agenda Packet Items with video. This will enable residents to fast-forward video to a specific Agenda item in a pre-recorded meeting from the internet.
 - a. The Town currently has the software in place to index the video with specific Agenda items through E-Cities.
 - b. The Town Clerk will begin the indexing process manually by jotting down the time the Agenda item was discussed during the next meeting. The Clerk would then index the video after the meeting is adjourned.

- c. Representatives from E-Cities will provide training on the how to use the video indexing software.
3. SCALA – Channel 77 content
 - a. Ideas were discussed on how to create uniform, branding style templates to be used specifically by Town departments when new content is posted on Channel 77.
 - b. CGA will provide a Proposal for graphic templates. Three (3) templates will be used for different event types.
 - c. SCALA deployment January 1 – 100% operational.
4. SeeClickFix and CitySourced Application DEMOs (mobile apps)
 - a. DEMOs on the following were conducted on November 25:
 - SeeClickFix
 - CitySourced
 - b. Determination of successful integration of ERP systems with specific mobile app. IT Staff and Town Staff has seen the DEMO for each product and has informally recommended SeeCLickFix
 - c. Last action item: review/determine cost benefit. Negotiate and reduce the cost of implementation and annual fee
5. ERP – project goals are to find a qualified Vendor that will meet the Town's enterprise-wide operational needs for all departments
 - a. Item discussed - Conversion of existing data is a priority. Department Heads will be again provided with functional requirements.
 - b. April 1st RFP deadline.

e. Tourist/Resort Tax Audit

Current Status: There are currently five businesses that are delinquent in payment of their monthly Tourist/Resort Tax. The Finance Director and Staff are working with the businesses to ensure compliance. If payment is not received, these businesses will go through the Code Enforcement process and the Special Master hearing if necessary.

5. Parks and Recreation

a. Beach Concessions

Current Status: The lease agreement with the State of Florida and Miami-Dade County was presented to the County Recreation and Cultural Affairs Committee on September 10, 2012 and moved forward to the Board of County Commissioners on October 2, 2012. The lease application and documents were prepared by Miami-Dade County and submitted to the State for approval. On May 15, 2013 the County received correspondence from by the State regarding to the lease agreement. The State

informed the County that Florida Statute 161.201 allows the County to police the beach and enter into a management agreement with the Town of Surfside. The Town Manager, Town Attorney and the Parks and Recreation Director met with John Ripple, Beach Operations and Maintenance Supervisor and Kevin Kirwin, Assistant Director for Operations from Miami Dade County on May 20, 2013 to move the process forward. Currently the County attorney's office is completing a review of the statute. Following legal review, Town and County staff will work to prepare an agreement which would provide the Town with the legal authority to regulate beach concessions. In the interim, the County will be responsible for beach management issues. This issue has still not been moved forward on the county level.

b. Pool Tot Lot Repairs - Community Center

Current Status: Funtraptions, the original contractor for the Community Center water playground, is no longer in business and not available for any warranty work or repairs. At the completion of the project, a 10 percent retainer fee was held back by the Town until full satisfaction was met with the water play structure. The retainer (\$22,600) will be utilized to cover the cost of repairs of warranty items that need to be addressed. Naumann Nature Scapes, Inc. has been on site at various times since January 28, 2013 reviewing the water playground operations and the water playground pool blue prints. Naumann Nature Scapes, Inc. has provided an itemized list of work to be completed on a priority level. This proposal was presented to the Town Commission during the May 15, 2013 meeting and a resolution was passed to have the work completed. Phase I of the work began on May 9, 2013 with the removal of the Sand Dollar play feature for repairs. The Sand Dollar has been reinstalled and Phase II of the repairs has been completed to include hardware replacement, rust removal, clear coat repair and solenoid repairs. Work has started on Phase III of the repairs and continues to move forward and the water playground continues to remain open. Progress reports on the work being performed will be updated until the project is completed.

6. Personnel

Department Heads Salaries

Current Status: Part of my "First 120 Days and Strategic Objectives" report provided in September included a strategic objective to resolve the disparity / lack of internal consistency of salaries of department heads. A strategic objective was developed following an analysis of salaries which clearly documented that primarily newly hired department heads (hired after 2010) have significant higher salaries and are slotted considerably further along their pay range than longer term department heads (hired prior to 2010).

A detailed report is being prepared which illustrates the disparity. The report will be completed and submitted to the Commission by December 31. The report includes a recommendation from Cody & Associates (whom the Town hired in 2011 to conduct the Town's first Classification and Compensation Study) on how to attain/retain equity among department heads' salaries. The report will provide an implementation plan to achieve Cody & Associates recommendation.

7. Police Department (Parking Division)

Electric Car Charging Station: Mayor Daniel Dietch

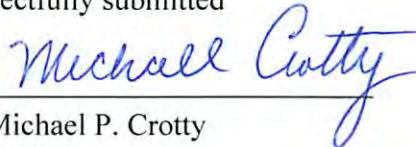
Current Status: The Electric Car Charging Station is operational in the Town Hall lot with the Town receiving invaluable exposure through a press release coordinated between Staff and CarCharging that was posted on the Wall Street Journal's online site. Information on the station will be in the next Gazette and posted to the Town's website. Item completed.

8. Request for Proposals

Architectural; Engineering and Grant Writing Services

Current Status: Pursuant to the direction provided at the November, 2013 meeting, Staff is on schedule to present the final bid packages for Commission review/action at the January, 2014 Commission meeting. Legal has indicated that pre-final drafts will be completed by the last week in December with the intent to submit to the Commission at that time.


Respectfully submitted

by: 
Michael P. Crotty
Town Manager



TOWN OF SURFSIDE
Office of the Town Attorney
 MUNICIPAL BUILDING
 9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154-3009
 Telephone (305) 993-1065

TO: Town Commission

FROM: Linda Miller, Town Attorney 

CC: Michael P. Crotty, Town Manager
 Sarah Johnston, Assistant Town Attorney

DATE: December 10, 2013

SUBJECT: Office of the Town Attorney Report for December 2013

This Office attended/ prepared and/or rendered advice for the following Public Meetings:

November 12, 2013	Town Commission Meeting
November 14, 2013	Charter Review Board
November 19, 2013	Special Master Hearing
November 19, 2013	Mayor Town Meeting
November 21, 2013	Quasi-judicial meeting – Planning and Zoning Board
November 21, 2013	Planning and Zoning Board Meeting
November 25, 2013	DVAC meeting
November 25, 2013	Parks and Recreation Meeting
December 2, 2013	Charter Review Board Meeting
December 9, 2013	Tourist Board Meeting

Prepared for December 10, 2013 Town Commission Meeting:

Quasi-judicial Hearing:

- Resolution Approving Conditional Use Application for Carmona Veterinary Office

Ordinances prepared, reviewed and/or revised for the following:

- 2013 Capital Improvement Element

- Construction Fence
- Prohibit Animal Sales
- Setbacks in H120
- Garage door

Resolutions prepared and Agreements reviewed and/or revised for the following:

- 93rd Street Crosswalk
- MOU North Miami Beach Police Department
- FIND Grant
- Plastic Bags
- Canvassing Board
- Calling for March Election

Town Manager:

- On-going review of Shul plans.
- Review conditions for Grand Beach compliance.
- Research and follow-up for RFP for Architect, Engineer and Grant Writer.
- Continued follow-up for preparation of massing and zoning issues.
- Continued follow-up with Code Enforcement regarding code compliance issues.
- Review of conditions of approval on all ongoing projects.
- Continued follow-up Spiaggia parking space requirements.
- Continued follow-up issues regarding commercial parking and construction sites.

Town Clerk:

- Research election issues regarding Nominating Petitions
- Review and opine on Charter issues
- Research Florida Statute for election laws
- Opined on Notice requirements.
- Review updated ethics law requirements.
- Review election/ballot notice requirements.
- Review and follow-up for public records.
- Follow-up research for social media and Sunshine Law issues.

Charter Review Board

- November 14, 2013- Prepared Agenda and documents for initial orientation meeting.
- December 2, 2013 - Prepared and discussed election related Charter provisions.

November 21, 2013 Planning and Zoning Board:

Quasi-judicial Hearing:

Resolution Approving Conditional Use Application for Carmona Veterinary Office

Applications:

- A. Request of the Owner of Property located at 9380 Carlyle Avenue for a garage conversion.
- B. Request of the Owner of Property located at 9482 Harding Avenue to install a permanent sign.
- C. Request of the Owner of Property located at 9455 Harding Avenue to install a permanent sign.
- D. Request of the Owner of Property located at 708 88th Street to build a new single-family home.

Discussion items:

- A. Garage door ordinance text draft
- B. Driveway materials ordinance text draft
- C. Paint colors
- D. Turtle lighting
- E. Ban Plastic Bags

Future Agenda items:

- A. Frontage ordinance
- B. Attached list of ordinances and schedule
- C. Setback ordinance

Building Department/Code Enforcement/Planning:

- Follow-up regarding construction noise ordinance and time of operations.
- Continued followed up with Building Official regarding FEMA for follow-up for CAV response.
- Continued follow-up meetings with Town Administration regarding code compliance issues and sight triangle hedge violations.
- Collaboration on parking alleys updates and information.
- Research and review development permit language.
- Research Town's appeal procedure for Town denial of application for approval for single family home.

Parks and Recreation:

- Review with Department surrounding municipalities for park hours and operations.

Tourist Bureau/Downtown Vision Advisory Board/Tourist Board:

- Follow-up and research for Ethics operation and policy and procedures and revision to Resort Tax Board ordinance.
- Continued follow-up re: post Tourist Board requests.
- Continued assistance with Downtown Vision Project continuing issues including creation of a Business Improvement District; research various municipalities in preparation for revisions to draft ordinance.
- Continued research on parking issues.
- Research and update for social media and Sunshine Law issues.

Public Works:

- Follow up review for Biscaya drainage project.
- Prepare letter re: items for finalize in rights of ways 9501 Collins Avenue.
- Review and prepare for Resolution for 93rd Street Crosswalk paving.

Police Department:

- Follow-up regarding Alfonso v Surfside Police investigation.
- Follow-up regarding Subpoena for records for Officer Edward Carrasquillo.
- Follow-up research commercial vehicle/parking and towing issues.

Florida Municipal Insurance Trust (“FMIT”) investigates claims and provides legal representation for the Town on the following matters:

1. Surfside Police Incident Report dated September 1, 2013 states that Pamela O’Hagan was walking on the north most sidewalk in the 200 block of 93rd Street when she tripped on a raised portion of the sidewalk and fell to the ground. The Report indicates that Mrs. O’Hagan sustained a contusion on her right elbow and abrasions to her chin and both knees. FMIT is investigating this matter.
2. Surfside Police Incident Report dated August 28, 2013 states that Robin Cook fell in the rear of CVS (9578 Harding Avenue). Ms. Cook claims she tripped on an uneven section of the sidewalk behind the store and hurt her right knee and right hand. FMIT is investigating this matter.
3. A Notice of Intent to file suit (Alfonso v. Surfside Police) regarding an incident on November 3, 2013 with the police and Mr. Alfonso. FMIT is investigating this matter.

Litigation:

Legal representation is provided by the (“FMIT”) in the following matter:

Pieter Bakker vs. Town Of Surfside, a municipal corporation of the State of Florida and Young Israel Of Bal Harbour, Inc. On May 30, 2012, Pieter Bakker filed a complaint in State Court against the Town which alleges counts against the Town including contract zoning, charter violations, and a request for a writ of certiorari to quash Resolution 12-Z-2078 approving a Site Plan Application to permit Young Israel to build a synagogue on 9580 Abbott Avenue. On September 30, 2013, the Court ordered this matter to be transferred to the Appellate Division. Petitioner, Mr. Bakker has filed an Amended Petition for Writ of Certiorari and De Novo Complaint and a Motion for Summary Judgment. The Appellate Division issued an order for the Town and Young Israel to show cause why the Petition for Writ should not be granted. The Town filed a Motion for Extension of Time to Respond to the Motion for Summary Judgment and to the Amended Petition. The Town’s motion states that pursuant to Rule 9.315(c), Florida Rules of Appellate Procedure, a party may not request summary disposition and that Petitioner filed the Motion for Summary Judgment in violation of the appellate rules, and furthermore, the Town cannot file a meaningful response to the Amended Petition while the Motion for Summary Judgment is still outstanding and requests Petitioner to withdraw the Motion for Summary Judgment.

Special Matters: Continued monitoring of new case law and legislation on Federal, State, and County levels.



TOWN OF SURFSIDE
 PROJECTS PROGRESS REPORT
 CALVIN, GIORDANO & ASSOCIATES, INC.
 December, 2013

1. **Planning and Community Development** – Planning and Community Development – In August 2012, the Shul submitted a site plan application for an expansion. Staff met with the applicant to discuss the review comments and the applicant resubmitted the plans on January 25, 2013. Staff held Development Review Group meetings on February 13, 2013, March 28, 2013 and July 18, 2013. A Development Impact Committee meeting was held October 17, 2013. Due to the amount of outstanding items, there will be a second DIC meeting scheduled in the future. The Planning Department has prepared graphics and text relating to the length of buildings which were discussed at the August Planning and Zoning Board meeting. The Board provided feedback and the item was placed back on the October 2, 2013 and October 23, 2013 Planning and Zoning Board meetings. Staff was directed by the Town Commission to prepare additional graphics to explain the concept. Planning Department Staff prepared a timeline for the items discussed at the joint Town Commission and Planning and Zoning Board meeting starting in November through March. Planning Staff has also prepared a spreadsheet for each development project to continually track the conditions of approval. This spreadsheet identifies the department responsible for the item and confirmation of completion. Staff continues to answer approximately 80 zoning questions monthly and reviews permit applications.

2. **Information Technology & TV Broadcasts** - The mail server has been up and running without interruption for 499 days. The last downtime was for routine maintenance and occurred on July 11, 2012. IT has provided 3 quotes for surveillance cameras for the Police Department to place around the Town and is awaiting approval. IT has ordered the equipment and software for the SCALA upgrade, and the new system is expected to be fully completed by January 1st, 2014. The replacement check printer for SunGard has been put on hold by the Finance Department. The Police Department has requested quotes to upgrade the ID badge card readers and software. IT is working with Public Works, the Finance Department, and SunGard on integrating the water meter reading system with billing. The live streaming of Channel 77 on the website and mobile devices has been running since October 7, 2013. Town Staff will be viewing demos of mobile app software for citizen requests, and then the Town will make a decision on a chosen vendor. The IT Department will have a conference call with AVI, the audio-video vendor, in order to determine a solution for table microphones. The IT Staff continues to receive approximately 300 support requests monthly via phone and email.

3. **Public Utilities / Engineering – Public Utilities / Engineering** – A summary of the close out items remaining for this project are included as part of the regular November agenda. Retainage will continue to be held and will only be released after all work is completed including the punch list.

Funding Summary –

<u>Funding Status:</u>	<u>Amount</u>	<u>Amount Received</u>
FDEP Grant	\$873,500	\$873,500
FDEP Grant	\$125,000	\$125,000
FDEP Grant	\$100,000	\$100,000
FDEP State Revolving Fund Loan*	\$9,312,881	\$7,339,928 ***
BBC Bond	\$859,000	\$817,500
TOTAL	\$11,270,381	\$9,225,928

***The State of Florida has reduced the interest rate from 2.12% to 1.87% fixed over the life of the loan. This will save approximately \$200,000 of interest cost.

4. **Neighborhood Improvements** – CGA Staff completed the traffic computer modeling of the Town’s roadway system as an element of the Town-wide traffic calming study. The initial traffic counts to complete the traffic study occurred in September, 2012. A number of the counts were finalized in late October due to construction activities. These counts are incorporated in the Draft Traffic Study Report that was discussed at the April 9, 2013 meeting. As authorized by the Town Commission, staff held public meetings on June 25, 2013 with an attendance of 10 residents. CGA will work with the Town Manager to schedule the second public meeting.
5. **Emergency Management** - CGA finalized all revisions to the Town’s Emergency Operations Plan (EOP) and submitted it on Friday, March 29, 2013. Onsite training occurred on Friday May 3, 2013. This project is completed.
6. **Town-Owned Seawall Repair** - Miami Dade County RER (Formerly DERM) has completed the Biological Opinion (BO). The results of the BO were submitted to the Town and CGA has incorporated the BO permit requirements into our final plans. The US Army Corps of Engineers (USACE), FDEP, SFWMD and RER permits were obtained. The Town received final authorization from Florida Inland Navigation District (FIND) and are presenting a funding resolution for the Town to approve matching funds at the December 2013 meeting. CGA is working with FPL for approval of the modified design at 94th St to accommodate the submerged electrical line crossing. It is anticipated that the plans will be going out to bid in January 2014.



**TOWN OF SURFSIDE
PENSION BOARD MEETING**
Thursday, September 12, 2013 – 2:00 p.m.
9293 Harding Avenue - Town Hall - Chambers

MINUTES

Pension Board Members

Michael K. Feldman, Chair
Stan Bershad
Michael P. Crotty
Sgt. Julio E. Torres
Yamileth “Yami” Slate-McCloud

Town of Surfside Consultants

Alyce Jones, A.M. Jones – C.P.A., P.A.
Burgess Chambers, Burgess Chambers & Associates
Grant McMurry, ICC Capital Management
Adam Levinson, Esq, Klausner & Kaufman
Donald Nelson, Finance Director
Mayte Gamiotea, Third Party Administrator
Jenorgen “Jen” Guillen, Recording Clerk

I. Call to Order and Roll Call

The meeting was called to order at 2:03pm.
Pension Board members and consultants noted above were present. A quorum was established. Yami Slate-McCloud left the meeting at 3:00pm.

II. Approval of Minutes

a. Regular Pension Board Meeting – *June 4, 2013*

MOTION

The Town of Surfside Pension Board recommended approval of the June 4th, 2013 minutes of the Regular Pension Board meeting. Yami Slate-McCloud moved; Stan Bershad seconded. The motion passed unanimously.

III. Agenda Additions and Deletions

None.

IV. Reports and Updates

a. Burgess Chambers & Associates

- Investment Policy
- Reports: Investment Performance Period Ending June 30, 2013

Burgess discussed the SunTrust rate for the services for the Town. He also stated that the Pension Board might lower the rate by reaching out to SunTrust. Burgess discussed the Investment Performance report for period ending June 30, 2013 on page 3 from his report. He continued to discuss how the lay out of the report has been changed upon the request from the Board, providing more detailed information. He continued to discuss the changes to the Investment Policy.

MOTION

The Town of Surfside Pension Board recommended the adoption of the revised Investment Policy. Stan Bershad moved; Sgt. Julio E. Torres seconded. The motion passed unanimously.

b. ICC Capital Management

- Reports: Investment Review for quarter ending: June 30, 2013
Grant discussed bonds and their effects on the plan. He also mentioned how bond yields have gone up on page 7 of the Fixed Income Analysis report.

c. Klausner & Kaufman

Adam Levinson stated that the Deferred Retirement Option Plan (DROP) was adopted at the last Commission Meeting of July 16, 2013. He also discussed Senate Bill 50 which allows public participation in a Pension Board meeting.

d. A.M. Jones, C.P.A., P.A.

- Engagement Letter for Audit FY 2013
Alyce Jones discussed the Engagement Letter for Audit FY 2013. She mentioned the fees are the same as last year. The total fee may be less with the reduction of parallel accounting work. She also discussed negotiating Larry Wilson's fee. She stated the Engagement Letter is also her contract.

MOTION

The Town of Surfside Pension Board recommended the adoption of the Engagement Letter for Audit FY 2013. Michael Feldman moved; Stan Bershad seconded. The motion passed unanimously.

V. Administrator

- a. Refund of Contributions approval for:
 - Jonathan Alvarez – Terminated 1/29/2013 \$7,169.36

MOTION

The Town of Surfside Pension Board recommended the approval of the refund of contributions for Jonathan Alvarez-terminated 1/29/2013 for \$7,169.36. Sgt. Julio E. Torres moved; Stan Bershada seconded. The motion passed unanimously.

- b. Notification of Benefits Monthly Benefit
 - Ovidio Naranjo – Effective 10/1/2013 \$659.73
(Life Annuity)

MOTION

The Town of Surfside Pension Board recommended the approval of benefits for Ovidio Naranjo. Sgt. Julio E. Torres moved; Stan Bershada seconded. The motion passed unanimously

- c. Affidavit of Life (Annual Letter to Retirees)

Mayte Gamiotea asked if there is any form to verify the pensioners have not passed away and no family member is cashing the deceased check. Alyce Jones stated that SunTrust is supposed to send letters to all Pension members and receive signed papers back to verify the pensioners are alive. A follow up with the Bank is required. Adam Levinson confirms Alyce Jones statement that SunTrust is supposed to verify. Mayte Gamiotea requested a sample letter from Adam Levinson to follow up with SunTrust.

VI. Approval of Invoices

- a. A.M. Jones, C.P.A., P.A.
Discussed under A.M. Jones, C.P.A., P.A. Engagement Letter for Audit FY 2013

- b. Burgess Chambers & Associates, Inc.
 - Invoice #13-66 (6/6/2013) \$5,000.00
 - Invoice #13-245 (9/6/2013) \$5,000.00
 - \$10,000.00

MOTION

The Town of Surfside Pension Board recommended the approval of Burgess Chambers & Associates, Inc. invoices. Stan Bershada moved; Sgt. Julio E. Torres seconded the motion. The motion passed unanimously.

- c. Gabriel Roeder Smith & Company (July, 2013)
 - Invoice #121837 \$3,742.00
 - Invoice #121838 \$4,169.00
 - Invoice #121839 \$6,821.00
 - Invoice #121840 \$3,922.00
 - \$18,654.00

MOTION

The Town of Surfside Pension Board recommended the approval of the following invoices:

Inv# 121837 less \$985. New total \$2,757. Stan Bershad moved, Sgt. Julio E. Torres seconded the motion. The motion passed unanimously.

Inv# 121838 less \$680. New total \$3,489. Stan Bershad moved, Michael Crotty seconded the motion. The motion passed unanimously.

Inv# 121839 less \$756. New total \$6,065. Stan Bershad moved, Michael Crotty seconded the motion. The motion passed unanimously.

Inv# 121840 less \$180. New total \$3,742. Sgt. Julio E. Torres moved, Michael Crotty seconded the motion. The motion passed unanimously.

- d. ICC Capital Management(April, 2013) \$7,321.57

MOTION

The Town of Surfside Pension Board recommended the approval of ICC Capital Management (April, 2013). Stan Bershad moved; Sgt. Julio E. Torres seconded the motion. The motion passed unanimously.

- e. Klausner & Kaufman

- Invoice #14881 (June, 2013) \$3,801.00
- Invoice #14960 (July, 2013) \$1,789.50 – To be discussed and paid by the Town of Surfside.

MOTION

The Town of Surfside Pension Board recommended the approval of Klausner & Kaufman invoice #14881. Stan Bershad moved; Sgt. Julio E. Torres seconded the motion. The motion passed unanimously.

- f. SunTrust Bank (Custodial) (June, 2013) \$4,184.26

MOTION

The Town of Surfside Pension Board recommended the approval of SunTrust Bank (June, 2013) invoice. Stan Bershad moved; Michael Crotty seconded the motion. The motion passed unanimously.

- g. Mayte Gamiotea (August, 2013) \$2,160.00

MOTION

The Town of Surfside Pension Board recommended the approval of Mayte Gamiotea (August, 2013) invoice. Michael Crotty moved; Stan Bershad seconded the motion. The motion passed unanimously.

- h. Jenorgen “Jen” Guillen(August, 2013) \$315.00

MOTION

The Town of Surfside Pension Board recommended the approval of Jenorgen “Jen” Guillen (August, 2013) invoice. Michael Crotty moved; Stan Bershad seconded the motion. The motion passed unanimously.

VII. New Business

- a. Copy of approved Ordinance 13-1603 on Deferred Retirement Option Plan (DROP) for the Town Employees on 7/16/2013.

VIII. Trustees' Comments/Concerns

None.

IX. Meeting Dates

Schedule Meetings for FY 2014

- November 19, 2013
- Special Meeting (CAFR) – TBD
Determined after year end.
- February 18, 2014
- May 20, 2014
- August 19, 2014


X. Adjournment

Meeting adjourned at 3:45pm.


There being no further business to come before the Board, the meeting adjourned at 3:45 p.m.

Accepted this 19 day of November, 2013

Attest:



Jenorgen Guillen
Recording Clerk



Chairman



**TOWN OF SURFSIDE
PLANNING AND ZONING BOARD
MINUTES
OCTOBER 2, 2013
7:00 PM**

1. CALL TO ORDER

Chair Lecour called the meeting to order at 7:04 p.m.

2. ROLL CALL

Recording Clerk Jenorgen Guillen called the roll with the following members present: Board Member Jennifer Dray, Board Member Armando Castellanos, Vice Chair Peter Glynn and Chair Lindsay Lecour. Board Member Carli Koshal arrived at 7:07 p.m. Mayor Daniel Dietch attended as the Board liaison.

Town Attorney Linda Miller requested the order of the agenda be changed. Board Member Koshal made a motion to approve and it was seconded by Board Member Castellanos and all voted in favor.

3. APPROVAL OF MINUTES: AUGUST 29, 2013 (ATTACHED)

Board Member Dray made a motion to approve the minutes. The motion received a second from Vice Chair Glynn and all voted in favor.

4. ORDINANCES:

A. Comprehensive Plan Amendment-

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF SURFSIDE COMPREHENSIVE PLAN BY AMENDING POLICY 1.1 TO DELETE PUBLIC SCHOOLS AS A USE IN POLICY 1.1 MODERATE DENSITY RESIDENTIAL/TOURIST LAND USE CATEGORY; ADDING POLICY 10.6 TO PROVIDE FOR LAND DEVELOPMENT REGULATIONS THAT ALLOW REASONABLE RELIEF FOR RELIGIOUS USES AND MAP FLU-8; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Special Land Use Counsel Nancy E. Stroud presented the item. A motion to amend the comprehensive plan and present to the Commission for approval was made by Board Member Dray and received a second from Board Member Castellanos. All voted in favor.

B. Veterinarian Office-

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION SEC. 90-41(d) "REGULATED USES" ADDING VETERINARY OFFICE AS A CONDITIONAL USE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Planner Sarah Sinatra presented the item with changes to the ordinance that the Commission had requested. Staff recommends approval.

A motion to approve was made by Board Member Dray and received a second by Board Member Castellanos. All voted in favor.

A motion was made by Board Member Castellanos to move item 4A Comprehensive Plan Amendment to the end of the meeting. The motion received a second from Board Member Dray and all voted in favor.

5. PLANNING AND ZONING APPLICATIONS:

A. Request of the owner of property located at 9317 Dickens Avenue

The applicant is requesting to install a front yard wall. Town Planner Sarah Sinatra presented the item and staff is recommending with conditions. Public Speaker Anthony Hays spoke on behalf of applicant and gave more details on the project as well as addressing issues the Board had.

Board member Castellanos made a motion to approve with recommendations

1. Height of wall be reduced to four feet
2. Island between driveway be a minimum of 60 square feet of landscaping

The motion received a second from Vice Chair Glynn and all voted in favor

B. Request of the owner of property located at 9480 Harding Avenue

The applicant is requesting to install a permanent sign.

Town Planner Sarah Sinatra presented the item and staff is recommending approval

A motion to approve was made by Board Member Dray and received a second by Board Member Castellanos. All voted in favor.

C. Request of the owner of property located at 9519 Harding Avenue

The applicant is requesting to install a permanent sign.

Town Planner Sarah Sinatra presented the item and staff is recommending with conditions. She has asked for a bettering rendering of the project to present to the Board and has not been able to obtain one. Applicant David Morrison spoke on the item and stated he has been trying to work with staff in order to get approval. After

some discussion a motion to approve as is was made by Vice Chair Glynn and received a second by Board Member Castellanos. All voted in favor.

**D. Request of the owner of property located at 9449 Collins Avenue
The applicant is requesting to install a permanent sign.**

Town Planner Sarah Sinatra presented the item and staff is recommending approval

A motion to approve was made by Vice Chair Glynn and received a second by Board Member Castellanos. All voted in favor.

6. DISCUSSION ITEMS:

A. MASSING

Town Planner Sarah Sinatra presented the item. After some discussion about building masses, breezeways, and losing the direct view of beach and water from road, the Board requested more information on the petal status and more graphics.

7. PERMITS ISSUED AND REVENUE REPORT FOR AUGUST 2013.

Chief Building Official Rosendo Prieto spoke. Vice Chair Glynn expressed concerns regarding the amount of construction in process and the stress it is putting on traffic in the area. Mayor Dietch indicated the city has been working with DOT as well as police to try to alleviate some of the problems. Vice Chair Glynn suggested some of the construction such as pouring of cement (which closes up one lane) can be done at times other than rush hours or in the evening hours. Commissioner Joseph Graubart spoke about the seven or eight construction projects going on at this time and suggested we look for options regarding future construction and traffic issues.

Vice Chair Glynn requested that the next scheduled meeting of October 24 be changed to October 23 as he will be out of town. All were in agreement and the meeting is rescheduled for Wednesday, October 23.

FUTURE AGENDA ITEMS

Green Alleys
H 40 District
Separate Landscaping permit concept
Height in the H 120 District
Streetscape Tree Canopy

8. ADJOURNMENT.

There being no further business to come before the Planning and Zoning Board, the meeting adjourned at 8:10 p.m.

Accepted this 23rd day of October, 2013

Attest:



Sandra Novoa, CMC
Town Clerk



Chair Lindsay Lecour



TOWN OF SURFSIDE

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

PARKS AND RECREATION ADVISORY COMMITTEE MEETING

7:00 pm
Monday October 21, 2013
Community Center
9301 Collins Avenue

MINUTES

1. Roll Call of Committee Members

The meeting was called to order by Retta Logan (Vice Chair) at 7:02pm. A quorum was established.

In attendance: Eliana Salzhauer, Arnie Notkin, Louisa Agresti (7:04pm), Tim Milian, Parks & Recreation Director, Sarah Johnston, Assistant Town Attorney, Marta Olchyk, Commission Liaison, Michael Crotty, Town Manager, Michael Kaurkin, Vice-Mayor, Frantza Duval, Recording Clerk

Veronica Lupinacci is absent with regrets.

2. Introductions (new member) Louisa Agresti

A new member of the Parks and Recreation Board was introduced. Louisa Agresti has been a resident since 2005. She loves offering services to families. She looks forward to working with the Board.

3. Approval of minutes from 9/26/13

Eliana Salzhauer made a motion to approve the minutes as amended; Arnie Notkin seconded the motion. The motion passed unanimously. The minutes were approved as amended.

4. Tennis Courts Renovation Update

Tim Milian advised that the Commission gave approval to the Parks and Recreation Department to move forward with the permanent renovations of the tennis courts. The renovation will include the courts, the fence, posts, and lighting. Tim advised that two contractors are in place and the agreements are in place to be signed. A tentative start time will be in November, with an expected completion time of late December early January. The courts are expected to be closed mid-November through December.

Arnie Notkin inquired about parking and Tim advised that he spoke to Miami Beach about parking on the south side, if necessary, but he doesn't feel that it will be a major issue.

Marta Olchyk inquired if there were any bid proposals sent out and Tim advised that no bids were sent out, but the Town piggybacked on 2 separate cities (Miami Beach, Clay County) contracts. A competitive price was offered by the vendor.

Arnie Notkin inquired if guests of the Surfclub will be playing on the courts and it was advised by the Town Manager, Michael Crotty that the Surfclub will be closing. Michael also advised that the Surfclub will be providing \$25, 000 for the tennis court plus another \$500, 000 over the next two year to fund the 5 year capital improvement plan.

Eliana Salzhauer asked if once the renovations are completed will bookings be an issue and Tim advised that no and the tennis policies will need to be reviewed and updated.

The Town will continue to run the Tennis Court.

Tim is working with the city of North Miami to see if it's possible for residents to use the Sans Souci courts and pay the city of North Mimi residents fee, but residents will need to present Surfside identification.

The color of the courts will be the traditional forest green.

5. Miss Teen Surfside Beauty Pageant

Tim asked the Board if they would be interested in running the Beauty Pageant.

Eliana Salzhauer is against the pageant. She feels that the Board shouldn't introduce competition to the town as it would bring out a lot of abhorrent qualities. She suggested rebranding the scholarship as the "Surfside Spirit Award" based on scholarship, community service, grades, allowing for at least one boy and one girl to be awarded.

Retta Logan is not a fan of the program, but likes the idea of programs such as public speaking, nutrition, etc... being incorporated into the teen groups.

Retta also suggested adding the scholarship to next month's agenda for further discussion.

Eliana Salzhauer suggested adding more educational elements into the teen program.

Michael Karukin suggested the Future Business Leaders of America (FBLA) program.

Tim advised that the teens currently run their own meetings.

Tim advised that 55 kids are registered and about 30 show up for Teen Scene.

Arnie Notkin suggested a Teen Liaison on the Parks and Recreation Committee.

Tim will look at the interest that is available in joining the Committee.

Eliana Salzhauer made a motion not to have a Miss Teen Surfside Pageant, but to rather look into having educational elements (public speaking, nutrition, debate, FBLA etc...) of the program transformed into a Surfside Spirit Award using the current scholarship program and adding a teen liaison to the Parks and Recreation Committee, Louisa Agresti seconded the motion. The motion passed unanimously.

Marta suggested doing a boy and a girl as a liaison.

6. Hawthorne Tot-Lot Toy's

Tim Milian advised that traditionally parents would drop off quality toys at the lot.

Tim advised that the toys are cleaned between 3-6 months.

Retta Logan suggested posting a reminder of toy cleaning online.

Tim advised that the complaint were the toys are unsightly and that the only thing that should be in the lot is what is already there. He wanted to know from the Committee should they be kept or eliminated.

Eliana Salzhauer likes the toys as long as they are maintained and suggested buying industrial strength toys.

Tim will continue to monitor and maintain the toys.

7. Anti-Bullying Policy update

Tim advised that in May, the Town Commission adopted an anti-bullying resolution. His staff (full time and part-time) was trained on anti-bullying. Tim is currently working on an interactive program for kids in kindergarten to sixth grade. Tim wants the Committee to review the resolution and be prepared to come back in November to come up with a written policy on anti-bullying.

8. Community Input

Eliana Salzhauer wanted to know the current policy on people in the parks. Her husband thinks the staff hangs out with each other as opposed to being responsive to the guest. Tim Milian will address this with the staff.

Retta Logan wanted to know if there is a way to access the canal through the parks. Tim advised that it is something that is being looked into.

Michael Karukin advised that it was brought up before and that is was more so of a liability, especially if it is being built near a child's park.

9. Meeting Adjournment

Arnie Notkin made motion to adjourn the meeting, Eliana Salzhauer seconded the motion. The motion passed unanimously. The meeting was adjourned at 7:49PM.

Accepted this 25 day of November, 2013

Retta Logan
Member (Print)

[Handwritten Signature]
Signature

Attest:

[Handwritten Signature]

Frantza Duval
Recording Clerk



**TOWN OF SURFSIDE
DVAC**

Monday October 28, 2013 – 7:00 p.m.

Commission Chambers

Town Hall 9293 Harding Avenue, 2nd Floor
Surfside, FL 33154

MINUTES

I. Call to Order and Roll Call

The meeting was called to order by Town Manager, Michael Crotty at 7:05pm

Also in attendance: Duncan Tavares, TEDACS Director, Lou Cohen, Nancy Rachman, Barbara Cohen, Richard Williams, Elinor Joseph, Parking Operations Manager, Linda Miller, Town Attorney, Sandra Argow, Marty Oppenheimer, Jennifer Brilliant, Jessie Flax, Commissioner Joseph Graubart, Ken Arnold, Meredith Beattie, Bob Tote, Becky Randel, Jessica Weiss, Dr. David Carmona, Frantza Duval, Recording Clerk

II. Introduction by Town Manager Michael Crotty

N/A

III. Approval Meeting Minutes: *September 10, 2013*

Louis Cohen made a motion to approve the minutes; Nancy Rachman seconded the motion. The motion passed unanimously. The minutes were approved.

IV. Parking Lot Improvements

Duncan Tavares provided updates on the parking lots and advised that both lots have been completed and are open and fully functional.

Michael Crotty advised that the total cost on improvements were \$145, 000 and offered a word of thanks to the Public Works Department.

Sandra Argow suggested that the wayfarer sign on Collins Avenue and 88th Street, going north, should have been larger as an entrance sign to the Town.

Duncan advised that sign was created in such a way as not to take away from the cannon presently located at Veterans Park.

Jessie Flax advised that staining of the parking lots were done in a professional manner.

Barbara advised that currently there is no light on the 94th street parking lot at night.

V. Downtown Streetscape Update

Duncan Tavares advised that the trees are currently being installed and the project is moving forward. The trees are coming in from California and trucked in groups for installation.

The fronds will be tied up for a minimum of one month and bracing will remain for about a year.

Furniture has not been decided on as of yet. He hopes that with Public Works taking on most of the project it will leave additional money for other expenses such as the furniture.

Michael Crotty suggested a Sub-Committee from DVAC to decide on the furniture.

Jennifer Brilliant, Ken Arnold, and Lou Cohen volunteered for the Sub-Committee, and Sandra Argow would be able to make it if the meeting is on Monday.

Quantity of the furniture is known but everything else is undecided.

Lou Cohen inquired about the timeline for the project. Duncan Tavares is expecting to have a majority of the work completed by Thanksgiving with possible work after the holidays.

VI. BID Process Update

Final review of the BID was presented to the Town Commission.

Bid Advantage:

Unified strategy for improvement
Increase Activity – Local Market and Tourism
Increase Retail and Restaurant Sales
Increase Local Government Revenues

A first year budget for the BID might contain the following, although a final budget would be created by the BID once it had been formed:

Advocacy Coordination/BID Support: \$30,000
Image/marketing: \$30,000
Events support: \$15,000
Reserve/contingency: \$5,000
Total: \$80,000 (1.5 Millage)

Once the board for the BID is created, the amount listed above can change. It is recommended that a Town Liaison and a Commission Liaison be added to the BID Board to provide constant feedback.

The Town Commission gave direction to complete a straw ballot to secure a record of the interest on forming a BID by the downtown property owners. In order to pass a BID, 51% percent of votes are needed.

RMA has been charged with creating and implementing a straw ballot and the Town Commission will decide whether or not to move forward with the BID after receiving the results.

Every owner doesn't have to vote. If no vote is made it counts as a no-vote.

Jessica Weiss spoke in favor of the BID and also suggested that those not in favor of the BID maybe using it as leverage to get something else.

Lou Cohen suggested going around with other property owners to advocate for the BID.

Barbara Cohen inquired to the number of business properties.

Duncan Tavares advised that 24 votes are needed for the BID to pass.

Becky Randel would like the DVAC to see the ballot prior to it going out. Michael Crotty advised that he will place it on next month's agenda.

VII. PARKING: Parking Structure Feasibility Study & Town Manager Parking Outreach Memo

Richard Williams advised on the temporary fixes in place. The parking meters have been reset, so instead of a four hour parking limit it is now 2 hours.

Municipal lots in the business district are closed to construction workers between the hours of 6:00am-9:00am.

Tires are chalked every two hours.

Construction workers are referred to Miami Beach, Bay Harbour, Haulover, and St. Joseph's for temporary parking.

Richard Williams suggested a parking garage for the Town.

The Town Commission approved an outreach effort to address the parking shortage. Groups (Residents, Multi-family, Business district) would be brought together. All findings will be incorporated into a report to be completed by April 2014.

Within the next two weeks a meeting will be set up with the multi-family district, as well as business owners and property owners.

Lou Cohen made a motion for the Town Manager to move forward with the planned outreach; Nancy Rachman seconded the motion. The motion passed unanimously.

VIII. Sign Code Update

Duncan Tavares sought direction from the Committee on what they would prefer for the sign code.

Nancy Rachman recommended visuals and wants to know the issues the Committee wants to address and what the objective is.

Duncan Tavares requested that all Committee members walk the downtown district and look at all of the existing signs to get an idea of what they like and don't like.

Sandra Argow wanted to know if it's against code to put pavers on the ground to identify each merchant.

- Town Manager provided an update on the 95th Street project. Drainage is complete, trees have been installed, and pavers are being installed. The project is being funded through the proffers of 9501 Collins and the Grand Beach. Expected completion date is January 15, 2014.
- The meeting for the furniture Sub-Committee was scheduled for Monday, November 4, at 6pm.

IX. Action Item ~ TBD

N/A

X. Public Comment

No public comment

XI. Next meeting: Monday November 25, 2013

XII. Adjournment

The meeting was adjourned by the Town Manager, Michael Crotty, at 8:48pm.

Accepted this 25 day of November, 2013

Ken Arnold
Member (Print)

[Signature]
Signature

Attest:

[Signature]
Frantza Duval
Recording Clerk



TOWN OF SURFSIDE

DVAC

Monday November 4, 2013 – 6:00 p.m.

Police Training Room

Town Hall 9293 Harding Avenue, 2nd Floor
Surfside, FL 33154

MINUTES

I. Call to Order and Roll Call

The meeting was called to order by Duncan Tavares at 6:07pm.

Also in attendance: Peter Filiberto, Jennifer Brilliant, Sandra Argow, Eli Tourgeman, Barbara Cohen, Linda Jain, Web Coordinator, Ken Arnold, Jamie Straz, Stantec, Frantza Duval, Recording Clerk.

II. Streetscape Layout and Budget Discussion

Jamie Straz spoke about the set-up of Downtown.

Between 94th and 96th Street all the trees are being replaced with date palms and larger planting areas are being installed mid-block.

There are four (4) mid-block pocket parks, which are larger planter areas.

Originally, the initial budget was \$30,000 for furniture.

There are, in total, eight (8) pocket parks, with four (4) being mid-block and four (4) at the 95th street intersection.

Stantec's recommendation is to work within the budget and focus on an affordable option that could become the standard for the Town and also allowing for additional money for accent lighting in the parks.

He advised that in selecting the furniture, changing one aspect will affect the other two with regards to quantity, design, and cost.

III. Review of Streetscape Furniture Options

Benches affect mid-park pocket parks. There will be new curved plantings at the crosswalks. A curved bench is recommended so that it fits nicely.

Jamie Straz recommended bench (concrete bench) would be \$600, backless with the option of privacy guards.

Eli Tourgeman doesn't like the option of straight benches because it allows for the homeless to sleep on the bench.

Jamie Straz reiterated that benches come with the option of privacy guards to prevent this.

Sandra Argow inquired as to why benches were chosen as opposed to other seating options.

Jamie Straz advised that benches allow for more flexibility, especially with group seating.

Barbara Cohen likes the composition of the benches, based on the glass sample Duncan Tavares provided, but doesn't feel it would go with the red sidewalks.

Duncan Tavares advised that maybe in the future the Commission will look into changing the sidewalks with other alternatives such as pavers, but at the current moment there no allocation in this project to do the sidewalks..

Concrete glass benches can be pressured washed, if necessary.

Sandra Argow inquired if the weight of the furniture will hold it down on its own or does it need to be fastened.

Jamie Straz advised that the benches will be fastened to the sidewalk.

He then presented a curved steel bench which starts at a cost of \$750 and if the Town wanted it with a back it would be \$1,225. Eli Tourgeman favored this option.



Ken Arnold favored the 'Stay Bench', which is \$1290.



Duncan Tavares inquired about the metal benches being too hot to sit on and Jamie Straz advised that the metal benches will be hot, but not as hot with the shade of the trees covering them.

Jennifer Brilliant and Sandra Argow favored the ARA model, which is \$1900. ARA Model is a polyethylene finish with galvanized carbon steel.



Jamie Straz presented several options for the garbage and recycling containers.

Eli Tourgeman wanted to include the option for garbage containers to include a cigarette disposal.

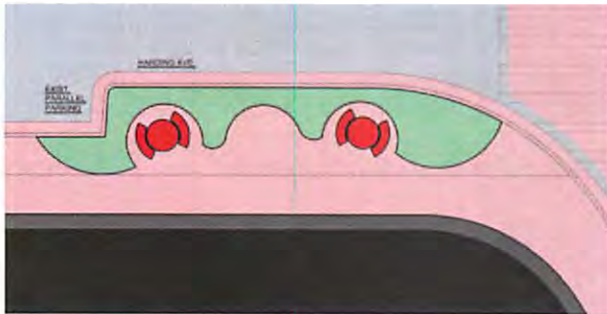
Sandra Argow was concerned about the maintenance of the benches. It was advised that the benches air dry and the chairs have a slight slope so that the rain falls off.

Garbage containers are roughly 25-30 gallons.

Peter Filiberto inquired about bike parking on Harding with Jamie Straz advised that the Town has to explore the options.

Sandra Argow recommends a watering hole within the pocket parks for dogs.

Eli Tourgeman doesn't want the table benches were the restaurants are located. There should only be benches, preferably on both sides, and leave the center area open for newspaper dispensers and bike racks.



Ken Arnold – Concrete Bench

Jennifer Brilliant– Concrete Bench– No tables just the benches, along with Jane Hamley benches and the Austin benches.

Barbara Cohen – likes the Nilo benches

Eli Tourgeman– likes the Nilo bench model as it is more contemporary.

Jamie Straz advised that eight (8) of the Nilo benches at mid-block only would be \$28,000.

On 95th street corners Eli Tourgeman recommended doing four benches in the middle at \$14,000.

He recommended doing four (4) Nilo benches and four (4) of the concrete benches while keeping the current garbage containers.

He advised that definitely two trash cans are needed, which should be located at Flanigan's and outside of HSBC.

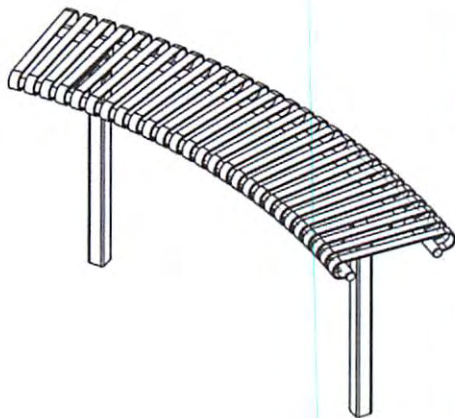
Jamie Starz recommends at least one (1) garbage container for each pocket park, which would be 8 in total and 4 recycling containers at each side block.

Ken Arnold wanted to recommend the Rest Bench as it is somewhat "Art Deco".



IV. Selection of 3 options ~ one per price range: low, medium, high

FIRST BUDGET OPTION – 12 CURVED STEEL BENCHES (SILVER) (\$1225 EACH) & EIGHT (8) 23 GALLON BIN WITH ASH PAN (\$1470 EACH) PLUS FOUR (4) RECYCLING CONTAINERS (\$1320 EACH) WOULD BE ABOUT \$32,000



SECOND OPTION (HIGH END) –JANE HAMLEY – (4 NILO FOR 95TH MIDDLE CIRCLE) 4 OF ARA (MID-BLOCK) & EIGHT TRASH CONTAINERS PLUS FOUR RECYCLING CONTAINERS WOULD BE ABOUT \$38,000. 4 WITH BACKS AND 4 WITHOUT BACKS – JANE HAMLEY COLLECTION



If more money is available, eight (8) of the ARA model, four (4) of the Nilo model, and all of the trash cans needed would be preferred.

V. **Next meeting: DVAC on Monday November 25, 2013**

VI. **Adjournment**

The meeting was adjourned at 8:25pm by Duncan Tavares.

Accepted this 25 day of November, 2013

Ken Arnold
Member (Print)

[Signature]
Signature

Attest:
[Signature]
Frantza Duval
Recording Clerk



Town of Surfside Commission Communication

Agenda Item # 3G

Agenda Date: December 10, 2013

Subject: Resolutions Surfside General Election

Background: Pursuant to Town Charter, the Town Commission needs to call the General Election of the Mayor and Town Commission on the third Tuesday in March, 2014. Qualifying period for the election begins on Wednesday, January 22, 2014 and ends at 12:00 p.m. on February 11, 2014. Since Miami-Dade County will be conducting the election on the Town's behalf it is important to provide sufficient lead time to properly conduct the election.

Budget Impact: Funds were budgeted for the election in the 2013-2014 Budget.

Recommendation: It is recommended that the Town Commission adopt the attached resolution setting the general election of the Town for March 18, 2014.

Sandra Novoa, CMC, Town Clerk

Michael P. Crotty, Town Manager

RESOLUTION NO. __-__

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR HOLDING A GENERAL MUNICIPAL ELECTION UNDER THE DATE OF MARCH 18, 2014 FOR THE ELECTION OF MAYOR AND ALL FOUR COMMISSIONERS OF THE TOWN OF SURFSIDE; PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. That in accordance with the provision of the Charter of the Town of Surfside (Chapter 27914, Laws of Florida, 1951,) as amended, a general municipal election is hereby directed to be held in the Town of Surfside at the Town Hall Commission Chambers, 9293 Harding Avenue, Surfside, Florida, from 7:00 o'clock a.m. until 7:00 o'clock p.m. Eastern Standard Time, on the 18th day of March, 2014, said date being the third Tuesday in March 2014, for the purpose of electing the Mayor and all four members of the Town Commission of the Town of Surfside and to fill any vacancy then existing. The Mayoral candidate receiving the highest number of votes for a term of two years and the Commissioner candidates receiving the first, second, third and fourth highest number of votes for a term of two years will be elected. In the event of a tie vote between two or more candidates for the fifth Commission seat, a run-off election will be held the first Tuesday of April following the General Election. The terms of office of the Mayor and all Commissioners shall commence at 8:00 o'clock p.m. on the day following such election.

Section 2. That the Town Clerk is hereby directed to publish once in a newspaper of general circulation in the Town of Surfside, a notice of said general municipal election in substantially the following form, to-wit:

**“NOTICE OF GENERAL MUNICIPAL ELECTION
FOR
ELECTING THE MAYOR AND ALL FOUR COMMISSIONERS
OF THE TOWN OF SURFSIDE, FLORIDA
MARCH 18, 2014**

A general municipal election will be held on March 18, 2014 from 7:00 o'clock a.m. until 7:00 o'clock p.m. Eastern Standard Time, in the Town of Surfside, at the Town Hall Commission Chambers, Surfside, Florida, at which election the qualified electors participating therein will vote for the election of the Mayor and all four Commissioners of the Town of Surfside.”

The Election Officials will be appointed in accordance with the Town Charter.

Section 3. That the official ballot to be used at such general election shall be as required by Miami-Dade County Elections. The Town Clerk shall prepare or submit the ballot so that the names of the qualified candidates in each category will appear on said ballot in alphabetical order according to surname; provided, however, that said ballot and its preparation and arrangement shall be such as to comply with the laws of the State of Florida with respect to the use of voting machines.

Section 4. That the Town Clerk be and is hereby authorized and directed to perform and carry out such other and additional duties as may be imposed by the Town Charter, State Statute or Ordinance in the conduct of said election.

PASSED AND ADOPTED this ____ day of _____, 2013.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION

Commissioner Joseph Graubart _____
Commissioner Michelle Kligman _____
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:**



Linda Miller, Town Attorney



Town of Surfside Commission Communication

Agenda Item # 3H

Agenda Date: December 10, 2013

Subject: Proposed Mutual Aid Agreement and Joint Declaration with the City of North Miami Beach Police Department

Objective: To receive and establish mutual aid in law enforcement services and resources with the City of North Miami Beach Police Department.

Background: The Town staff has received notice that the City of North Miami Beach Police Department has requested to enter into a Mutual Aid Agreement and Joint Declaration with the Town of Surfside Police Department. This agreement would be in effect from the date of signing through and including March 9, 2016,

Analysis: The Surfside Police Department requires approval and authorization to enter into the proposed agreement at the request of the North Miami Beach Police Department to establish continuity of voluntary and operational assistance with multi-jurisdiction law enforcement problems, emergency situations, and routine law enforcement services across jurisdictional lines.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A

Recommendation: It is recommended that the Surfside Town Commission approve the resolution authorizing the Mutual Aid Agreement and Joint Declaration with the City of North Miami Beach Police Department.

David Allen, Chief of Police

Michael Crotty, Town Manager

RESOLUTION NO. 13 - ____

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO EXECUTE A JOINT DECLARATION AND MUTUAL AID AGREEMENT FOR OPERATIONAL ASSISTANCE IN LAW ENFORCEMENT, EMERGENCIES AND ROUTINE LAW ENFORCEMENT SERVICES WITH THE CITY OF NORTH MIAMI BEACH POLICE DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Surfside, Florida wishes to enter into a Joint Declaration and Mutual Aid Agreement for operational assistance in law enforcement, emergencies and routine law enforcement services between the Town of Surfside Police Department and the City of North Miami Beach Police Department;

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

WHEREAS, the Commission Communication from the Chief of Police of the Town of Surfside has recommended that the Surfside Town Commission approve the Resolution authorizing the Joint Declaration and Mutual Aid Agreement between the Town of Surfside Police Department and the North Miami Beach Police Department.

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

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

Section 2. Authorization. The Town Commission hereby authorizes the execution of the Joint Declaration and Mutual Aid Agreement for between the Town of Surfside Police

Department and the City of North Miami Beach Police Department attached hereto as Exhibit "A" and authorizes the Town Manager and Town Clerk to do all things necessary to effectuate this Agreement.

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

PASSED and **ADOPTED** on this ____ day of December, 2013.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

Commissioner Joseph Graubart	_____
Commissioner Michelle Kligman	_____
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:**



Linda Miller, Town Attorney



Larry Gomer
Chief of Police

CITY OF NORTH MIAMI BEACH POLICE DEPARTMENT

A STATE ACCREDITED LAW ENFORCEMENT AGENCY



www.nmbpd.org

November 12, 2013

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

Chief Allen,

Enclosed please find an original copy of the Mutual Aid Agreement between the City of North Miami Beach Police Department and the Town of Surfside Police Department. Please sign and return 2 originals to this agency. We will file the fully executed agreement with FDLE.

Thank you for your continued cooperation and working relationship.

Respectfully,

A handwritten signature in black ink, appearing to read "Kevin Prescott".

Captain Kevin Prescott
North Miami Beach Police Department

**JOINT DECLARATION OF THE CHIEF OF THE CITY OF NORTH MIAMI BEACH
POLICE DEPARTMENT AND THE CHIEF OF THE TOWN OF SURFSIDE POLICE
DEPARTMENT PURSUANT TO MUTUAL AID ACT**

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

- participating in law enforcement activities that are preplanned and approved by each respective agency head; or
- appropriately dispatched in response to a request for assistance from the other law enforcement agency.

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

1. Joint multijurisdictional criminal investigations.
2. Civil affray or disobedience, disturbances, riots, large protest demonstrations, controversial trails, political conventions, labor disputes and strikes.
3. Any natural disaster.
4. Incidents which require rescue operations and crowd and traffic control measures including, but not limited to, large-scale evacuations, aircraft and shipping disasters, fires, explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical or hazardous waste spills and electrical failures.
5. Terrorist activity including, but not limited to, acts of sabotage.
6. Escapes from or disturbances within detention facilities.
7. Hostage and barricaded subject situations, and aircraft piracy.
8. Control of major crime scenes, area searches, perimeter control, back-ups to emergency and in-progress calls, pursuits and missing person calls.
9. Enemy attack.
10. Transportation of evidence requiring security.
11. Major events; e.g., sporting events, concerts, parades, fairs, festivals and conventions.

12. Security and escort duties for dignitaries.
13. Emergency situations in which one agency cannot perform its functional objective.
14. Incidents requiring utilization of specialized units e.g., underwater recovery, aircraft, canine, motorcycle, bomb, crime scene, marine patrol and police information.
15. Joint training in areas of mutual need.
16. Joint multijurisdictional marine interdiction operations.

ATTEST:


PAMELA L. LATIMORE
City Clerk

CITY OF NORTH MIAMI BEACH
POLICE DEPARTMENT


LARRY GOMER
Chief of Police

Date: 10/28/13

ATTEST:

SANDRA NOVOA
Town Clerk

TOWN OF SURFSIDE
POLICE DEPARTMENT


DAVID ALLEN
Chief of Police

Date: _____

Dwt

OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT

WITNESSETH

WHEREAS, THE SUBSCRIBING LAW ENFORCEMENT AGENCIES ARE SO LOCATED IN RELATION TO EACH OTHER THAT IT IS TO THE ADVANTAGE OF EACH TO RECEIVE AND EXTEND MUTUAL AID IN THE FORM OF LAW ENFORCEMENT SERVICES AND RESOURCES TO ADEQUATELY RESPOND TO INTENSIVE SITUATION, INCLUDING BUT NOT LIMITED TO NATURAL OR MAN MADE DISASTERS OR EMERGENCIES AS DEFINED UNDER SECTION '252.34, FLORIDA STATUTES; AND,

WHEREAS, THE SURFSIDE POLICE DEPARTMENT AND THE NORTH MIAMI BEACH POLICE DEPARTMENT HAVE THE AUTHORITY UNDER SECTION 23.12, FLORIDA STATUTES, et seq., THE FLORIDA MUTUAL AID ACT, TO ENTER INTO A MUTUAL AID AGREEMENT FOR LAW ENFORCEMENT SERVICE WHICH PROVIDES FOR RENDERING OF ASSISTANCE IN A LAW ENFORCEMENT EMERGENCY.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

SECTION I: PROVISIONS FOR OPERATIONAL ASSISTANCE

EACH OF THE AFORESAID LAW ENFORCEMENT AGENCIES HEREBY APPROVE AND ENTER INTO THIS AGREEMENT WHEREBY EACH OF THE AGENCIES MAY REQUEST AND RENDER LAW ENFORCEMENT ASSISTANCE TO THE OTHER TO INCLUDE, BUT NOT NECESSARILY BE LIMITED TO, DEALING WITH CIVIL DISTURBANCES, LAW ENFORCEMENT EMERGENCIES, LARGE PROTEST DEMONSTRATIONS, AIRCRAFT DISASTERS, FIRES, HURRICANES, TORNADOES OR OTHER WEATHER- RELATED CRISES, SPORTING EVENTS, CONCERTS, PARADES, ESCAPES FROM DETENTION FACILITIES, OFF DUTY ASSIGNMENTS, INCIDENTS REQUIRING UTILIZATION OF SPECIALIZED UNITS AND ANY OTHER SITUATION DEAMED APPROPRIATE BY EACH OF THE AFORESAID AGENCY HEADS.

SECTION II: PROCEDURE FOR REQUESTING ASSISTANCE

IN THE EVENT THAT A PARTY TO THIS AGREEMENT IS IN NEED OF ASSISTANCE AS SET FORTH ABOVE, AN AUTHORIZED REPRESENTATIVE OF THE AGENCY REQUESTING ASSISTANCE SHALL NOTIFY THE AGENCY HEAD OR HIS/HER DESIGNEE FROM WHOM SUCH ASSISTANCE IS REQUESTED. THE AGENCY HEAD OR AUTHORIZED AGENCY REPRESENTATIVE WHOSE ASSISTANCE IS SOUGHT SHALL EVALUATE THE SITUATION AND THE AGENCY'S AVAILABLE RESOURCES, CONSULT WITH HIS/HER SUPERVISORS IF NECESSARY AND WILL RESPOND IN A MANNER HE/SHE DEEMS APPROPRIATE.

THE AGENCY HEAD OR AUTHORIZED REPRESENTATIVE IN WHOSE JURISDICTION ASSISTANCE IS BEING RENDERED MAY DETERMINE WHO IS AUTHORIZED TO LEND ASSISTANCE IN HIS/HER JURISDICTION, FOR HOW LONG SUCH ASSISTANCE IS AUTHORIZED AND FOR WHAT PURPOSE SUCH AUTHORITY IS GRANTED. THIS AUTHORITY MAY BE GRANTED EITHER VERBALLY OR IN WRITING AS THE PARTICULAR SITUATION DICTATES.

THE AGENCY HEAD'S DECISION IN THESE MATTERS SHALL BE FINAL. INSTRUCTIONS WILL BE INCLUDED IN EACH REQUEST FOR MUTUAL AID. IN THE ABSENCE OF SUCH INSTRUCTIONS, COMMUNICATIONS WILL BE CONDUCTED ON A MUTUALLY AGREED UPON RADIO FREQUENCY, IF NOT THROUGH MIAMI-DADE COMMUNICATIONS BUREAU.

SECTION III: COMMAND AND SUPERVISORY RESPONSIBILITY

THE PERSONNEL AND EQUIPMENT THAT ARE ASSIGNED BY THE ASSISTING AGENCY HEAD SHALL BE UNDER THE IMMEDIATE COMMAND OF A SUPERVISING OFFICER DESIGNATED BY THE ASSISTING AGENCY HEAD. SUCH SUPERVISING OFFICER SHALL BE UNDER THE DIRECT SUPERVISION AND COMMAND OF THE AGENCY HEAD OR HIS/HER DESIGNEE OF THE AGENCY REQUESTING ASSISTANCE.

CONFLICTS: WHENEVER AN OFFICER IS RENDERING ASSISTANCE PURSUANT TO THIS AGREEMENT, THE OFFICER SHALL ABIDE BY AND BE SUBJECT TO THE RULES AND REGULATIONS, PERSONNEL POLICIES, GENERAL ORDERS AND STANDARD OPERATING PROCEDURES OF HIS/HER OWN EMPLOYING AGENCY. IF ANY SUCH RULE, REGULATION, PERSONNEL POLICY, GENERAL ORDER OR STANDARD OPERATING PROCEDURE IS CONTRADICTED, CONTRAVENED OR OTHERWISE IN CONFLICT WITH A DIRECT ORDER OF A SUPERIOR OFFICER OF THE REQUESTING AGENCY, THEN SUPERVISING OFFICERS FROM EACH AGENCY WILL TOGETHER DETERMINE THE APPROPRIATE COURSE OF ACTION AS DETERMINED BY THE SITUATION.

HANDLING COMPLAINTS: WHENEVER THERE IS CAUSE TO BELIEVE THAT A COMPLAINT HAS ARISEN AS A RESULT OF A COOPERATIVE EFFORT AS IT MAY PERTAIN TO THIS AGREEMENT, THE AGENCY HEAD OR HIS/HER DESIGNEE OF THE REQUESTING AGENCY SHALL BE RESPONSIBLE FOR THE DOCUMENTATION OF SAID COMPLAINT TO ASCERTAIN AT A MINIMUM:

1. THE IDENTITY OF THE COMPLAINANT
2. AN ADDRESS WHERE THE COMPLAINING PARTY CAN BE CONTACTED
3. THE SPECIFIC ALLEGATION
4. THE IDENTITY OF THE EMPLOYEES ACCUSED WITHOUT REGARD TO AGENCY AFFILIATION

IF IT IS DETERMINED THAT THE ACCUSED IS AN EMPLOYEE OF THE ASSISTING AGENCY, THE ABOVE INFORMATION, WITH ALL PERTINENT DOCUMENTATION GATHERED DURING THE RECEIPT AND PROCESSING OF THE COMPLAINT, SHALL BE FORWARDED WITHOUT DELAY TO THE AGENCY HEAD OR HIS/HER DESIGNEE OF THE ASSISTING AGENCY FOR ADMINISTRATIVE REVIEW. THE REQUESTING AGENCY MAY CONDUCT A REVIEW OF THE COMPLAINT TO DETERMINE IF ANY FACTUAL BASIS FOR THE COMPLAINT EXISTS AND/OR WHETHER ANY OF THE EMPLOYEES OF THE REQUESTING AGENCY VIOLATED ANY OF THEIR AGENCY'S POLICIES OR PROCEDURES.

SECTION IV: INDEMNIFICATION

EACH PARTY ENGAGING IN ANY MUTUAL COOPERATION AND ASSISTANCE, PURSUANT TO THIS AGREEMENT, AGREES TO ASSUME RESPONSIBILITY FOR THE ACTS, OMISSIONS, OR CONDUCT OF SUCH PARTY'S OWN EMPLOYEES WHILE ENGAGED IN RENDERING SUCH AID PURSUANT TO THIS AGREEMENT, SUBJECT TO THE PROVISIONS OF SECTION 768.28, FLORIDA STATUTES, WHERE APPLICABLE.

SECTION V: POWERS, PRIVILEGES, IMMUNITIES AND COSTS

- a. EMPLOYEES OF THE SURFSIDE POLICE DEPARTMENT AND THE NORTH MIAMI BEACH POLICE DEPARTMENT WHEN ACTUALLY ENGAGING IN MUTUAL COOPERATION AND ASSISTANCE OUTSIDE THEIR JURISDICTIONAL LIMITS BUT INSIDE THIS STATE, UNDER THE TERMS OF THIS AGREEMENT, SHALL, PURSUANT TO THE PROVISIONS OF SECTION 23.127(1), FLORIDA STATUTES, HAVE THE SAME POWERS, DUTIES, RIGHTS, PRIVILEGES AND IMMUNITIES AS IF THE EMPLOYEE WAS PERFORMING DUTIES INSIDE THE EMPLOYEE'S POLITICAL SUBDIVISION IN WHICH NORMALLY EMPLOYED.
- b. EACH PARTY AGREES TO FURNISH NECESSARY PERSONNEL, EQUIPMENT, RESOURCES AND FACILITIES AND TO RENDER SERVICES TO EACH OTHER PARTY TO THE AGREEMENT AS SET FORTH ABOVE; PROVIDED, HOWEVER, THAT NO PARTY SHALL BE REQUIRED TO DEplete UNREASONABLY ITS OWN PERSONNEL, EQUIPMENT, RESOURCES, FACILITIES AND SERVICES IN FURNISHING SUCH MUTUAL AID.
- c. A POLITICAL SUBDIVISION THAT FURNISHES EQUIPMENT PURSUANT TO THIS AGREEMENT MUST BEAR THE COST OF LOSS OR DAMAGE TO THAT EQUIPMENT AND MUST PAY ANY EXPENSE INCURRED IN THE OPERATION AND MAINTAINANCE OF THAT EQUIPMENT.
- d. THE AGENCY FURNISHING AID PURSUANT TO THIS AGREEMENT SHALL COMPENSATE ITS APPOINTEES/EMPLOYEES DURING THE TIME SUCH AID IS RENDERED AND SHALL DEFRAY THE ACTUAL TRAVEL AND MAINTENANCE EXPENSES OF ITS EMPLOYEES WHILE THEY ARE RENDERING SUCH AID, INCLUDING ANY AMOUNTS PAID OR DUE FOR COMPENSATION DUE TO PERSONAL INJURY OR DEATH WHILE SUCH EMPLOYEES ARE RENDERING AID PURSUANT TO THIS AGREEMENT.
- e. THE PRIVILEGES AND IMMUNITIES FROM LIABILITY, EXEMPTION FROM LAWS, ORDINANCES AND RULES AND ALL PENSION, INSURANCE, RELIEF, DISABILITY, WORKERS' COMPENSATION, SALARY, DEATH AND OTHER BENEFITS THAT APPLY TO THE ACTIVITY OF AN EMPLOYEE OF AN AGENCY WHEN PERFORMING THE EMPLOYEES' DUTIES WITHIN THE TERRITORIAL LIMITS OF THE EMPLOYEE'S AGENCY APPLY TO THE EMPLOYEE TO THE SAME DEGREE, MANNER AND EXTENT WHILE ENGAGED IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES EXTRATERRITORIALLY UNDER THE PROVISIONS OF THIS MUTUAL AID AGREEMENT. THE PROVISIONS OF THIS SECTION SHALL APPLY WITH EQUAL EFFECT TO PAID, VOLUNTEER AND PART TIME EMPLOYEES.

- f. NOTHING HEREIN SHALL PREVENT THE REQUESTING AGENCY FROM REQUESTING SUPPLEMENTAL APPROPRIATIONS FROM THE GOVERNING AUTHORITY HAVING BUDGETED JURISDICTION TO REIMBURSE THE ASSISTING AGENCY FOR ANY ACTUAL COSTS OR EXPENSES INCURRED BY THE ASSISTING AGENCY PERFORMING HEREUNDER.
- g. NOTHING IN THIS AGREEMENT IS INTENDED OR IS TO BE CONSTRUED AS ANY TRANSFER OR CONTRACTING AWAY OF THE POWERS OR FUNCTIONS OF ONE PARTY HERETO TO THE OTHER.

SECTION VI: LIABILITY INSURANCE

THE CITY OF NORTH MIAMI BEACH IS SELF-INSURED PURSUANT TO CHAPTER 768, FLORIDA STATUTES. THE TOWN OF SURFSIDE SHALL PROVIDE SATISFACTORY PROOF OF LIABILITY INSURANCE BY ONE OR MORE OF THE MEANS SPECIFIED IN SECTION 768.28(16)(a), FLORIDA STATUTES, IN AN AMOUNT WHICH IS, IN THE JUDGEMENT OF THE GOVERNING BODY OF THAT PARTY, AT LEAST ADEQUATE TO COVER THE RISK TO WHICH THAT PARTY MAY BE EXPOSED. SHOULD THE INSURANCE COVERAGE, HOWEVER PROVIDED, OF ANY PARTY BE CANCELLED OR UNDERGO MATERIAL CHANGE, THAT PARTY SHALL NOTIFY ALL PARTIES TO THIS AGREEMENT OF SUCH CHANGE WITHIN TEN (10) DAYS OF RECEIPT OF NOTICE OR ACTUAL KNOWLEDGE OF SUCH CHANGE.

SECTION VII: FOREFEITURE PROVISIONS

- a. IN THE EVENT AN AGENCY SEIZES ANY REAL PROPERTY, VESSEL, MOTOR VEHICLE, AIRCRAFT, CURRENCY OR OTHER PROPERTY PURSUANT TO THE FLORIDA CONTRABAND FOREFEITURE ACT DURING THE PERFORMANCE OF THIS AGREEMENT, THE AGENCY REQUESTING ASSISTANCE IN THE CASE OF REQUESTED OPERATIONAL ASSISTANCE AND THE SEIZING AGENCY IN THE CASE OF VOLUNTARY COOPERATION SHALL BE RESPONSIBLE FOR MAINTAINING ANY FOREFEITURE ACTION PURSUANT TO CHAPTER 932, FLORIDA STATUTES. THE AGENCY PURSUING THE FOREFEITURE ACTION SHALL HAVE THE EXCLUSIVE RIGHT TO CONTROL AND THE RESPONSIBILITY TO MAINTAIN THE PROPERTY IN ACCORDANCE WITH CHAPTER 932, FLORIDA STATUTES, TO INCLUDE, BUT NOT BE LIMITED TO, THE COMPLETE DISCRETION TO BRING THE ACTION OR DISMISS THE ACTION.
- b. ALL PROCEEDS FROM FORFEITED PROPERTY SEIZED AS A RESULT OF OR IN ACCORDANCE WITH THIS AGREEMENT SHALL BE DIVIDED EQUALLY BETWEEN THE PARTIES, LESS THE COSTS ASSOCIATED WITH THE FOREFEITURE ACTION.

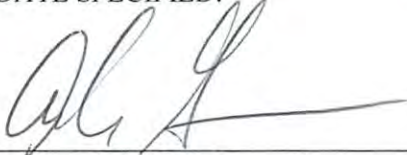
SECTION VIII: EFFECTIVE DATE

THIS AGREEMENT SHALL TAKE EFFECT UPON EXECUTION AND APPROVAL BY THE HEREINAFTER NAMED OFFICIALS AND SHALL CONTINUE IN FULL FORCE UNTIL MARCH 09, 2016. UNDER NO CIRCUMSTANCES MAY THIS AGREEMENT BE RENEWED, AMENDED, OR EXTENDED EXCEPT IN WRITING.

CANCELLATION

ANY PARTY MAY CANCEL ITS PARTICIPATION IN THIS AGREEMENT UPON DELIVERY OF WRITTEN NOTICE TO THE OTHER PARTY OR PARTIES. CANCELLATION WILL BE AT THE DIRECTION OF ANY SUBSCRIBING PARTY.

IN WITNESS WHEREOF, THE PARTIES HERETO CAUSE THESE PRESENTS TO BE SIGNED ON THE DATE SPECIFIED.




ANA M. GARCIA
City Manager,
North Miami Beach, FL

MICHAEL CROTTY
Town Manager,
Surfside, FL

Date Executed: _____

Date Executed: _____

ATTEST:



PAMELA L. LATIMORE
City Clerk,
North Miami Beach, FL

ATTEST:

SANDRA NOVOA
Town Clerk,
Surfside, FL

Approved as to Form and
Correctness Only; Terms and
Conditions Provided By Others

Approved as to Form and Correctness
Only; Terms and Conditions Provided By
Others



DARCEE S. SIEGEL
City Attorney,
North Miami Beach, FL

LINDA MILLER
Town Attorney,
Surfside, FL



RESOLUTION NO. 13 – _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA SUPPORTING BEACH DUNE RESTORATION AND PROCLAIMING JANUARY 1, 2014 AS THE “TOWN OF SURFSIDE RE-NOURISH THE BEACH DAY”; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Town of Surfside is a beautiful coastal community located in the tropical paradise of South Florida. With the town’s recent support for the South Florida Regional Climate Compact, we firmly believe beach dune protection and restoration is a vital element in sustaining our fragile beachfront; and

WHEREAS, The Florida Department of Environmental Protection’s Coastal Office manage 825 miles of sandy coastline. Florida’s beaches serve several important functions, each being vital to maintaining the health of Florida’s economy and environment; and

WHEREAS, The beach and dune system is our first line of defense against rising sea levels and storms because it acts as a buffer between the storm waves and coastal development; and

WHEREAS, The coastal sandy beach system is home to hundreds of plants and animals including several endangered or threatened species of sea turtles. Most are dependent upon the beaches, dunes and near shore waters for all or part of their lives. Beaches are used by resident and migratory shorebirds for resting, foraging and nesting and during the summer months; and

WHEREAS, More than 30 plants and animals considered rare within the state inhabit the beach and adjacent habitats. These plants and animals are adapted to living in the beach’s harsh environment of salt spray, shifting and infertile sand, bright sunlight, and storms; and

WHEREAS, The Town of Surfside complies with all State and Federal regulations that afford protection of the fragile coastal shoreline; and

WHEREAS, Youth Environmental Alliance (YEA), along with student and adult volunteers; will partner the Town of Surfside to remove exotic invasive plants and replace with native dune species, helping restore and protect the vital coastal strand habitat in South Florida; and

WHEREAS, The Town of Surfside, in partnership with YEA, is declaring Saturday, January 01, 2014 to be the inaugural Re-Nourish the Beach Day at the Surfside Community Center; and

WHEREAS, Citizens of Surfside are encouraged to learn more about the coastal habitat, how they protect turtle nesting habitat and the benefits they provide to countless species of marine and birdlife; and

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

Section 1. Recitals Adopted. That each of the above stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Support by the Town of Surfside Town Commission. The Town Commission supports the partnership with the Youth Environmental Alliance and does hereby declare January 1, 2014 Town of Surfside Re-Nourish the Beach Day.

Section 3. Authorization and Approval. The Town Commission authorizes and approves the Town Manager and/or his designee to take all actions necessary to implement this Resolution.

Section 4. Direction to the Town Clerk. The Town Clerk is hereby directed to transmit a copy of this Resolution to the Youth Environment Alliance.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this ____ day of December 2013.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

Commissioner Joseph Graubart _____
Commissioner Michelle Kligman _____
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:



Linda Miller, Town Attorney



Town of Surfside Commission Communication

Agenda Item #: 4A1
Agenda Date: October 8, 2013
Subject: Capital Improvement Element Update
From: Sarah Sinatra Gould, AICP, Town Planner

Background: Florida Statutes require municipalities to update their Capital Improvement Element on an annual basis. In particular, the Schedule of Capital Improvements (SCI) within the Capital Improvement Element must be updated to show projects needed to maintain Comprehensive Plan level of service standards.

Analysis: Chapter 163 of the Florida Statutes requires each Comprehensive Plan to include a Schedule of Capital Improvements in the Capital Improvements Element. The Schedule of Capital Improvements (SCI) of the Capital Improvements Element is a subset of the Town's Capital Improvement Plan (CIP). The Capital Improvements Element includes projects which are necessary to ensure that adopted level of service standards provided in the Comprehensive Plan are achieved and maintained for a five year period. Level of service standards in the Comprehensive Plan include standards for stormwater, water, wastewater, transportation, schools, and parks. Therefore, the projects included in the Capital Improvements Element will be specific to the Comprehensive Plan level of service standards and will not include some projects in the Capital Improvement Plan such as the Downtown Harding Avenue Streetscape improvements, the vehicle replacement program and the Tennis Center renovations.

The Capital Improvements Element must also include transportation improvements included in the applicable state funded projects such as Florida Department of Transportation and Miami-Dade Metropolitan Planning Organization's (MPO) transportation improvement program if such improvements are relied upon to ensure concurrency. Both "Level of Service" and "Concurrency" are methods of measuring the availability and timing for installation of infrastructure that ensures new development has adequate services to handle site impacts.

New to the Schedule of Capital Improvements is the creation of a dog park at 93rd Street and Byron Avenue in Table 9-10C. Landscaping, fencing and equipment will be added to an existing Town property, which is also currently being utilized as a pump station, to create the new park. The utilization of a portion of this property to a dog park will increase the Town's overall park space by 0.11 acres and improve the overall park level of service.

The following table highlights the different projects in the Capital Improvement Plan and the Capital Improvements Element:

<i>Project Name</i>	<i>Included in Capital Improvement Plan</i>	<i>Included in the Capital Improvements Element</i>
Downtown Harding Avenue Streetscape Improvements	Yes	No
95 th Street End Project	Yes	No
Vehicle Replacement Program	Yes	No
Wastewater System Rehabilitation Program	Yes	Yes
Seawall Rehabilitation	Yes	No
SR922/96 th Street Resurfacing	No	Yes
Dog Park	Yes	Yes
Street End Landscaping (Residential)	Yes	No
Tennis Center Renovations	Yes	No
Miami-Dade Public Schools Five-Year Facilities Work Program	No	Yes

Staff Recommendation: Staff recommends that the Town Commission approve the annual update of the Capital Improvement Element on first reading.

Budget Impact: The Capital Improvement Element must be coordinated with the Town's adopted budget.

Growth Impact: N/A

Staff Impact: N/A



Sarah Sinatra Gould, AICP, Town Planner



Michael Crotty, Town Manager

TABLE 9-10DE School Facilities Work Program
Miami-Dade Public Schools Five-Year Facilities Work Program for
2012-2013 through 2016-2017 2011-12 through 2015-16
adopted September 5, 2012 September 7, 2011

Table 9-10C
Park Projects

Town Park Projects							
<u>Project Name</u>	<u>Location</u>	<u>FY2013</u>	<u>FY2014</u>	<u>FY2015</u>	<u>FY2016</u>	<u>FY2017</u>	<u>Total</u>
Dog Park (Landscaping, fencing, and equipment)	Intersection of 93 rd Street and Byron Avenue	\$18,000					\$18,000
Total Cost of Park Projects		\$18,000					\$18,000

Source: Town of Surfside, Calvin Giordano & Associates, Inc.

The Town is converting an existing Town pump station property at Byron Avenue and 93rd Street to a dog park. Improvements include landscaping, fencing, and equipment. The project will add to existing park space.

**Table 9-10D
Gas Tax Projects**

Gas Tax/Citizens' Independent Transportation Trust (CITT) Projects									
Project Name	Location	FY-2012	FY-2013	FY-2014	FY-2015	FY-2016	FY-2017	Total	
Traffic-Median-Design and-Installation	88 th Street and Byron-Avenue	\$84,760						\$84,760	
Traffic-Study	All Town-owned Roads	\$49,560.80						\$49,560.80	
Traffic-Calming-Device Installation (Estimated-Five-Devices)	Location-To-Be Determined By-Traffic Study		\$200,000					\$200,000	
Total Cost		\$134,300.80	\$200,000					\$334,300.80	

Source: Town of Surfside Finance Department.

The Traffic Management Program is a program to implement various traffic calming devices throughout the Town. Traffic calming devices help lower vehicle speed and prevent cut through traffic on local roads. Traffic calming devices can include but are not limited to speed tables, roundabouts, partial road closures, road narrowing, and chicanes. Included in the funding are a traffic median design and installation project, a traffic study, and installation of an estimated five traffic calming devices.

**Table 9-10BG
FDOT Projects**

FDOT Projects										
Project Name	Location	Included in MPO TIP	FY-2012	FY 2013	FY 2014	FY 2015	FY 2016	FY2017	Total	
SR-A1A/Collins Ave/Harding Ave Resurfacing FDOT Item No. 4198584 and 4198231	Northbound along Collins Avenue from 76 th Street to north of 96 th Street. Southbound on Harding Avenue from Bal Harbour Shops to 94 Street.		\$3,640,593						\$3,640,593	
SR922/96 th St. Resurfacing FDOT Item No. 4274211	From 163 feet east of E. Bay Harbor Drive to SR A1A/Collins Avenue	Yes		\$470,505 \$384,989	\$57,736				\$528,241 \$384,989	
Total Cost of FDOT Projects			\$3,640,593	\$470,505 \$384,989	\$57,736				\$528,241 \$3,994,882	

Source: Florida Department of Transportation; FY2013-FY2017FY2012-2016 Transportation Improvement Program, Miami-Dade Metropolitan Planning Organization

**Table 9-10A,B
Wastewater and Potable Water Projects**

Town Wastewater and Potable Water Projects								
Project Name	Location	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	Total
Wastewater System Rehabilitation Program	Townwide	\$900,324	\$65,000					\$965,324
Collins Avenue Southern Sanitary Force Mains Improvement Project	Entire length of Collins Avenue through Surfside	\$3,300,000						\$3,300,000
Water System Program	Townwide	\$1,067,433						\$1,067,433
Total Cost of Wastewater and Potable Water Projects		\$5,267,764	\$65,000					\$5,332,764

Source: Town of Surfside; Calvin, Giordano and Associates, Inc.

Notes: Description of Wastewater Rehabilitation Program: The Wastewater Rehabilitation Plan consists of three phases. Phase I required the placement of full dish gaskets on manhole openings and brings the Town in partial compliance with the mandates from the Miami-Dade Department of Regulatory And Economic Resources (RER). Phase II requires the repair or lining of sanitary sewer lines as detected by the recent cleaning and video project. Phase III (renovating pump stations) will complete the requirements as outlined in the Sanitary Sewer Evaluation Study (SSES).

Description of Collins Avenue Southern Sanitary Force Mains Improvement Project: This project involves the replacement of the force main sewer line along Collins Avenue throughout Surfside coordinated with similar work in Bal Harbour. Description of Water System Program: This project provides for the replacement of about 11 miles of water system pipe known to be in particularly poor condition.

Description of Water System Program: This project provides for the replacement of about 11 miles of water system pipe known to be in particularly poor condition.

Schedule of Funded Capital Improvements by Category
 Tables 9-10A-ED-make up the Town's Schedule of Capital Improvements. Funding sources are shown where applicable.

Table 9-10A
Stormwater Projects

Town Stormwater Projects									
Project Name	Location	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	Total	
Stormwater Pollution Control Project	Townwide	\$668,781						\$668,781	
Total Cost of Stormwater Projects	-	\$668,781						\$668,781	

Source: Town of Surfside, Calvin, Giordano and Associates, Inc.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE 2013 ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN'S COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY AND CONFLICT; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2005, the Florida Legislature passed Senate Bill 360, which required, in part, that local governments annually update the Capital Improvements Element contained in their Comprehensive Plans in order to ensure that the required level of service standard for the public facilities listed in Section 163.3180, Florida Statutes is achieved and maintained over the planning period; and

WHEREAS, pursuant to Section 163.3177, Florida Statutes, all local governments are required to adopt this update annually; and

WHEREAS, the Town Commission held its first public hearing on October 8, 2013; and

WHEREAS, the Town of Surfside Planning and Zoning Board, as the local planning agency for the Town of Surfside ("Town"), recommended approval of the proposed amendments to the 2013 Capital Improvements Element of the Town of Surfside Comprehensive Plan ("Comprehensive Plan") on October 24, 2013; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on November 8, 2013.

WHEREAS, after having received input and participation by interested members of the public and staff, and having considered the recommendation of the Town of Surfside Planning and Zoning Board and staff, the Town Commission found the proposed update to the 2013 Capital Improvements Element to be consistent with the Comprehensive Plan; and

WHEREAS, the Town Commission has conducted a first and second reading of the proposed ordinance at duly noticed public hearings as required by law and further finds the proposed changes to the Capital Improvements Element of the Comprehensive Plan necessary and in the best interest of the Town.

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. Adoption of the Annual Update to the Capital Improvements Element.

The Town Commission hereby adopts the annual update to the 2013 Capital Improvements Element contained in the Town of Surfside Comprehensive Plan, which is attached as Exhibit "A."

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 Comprehensive Plan in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Comprehensive Plan. 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 Comprehensive Plan, 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 immediately upon passage by the Town Commission on second reading, except that the effective date of the Plan Amendment approved by this Ordinance shall be the date a final order is issued by the state land planning agency or administration commission finding the Plan Amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. The state land planning agency or administration commission's notice of intent to find the Plan Amendment in compliance shall be deemed to be a final order if no timely petition challenging the Plan Amendment is filed.

PASSED and ADOPTED on First Reading the _____ day of _____, 2013.

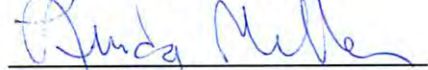
PASSED and ADOPTED on Second Reading this _____ day of _____, 2013.

Daniel Dietch, Mayor

Attest:

Sandra Novoa
Town Clerk

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



Linda Miller, Town Attorney

On First Reading Moved by: _____

On Second Reading Seconded by: _____

Vote:

Commissioner Kligman	yes	_____	no	_____
Commissioner Graubart	yes	_____	no	_____
Commissioner Olchyk	yes	_____	no	_____
Vice Mayor Karukin	yes	_____	no	_____
Mayor Dietch	yes	_____	no	_____

EXHIBIT "A"

Schedule of Funded Capital Improvements by Category
 Tables 9-10A-ED make up the Town's Schedule of Capital Improvements. Funding sources are shown where applicable.

Table 9-10A
 Stormwater Projects

Town Stormwater Projects								
Project Name	Location	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	Total
Stormwater Pollution Control Project	Townwide	\$668,784						\$668,784
Total Cost of Stormwater Projects		\$668,784						\$668,784

Source: Town of Surfside; Calvin Giordano and Associates, Inc.

**Table 9-10AB
Wastewater and Potable Water Projects**

Town Wastewater and Potable Water Projects								
Project Name	Location	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	Total
Wastewater System Rehabilitation Program	Townwide	\$900,324	\$55,000					\$65,000 \$900,324
Collins Avenue Southern Sanitary Force Mains Improvement Project	Entire length of Collins Avenue through Surfside	\$3,300,000						\$3,300,000
Water System Program	Townwide	\$1,067,433						\$1,067,433
Total Cost of Wastewater and Potable Water Projects		\$5,267,754	\$65,000					\$65,000 \$6,267,754

Source: Town of Surfside; Calvin, Giordano and Associates, Inc.

Notes: Description of Wastewater Rehabilitation Program: The Wastewater Rehabilitation Plan consists of three phases. Phase I required the placement of full dish gaskets on manhole openings and brings the Town in partial compliance with the mandates from the Miami-Dade Department of Regulatory And Economic Resources (RER) PERA. Phase II requires the repair or lining of sanitary sewer lines as detected by the recent cleaning and video project. Phase III (renovating pump stations) will complete the requirements as outlined in the Sanitary Sewer Evaluation Study (SSES).

Description of Collins Avenue Southern Sanitary Force Mains Improvement Project: This project involves the replacement of the force main sewer line along Collins Avenue throughout Surfside coordinated with similar work in Bal Harbour. Description of Water System Program: This project provides for the replacement of about 1.1 miles of water system pipe known to be in particularly poor condition.

Description of Water System Program: This project provides for the replacement of about 1.1 miles of water system pipe known to be in particularly poor condition.

Table 9-10BG
FDOT Projects

FDOT Projects									
Project Name	Location	Included in MPO TIP	FY-2012	FY 2013	FY 2014	FY 2015	FY 2016	FY2017	Total
SR A1A/Collins Ave/Harding Ave Resurfacing FDOT Item No: 4198584 and 4198234	Northbound along Collins Avenue from 75 Street to north of 96 th Street. Southbound on Harding Avenue from Bal Harbour Shops to 04 Street.		\$3,640,593						\$3,640,593
SR922/96 th St. Resurfacing FDOT Item No. 4274211	From 163 feet east of E. Bay Harbor Drive to SR A1A/Collins Avenue	Yes		\$470,505 \$384,089	\$57,736				\$528,241 \$384,089
Total Cost of FDOT Projects			\$3,640,593	\$470,505 \$384,089	\$57,736				\$528,241 \$3,994,682

Source: Florida Department of Transportation; FY2013-FY2017FY2012-2016 Transportation Improvement Program, Miami-Dade Metropolitan Planning Organization

**Table 9-40D
Gas Tax Projects**

Gas Tax/ Citizens' Independent Transportation Trust (CITT) Projects								
Project Name	Location	FY-2012	FY-2013	FY-2014	FY-2015	FY-2016	FY-2017	Total
Traffic-Median-Design and-Installation	88 th Street and Byron-Avenue	\$84,750						\$84,750
Traffic-Study	All Town-owned Roads	\$49,560.80						\$49,560.80
Traffic-Calming-Device-Installation (Estimated-Five-Devices)	Location-To-Be-Determined-By-Traffic-Study		\$200,000					\$200,000
Total-Cost		\$134,300.80	\$200,000					\$334,300.80

Source: Town of Surfside Finance Department.

The Traffic Management Program is a program to implement various traffic calming devices throughout the Town. Traffic calming devices help lower vehicle speed and prevent cut through traffic on local roads. Traffic calming devices can include but are not limited to speed tables, roundabouts, partial road closures, road narrowing, and chicanes. Included in the funding are a traffic median design and installation project, a traffic study, and installation of an estimated five traffic calming devices.

**Table 9-10C
Park Projects**

<u>Town Park Projects</u>							
<u>Project Name</u>	<u>Location</u>	<u>FY2013</u>	<u>FY2014</u>	<u>FY2015</u>	<u>FY2016</u>	<u>FY 2017</u>	<u>Total</u>
Dog Park (Landscaping, fencing, and equipment)	Intersection of 93 rd Street and Byron Avenue	\$18,000					\$18,000
<u>Total Cost of Park Projects</u>		\$18,000					\$18,000

Source: Town of Surfside, Calvin, Giordano & Associates, Inc.

The Town is converting an existing Town pump station property at Byron Avenue and 93rd Street to a dog park. Improvements include landscaping, fencing, and equipment. The project will add to existing park space.

TABLE 9-10DE School Facilities Work Program
Miami-Dade Public Schools Five-Year Facilities Work Program for
2012-2013 through 2016-2017, 2011-12 through 2015-16
adopted September 5, 2012 ~~September 7, 2011~~



Town of Surfside Commission Communication

Agenda Item # 4A2

Agenda Date: October 8, 2013

Subject: Construction Fences

Background: Construction fence ordinances as they are presently written do not allow for the full spectrum of fences in use today. The Town of Surfside Code of Ordinances specifically allows only chain link and canvas covered fences for construction along Collins and Harding Avenues while other fence types are allowed in other areas of the Town.

Analysis: Other types of fences may provide better representation of the project in its ability to provide a media for graphics, provide a higher degree of aesthetic appeal and solid materials would prevent operations to be seen from street level. These types of fences currently being used include materials as high gloss paints, coatings and cladding on substrates such as wood, metal and plastics.

Budget Impact: N/A

Staff Impact: N/A

Recommendation: Staff recommends approval of these revisions amending the Code to allow other types of construction fences as has been detailed herein.

Ross Prieto, Building Official

Michael Crotty, Town Manager



MERIGO VESPUCCI had a plan. MIES VAN DER ROHE had a plan. FOSTER PARTNERS have a plan.



...had a plan. ROMAN & WILLIAMS have a plan

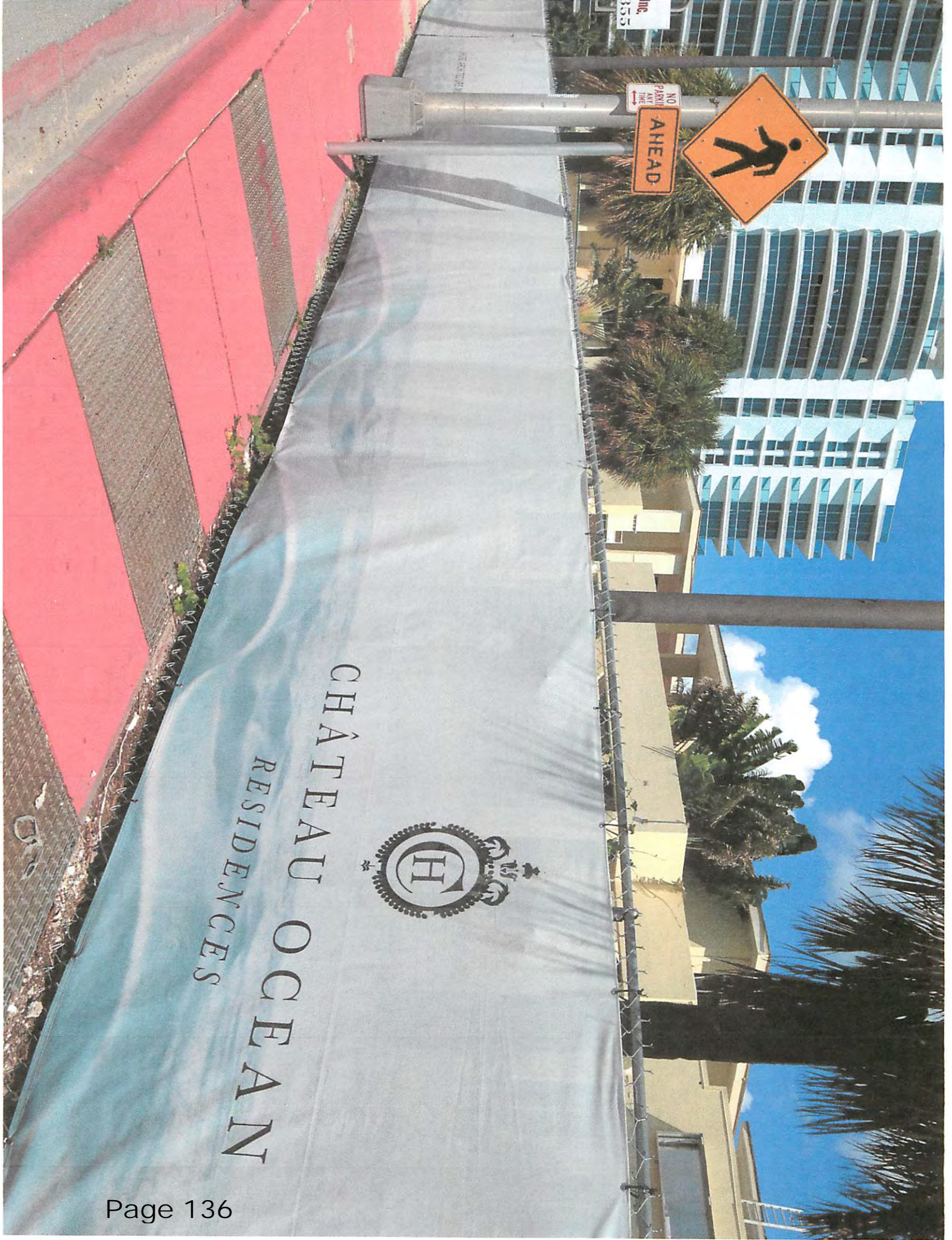


CHATEAU OCEAN
RESIDENCES



PEDESTRIAN AHEAD

786-2-2-0335



CHATEAU OCEAN
RESIDENCES



NO PARKING
AHEAD







ORDINANCE NO. 13-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-56.1.B. "CONSTRUCTION FENCING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PERMIT CONSTRUCTION FENCING MATERIALS; 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 Commission recognizes the need for appropriate construction fencing materials to secure and maintain a construction site during demolition and construction; and

WHEREAS, the current Town Code does not allow for the full spectrum of construction fences in use today; and

WHEREAS, the Town Code specifically allows only chain link and canvas covered fences for construction; and

WHEREAS, other types of fences may provide better representation of the construction project in its ability to provide a media for graphics and solid materials; and

WHEREAS, the Town Commission shall have conducted a first duly noticed public hearing on these regulations as required by law on October 8, 2013; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, shall conduct a hearing on the proposed amendment on October 24, 2013 with due public notice and input; and

WHEREAS, the Town Commission shall have conducted a duly noticed second public hearing on these regulations as required by law on November 12, 2013.

WHEREAS, it is in the best interest of the Town to adopt the proposed revisions to the Code.

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

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

Ordinance No. _____

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

Sec. 90-56. Fences, walls and hedges.

90-56.1.A. A fence or ornamental wall not more than six feet in height, as measured from grade, may project into or enclose an interior side or rear yard only. Notwithstanding anything to the contrary elsewhere in the code, for purposes of this section, grade is defined as the point of the ground immediately below the location of the fence or wall.

90-56.1.B. Construction fencing. Temporary construction fences are required by this ordinance unless otherwise determined by the Building Official. A construction fence permit shall be obtained from the Building Department prior to the fence being erected. Each fence constructed or maintained shall be constructed and anchored in accordance with the Florida Building Code.

(a) *Permit required.* A permit application and a current survey of the site.

(b) *Permitted fence.* ~~Subject to the approval of the building and zoning departments, chain link fence with canvas (or similar material) are the only type of fence that is permitted.~~ Construction fences shall be designed in such a manner as to have all exposed materials finished, coated, covered or clad in or with materials such as paint, windscreens, canvases or similar materials, subject to the approval of the Town Manager or designee.

~~(1) Chain link fences with canvas (or similar material backing) are permitted subject to approval of the building and zoning departments. The property owner or agent shall obtain a demolition permit from the building department. The chain link fence shall be permitted to be utilized as a demolition fence for a period of no longer than two months or until expiration of the demolition permit, whichever occurs first. However, such demolition fence shall not be removed until the installation of a permitted construction fence, as defined in this section.~~

~~(2)~~(1) The permitted construction fence shall be installed immediately upon removal of the temporary demolition fence. At no time shall the parcel remain without a protective barrier.

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.

Ordinance No. _____

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 _____, 2013.

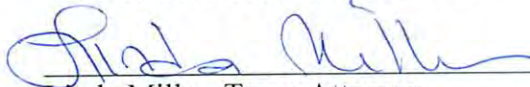
PASSED and ADOPTED on second reading this _____ day of _____, 2013.

Daniel Dietch, Mayor

Attest:

Sandra Novoa
Town Clerk

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



Linda Miller, Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

Vote:

Commissioner Joseph Graubart	yes _____	no _____
Commissioner Michelle Kligman	yes _____	no _____
Commissioner Marta Olchyk	yes _____	no _____
Vice Mayor Michael Karukin	yes _____	no _____
Mayor Daniel Dietch	yes _____	no _____

Ordinance No. _____



Town of Surfside Town Commission Communication

Agenda Item: 4B1
Agenda Date: December 10, 2013
Subject: Garage Door Modification
From: Sarah Sinatra Gould, AICP, Town Planner

Background: At the September 30, 2013 Town Commission and Planning and Zoning Board Joint meeting, there was a discussion regarding modification to the code relating to garage doors. Staff was provided direction to modify the code.

Analysis: The strict interpretation of the code is to have two separate garage doors, rather than a two car garage. This is not practical or financially feasible for the installation of a garage door. Staff is proposing the following change:

Sec. 90-50. Architecture and roof decks.
9-50.1 Architecture.

(5) Garage facades. Attached garages located at the front of a single family home shall not exceed 50 percent of the overall length of the facade. ~~If a garage is provided to accommodate two cars, the garage entrances must have an exterior expression of two separate entrances, each a maximum of ten feet wide, and separated by an 18-inch wide vertical element consistent with the facade.~~

Staff Recommendation: Staff recommends the Town Commission approve this ordinance on first reading.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A



Sarah Sinatra Gould, AICP, Town Planner



Michael Crotty, Town Manager

ORDINANCE NO. __ - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING", AND SPECIFICALLY AMENDING SECTION 90-50 "ARCHITECTURE AND ROOF DECKS" TO ALLOW FOR THE INSTALLATION OF TWO CAR GARAGE DOORS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to address garage door regulations that were impractical and not financially feasible for property owners; and

WHEREAS, the code requires that if there is a garage that accommodates two cars there must be two separate garage doors installed; and

WHEREAS, the Town has determined that this requirement is not practical or financially feasible for the installation of a garage door; and

WHEREAS, The Town Commission held its first public reading on December 10, 2013 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, has held a public hearing on January 30, 2014 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on February 11, 2014 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

Ordinance No. _____

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

Sec. 90-50. Architecture and roof decks.

9-50.1 Architecture.

(5) Garage facades. Attached garages located at the front of a single family home shall not exceed 50 percent of the overall length of the facade. ~~If a garage is provided to accommodate two cars, the garage entrances must have an exterior expression of two separate entrances, each a maximum of ten feet wide, and separated by an 18-inch wide vertical element consistent with the facade.~~

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 _____, 2013.

PASSED and ADOPTED on second reading this ____ day of _____, 2014.

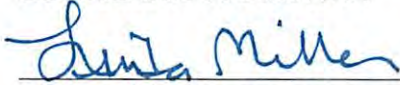
Daniel Dietch, Mayor

Ordinance No. _____

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

Vote:

Mayor Daniel Dietch	yes	_____	no	_____
Vice Mayor Michael Karukin	yes	_____	no	_____
Commissioner Graubart	yes	_____	no	_____
Commissioner Kligman	yes	_____	no	_____
Commissioner Olchyk	yes	_____	no	_____

Ordinance No. _____



Town of Surfside Commission Communication

Agenda Item #: 4B2
Agenda Date: December 10, 2013
Subject: Side Setback Ordinance
From: Sarah Sinatra Gould, AICP, Town Planner

Background: At the October 23, 2013 Planning and Zoning Board meeting, the Board was reviewing an ordinance relating to lot frontage and building lengths for properties in the H120 district. Part of that discussion was also relating to side setbacks. The Zoning Code indicates that interior side setbacks for properties in the H120 district are 10 feet and for properties on a corner, the side setback is 20 feet.

The Board indicated that many of the properties on the east side of Collins Avenue were larger, aggregated lots. A 10 foot side setback did not seem adequate for 120 foot tall buildings and the Board directed staff to prepare a code amendment requesting setbacks in the H120 district to be 10% of the lot frontage. Therefore, a 300 foot lot would result in 30 foot side setbacks.

Recommendation: Staff recommends the Town Commission approve this ordinance on first reading.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A

Sarah Sinatra Gould, AICP, Town Planner

Michael Crotty, Town Manager

ORDINANCE NO. __ - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING", AND SPECIFICALLY AMENDING SECTION 90-45 "SETBACKS"; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to address lot frontage and building lengths for properties in the H120 district; and

WHEREAS, the Town Zoning Code indicates that interior side setbacks for properties in the H120 district are 10 feet and for properties on a corner, the side setback is 20 feet; and

WHEREAS, many of the properties on the east side of Collins Avenue have larger, aggregated lots and a 10 foot side setback does not seem adequate for 120 foot tall buildings; and

WHEREAS, the Town Commission has determined setbacks in the H120 district to be 10% of the lot frontage and therefore, a 300 foot lot would result in 30 foot side setbacks; and

WHEREAS, The Town Commission held its first public reading on December 10, 2013 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, has held a public hearing on January 30, 2014 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on February 11, 2014 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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

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

Sec. 90-45. Setbacks.

(b) *Setbacks.*

(1) *Required Setbacks—Tables:* The following tables shall be utilized for structures in the H30C, H40, H120, and SD-B40 zoning districts.

H120	Minimum Setback (Feet)
Primary frontage	40 FT
Interior side-Side	10 FT <u>10% of the lot frontage</u>
Rear	30 FT
Secondary frontage (Corner only)	20 FT

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 _____, 2013.

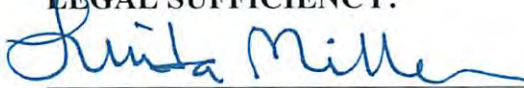
PASSED and ADOPTED on second reading this ____ day of _____, 2014.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

Vote:

Mayor Daniel Dietch	yes _____	no _____
Vice Mayor Michael Karukin	yes _____	no _____
Commissioner Graubart	yes _____	no _____
Commissioner Kligman	yes _____	no _____
Commissioner Olchyk	yes _____	no _____



TOWN OF SURFSIDE
 MUNICIPAL BUILDING
 9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154-3009

COMMISSION COMMUNICATION MEMORANDUM

TO: Town Commission

FROM: Commissioner Michelle Kligman

CC: Michael P. Crotty, Town Manager
 Linda Miller, Town Attorney
 Sarah Johnston, Assistant Town Attorney

DATE: December 10, 2013

SUBJECT: Ordinance prohibiting the sale of live animals in Surfside

According to the American Humane Society, thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as “puppy mills” or “kitten factories.” The mass production of animals for sale to the public at these facilities, many of which are sold at retail in pet stores, lack proper animal husbandry practices. Animals born and raised there are more likely to have genetic disorders and lack adequate socialization. Breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle.

While not all dogs and cats sold in retail pet stores are the products of inhumane breeding conditions and not every commercial breeder selling dogs or cats to pet stores operates “puppy mills” or “kitten factories,” puppy mills and kitten factories continue to exist in part because of public demand.

In light of the above mentioned, I am proposing an Ordinance that amends Section 90.41(d) of the Zoning Code to prohibit the sale of live animals in the Town. The Town should prohibit the sale of dogs and cats and other live animals in pet stores. This will also encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals’ lives and reducing the cost to the public of sheltering animals.

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION 90.41 "REGULATED USES" PROHIBITING THE SALE OF LIVE ANIMALS AS A PERMITTED USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Surfside, Florida (the "Town") encourages pet ownership so long as pets are properly treated and restrained so as not to create a nuisance (in accordance with the terms of Chapter 10 of the Code), and

WHEREAS, the Town Commission of the Town of Surfside, Florida (the "Town") for the citizens of the Town, the protection of their health, safety and welfare (and in keeping with Chapter 10 "Animals" which also prohibits commercial kennels as a nuisance) now wishes to prohibit the sale of live animals, including without limitation, dogs, cats, ferrets, rabbits, turtles, gerbils, hamsters, cows, horses, sheep, and other domestic animals or livestock of any kind as a permitted use; and

WHEREAS, according to the Humane Society of the United States, thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as "puppy mills" or "kitten factories"; and

WHEREAS, the mass-production of animals for sale to the public, many of which are sold at retail in pet stores, lack proper animal husbandry practices; and

WHEREAS, animals born and raised at those facilities are more likely to have genetic disorders and lack adequate socialization, while breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle; and

WHEREAS, while not all dogs and cats sold in retail pet stores are not the products of inhumane breeding conditions and not every commercial breeder selling dogs or cats to pet stores operates "puppy mills" or "kitten factories," the Town Commission believes that puppy mills and kitten factories continue to exist in part because of public demand and the sale of dogs and cats in pet stores; and

WHEREAS, the Town Commission believes that the prohibition of the retail sale of live animals in pet stores in the Town will also encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals' lives and reducing the cost to the public of sheltering animals; and

WHEREAS, The Town Commission held its first public reading on December 10, 2013 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, has held a public hearing on January 30, 2014 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on February 11, 2014 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

Section 1. Code Amended. Sec. 90.41 of the Town Code is hereby amended to include Section 90.41(d)

Sec. 90.41. Regulated uses.

(25) Provided that no animals including without limitation dogs, cats, ferrets, rabbits, turtles, gerbils, hamsters, cows, horses, sheep, and other domestic animals or livestock shall be sold on the premises.

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 _____, _____.

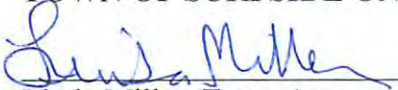
PASSED and ADOPTED on second reading this ____ day of _____, _____.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa
Town Clerk

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



Linda Miller, Town Attorney

On Final Reading moved by: _____

On Final Reading seconded by: _____

Vote:

Commissioner Joseph Graubart	yes	_____	no	_____
Commissioner Michelle Kligman	yes	_____	no	_____
Commissioner Marta Olchyk	yes	_____	no	_____
Vice Mayor Michael Karukin	yes	_____	no	_____
Mayor Daniel Dietch	yes	_____	no	_____



Town of Surfside Commission Communication

Agenda Item#: 5A

Agenda Date: December 10, 2013

Subject: Authorization to Enter into Agreement with Florida Inland Navigation District for the Seawall Replacement Project

Background: At the May 8, 2012 Commission meeting, the Commission authorized Calvin, Giordano & Associates (CGA) to 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 included:

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 prepared a report with plans, sketches and photographs documenting the condition of each wall and provided recommendations for maintenance/repairs.

As stated in the report, the seawalls were placed in three categories based on the state of disrepair. The categories were:

1. Severe damage to structural integrity
2. Moderate damage to structural integrity
3. Minor damage to structural integrity

Three (3) of the seawalls were classified as category 1; four (4) seawalls were classified as category 2 and four (4) seawalls were classified as category 3. It is also noted that a number of the seawalls had some form of "repair" attempted prior to the inspection. Many of these repairs were not performed properly and are at risk of failing. In summary, the report notes that the majority of the seawalls have met or exceeded their expected life, thus the report recommended the repair or replacement of nine (9) out of the eleven (11) Town owned seawalls at an estimated construction cost of \$960,000 (\$1,200/LF for 800 LF).

The seawall design project was awarded to CGA with the commitment that the grant application cost would not be paid until a grant in the amount of not less than \$250,000 was made available. CGA submitted a grant application to the Florida Inland Navigation District (FIND). The grant has been approved in the total amount of \$988,890 with FIND funding

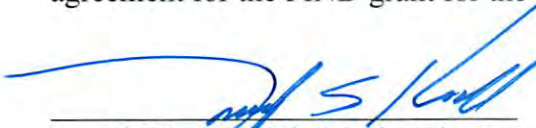
\$494,445 with the Town's portion being \$494,445. The following seawalls are included in the grant funding:

- Froude Avenue
- Bay Drive
- Biscaya Drive
- 90th Street
- 92nd Street
- 93rd Street
- 94th Street
- 95th Street
- Surfside Park

[Note: 88th Street/Carlyle seawall not included in grant as it is adjacent to a natural, navigable waterway].

Budget Impact: Total FIND grant project cost is \$988,980 with 50%/50% cost sharing between FIND and the Town. The Town's share is \$494,445 with appropriation from the General Fund Reserve of the FY 13/14 budget to the Stormwater Fund – Surfside Seawall Replacement account No. 404-5500-538-63-30.

Recommendation: Adopt the enclosed Resolution authorizing the execution of the agreement for the FIND grant for the Surfside Seawall Replacement Project.



Joseph Kroll, Public Works Director



Donald Nelson, Finance Director



Michael P. Crotty, Town Manager

MPC/drh

RESOLUTION NO. 13 – _____

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH FLORIDA INLAND NAVIGATION DISTRICT AND APPROVING AN EXPENDITURE NOT TO EXCEED \$494,445. FOR THE SURFSIDE SEAWALL REPLACEMENT, PROJECT NO. DA-SU-13-149; THE EXPENDITURE IS MATCHING GRANT FUNDING RECEIVED FROM FLORIDA INLAND NAVIGATION DISTRICT; AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF FUNDS FROM THE GENERAL FUND RESERVE FROM THE 2013/2014 FISCAL YEAR BUDGET NOT TO EXCEED \$494,445 TO THE STORMWATER FUND-SURFSIDE SEAWALL REPLACEMENT ACCOUNT NO. 404-5500-538.63.30; PROVIDING FOR APPROVAL AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the deteriorated condition of the bulkheads located at various street ends has created a dangerous situation putting both public and private property at risk; and

WHEREAS, as a result of the dangerous condition, the Town Commission authorized the submission of a grant application to Florida Inland Navigation District (“FIND”) in Resolution No. 12-2103; and

WHEREAS, a condition of approval for the acceptance of the FIND grant funds is a matching funds expenditure by the Town; and

WHEREAS, the Town Commission desires to enter into an Agreement (attached hereto as Exhibit “A”) with FIND for Project No. DA-SU-13-149 consisting of Surfside Seawall replacement; and

WHEREAS, it is in the best interest of the Town to authorize the appropriation and expenditure for the Surfside Seawall Replacement Project No. DA-SU-13-149 in accordance with the attached Agreement and to appropriate funds from the General Fund Reserve for the project in an amount not to exceed \$494,445 from the 2013/2014 Fiscal Year Budget to the Stormwater Fund-Surfside Seawall Replacement Account No. 404-5500-538.63.30.

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

Section 1. Recitals. The above stated recitals are hereby adopted and confirmed.

Section 2. Approval. That the Town Commission approves and authorizes the Agreement 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. Authorization to Appropriate and Expend Funds. The Town Manager is hereby authorized to appropriate and expend funds from the General Fund Reserve from the 2013/2014 Fiscal Year Budget, not to exceed \$494,445, to the Stormwater Fund-Surfside Seawall Replacement Account No. 404-5500-538.63.30.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption hereof.

PASSED and ADOPTED on this ___ day of _____ 2013.

Motion by Commissioner _____, Second by Commissioner _____.

FINAL VOTE ON ADOPTION

Commissioner Joseph Graubart _____
Commissioner Michelle Kligman _____
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:

Linda Miller

Linda Miller, Town Attorney

EXHIBIT "A"

FLORIDA INLAND NAVIGATION DISTRICT PROJECT AGREEMENT

PROJECT NO. DA-SU-13-149

This PROJECT AGREEMENT made and entered into this _____ day of _____, 20____ by and between the Florida Inland Navigation District (hereinafter the "DISTRICT"), and the Town of Surfside, (hereinafter the "PROJECT SPONSOR").

In consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. **PROJECT** - Subject to the provisions of this Agreement and Rule 66B-2 of the Florida Administrative Code (Exhibit "B"), the DISTRICT has determined to provide assistance funding to the PROJECT SPONSOR in furtherance of an approved project ("PROJECT") consisting of the Surfside Seawall Replacement. Said project is more specifically described in the PROJECT SPONSOR'S Waterways Assistance Application, which is on file at DISTRICT headquarters.

Any modifications to the PROJECT'S scope of work shall require written advance notice and justification from the PROJECT SPONSOR and the prior written approval of the DISTRICT.

2. **TERM** - The PROJECT SPONSOR shall not commence work on the PROJECT prior to the execution of this Agreement unless specifically authorized by the DISTRICT Board and **shall complete the PROJECT and submit all required payment reimbursement information on or before September 1, 2015**, unless the PROJECT period has been extended with the prior written approval of the DISTRICT. In no event other than a declared state of emergency that affects the project completion shall the PROJECT period extend beyond three (3) years from October 1, 2013. The PROJECT SPONSOR acknowledges this is the only provision to carry over the DISTRICT assistance funding under this Agreement beyond September 30, 2016, and that any extension of funding beyond this date shall be at the sole discretion of the DISTRICT.

Any request for extension of funding beyond the dates set forth in the preceding paragraph shall require submittal by the PROJECT SPONSOR of a request for extension to the DISTRICT no later than 60 days prior to the original project agreement expiration. This request will then be considered by the DISTRICT Board, whose decision shall be final.

3. **ASSISTANCE AMOUNT** - The DISTRICT shall contribute no more than Fifty percent (50%) of the PROJECT SPONSOR'S out-of-pocket costs for completion of this PROJECT ("PROJECT AMOUNT"). Payment of funds by the DISTRICT to the PROJECT SPONSOR (the "ASSISTANCE AMOUNT") will be on a reimbursement basis only, and only for those authorized PROJECT COSTS as shown in Exhibit A and meeting the requirements of Paragraph 5 below and shall not, in any event, exceed \$494,445.00.

Any modifications to the PROJECT'S Cost Estimate (Exhibit A) shall require written advance notice and justification from the PROJECT SPONSOR and the prior written approval of the DISTRICT.

4. **MATCHING FUNDS** - The PROJECT SPONSOR warrants and represents that it has the PROJECT SPONSOR Match Amount (the PROJECT AMOUNT less the ASSISTANCE AMOUNT) available for the completion of the PROJECT and shall, prior to the execution of this Agreement, have provided the DISTRICT with suitable evidence of the availability of such funds using DISTRICT Form #95-01 (Exhibit C), and including upon request, providing the DISTRICT with access to applicable books and records, financial statements, and bank statements.

5. **PROJECT COSTS** - To be eligible for reimbursement under the Project Agreement, PROJECT COSTS must be necessary and reasonable for the effective and efficient accomplishment of the PROJECT and must be directly allocable thereto. PROJECT COSTS are generally described in Exhibit A. PROJECT COSTS must be incurred and work performed within the PROJECT period, with the exception of pre-agreement costs, if any, consistent with Paragraph 6 below, which are also eligible for reimbursement by the DISTRICT.

6. **PRE-AGREEMENT COSTS** - The DISTRICT and the PROJECT SPONSOR fully understand and agree that there shall be no reimbursement of funds by the DISTRICT for any obligation or expenditure made prior to the execution of this Project Agreement unless previously delineated in Exhibit A, consistent with Exhibit B, and previously approved by the DISTRICT Board during the grant review process.

7. **REIMBURSEMENT PROCEDURES** - PROJECT COSTS shall be reported to the DISTRICT and summarized on the Payment Reimbursement Request Form (Form #90-14) attached as Exhibit D. Supporting documentation including bills and canceled payment vouchers for expenditures shall be provided to the DISTRICT by the PROJECT SPONSOR or LIAISON AGENT with any payment request. All records in support of the PROJECT COSTS included in

payment requests shall be subject to review and approval by the DISTRICT or by an auditor selected by the DISTRICT. Audit expenses shall be borne by the PROJECT SPONSOR.

Project funds may be released in installments, at the discretion of the DISTRICT, upon submittal of a payment request by the PROJECT SPONSOR or LIAISON AGENT. The DISTRICT shall retain ten percent (10%) of each installment payment until the completion of the PROJECT.

The following costs, if authorized in the attached Exhibit A, shall be reimbursed only upon completion of the PROJECT to the reasonable satisfaction of the DISTRICT and in accordance with Exhibit B: personnel, equipment, project management, administration, inspection, and design, permitting, planning, engineering, and/or surveying costs. Assuming the PROJECT SPONSOR has otherwise fully complied with the requirements of the Agreement, reimbursement for all PROJECTS approved as Phase I projects will be made only upon commencement of construction of the PROJECT for which the Phase I planning, designing, engineering and/or permitting were directed, which may or may not involve further District funding. Procedures set forth below with respect to reimbursement by the District are subject to this requirement of commencement of construction.

The DISTRICT shall have the right to withhold any payment hereunder, either in whole or part, for non-compliance with the terms of this Agreement.

8. **FINAL REIMBURSEMENT** - The PROJECT SPONSOR, upon completion of the PROJECT, shall submit to the DISTRICT a request for final reimbursement of the PROJECT AMOUNT less any prior installment payments. The Payment amounts previously retained by the DISTRICT shall be paid upon (1) receipt of the Final Audit report of expenses incurred on the PROJECT by the DISTRICT, (2) full completion of the PROJECT to the reasonable satisfaction of the DISTRICT, (3) submission of Project Completion Certification Form No. 90-13 (Exhibit E), and (4) submission of a photograph of the PROJECT showing the sign required by Paragraph 17. Unless otherwise determined by the DISTRICT, the final reimbursement check shall be presented by a DISTRICT representative to the PROJECT SPONSOR during a public commission meeting or public dedication ceremony for the PROJECT facility.

9. **RECORDS RETENTION** - The PROJECT SPONSOR shall retain all records supporting the PROJECT COSTS for three (3) years after the end of the fiscal year in which the Final Payment is released by the DISTRICT, except that such records shall be retained by the PROJECT SPONSOR until final resolution of matters resulting from any litigation, claim, or special audit that starts prior to the expiration of the three-year retention period.

10. **NONCOMPLIANCE** - The DISTRICT shall have the right to reimbursement, either in whole or part as it may determine, of the funds provided hereunder for noncompliance by the PROJECT SPONSOR with any of the terms of this Project Agreement. Upon notification from the DISTRICT, the PROJECT SPONSOR shall reimburse such funds directly to the DISTRICT. The provisions of this paragraph shall survive completion of the PROJECT.

11. **DISTRICT PROJECT MANAGER** - The Executive Director, or his designee, is hereby designated as the DISTRICT's Project Manager for the purpose of this Project Agreement and shall be responsible for monitoring performance of its terms and conditions and for approving all reimbursement requests prior to payment.

12. **SPONSOR'S LIAISON AGENT** - The PROJECT SPONSOR shall appoint a LIAISON AGENT, whose name and title shall be submitted to the DISTRICT upon execution of the Project Agreement, to act on behalf of the PROJECT SPONSOR relative to the provisions of the Project Agreement.

13. **STATUS REPORTS** - The PROJECT SPONSOR or LIAISON AGENT shall submit to the DISTRICT project status reports during the PROJECT term. These Quarterly Reports are to be on Form #95-02 (Exhibit F). Project design drawings, engineering drawings, and a copy of the Project bid award construction item cost list will be submitted as available. Photographs shall be submitted when appropriate to reflect the work accomplished. NON-COMPLIANCE by the PROJECT SPONSOR with the reporting schedule in Exhibit G may result in revocation of this Agreement.

14. **LAWS** - The PROJECT SPONSOR agrees to obtain and to abide by all federal, state and local permits and proprietary authorizations, and all applicable laws and regulations in the development of the PROJECT. The PROJECT SPONSOR agrees that all PROJECT facilities shall be designed and constructed in compliance with state and federal statutory requirements for accessibility by handicapped persons as well as all other federal, state and local laws, rules and requirements.

15. **NON-DISCRIMINATION** - The PROJECT SPONSOR agrees that when completed, the PROJECT shall be readily accessible, on a non-exclusive basis, to the general public without regard to age, sex, race, physical handicap, or other condition, and without regard to residency of the user in another political subdivision. When such is required, adequate parking shall be made available by the PROJECT SPONSOR to accommodate vehicles for the number of persons for which the PROJECT is being developed.

16. **SITE DEDICATION** - The PROJECT SPONSOR also agrees that the PROJECT site shall be dedicated for the public use for a minimum period of twenty-five (25) years prior to or immediately following completion of the PROJECT, such dedication to be in the form of a deed, lease, management agreement or other legally binding document. Any change in such dedication shall require the prior approval of the DISTRICT. The PROJECT SPONSOR shall record evidence of such dedication within the Public Records of the County in which the PROJECT is located.

17. **ACKNOWLEDGMENT** – For construction projects, the PROJECT SPONSOR shall erect a permanent sign, approved by the DISTRICT, in a prominent location such as the project entrance of the completed project, which shall indicate that the DISTRICT contributed funds for the PROJECT. The wording of the sign required by this paragraph shall be approved by the DISTRICT's staff before construction and installation of said sign. This sign shall contain the DISTRICT logo (Exhibit H) unless otherwise stipulated by the DISTRICT. In the event that the PROJECT SPONSOR erects a temporary construction sign, it shall also indicate the DISTRICT's participation. For all other type projects, the PROJECT SPONSOR shall acknowledge the DISTRICT where feasible, in concurrence with the DISTRICT staff's recommendations.

18. **PROJECT MAINTENANCE** - When and as applicable, the PROJECT SPONSOR agrees to operate, maintain, and manage the PROJECT for the life of the PROJECT improvements and will pay all expenses required for such purposes. The PROJECT improvements shall be maintained in accordance with the standards of maintenance for other local facilities owned and operated by project sponsor, and in accordance with applicable health standards. PROJECT facilities and improvements shall be kept reasonably safe and in reasonable repair to prevent undue deterioration and to encourage public use. The PROJECT SPONSOR warrants and represents that it has full legal authority and financial ability to operate and maintain said PROJECT facilities and improvements.

19. **FEES** – Any fees charged for this PROJECT shall be reasonable and the same for the general public of all member counties. The PROJECT SPONSOR must demonstrate that a minimum of fifty percent (50%) of the PROJECT fees will be utilized for project maintenance and improvements throughout the anticipated 25-year life of a development project or the design life of other project types, as applicable.

20. **SOVEREIGN IMMUNITY** - Each party hereto agrees that it shall be solely responsible for the wrongful acts of its employees, contractors and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity under Section

768.28, Florida Statutes. The PROJECT SPONSOR acknowledges that the DISTRICT, its employees, commissioners and agents are solely providing funding assistance for the PROJECT and are not involved in the design, construction, operation or maintenance of the PROJECT.

21. **INSPECTIONS** - The DISTRICT reserves the right, upon reasonable request, to inspect said PROJECT and any and all records related thereto at any time.

22. **RIGHTS AND DUTIES** - The rights and duties arising under this Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns, and shall, unless the context clearly requires otherwise, survive completion of the PROJECT. The PROJECT SPONSOR may not assign this Agreement nor any interest hereunder without the express prior written consent of the DISTRICT.

23. **WAIVERS** - Waiver of a breach of any provision of this Agreement shall not be deemed a waiver of any other breach of the same or different provision.

24. **NOTICE** - Any notice required to be given pursuant to the terms and provisions of this Agreement shall be in writing, postage paid, and shall be sent by certified mail, return receipt requested, to the DISTRICT or PROJECT SPONSOR at the addresses below. The notice shall be effective on the date indicated on the return receipt.

To the DISTRICT at:

Florida Inland Navigation District
1314 Marcinski Road
Jupiter, Florida 33477-9498

To the PROJECT SPONSOR at:

Town of Surfside
Attention: , Calvin, Giordano & Associates Inc.
560 Village Blvd., Suite 340
West Palm Beach, FL 33409

25. **NO JOINT VENTURE** - The DISTRICT's role with respect to the PROJECT is that of a funding assistance authority only and the DISTRICT is not, and shall not be considered to be, an agent, partner, or joint venturer with the PROJECT SPONSOR.

26. **GOVERNING LAW** - The validity, interpretation and performance of this Agreement shall be controlled and construed according to the laws of the State of Florida.

27. **TRANSFERENCE** - It is the intent of the DISTRICT to issue this funding assistance to the PROJECT SPONSOR who has made application for this assistance. In the event

the PROJECT SPONSOR transfers ownership or management of the PROJECT to a party or parties not now a part of this document, other than another governmental entity that agrees to assume, in writing, PROJECT SPONSOR'S obligation hereunder, the DISTRICT retains the right to full reimbursement from the PROJECT SPONSOR to the full extent of the funding assistance provided by the DISTRICT, including but not limited to any costs and reasonable attorney's fees (regardless of whether litigation ensues) incurred by the DISTRICT in collecting said reimbursement.

28. **ENTIRE UNDERSTANDING** - This Agreement, including any exhibits made a part hereof, embodies the entire Agreement and understanding of the parties and supersedes all prior oral and written communications between them. The terms hereof may be modified only by a written amendment signed by both parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed the day, month and year aforesaid.

WITNESSES:

FLORIDA INLAND NAVIGATION DISTRICT

By: _____
Executive Director

DATE: _____

WITNESSES:

PROJECT SPONSOR

By: _____

Title: _____

DATE: _____

EXHIBIT B

CHAPTER 66B-2 — WATERWAYS ASSISTANCE PROGRAM (2013)

66B-2.001	Purpose
66B-2.002	Forms
66B-2.003	Definitions
66B-2.004	Policy
66B-2.005	Funds Allocation
66B-2.006	Application Process
66B-2.0061	Emergency Applications
66B-2.008	Project Eligibility
66B-2.009	Project Administration
66B-2.011	Reimbursement
66B-2.012	Accountability
66B-2.013	Acknowledgement
66B-2.014	Small-Scale Spoil Island Restoration and Enhancement Projects
66B-2.015	Small-Scale Derelict Vessel Removal Projects
66B-2.016	Waterways Cleanup Events

66B-2.001 Purpose.

Recognizing the importance and benefits of inland navigation channels and waterways, as well as noting problems associated with the construction, continued maintenance and use of these waterways, the Florida Legislature created Section 374.976, F.S. This law authorizes and empowers each inland navigation district to undertake programs intended to alleviate the problems associated with its waterways. The purpose of this rule is to set forth the District's policy and procedures for the implementation of an assistance program under Section 374.976, F.S., for local governments, member counties and navigation related districts within the District. This program will be known hereafter as the Florida Inland Navigation District's Waterways Assistance Program.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.001.

66B-2.002 Forms.

All forms for the administration of this program are available from the District office located at 1314 Marcinski Road, Jupiter, Florida 33477.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.002.

66B-2.003 Definitions.

The basic terms utilized in this rule are defined as follows:

(1) "APPLICANT" means an eligible governmental agency submitting an application through this program.

(2) "APPLICATION" means a project proposal with the required documentation.

(3) "AUTHORIZED SUBMISSION PERIOD" means the established period for submitting applications to the District.

(4) "BEACH RENOURISHMENT" means the placement of sand on a beach for the nourishment, renourishment or restoration of a beach.

(5) "BOARD" means the Board of Commissioners of the Florida Inland Navigation District.

(6) "DISTRICT" means the Florida Inland Navigation District (FIND).

(7) "ELIGIBLE GOVERNMENTAL AGENCY" means member counties, local governments and navigation related districts within the taxing boundaries of the District.

(8) "ENVIRONMENTAL PERMITS" means those permits, proprietary authorizations, exemptions, or general permits for construction below mean high water line of a navigable waterway required and issued by or on behalf of the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection,

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and the South Florida or the St. Johns River Water Management Districts or their successors.

(9) "EXECUTIVE DIRECTOR" means the Executive Director of the Florida Inland Navigation District.

(10) "LIAISON AGENT" means the contact person officially designated to act on behalf of the applicant or the project sponsor.

(11) "LOCAL GOVERNMENTS" means municipalities, cities, or consolidated county governments, which are located within the member counties.

(12) "MARITIME MANAGEMENT PLAN" means a written plan containing a systematic arrangement of elements specifically formulated to identify, evaluate and promote the benefits of eligible waterway accessibility and enjoyment, with consideration and respect to the physical, environmental and economic parameters of the planning area.

(13) "MATCHING FUNDS" means those funds provided by the local sponsor to the project.

(14) "MEMBER COUNTY" means a county located within the taxing boundaries of the District which includes Nassau, Duval, St. Johns, Flagler, Volusia, Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward and Miami-Dade Counties.

(15) "NAVIGATION RELATED DISTRICTS" means port authorities, inlet districts or any other agency having legally authorized navigation related duties in waterways of the District.

(16) "PRE-AGREEMENT COSTS" means project costs approved by the District Board which have occurred prior to the execution of the project agreement.

(17) "PROGRAM" means the Florida Inland Navigation District Waterways Assistance Program.

(18) "PROGRAM FUNDS" means financial assistance awarded by the Board to a project for release to the project sponsor pursuant to the terms of the project agreement.

(19) "PROJECT" means a planned undertaking consisting of eligible program facilities, improvements or expenses for the use and benefit of the general public.

(20) "PROJECT AGREEMENT" means an executed contract between the District and a project sponsor setting forth mutual obligations regarding an approved project.

(21) "PROJECT MAINTENANCE" means any usual action, activity, expense, replacement, adjustment or repair taken to retain a project or grant item in a serviceable, operational or normal condition, or the routine efforts and expenses necessary to restore it to serviceable or normal condition, including the routine recurring work required to keep the project or grant item in such condition that it may be continuously used at its original or designed capacity and efficiency for its intended purpose.

(22) "PROJECT MANAGER" means the District employee who is responsible for monitoring the performance of the Project and compliance with the project agreement.

(23) "PROJECT PERIOD" means the approved time during which costs may be incurred and charged to the funded project.

(24) "PROJECT SPONSOR" means an eligible governmental agency receiving program funds pursuant to an approved application.

(25) "PUBLIC BUILDING" means a building or facility on government owned property that is owned or operated by a governmental entity, or operated by a third party operator. The building or facility must provide waterway related information, public meeting space, or educational services and be open to members of the public on a continual basis without discrimination.

(26) "PUBLIC MARINA" means a harbor complex used primarily for recreational boat mooring or storage, the services of which are open to the general public on a first come, first served basis without any qualifying requirements such as club membership, stock ownership, or differential in price.

(27) "PUBLICLY OWNED COMMERCIAL OR INDUSTRIAL WATERWAY ACCESS" means any publicly owned area specifically designed to be used for staging, launching, or off-loading by commercial or industrial waterway users on a first come, first served, short-term basis, to gain entry to or from the District's waterways to serve the infrastructure needs of the District's waterway users.

(28) "TRIM HEARING" means a public hearing required by Chapter 200, F.S., concerning the tax and

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budget of the District.

(29) "WATERWAYS" means the Atlantic Intracoastal Waterway, the Okeechobee Waterway, the Barge Canal in Brevard County west of the Port Canaveral Locks, those portions of the Dania Cut-Off Canal and the Hillsboro Canal east of the water control structures, all navigable natural rivers, bays, creeks or lagoons intersected by said waterways and all navigable natural creeks, rivers, bays or lagoons entering or extending from said waterways.

(30) "WATERWAY RELATED ENVIRONMENTAL EDUCATION" means an interdisciplinary holistic process by which the learner: develops an awareness of the natural and manmade environments of waterways; develops knowledge about how the environment of the waterways works; acquires knowledge about the technological, social, cultural, political, and economic relationships occurring in waterway related environmental issues; and, becomes motivated to apply action strategies to maintain balance between quality of life and quality of the environment of waterways.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 2-6-97, Formerly 16T-2.003, Amended 5-17-98, 3-21-01, 3-20-03, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 3-7-11.

66B-2.004 Policy.

The following constitutes the policy of the District regarding the administration of the program:

(1) Financial Assistance Eligibility: Financial assistance, support and cooperation may be provided to eligible governmental agencies for approved projects as follows:

(a) Member counties may be provided financial assistance, support or cooperation in planning, acquisition, development, construction, reconstruction, extension, improvement, operation or the maintenance of public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, maritime management plans, and boating safety projects directly related to the waterways.

(b) Eligible local governments may also be provided financial assistance, support and cooperation in planning and carrying out public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, and boating safety projects directly related to the waterways.

(c) Navigation related districts may be provided with financial assistance to pay part of the costs of the planning and acquisition of dredge material management sites if the Board finds that the site is required for the long-range maintenance of the Atlantic Intracoastal Waterway channel. All such sites must meet the development and operational criteria established by the District through a long-range dredge material management plan for that county. Navigation related districts may also be provided with assistance for waterway related access projects, environmental mitigation projects associated with waterway improvement related activities, inlet channel maintenance, and inlet management projects if the Board finds that the project benefits public navigation in the Atlantic Intracoastal Waterway. All navigation related districts shall contribute at least equal matching funds to any District financial assistance provided. Seaports may also be furnished assistance and support in planning and carrying out environmental mitigation projects. All seaport projects shall benefit publicly maintained channels and harbors. Each seaport shall contribute matching funds for funded projects.

(d) Eligible projects shall include the acquisition and development of public boat ramps and launching facilities, including those in man-made, navigable waterways contiguous to "waterways" as defined in Rule 66B-2.003, F.A.C.

(2) Notification: The District will notify by direct mail and/or advertised public notice all eligible governmental agencies of the program and the upcoming authorized submission period. Funding allocations to navigation related districts, member counties and local governments shall be based upon the proportional share of the District's ad valorem tax collections from each county.

(3) Project Approval: Approval of projects by the District shall be in accordance with these rules.

(4) Project Accessibility: Facilities or programs funded in whole or in part by program funds shall be

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made available to the general public of all of the member counties on a non-exclusive basis without regard to race, color, religion, age, sex or similar condition. Additionally, facilities funded in whole or in part by program funds, shall not require a paid membership for the general public of all of the member counties as a condition to use the facilities. User or entrance fees may be charged for the use of facilities funded in whole or in part by program funds, however such fees shall be reasonable and shall be the same for the general public of all of the member counties.

(5) **Waterway Impacts:** All development projects must be designed so as not to impact navigation along the District's waterways through the placement of structures, attendant uses, or the necessity of a boating speed zone for safety purposes. Before applying for boating speed zone designation in District waterways because of a project funded by this program, the sponsor shall first receive approval from the Board. The Board will use the criteria found in Section 327.46(1), F.S., in determining whether to approve the proposed boating speed zone.

(6) **Project Maintenance:** The project sponsor shall be responsible for the operation, maintenance, and management of the project for the anticipated life of the project and shall be responsible for all expenses required for such purposes. The project shall be maintained in accordance with the standards of maintenance for other similar local facilities and in accordance with applicable health standards. Project facilities and improvements shall be kept reasonably safe and in reasonable repair to prevent undue deterioration and to encourage public use. The project sponsor shall have full legal authority and financial ability to operate and maintain the project facilities.

(7) **Education Facilities and Programs:** Waterways related environmental education facilities and programs sponsored by the District shall occur at specially designated environmental education facilities located adjacent and contiguous to the waterways. It is the District's intent to consolidate its environmental education efforts in the least number of facilities within an area that will adequately serve the education needs of that area of the District.

(8) **Public Information Availability:** Public information produced with assistance from this program shall not be copyrighted and shall be provided free of cost, except for the cost of reproduction, to the public.

(9) **Third-Party Project Operators:** Projects that are being operated by a third party shall have sufficient oversight by the eligible project sponsor as determined by the Board. Such oversight, at a minimum, will include a project liaison that is a staff member of the eligible project sponsor, and oversight of the operating hours and admission fees of the facility by the eligible project sponsor through a legal agreement. All third party projects shall be open to the public in accordance with this rule.

(10) **Non-compliance:** The District shall terminate a project agreement and demand return of program funds disbursed to the project sponsor for non-compliance with any of the terms of the project agreement or this rule, if such non-compliance calls into question the ability of the applicant to complete the project. Failure of a project sponsor to comply with the provisions of this rule or the project agreement shall result in the District declaring the project sponsor ineligible for further participation in the program until such time as compliance has been met to the satisfaction of the District.

(11) **Fees:** Any public project eligible for District program funds that charges a fee or will charge a fee must create and maintain an enterprise fund for the public project that shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life. Accounting records of the previous five years of the public project's enterprise fund will be submitted as part of any subsequent assistance program application to the District.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (2) FS. History—New 12-17-90, Amended 2-3-94, 2-6-97, Formerly 16T-2.004, Amended 5-18-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-1-09, 2-22-10, 3-7-11, 3-7-12.

66B-2.005 Funds Allocation.

The Board will allocate funding for this program based upon the District's overall goals, management

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policies, fiscal responsibilities and operational needs for the upcoming year. If funds are determined to be available for the program, the District will notify potential eligible governmental agencies of the availability of program funding. Applications will be reviewed by the Board utilizing District Forms No. 91-25 and 91-25 (a) through (f) Waterways Assistance Program Application Evaluation and Rating Worksheet (effective date 4-24-06); and 93-25 and 93-25 (a), (b) and (c) Waterways Assistance Program Navigation Districts Application Evaluation and Rating Worksheet (effective date 4-24-06), hereby incorporated by reference and available from the District office.

(1) **Funding Assistance Availability:** In as much as the District has other fiscal responsibilities and operational needs, financial assistance to eligible government agencies shall not exceed an amount equal to eighty (80) percent of the proportional share of the District's ad valorem tax collections from each county in which such agencies are located. The District may make an exception to this funding limitation, if funds are determined to be available based upon the District's overall goals, management policies, fiscal responsibilities and operational needs, or in counties that are recovering from a state of emergency declared under Chapter 252, F.S.

(2) **Project Funding Ratio:** All financial assistance and support to eligible governmental agencies shall require, at a minimum, equal matching funds from the project sponsor, with the exception of public navigation projects that meet the provisions of subsection 66B-2.005(6), F.A.C., land acquisition projects in accordance with subsection 66B-2.005(7) and Rule 66B-2.008, F.A.C., small-scale spoil island restoration and enhancement projects that meet the provisions of Rule 66B-2.014, derelict vessel projects consistent with Rule 66B-2.0015, F.A.C., and Waterway Cleanup Projects approved under Rule 66B-2.0016, F.A.C. Applicant's in-house costs are limited pursuant to paragraph 66B-2.008(1)(c), F.A.C. All financial assistance to seaports shall require equal matching funds. The District shall contribute no more than fifty percent (50%) of the local share of the cost of an inlet management or beach renourishment project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project.

(3) **Pre-agreement Expenses:** The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the District, its waterways or its constituents. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be approved if they are consistent with the provisions of Rule 66B-2.008, F.A.C., and occur within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board shall consider a waiver of the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants and land acquisition projects when the applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Chapter 66B-2, F.A.C.

(4) **Multi-Year Funding:** The construction phase of projects that are large scale, involve multiple phases, have a construction time line of one year or longer, or are requesting a significant amount of assistance funding in relation to the total assistance available for the county where the project is located, will be reviewed and approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. The determination by the Board to provide assistance funding on a multi-year basis can be made at any time during the application review process. All approved multi-year projects are limited to a maximum of two (2) additional funding requests.

(5) **Inlet Management and Beach Renourishment:** Projects and project elements in the categories of

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inlet management and beach renourishment shall be subject to the following provisions. The District shall contribute no more than fifty percent of the local share of the cost of the project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project. Funding for the construction phase of an inlet management or beach renourishment project may be approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. Additionally the following provisions shall be met for inlet management or beach renourishment projects:

(a) **Inlet Management:** Inlet management projects shall benefit public navigation within the District and shall be consistent with Department of Environmental Protection approved inlet management plans and the statewide beach management plan pursuant to Section 161.161, F.S. Inlet management projects that are determined to be consistent with Department of Environmental Protection approved inlet management plans are declared to be a benefit to public navigation.

(b) **Beach Renourishment:** All projects in this category shall be consistent with the statewide beach management plan. Beach renourishment projects shall only include those beaches that have been adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project. The determination of beach areas that are adversely impacted by navigation for the purposes of this program shall be made by Department of Environmental Protection approved inlet management plans. If state funding is not provided for a beach project, public access with adequate parking must be available in accordance with Chapter 161, F.S.

(6) **Public Navigation:** Projects or project elements in the category of public navigation that will qualify for up to seventy-five percent (75%) program funds must be within the Intracoastal Right-of-Way (ROW), or provide public navigation channel access to two or more public accessible launching, mooring or docking facilities. In addition, the following shall apply:

(a) **Navigation channel dredging:** The project sponsor must demonstrate that the source of channel sedimentation has been identified and is in the process of, or has been controlled, or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project.

(b) **Navigation channel lighting and markers** must be located on primary or secondary public navigation channels.

All other public navigation projects or project elements must have a minimum of one facility open to the public and will only qualify for up to fifty percent (50%) program funding. Dredging that is associated or ancillary to another use (such as a boat ramp, marina or pier) will be prioritized according to the associated use.

(7) **Land Acquisition:** All land acquisition projects shall qualify for a maximum of twenty-five (25) percent program funding. All pre-agreement expenses for land acquisition must be completed within one-year of the date of application for funding. All funded land acquisition projects must construct the required boating access facility within 7 years of completion of the land acquisition, or the District may require the applicant to refund the program funding. Immediately upon acquiring title to the land, the applicant shall record a declaration of covenants in favor of the District stating that if the required boating access facility is not constructed within 7 years and dedicated for the public use as a boating access facility for a minimum period of 25 years after completion of construction, the District shall require the applicant to refund the program funding.

(8) **Seaport Funding Eligibility:** Financial assistance to seaports may exceed the proportional share of the District's ad valorem tax collections as set forth in subsection 66B-2.005(1), F.A.C., from the county in which such seaport is located if the seaport can demonstrate that a regional benefit occurs from the port's activities. Financial assistance to a seaport project that demonstrates a regional benefit shall not exceed an amount equal to (i) the proportional share of the District's ad valorem tax collections as set forth in

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subsection 66B-2.005(1), F.A.C., from the counties where the benefit is demonstrated less (ii) funding allocated in the same fiscal year to all other local government projects funded in those counties.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History—New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 4-1-09, 3-7-11, 3-7-12, 4-10-13.

66B-2.006 Application Process.

(1) **Application Period:** With the exception of eligible Disaster Relief Projects, eligible Small-Scale Spoil Island Restoration and Enhancement Projects eligible Small-Scale Derelict Vessel Applications and Waterway Cleanup Events, all applications for assistance through this program will be submitted during the authorized submission period that shall be established by vote of the Board at a scheduled meeting.

(2) **Application Forms:** Florida Inland Navigation District Waterways Assistance Program Project Application FIND Form Number 90-22 (effective date 4-24-06) and 93-22a, Project Information Navigation Related Districts (effective date 4-24-06) are hereby incorporated by reference and available from the District office. With the exception of projects eligible under the Small-Scale Spoil Island Restoration and Enhancement program, the Small-Scale Derelict Vessel program, and eligible Waterway Cleanup Events, all applications for financial assistance and support through this program from member counties and local governments shall be made on Form Number FIND 90-22 and shall include a detailed cost estimate submitted on FIND Form No. 90-25, Florida Inland Navigation District Assistance Program Project Cost Estimate, (effective date 4-24-06), hereby incorporated by reference and available from the District office. All applications for financial assistance and support through this program from navigation related districts shall be made on FIND Form Number 93-22 (effective date 4-24-06), hereby incorporated by reference and available from the District office, and shall include a detailed cost estimate submitted on FIND Form No. 90-25. In addition, all applicants shall submit a complete and detailed Project Timeline (FIND FORM No. 96-10) (effective date 4-15-07).

(3) **Sponsor Resolution:** The project sponsor shall approve the submission of an application by official resolution from its governing board or commission. Said resolution shall be made on FIND Form No. 90-21, Resolution for Assistance Under the Florida Inland Navigation District Waterways Assistance Program (effective date 10-14-92), hereby incorporated by reference and available from the District office.

(4) **Attorney's Certification:** If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 94-26 (effective date 5-25-00), hereby incorporated by reference and available from the District office.

(5) **Maps and Geographic Information:** All applicants shall be required to submit, at minimum, the following geographic information: A County location map, a project location map, a project boundary map, and a clear and detailed site development map for land development projects.

(6) **Application Review:** Applicants shall obtain the local FIND Commissioner's initials on Form No. 90-26 prior to submitting the application to the District office. It is the applicant's responsibility to make timely arrangements for the local FIND Commissioner's review. In the absence of extenuating circumstances outside of the applicant's control as determined by the Board of Commissioners, an application shall not be considered complete if it does not include the local FIND commissioner's initials on Form No. 90-26. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-26 (effective date 7-30-02), and for compliance with the eligibility requirements of this rule. When an application is determined by staff to be incomplete or ineligible, staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding. In order to have a complete application, the applicant shall not only submit the forms required under Rule 66B-2.006, F.A.C., and any other information requirements identified in the Application Checklist (FIND Form Number 90-26), but such

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forms and other submitted information must be completely filled out, executed as applicable, and also establish compliance with Chapter 66B-2, F.A.C.

(7) **Interlocal Agreements:** Applications that the Board determines will directly benefit the maintenance of the Atlantic Intracoastal Waterway channel as documented by the District's long range dredged material management plans, will directly benefit the maintenance of the Okeechobee Waterway channel as documented by the District's long range dredged material management plan, will directly benefit the maintenance or improvement of District property, right-of-way or navigation interests, or have multiple funding partners including the Corps of Engineers as the project manager can qualify for project assistance through an interlocal agreement pursuant to Chapter 163, F.S., or Section 374.984(6)(a), F.S. District staff will identify these applications and present them to the Board for their determination as to funding. Interlocal agreement projects shall comply with all other provisions of this rule, except for pre-agreement expenses, permitting and property control requirements.

(8) **Application Presentations:** Applications determined to be complete and in compliance with this rule will be forwarded to the Board for review and then scheduled for presentation to the Board at a scheduled meeting of the Board. Applicants can decline to make a presentation to the Board by submitting a written request.

(9) **Application Evaluation and Rating Score:** Following the presentations, the Board will review the applications and evaluate them using the Waterways Assistance Program Application Evaluation and Rating Worksheets No. 91-25 (a thru f) for Waterways Assistance Program applications, and 93-25 (a, b and c) Waterways Assistance Program Navigation Related Districts applications. The total points awarded to each application by the Commissioners will be averaged to determine an application's final rating score. The final rating score for each application must equal or exceed 35 points for the application to be considered for funding assistance. Reconsideration of any application with a final rating score of less than 35 points will only occur if the majority of the Commissioners evaluating the project rated the project equal to or exceeding 35 points and two-thirds of the Commissioners vote for reconsideration of the application. Only Applicants that are eligible under Rule 66B-2.0061, F.A.C., "Disaster Relief Applications", shall complete FIND Form No. 91-25F Emergency Re-Construction (effective date 4-24-06).

(10) **Funding Determination:** The Board will hold a funding allocation meeting at which time the Board will determine the allocation of funds, if any, to each project and the projects will be ranked by overall average score to facilitate final funding decisions by the Board. Allocations will be based in part upon the cumulative score of the applications as calculated from the Project Evaluation and Rating Form. Allocations will also be based upon the specific needs of the individual counties.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 6-24-93, 4-12-95, Formerly 16T-2.006, Amended 5-25-00, 3-21-01, 7-30-02, 3-20-03, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 3-7-11.

66B-2.0061 Disaster Relief Applications.

Disaster Relief applications may be submitted to the District and considered by the Board at any time during the year to provide assistance to an eligible applicant for the removal of navigation obstructions and repair or replacement of waterway facilities damaged by a declared natural disaster. The District shall consider these applications in accordance with these rules.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 6-24-93, Amended 2-6-97, Formerly 16T-2.0061, Amended 4-24-06.

66B-2.008 Project Eligibility.

(1) **Eligible Projects:** Financial assistance and support through this program shall be used to plan or carry out public navigation and anchorage management, public recreation, environmental education, boating safety, acquisition and development of spoil sites and publicly owned commercial/industrial waterway access directly related to the waterways, acquisition and development of public boat ramps,

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launching facilities and boat docking and mooring facilities, inlet management, maritime management planning, environmental mitigation and beach renourishment.

(a) Program funds may be used for projects such as acquisition, planning, development, construction, reconstruction, extension, or improvement, of the following types of projects for public use on land and water. These project types will be arranged into a priority list each year by vote of the Board. The priority list will be distributed to applicants with the project application.

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization directly benefiting the District's waterway channels;
5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access;
6. Waterway signs and buoys for safety, regulation or information;
7. Acquisition, dredging, shoreline stabilization and development of public boat ramps and launching facilities;
8. Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities;
9. Derelict Vessel Removal;
10. Waterways related environmental education programs and facilities;
11. Public fishing and viewing piers;
12. Public waterfront parks and boardwalks and associated improvements;
13. Maritime Management Planning;
14. Waterways boating safety programs and equipment;
15. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and
16. Environmental restoration, enhancement or mitigation projects, and
17. Other waterway related projects.

(b) Ineligible Projects or Project Elements. Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat;
2. Restrooms for non-waterway users;
3. Roadways providing access to non-waterway users;
4. Parking areas for non-waterway users;
5. Utilities for non-waterway related facilities;
6. Lighting for non-waterway related facilities;
7. Project maintenance and maintenance equipment;
8. Picnic shelters and furniture;
9. Vehicles to transport vessels; and
10. Operational items such as fuel, oil, etc.
11. Office space that is not incidental and necessary to the operation of the main eligible public building; and
12. Conceptual project planning, including: public surveys, opinion polls, public meetings, and organizational conferences.

(c) Project Elements with Eligibility Limits: Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:

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- a. Project management, administration and inspection;
- b. Design, permitting, planning, engineering or surveying costs for completed construction project;
- c. Restoration of sites disturbed during the construction of an approved project;
- d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subparagraph 1. above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine fire-fighting vessels are eligible for a maximum of \$60,000 in initial District funding. Marine law enforcement and other vessels are eligible for a maximum of \$30,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant.

3. Waterway related environmental education facility funding will be limited to those project elements directly related to the District's waterways.

(d) Phasing of Projects: Applications for eligible waterway projects may be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work shall be submitted along with the Phase I application for Board review.

(2) Property Control: The site of a new proposed land-based development project, with the exception of those projects requesting Small-Scale Spoil Island Restoration and Enhancement funding, shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document. Property shall also be deemed dedicated for public use if:

(a) The property has been designated for the use for which the project is intended (even though there may have been no formal dedication) in a plat or map recorded prior to 1940, or

(b) The project sponsor demonstrates that it has had exclusive control over the property for the public use for which the project is intended for a period of at least 30 years prior to submission of the application, or

(c) There is no ongoing litigation challenging the designated use of the property as shown on the plat or map, nor has there been any judicial determination contrary to the use by the public for the use shown on the plat or map.

(3) Permits: The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits, laws, proprietary authorizations and regulations in the development and operation of the project. Applicants for construction projects that include elements that require state or federal environmental permits or proprietary authorizations will demonstrate that all required environmental permitting and authorizations will be completed by the District's final TRIM hearing. This demonstration will be by submission of the required environmental permit(s) and authorizations, or by submission of a letter from the agency(s) stating that a permit or authorization is not required. Should the environmental permitting element of an application that has construction elements requiring state or federal environmental permits or authorizations not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. Whereby funding decisions are completed at the final TRIM hearing, the District will not deviate from the funding schedule to accommodate any application deficiency.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility

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is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten percent (10%) of their slips or mooring areas available for transient vessels. Public marina dockage rates shall be within market comparison of the dockage rates of other area marinas. The public marina will be required to establish and maintain an accounting of the funds for the facility and shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life.

(5) The District may assist eligible local governments with efforts to prepare and implement a comprehensive maritime management plan. The plan shall be utilized by the eligible government to promote and maximize the public benefit and enjoyment of eligible waterways, while identifying and prioritizing the waterway access needs of the community. The plan should not duplicate any existing or ongoing efforts for the same waterway or water shed, nor shall the District participate in any effort that does not address the basic maritime needs of the community.

(a) The District shall participate in one plan per County. Existing plans may be updated at reasonable intervals or amended to include waterway areas previously not included in the original effort. Public, government, environmental, industry and other pertinent interest groups shall be solicited and included for input in the planning process.

(b) The plan shall be utilized as a tool to provide a minimum 5-year planning analysis and forecast for the maritime needs of the community, and shall include, at minimum, the following:

1. Public boat ramp and ramp parking inventory and analysis.
2. Public mooring and docking facility analysis, including day docks and transient slips.
3. Commercial and working waterfront identification and needs analysis.
4. The identification, location, condition and analysis of existing and potential navigation channels.
5. An inventory and assessment of accessible public shorelines.
6. Public Waterway transportation needs.
7. Environmental conditions that affect boat facility siting, a current resource inventory survey, and restoration opportunities.
8. Economic conditions affecting the boating community and boating facilities.
9. Acknowledgment and coordination with existing data and information, including an emphasis on the Intracoastal Waterway.

(c) Projects requested for assistance program funding shall be consistent with the applicant's maritime management plan. The applicant should utilize the plan to assist in prioritizing waterway improvement projects.

(6) All eligible environmental restoration, enhancement or mitigation projects as well as the environmental restoration, enhancement or mitigation components of other types of projects shall be required to assign the mitigation credits to the District for that share of the project funded through the District's Assistance Program. All eligible environmental restoration, enhancement or mitigation projects shall provide public access where possible.

(7) Final Decisions: The Board will make all final decisions on the eligibility of a Project or specific project costs.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-15-07, 3-25-08, 4-1-09, 2-22-10, 3-7-11, 3-7-12.

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66B-2.009 Project Administration.

The District will appoint a project manager who shall be responsible for monitoring the project and the project agreement. The project manager shall also be responsible for approving all reimbursement requests. The project sponsor shall appoint a liaison agent, who will be a member of the eligible applicant's staff, to act on its behalf in carrying out the terms of the project agreement. Administration of the project will be as follows:

(1) **Project Agreement:** For each funded project, the District and the project sponsor will enter into a project agreement. The project agreement shall be executed and returned by the project sponsor within six (6) months of the approval of the project funding and prior to the release of program funds, setting forth the mutual obligations of the parties concerning the project. The project agreement shall incorporate the applicable policies and procedures of the program as outlined in this rule. Project agreements will be for a two-year period with the possibility for one, one-year extension. Any request for a one-year extension of funding shall require submittal by the PROJECT SPONSOR of a request for extension to the DISTRICT no later than July of fiscal year two of the approved project. This request will then be considered by the DISTRICT Board, whose decision shall be final. In review of these requests, the Board will take into consideration the current status and progress of the project and the ability of the applicant to complete the project within one additional year.

(2) **Matching Funds:** The project sponsor shall clearly identify and enumerate the amount and source of the matching funds it will be using to match the program funds supplied by the District for an approved project. The project sponsor shall provide suitable evidence that it has the matching funds available at the time the project agreement is executed.

(3) **Agreement Modification:** All proposed changes to the project agreement must be submitted to the District in writing by the project sponsor accompanied by a statement of justification for the proposed changes. All project agreement amendments shall be approved by the District Board, except that the Executive Director may approve a minor project agreement amendment for a project within a county with the local District commissioner's concurrence. A minor project amendment shall not change the approved project's category, result in a reallocation of more than 35% of the approved funding of the project among project elements, nor allow for a greater than 35% change in the project scale or scope of work. Project agreement amendments will not include a change to the approved project's location or a change in the approved project's purpose or project type. Agreed changes shall be evidenced by a formal amendment to the project agreement and shall be in compliance with these rules.

(4) **Project Reporting:** The liaison agent will submit quarterly reports to the project manager summarizing the work accomplished since the last report, problems encountered, percentage of project completion and other appropriate information. These reports shall continue throughout the length of the project period until completion of the project. The report shall be submitted on Form 95-02, "Assistance Program Project Quarterly Status Report", dated 7-30-02, hereby incorporated by reference and available at the District office.

(5) **Reimbursement Requests:** The liaison agent may submit periodic reimbursement requests during the project period in accordance with Rule 66B-2.011, F.A.C. The project manager will approve or disapprove all reimbursement requests. The final payment of program funds will be made upon certified completion of the project by the District.

(6) **Project Inspection:** Upon reasonable request, the project manager shall have the right to inspect the project and any and all records relating to the project.

(7) **Project Completion:** The project shall be completed within three (3) years of the date of the beginning of the District's first fiscal year for which the project was approved. If the completion of a project is impacted by a declared state of emergency and the Board waives this rule section, the extension of time granted shall not exceed one additional three (3) year period.

(8) **Project Completion Requirements:** Upon completion of the project, the liaison agent shall provide the following to the project manager:

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(a) A Project Completion Certificate, FIND Form No. 90-13 (effective date 7-30-02), hereby incorporated by reference and available from the District office, which certifies that the project was completed in accordance with the project agreement and the final project plans.

(b) A final reimbursement request accompanied by all required billing statements and vouchers.

(c) Photograph(s) showing the installation of the sign required by Rule 66B-2.013, F.A.C.

(d) Photograph(s) of the completed project clearly showing the program improvements.

(9) Project Completion Review: The project manager will review the project completion package and will authorize or reject the final reimbursement payment which will include all retained funds from previous requests.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.009, Amended 3-21-01, 7-30-02, 3-7-11.

66B-2.011 Reimbursement.

The District shall release program funds in accordance with the terms and conditions set forth in the project agreement. This release of program funds shall be on a reimbursement only basis. The District shall reimburse the project sponsor for project costs expended on the project in accordance with the project agreement. Project funds to be reimbursed will require the submission of a Reimbursement Request Form and required supporting documents, FIND Form No. 90-14 (effective date 7-30-02) hereby incorporated by reference and available from the District office.

(1) Authorized Expenditures: Project funds shall not be spent except as consistent with the project agreement cost estimate that was approved by the Board, which shall be an attachment to the project agreement. This cost estimate will establish the maximum funding assistance provided by the District and the percentage of funding provided by each party to the project. The District will pay the lesser of:

(a) The percentage total of project funding that the Board has agreed to fund, or

(b) The maximum application funding assistance amount.

(2) Phase I Reimbursement: In accordance with these rules, reimbursement cannot be made on a Phase I application until a construction contract is executed by the applicant for the construction phase of the project. If the Phase I project is completed but a construction contract is not executed by the three (3) year project deadline, then the District shall only allow one (1) year from the Phase I project deadline to enter into the required construction contract before the Phase I funding is cancelled.

(3) Reimbursement Requests: All project costs shall be reported to the District and summarized on the Reimbursement Request Form. All requests for reimbursement shall include supporting documentation such as billing statements for work performed and cancelled payment vouchers for expenditures made.

(4) Retainage: The District shall retain ten percent (10%) of all reimbursement payments until final certification of completion of the project. The District shall withhold any reimbursement payment, either in whole or part, for non-compliance with the terms of this agreement.

(5) Check Presentations: A District representative shall present the final reimbursement check to the project sponsor during a public commission meeting or public dedication ceremony for the project facility.

(6) Recovery of Additional Project Funding: If the project sponsor receives additional funding for the project costs from another source that was not identified in the original application and that changes the agreement cost-share percentage, the project sponsor shall proportionately reimburse the District's program funds equal to the cost-share percentage in the approved project agreement. The project sponsor shall promptly notify the District of any project payments it receives from a source other than the District.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 6-24-93, Formerly 16T-2.011, Amended 3-31-99, 7-30-02, 3-7-11.

66B-2.012 Accountability.

The following procedures shall govern the accountability of program funds:

(1) Accounting: Each project sponsor is responsible for maintaining an accounting system which meets

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generally accepted accounting principles and for maintaining such financial records as necessary to properly account for all program funds.

(2) Quarterly Reports: The project sponsor shall submit quarterly project status reports to FIND in accordance with subsection 66B-2.009(4), F.A.C.

(3) Completion Certification: All required final completion certification documents and materials as outlined in subsection 66B-2.009(8), F.A.C., of this rule shall be submitted to the District prior to final reimbursement of program funds.

(4) Auditing: All project records including project costs shall be available for review by the District or by an auditor selected by the District for 3 years after completion of the project. Any such audit expenses incurred shall be borne entirely by the project sponsor.

(5) Project Records: The project sponsor shall retain all records supporting project costs for three years after either the completion of the project or the final reimbursement payment, whichever is later, except that should any litigation, claim, or special audit arise before the expiration of the three year period, the project sponsor shall retain all records until the final resolution of such matters.

(6) Repayment: If it is found by any State, County, FIND, or independent audit that program funds have not been used in accordance with this rule and applicable laws, the project sponsor shall repay the misused program funds to the District.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.012, Amended 7-30-02.

66B-2.013 Acknowledgement.

The project sponsor shall erect a permanent sign, approved by the District, at the entrance to the project site which indicates the District's participation in the project. This sign shall contain the FIND logo. In the event that the project sponsor erects a temporary construction sign, this sign shall also recognize the District's participation. If the final product of the project is a report, study or other publication, the District's sponsorship of that publication shall be prominently indicated at the beginning of the publication. If the project results in an educational display, the District's logo and a statement of the District's participation in the project shall be contained in the display.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.013, Amended 2-22-10.

66B-2.014 Small-Scale Spoil Island Restoration and Enhancement Projects.

Proposals shall be accepted for the restoration or enhancement of spoil islands and natural islands within the District's waterways for recreational, navigational, educational, and environmental purposes. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – A Request for Proposals procedure will be used to request proposals for consideration. Proposals shall follow the format described in FIND Document #03-02, Call for Proposals – Small-Scale Spoil Island Restoration and Enhancement Program (effective date 7-30-02), hereby incorporated by reference and available from the District office. Proposals may be submitted to the District and considered by the Board at any time during the year.

(2) Matching Funds: Small-scale spoil island restoration and enhancement may qualify for up to ninety percent (90%) program funds. The applicant's ten percent (10%) matching funds may include in-kind contribution pursuant to paragraph 66B-2.014(4)(b), F.A.C.

(3) Eligibility: All proposals must meet the following eligibility criteria to be considered for funding:

(a) Management Plan Compliance: Projects shall be in compliance with the provisions of any Spoil Island Management Plans or other management plans that govern the Project site.

(b) Property Control: The Project Sponsor must have written property rights on the Project site to construct and maintain the Project for a minimum of five years. Such property rights can be in the form of a lease, interlocal agreement, use agreement or other legal form approved by the District. The applicant shall

EXHIBIT B

include a map clearly delineating the location of all proposed work included in the application.

(4) Funds Allocation: Funds shall be allocated pursuant to Rule 66B-2.005, F.A.C., subject to the exceptions identified in this rule, and with the following additions:

(a) The District shall fund a maximum of up to \$7,500 per project, not to exceed \$22,500 per County, per fiscal year.

(b) The Project Sponsor may contribute in-kind construction labor; such in-kind construction labor costs will not be counted by the District as exceeding \$10.00 per hour. No administrative costs can be incorporated into the Project as Project costs.

(c) The funding provided by the District shall only be allocated for specific Project expenses such as construction materials, plant materials, herbicides, etc. The funding provided by the District shall not be allocated for parties, food or beverages.

(5) Hold Harmless Waiver: All volunteers, who are not government employees, shall sign a hold harmless waiver Form No. 02-01 (New 7-30-02) as approved by the District and hereby incorporated by reference and available from the District office.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 7-30-02, Amended 4-24-06, 3-7-11.

66B-2.015 Small-Scale Derelict Vessel Removal Projects.

Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – Applications shall be submitted on a completed FIND Form No. 05-01 (Small-Scale Derelict Vessel Removal Program) (effective date 4-24-06), and FIND Form No. 01-06 (Small-Scale Derelict Vessel Removal Program – Project Cost Estimate), (effective date 4-24-06), hereby incorporated by reference and available from the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have a current bid for removal for such vessels, or have completed the removal of such vessels within the 6 months preceding the application, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for-profit organization.

(4) District funding shall be limited to \$20,000.00 per county, per year, provided on a reimbursement basis only. The limitation on pre-agreement expenses may be waived by the Board in accordance with subsection 66B-2.005(3), F.A.C.

(5) The eligible applicant must provide the remaining matching funds for project completion. In no case shall the District's cost-share contribution exceed 75% of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in the District's Waterways, as defined in Rule 66B-2.003, F.A.C. The applicant shall include a map clearly delineating the location of all vessels included in the application

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this

EXHIBIT B

program.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 4-24-06, Amended 4-15-07, 3-25-08, 3-7-11.

66B-2.016 Waterways Cleanup Events.

Proposals shall be accepted for financial assistance for the organized removal of refuse within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) **Application Procedure:** Prior to the event, a request for funding shall be submitted to the District by means of a cover letter detailing the occurrence of the cleanup, contact information, a map of the cleanup locations and the general parameters of the event. In addition, the Applicant will submit a detailed budget clearly delineating the expenditure of all District funds, as well as the overall general budget of the event. Proposals may be submitted to the District and considered by the Board at any time during the year.

(2) **Availability:** The District shall fund a maximum of one clean-up program per waterway, per year within a county, with exception to the provisions of subsections (8) through (10), below.

(3) **Applicant Eligibility:** The clean-up program must be sponsored by a government agency or a registered not-for-profit corporation.

(4) **Funding:** District funding shall be limited to \$5,000 per waterway, per county, except for the provisions of subsections (8) through (10), below.

(5) The District shall be recognized in all written, on-line, audio or video advertising and promotions as a participating sponsor of the clean-up program.

(6) **Funding Eligibility:** The funding provided by the District shall only be allocated to reimburse the applicant for out of pocket expenditures related to specific cleanup program expenses such as trash bags, trash collection, haul and landfill fees, gloves, advertising, T-shirts, and related expenses. The funding provided by the District shall not be allocated for parties, meetings, food or beverages.

(7) The District Board shall make all final decisions concerning the provision of funding for a clean-up program.

In addition to the requirements stated above, a cleanup program implementing all of the following additional incentives will qualify for up to additional \$5,000 in clean up funds.

(8) The clean-up program budget must provide equal or greater matching funds for all Navigation District funding.

(9) The applicant shall tally and report the composition and location of the waterway-related debris, with the goal to show definitive progress in the amount of refuse collected, a reduction in the overall debris in the waterway, or an increase in the number of additional waterway areas included in the clean up.

(10) For each additional \$1,000 in Navigation District funding, the applicant shall coordinate a minimum of one waterway collection point or clean up area, or an applicant can conduct an additional waterway cleanup program for the waterway areas.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 3-7-11.

EXHIBIT C

FLORIDA INLAND NAVIGATION DISTRICT

ASSISTANCE PROGRAM

Matching Funds Certification

Sponsor: _____

Project Title: _____ Project #: _____

I hereby certify that the above referenced project Sponsor, as of October 01, 20__, has the required matching funds for the accomplishment of the referenced project in accordance with the Waterways Assistance Program Project Agreement between the Florida Inland Navigation District and the Sponsor, dated _____.*

Project Liaison Name: _____

Project Liaison Signature: _____

Date: _____

*S. 837.06 Florida Statutes, False official statements. - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 F.S.

EXHIBIT D

FLORIDA INLAND NAVIGATION DISTRICT
ASSISTANCE PROGRAM
PAYMENT REIMBURSEMENT REQUEST FORM

PROJECT NAME: _____ PROJECT #: _____

PROJECT SPONSOR: _____ BILLING #: _____

Amount of Assistance		_____
All Funds Previously Requested	✂	_____
Balance Available	=	_____
Funds Requested		_____
Less Retainage (-10% unless final)	✂	_____
Check Amount	=	_____
Balance Available		_____
Less Check Amount	✂	_____
Balance Remaining	=	_____

SCHEDULE OF EXPENDITURES

Expense Description	Check No.	Total	Applicant
FIND			
(Should correspond to	Vendor Name and Date	Cost	Cost
Cost			
Cost Estimate Sheet			
Categories in Exhibit "A")			

EXHIBIT D (CONTINUED)
SCHEDULE OF EXPENDITURES

Expense Description (Should correspond to Cost Estimate Sheet Categories in Exhibit "A")	Check No. Vendor Name and Date	Total Cost	Applicant Cost	FIND Cost
---------------------------------------------------------------------------------------------------	-----------------------------------	---------------	-------------------	--------------

Certification for Reimbursement: I certify that the above expenses were necessary and reasonable for the accomplishment of the approved project and that these expenses are in accordance with Exhibit "A" of the Project Agreement. *

Project Liaison

Date

*S. 837.06 Florida Statutes, False official statements. - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 F.S.

EXHIBIT E

FLORIDA INLAND NAVIGATION DISTRICT

ASSISTANCE PROGRAM

Project Completion Certification

http://www.aicw.org/closeout_wap.jsp

Sponsor: _____

Project Title: _____ Project #: _____

I hereby certify that the above referenced project was completed in accordance with the Assistance Program Project Agreement between the Florida Inland Navigation District and _____, dated _____, 20____, and that all funds were expended in accordance with Exhibit "A" and Paragraph 1 of the Project Agreement. *

Project Liaison Name: _____

Project Liaison Signature: _____

Date: _____

*S. 837.06 Florida Statutes, False official statements. - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 F.S.

EXHIBIT F

**ASSISTANCE PROGRAM PROJECT
QUARTERLY STATUS REPORT**

http://www.aicw.org/wapapp_pdf.jhtml?method=view&wapapp_pdf.id=1

PROJECT NO. _____

PROJECT TITLE: _____

PROJECT SPONSOR: _____

REPORT PERIOD

Oct 1-DEC 15 ___ ; Dec 15-Mar 1 ___ ; Mar 1-June 15 ___ ; June 15-Sep 1 ___
Report Due: **(Dec 30)** **(March 15)** **(June 30)** **(Sep 15)**

WORK ACCOMPLISHED:

PROBLEMS ENCOUNTERED:

PERCENTAGE COMPLETION:

OTHER NOTABLE ITEMS:

Form No. 95-02
(Effective Date: 7-30-02)

EXHIBIT G

ASSISTANCE PROJECT SCHEDULE

OCTOBER 2013 - Project Agreement Executed, Project Initiates.

DECEMBER 30, 2013 - First Quarterly Report Due.

MARCH 15, 2014 - Second Quarterly Report Due.

JUNE 30, 2014 - Third Quarterly Report Due.

SEPTEMBER 15, 2014 - Fourth Quarterly Report Due.

DECEMBER 30, 2014 - Fifth Quarterly Report Due.

MARCH 15, 2015 - Sixth Quarterly Report Due.

JUNE 30, 2015 - Seventh Quarterly Report Due.

NOTE: If the project will not be completed and all close out paperwork submitted by September 1st, a request for a 1-year extension of the completion date of the project should be submitted with the quarterly report.

SEPTEMBER 01, 2015 - Closeout paperwork due.

SEPTEMBER 30, 2015 - District finishes processing closeout paperwork, performs project inspection and submits final reimbursement check with check presentation to sponsor.

NOTE: ANY MODIFICATIONS to the PROJECT shall require advance notice and prior written approval of the District. The appropriate timing for modifications to the project cost estimate, Exhibit A, would be after receipt of bids.

***NON-COMPLIANCE by the PROJECT SPONSOR with the reporting schedule in Exhibit G may result in revocation of this agreement pursuant to Paragraph 13 of the project agreement.**

EXHIBIT H

http://www.aicw.org/bids.jhtml?method=listByCat_id&bids.cat_id=4





Town of Surfside Commission Communication

Agenda Date: December 10, 2013

Subject: Approval to enter into an agreement for crosswalk installation at 93rd / Harding Avenue and 94th / Abbott with Paveway Systems, Inc.

Background: The Town in conjunction with the FDOT has re-paved and established crosswalks on Collins and Harding Avenue. The crosswalk at the intersection of 93rd and Harding Avenue was put back with paint. It has been the Town's desire to have this crosswalk match the other crosswalks that are on Collins and Harding Avenue. The project is near completion. It was originally contemplated to fund this improvement with funds remaining from the WSD project. Also, the lack of a pedestrian crosswalk at 94th and Abbott Avenue (south of Publix) should be addressed due to heavy pedestrian useage.

Analysis: The Town currently has stamped asphalt crosswalks at all crossings on both Collins and Harding Avenue except at 93rd/Harding. This intersection is adjacent to Town Hall and west of the Community Center on Collins Avenue. 93rd Street receives significant pedestrian traffic from the residential areas. The enhanced crosswalks, with stamped asphalt, would match the other crosswalks on Collins and Harding Avenue. In addition, another location has been identified that is heavily utilized as a crossing --94th Street and Abbott Avenue, south of Publix. There currently is not a crosswalk at this location and it is a crosswalk needed to accommodate safe pedestrian passage as this is also a heavily travelled access from the residential areas to the business district.

Two quotes have been received for this scope of work and were not able to acquire a third one. Paveway Systems Inc. came in at \$19,635.52 and Stage Door Inc. came in at \$45,675.00. Paveway Systems Inc. was the lower of the two and they did the original crosswalks on Harding and Collins Avenue last year. To control costs the Town is partnering with Miami Beach to have both municipalities get crosswalks done at the same time which will generate approximately a 25% reduction in cost.

Budget Impact: Funding for this project is included in the Municipal Transportation Fund.

Staff Impact: Public Works will oversee this project.

Recommendation: Staff recommends the Town Commission adopt a resolution to enter into an agreement with Paveway Systems Inc. for crosswalk installation not to exceed \$19,635.52.


Department Head


Town Manager

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN ADMINISTRATION TO RETAIN PAVEWAY SYSTEMS INC. TO INSTALL A STAMPED ASPHALT CROSSWALK AT THE INTERSECTION OF 93RD STREET AND HARDING AVENUE AND AT THE INTERSECTION OF 94TH STREET AND ABBOTT AVENUE; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO EXECUTE AN AGREEMENT WITH PAVEWAY SYSTEMS, INC; AUTHORIZING THE APPROPRIATION AND EXPENDITURE FROM THE 2013/2014 FISCAL YEAR BUDGET NOT TO EXCEED \$19,700 FROM THE MUNICIPAL TRANSPORTATION FUND; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town, as part of a Florida Department of Transportation project, reestablished stamped asphalt crosswalks on Collins and Harding Avenue; and

WHEREAS, the crosswalk at the intersection of 93rd Street and Harding Avenue was painted and did not match the stamped asphalt crosswalks on Collins and Harding Avenue; and

WHEREAS, the Town Commission desires to have the highly traversed crosswalk on 93rd Street and Harding Avenue match the stamped asphalt crosswalks; and

WHEREAS, the intersection of 94th Street and Abbott Avenue is heavily utilized and does not have a crosswalk; and

WHEREAS, the Town Commission, in a continued effort to promote safe pedestrian passage desires to have the highly traversed crosswalk on 93rd Street and Harding Avenue and 94th Street and Abbott Avenue match the stamped asphalt crosswalks; and

WHEREAS, after conducting a good faith review of available sources and only being able to obtain two bid proposals, the Town Manager has recommended that, pursuant to Section 3-7 of the Town Code, it is in the Town's best interest to retain Paveway Systems Inc. ("Paveway") for professional services described in the Proposal for installation of a stamped asphalt crosswalk attached as Exhibit "A" ("Proposal"); and

WHEREAS, the Town Commission has determined that it is in the best interest of the Town to retain Paveway for services described in the Proposal.

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

Section 1. Recitals Adopted. That each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. Authorization to Execute Agreement. The Town Commission hereby authorizes the Town Manager and the Town Attorney to execute an Agreement with Paveway on behalf of the Town, to implement the terms and conditions of the Agreement and to execute any extensions and/or amendments to the Agreement, subject to the approval as to form and legality by the Town Attorney.

Section 3. Authorization to Appropriate and Expend Funds. The Town Manager is hereby authorized to expend funds from the FY 2013/2014 Budget not to exceed \$19,700 from the Municipal Transportation Fund.

Section 4. Effective Date. That this Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED on this ____ day of _____

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION

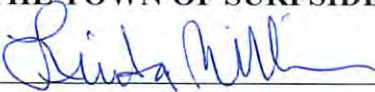
Commissioner Michelle Kligman _____
Commissioner Joseph Graubart _____
Commissioner Marta Olchyk _____
Vice-Mayor Michael Karukin _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, Town Clerk

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



Linda Miller, Town Attorney

EXHIBIT "A"



2330 Success Drive
 Odessa, FL 33556
 Phone: 727.372.5800
 Federal ID# 27-4884505
 MBE Certified by the Florida OSD

PRICE QUOTE
 ACCEPTANCE

Town of Surfside

DATE: 11/19/2013

QUOTATION NUMBER: 30054 Rev A

jkroll@townofsurfsidefl.gov

JOB NAME

4 Crosswalks Pattern Pavement 93 & Harding, plus one Crosswalk at 94th and Harding

DESCRIPTION	TOTAL
Patterned/Textured Asphalt 172.00 S.Y. Paveway STS (IAW FDOT S523) QPL No. S523-0003 STS Materials & Installation for the unit price of: \$114.16 per S.Y. Specifications: 1. Prepare surface by approved methods of Paveway Systems 2. Place pattern and single color design chosen. 3. Provide and install the STS system as per Paveway Systems specifications. 4. Certified installation with a 3 year warranty. 5. Does not include Striping or Maintenance of Traffic Conditions: 1. Based on Fall 2013 construction. Night Installation depending on temperatures. 2. MOT provided by others. Light towers (2) provided by others. 3. Limits of textured areas to be laid out by others before our arrival. 4. Dumpster/trash pile area provided for our use, on site, by others. 5. Mobilization to site is included. Additional mobilizations due to contractor delays will be \$2720.07 6. Estimated 2-3 nights to completely install depending on MOT. 7. Permits, bonds, fees, testing not included. 8. Please allow 4-6 weeks for material manufacturing and scheduling. 9. Payment terms pending credit review. Materials to be paid for before shipping to site. 10. Final payment based on field measurements.	\$ 19,635.52

The above prices, specification and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

TOTAL: \$ 19,635.52

SIGNATURE: _____

Thank you for the opportunity to provide a quotation. Please contact me if you have any questions.

Tiffany Albright
 Paveway Systems, Inc.
t.albright@pavewaysystems.com
www.pavewaysystems.com



TOWN OF SURFSIDE
MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

Resolution Cover Memorandum

Agenda Item #: 5C

Agenda Date: December 10, 2013

Submitted By: Daniel Dietch, Mayor

Subject: Plastic Bag Ban Legislation

Objective: Town Staff was asked to identify legislative options to reduce or eliminate single-use plastic bags used by retail merchants.

Consideration: To adopt the Resolution urging the Florida Legislature to restrict the use of single-use plastic shopping bags, or in the alternative, repeal the ban on local regulations of single-use plastic shopping bags.

Background: Improperly discarded single-use plastic bags have a negative environmental affect; they are responsible for destroying marine life, negatively impacting fragile ocean ecosystems, and large quantities of oil are used in manufacturing and transporting these bags around the World. A discussion of the Planning and Zoning Board prompted Town Staff to research the issue and determine the feasibility of implementing a ban on the use of plastic bags by retail merchants. Many states have adopted legislation allowing for restrictions and bans on the use of plastic bags. In 2009, the Florida Department of Environmental Protection issued a draft report that recommended a five-year phase-out of single-use plastic bags however, the Florida Legislature has not taken action and Florida Statute 403.7033 prevents local governments from adopting any regulations or restrictions on the use of plastic bags. Many local governments have urged the Florida Legislature to take action on the Florida Department of Environmental Protection report or, in the alternative, lift the ban and allow local legislation.

RESOLUTION NO. 13 – _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA IN SUPPORT OF LEGISLATION RESTRICTING THE USE OF PLASTIC SHOPPING BAGS, OR IN THE ALTERNATIVE TO REPEAL THE BAN ON LOCAL AND STATE REGULATION OF THE USE OF PLASTIC SHOPPING BAGS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS the Town of Surfside (“Town”) is increasingly concerned about the adverse environmental consequences of the use of plastic shopping bags by business establishments; and

WHEREAS, plastic shopping bags are typically made from polyethylene, a thermoplastic made from oil, and reducing our dependence on plastic bags will reduce our dependence on domestic and foreign oil; and

WHEREAS, National Geographic estimated that between 500 billion and 1 trillion plastic bags are consumed worldwide each year (as of 2003); and

WHEREAS, the United States alone uses 100 billion plastic shopping bags annually at an estimated cost to retailers of \$4 billion (Wall Street Journal); and

WHEREAS, less than 1 percent of plastic bags are recycled because it costs more to recycle a bag than to make a new one (Christian Science Monitor); and

WHEREAS, plastic bags account for over 10 percent of the debris washed up on the U.S. coastline (National Marine Debris Monitoring Program); and

WHEREAS, the Florida Legislature enacted Fla. Stat. 403.7033 which prevents local governments from enacting “any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable bags” pending completion of an analysis by the Florida Department of Environmental Protection; and

WHEREAS, the Florida Department of Environmental Protection submitted the “Retail Bags Report to the Legislature” in 2010; and

WHEREAS, the Florida Legislature has not taken any action to further address the issue and such inaction perpetuates the use of plastic bags and exacerbates their adverse effect upon the environment; and

WHEREAS, the Town Commission believes it is in the best interest of the Town to urge the Florida Legislature to act decisively to responsibly manage the use of plastic shopping bags by business establishments.

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

Section 1. Recitals Adopted. That each of the above stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Support by the Town of Surfside Town Commission to the Florida Legislature. The Town Commission hereby urges the Florida Legislature to either repeal Fla. Stat. 403.7033 to allow local governments to regulate the use of plastic shopping bags by business establishments or in the alternative take action to responsibly manage the use of plastic bags.

Section 3. Authorization and Approval. The Town Commission authorizes and approves the Town Manager and/or his designee to take all actions necessary to implement this Resolution.

Section 4. Direction to the Town Clerk. The Town Clerk is hereby directed to transmit a copy of this Resolution to the Miami-Dade County Legislative Delegation, the Officers of the Florida Legislature and the Governor of the State of Florida.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this ___ day of December 2013.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

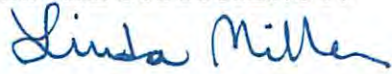
Commissioner Joseph Graubart _____
Commissioner Michelle Kligman _____
Commissioner Marta Olchyk _____
Vice Mayor Michael Karukin _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney

Town of Surfside Legislative Principles

- State Government should focus on state-level issues and allow local governments to operate with minimal state interference. The Town of Surfside will oppose legislation that increases the involvement of state government in municipal affairs and preempts local governing prerogatives.
 - For Florida's economy to prosper, cities need to succeed. The Town of Surfside will promote state investments in municipal infrastructure in order to create jobs and promote municipal revitalization. This will include funding for wastewater and stormwater improvements, local transportation projects, and park and recreational activities.
 - State Government should not be allowed to continue disrupting the relationship between citizens and their city elected officials' authority to make decisions impacting the provision of municipal services and quality of life. The Town of Surfside will oppose additional arbitrary limits on property assessments, municipal expenditures, and local revenues.
 - State mandates should be funded with state resources and should not seek to access local tax dollars. The Town of Surfside will oppose unfunded mandates and support policies that require full funding of state initiatives and mandates to cities.
-

Legislative Priorities

APPROPRIATIONS

- The Town of Surfside supports grant and legislative line item funding that enhances local financial capacity to address water resource and water supply development. The Town further supports enhanced funding of the Water Protection and Sustainability Program within the Department of Environmental Protection for comprehensive water supply infrastructure needs.
 1. *The Town of Surfside will seek relief from the Clean Water State Revolving Loan Fund obligations for sewer rehabilitation and stormwater improvements in the amount of \$9,310,000.*
 2. *The Town of Surfside will again seek funding in the amount of \$75,000 for the 88th Street Pump Station. This amount was allocated by the legislature last session but was vetoed by the Governor.*
- The Town of Surfside supports funding for the Florida Forever Program and the Florida Recreation Development Assistance Program (FRDAP).

The Florida Forever Program has helped local governments purchase land for parks, recreation, open space and conservation. The Florida Recreation Development Assistance Program (FRDAP) is a successful funding vehicle for local government park development and recreational efforts and has helped leverage local dollars.

1. *Both of these important programs have had minimal or no funding during the past three years but with the state's improving fiscal outlook should again be considered for legislative funding. The Town will be submitting an application of \$250,000 for the second story of the Community Center for possible legislative funding during the FY2015-16 cycle.*
- The Town of Surfside supports grant and legislative line item funding that dedicates to small businesses state economic development resources. Small businesses are the strength of Florida's economy; but they are often overlooked or do not qualify for existing economic development initiatives. Additionally, the Town will explore establishing a partnership with the state Small Business Development Center Network for resources and technical assistance.
 - The Town of Surfside will support the continuation of dedicated state funding sources for beach re-nourishment at or above statutory levels. Funding for this item flows from the state to Miami-Dade County and it is thus crucial that the relationship with the County be fortified.

- The Town of Surfside will support strengthening the prohibition on existing and new unfunded mandates, requires enhanced staff analyses of quantification of the costs to cities, and ensures full state funding sources be assigned whenever unfunded mandates are identified.

LEGISLATION

- *Municipal Police Pensions*

The Town of Surfside seeks to preserve flexibility in order to negotiate sustainable pension benefit levels; key to ensuring that plans are sound and secure for current and future police retirees.

Prior to 1999, cities were largely free to bargain with local police unions the pension benefits that best fit the priorities and needs of the city and its police. That year, the Legislature amended Chapter 185, F.S., to require that additional insurance premium tax revenues (taxes on property and casualty insurance premiums) over a base amount be used to provide only “extra” pension benefits. In aggregate numbers, this mandate has required cities to provide over \$520 million in new, “extra” pension benefits since 1999.

In concert with the approach that local decisions should be made at the local level, the Town has the following two priorities:

1. Preserve Chapter 185, Florida Statutes with no changes. This is the state law governing local police pension plans. Over the last eighteen months, the Florida Division of Retirement has reinterpreted Chapter 185 to provide cities greater flexibility in reforming their pension plans without jeopardizing their eligibility to receive state premium tax revenues. In the “Naples Letter” (August 2012), the Division determined that retirement benefits could be prospectively adjusted to the minimum benefit levels in Chapter 185 without the loss of premium tax monies. Before said letter, if a city reduced any benefit below the level established in 1999 it would no longer be eligible for future premium taxes. In the “Palm Beach Gardens Letter” (August 2013), the Division concluded that a city could join the Florida Retirement System (FRS) and continue to receive premium tax monies as long as some current employees elect to continue participating in the city pension plan. Before the Palm Beach Gardens Letter, if a city joined the FRS it could no longer receive premium tax revenues.

Both the Naples and Palm Beach Gardens decisions expand the options available to cities for reforming local pension plans.

2. Assure that cities retain the ability to negotiate changes in pension benefits without jeopardizing their eligibility to receive premium tax revenues. No

“one size fits all” approach from Tallahassee will work for many local governments that are struggling to contain pension costs and maintain the long-term sustainability of their pension plans. The best way to ensure that municipalities keep local control of their pension plans is to allow the collective bargaining process to work, without artificial limits imposed by the state. If there is to be legislation amending Chapter 185, Florida Statutes, the legislation should provide that pension changes implemented through the collective bargaining process will comply with the law, and not result in the loss of premium tax dollars.

Senators Jeremy Ring and Rob Bradley have filed SB246 for the 2014 legislative session. The bill is similar to that they filed last year and which failed. Broadly speaking, the bill allows cities to negotiate pension benefits but imposes restrictions on the use of premium tax dollars, repeals the current DMS interpretation as stated in the Naples letter, and institutionalizes the “extra” benefit mandate in the 1999 law.

- *Sober Homes*

The Town of Surfside supports legislation defining and establishing minimum regulatory standards for recovery residence facilities, while also allowing more stringent local regulation.

Senator Jeff Clemens and Representative Bill Hager will be filing legislation requiring “Sober Homes” to be identified in statute, licensed by the state, prohibiting clustering of same in residential neighborhoods, and providing for local planning and zoning regulation. Their bill will be as a result of budget proviso language last legislative session requiring the Florida Department of Children and Families to review the Sober House issue and proffer recommendations for legislative action.

- *Communications Services Tax*

The Town of Surfside supports revising the Communications Services Tax (CST) in a manner that does not reduce current local government related revenues, simplifies the administration and collection of the current tax, provides for a broad and equitable tax base, and affords for enhanced stability and reliability as an important revenue source for local governments.

The CST is one of the main sources of general revenue for municipalities. It generates over \$800 million annually and the funds can be used for any public purpose. Surfside currently receives \$303,320 from this source.

Governor Scott has pledged to reduce taxes by \$500 million next year and included within that discussion is the CST. As a result, Senator Dorothy Hukill, Chair of the Appropriations Subcommittee on Finance and Tax, has filed SB 266

which would reduce the state CST rate and the direct-to-home satellite rate by 2%. It does not include a reduction of the local CST but could have a negative fiscal impact on municipalities due to the distribution of some of the state and direct-to-home satellite revenues.

- *Local Business Tax*

Currently, a municipality may impose a local business tax for the privilege of engaging in or managing a business, profession, or occupation within its jurisdiction. Last legislative session, a number of bills were defeated that would have phased out the Local Business Tax by 2020 and a Committee Bill proposed to base the tax on the amount of square footage of a business. That also failed.

In order to preserve the \$60,000 in current funding to the Town of Surfside from local business taxes, The Town opposes legislation that restricts or eliminates municipal revenue generated under the local business tax. However, Surfside supports the authorization of local governments to modify ordinances in a manner that results in a more simplified, efficient, and equitable tax system that benefits businesses and local communities.

- *Transportation*

The Town of Surfside will lobby for inclusion in the Department of Transportation bill a mandate that off-duty police officers be assigned to every FDOT construction project as well as a pedestrian “countdown” meter at intersections where traffic devices are installed.

- *Traffic Infraction Devices*

Red light cameras, referred to as traffic infraction detection devices in law, were authorized through the Mark Wandall Traffic Safety Act of 2010. The subject of red light cameras has been contentious and debated extensively in the legislature every session since 2010, with multiple attempts to both strengthen the law as well as repeal it. In the 2013 Legislative Session, Senator Jeff Brandes, Chair of the Transportation Committee, amended the law to provide remedy to due process concerns in the issuance of red light camera notices of violation, and limited the ability of red light cameras to issue “right-turn on red” citations.

For the 2014 legislative session Senator Brandes has filed SB 144 and Representative Frank Artiles has filed HB4009 both of which would fully repeal the red-light camera programs in the state of Florida.

The Town of Surfside opposes legislation that would prohibit local governments from utilizing “Red Light Cameras” and/or redirect additional revenues from

same to the state. Currently, Surfside receives \$310,000 from this life safety effort.

- *Parking Meter Revenue*

During the 2013 Legislative session the Florida Department of Transportation (FDOT) advanced language that any municipality that installed and maintained parking meters on state roads would remit 50% of their revenue to the state. This was included in both SB1132 and HB7127, the comprehensive transportation bills. Along with other colleagues who represent local governments, we were able to amend these bills to simply require a study by the Florida Transportation Commission. Ultimately these bills died on the last night of session, but the FDOT has continued to work on this matter in the legislative interim and will again propose this for the 2014 legislative session.

The Town of Surfside opposes this language in order to preserve over \$300,000 in current parking meter revenue the Town receives from meters on state roads. (Surfside currently received a total of \$852,000 from all parking meters, including those on surface lots).

- *Vacation Rental Preemption*

The Town of Surfside supports repealing the state preemption of local governments' authority to regulate, restrict, or prohibit vacation rental property in single family neighborhoods and other zoning categories.

- *Billboards:*

The Town of Surfside opposes legislation that preempts or dilutes local government's ability to establish and maintain local ordinances which regulate billboards and outdoor advertising.

MONTH	Deadline - Items To Town Attorney	Agenda Deadline - All Completed Items To Town Clerk	Agenda Distribution Date	Commission Meeting Date
January 2014	12/20/2013	1/3/2014	1/8/2014	1/14/2014
February 2014	1/17/2014	1/31/2014	2/6/2014	2/11/2014
March 2014	2/14/2014	2/28/2014	3/5/2014	2/11/2014
April 2014	3/14/2014	3/28/2014	4/2/2014	4/8/2014
May 2014	4/18/2014	5/2/2014	5/7/2013	5/13/2014
June 2014	5/16/2014	5/30/2014	6/4/2014	6/10/2014
July 2014	6/13/2014	6/27/2014	7/2/2014	7/8/2014
August 2014	7/18/2014	8/1/2014	8/6/2014	8/12/2014
September 2014	8/15/2014	8/29/2014	9/3/2014	9/9/2014
October 2014	9/19/2014	10/3/2014	10/8/2014	10/14/2014
November 2014	10/24/2014	11/7/2014	11/12/2014	11/18/2014
December 2014	11/14/2014	11/28/2014	12/3/2014	12/9/2014
January 2015	12/19/2014	1/2/2015	1/7/2015	1/13/2015

Mayor and Members of the Town Commission:

It is recommended that the November 2014 Town Commission Meeting be rescheduled by one week to accommodate the Veterans Day Holiday.



Town of Surfside Commission Communication

Agenda Item # 9C

Agenda Date: December 10, 2013

Subject: Early voting and the March 18, 2014 General Election

Background: The Town of Surfside has the option of holding early voting for the March 18, 2014 General Election. The cost for the Miami Dade County Elections Department to provide this service is estimated at \$3,200 per day/per site.

Budget Impact: Funds were not budgeted for early voting in the 2013-2014 Budget.

Recommendation: The Administration recommends not to authorize early elections due to the associated cost.

Sandra Novoa, CMC, Town Clerk

Michael P. Crotty, Town Manager



Town of Surfside Commission Communication

Agenda Item # 9D

Agenda Date: December 10, 2013

Subject: Updated Code Compliance Priorities Recommendations

Background:

On April 17, 2013, the Mayor and Town Commission held a workshop in an effort to set priorities for the Town's Code Compliance program. The Administration requested that each Commission member provide their input and priority rankings on some of the most commonly occurring or reported code violations. At the June 11, 2013, Commission Meeting, a report was provided which included the results of the rankings received from three of the Commission members. The Agenda item on that report was not reached, and was deferred. On September 17, 2013, that report was resubmitted as an attachment to a Commission Communication entitled "Comparison of Code Compliance Processes: Notice of Violation vs. Civil Citations" with an updated Compilation of Priorities, including input from a fourth Commission member. Input from a fifth Commission Member was incorporated on November 7, 2013, and the priority rankings were re-calculated and provided to the Commission during the Special Commission Meeting held that day. Said updated Compilation of Priorities is attached as Exhibit "A."

Analysis

The priority rankings that were received from each individual Commission Member was tabulated in order of importance: 1 for High, 2 for Moderate, 3 for Low, or 4 for None (or minimal). There were three Priority Survey Sheets: one for Single Family Residential Districts; one for Multi-Family Residential Districts; and one for the Business District.

A compilation and analysis of all Priority Surveys received revealed that one respondent marked 10 items had been marked as Priority 1, one had 34 items marked as Priority 1, one had 31 items marked as Priority 1; one had 12 marked as Priority 1 items; and one had only one item marked as Priority 1.

On November 7, 2013, the Administration updated and resubmitted a detailed report with the individual responses and rankings received from each Commission Member on their priorities (Attached as Exhibit "A" is that updated compilation including the average/mean of each violation type resulting from the five submittals that were received.) The priority rankings report that was originally submitted was broken down as follows:

1.5 and below:	High Priority
1.6 to 2.5:	Moderate Priority
2.6 to 3.5:	Low Priority
3.6 and above:	None or Minimal Priority

However, the day of the Special Meeting the Commission considered each item that had a an average mean priority ranking of 2.5 and below, and voted on each to either include as a priority or not to include as a priority. The broader scope resulted in 35 different items being ranked as a priority. As such, in order to provide some distinction between the items deemed to be of a higher importance the rankings have been separated as follows:

2.0 and below:	High Priority
2.1 to 2.5:	Moderate to High Priority
2.6 to 4.0	Moderate and Below

The resulting approved priorities are listed below, alongside the original priority ranking average mean.

SINGLE FAMILY DISTRICTS

- o Trash on Curb 1.8
- o Construction without permits 1.8
- o Boats parked in yards 2.0
- o Sight-Triangle (hedge) visibility 2.0

- o Garbage Cans left out at days end 2.2
- o Trash on Yard 2.2
- o Derelict Vehicles/parking on grass 2.4
- o Hedge Heights (front, rear/side) 2.4
- o Barking dogs 2.4

MULTI-FAMILY DISTRICTS

- o Short Term Rentals 2.0

- o Exterior Surfaces (paint/clean) 2.2
- o Overgrowth of Grass 2.2
- o Overgrowth onto right-of-way 2.2
- o Construction without permits 2.2
- o Inadequate/inappropriate parking 2.4

BUSINESS DISTRICT

- o Exterior Surfaces (paint/cleaning) 1.0
- o Alley cleanliness 1.2
- o Dumpster maintenance 1.4
- o Missing awning or frame remaining 1.4
- o Interiors (maintenance, sanitary) 1.4
- o Sidewalk Obstructions (chairs, signs, planters, etc.) 1.6
- o Sidewalk Café furniture & expansion 1.6
- o Deteriorated awnings 1.8
- o Grease traps 1.8
- o Overgrowth of weeds (at alleys) 2.0
- o Sidewalk (sweep/pressure clean) 2.0

- o Alley area used staging equipment 2.2
- o Sign installation without permits 2.2
- o Awning installation w/o permits 2.2
- o Construction without permits 2.2
- o Resort Tax delinquency 2.2
- o Old signs from prior businesses 2.2
- o Electronic Signs 2.4
- o Delinquent Local Bus. Tax Receipt/Certificate of Use 2.4
- o Parking Lot Maintenance 2.4

On the following pages are two lists reflecting the mean average score for each item, in priority order from highest (1) to lowest (4). One is arranged by priority within each District, the other by priority amongst all Districts. The average was derived by adding the priority numbers from each category and divided by the five surveys received.

PRIORITIES WITHIN EACH DISTRICT

(as updated through 11/7/13)

SINGLE FAMILY DISTRICTS PRIORITIES

High (2.0 and less)

- Trash on Curb 1.8
- Construction without permits 1.8
- Boats parked in yards 2.0
- Sight-Triangle (hedge) visibility 2.0

Moderate - High (2.1 to 2.5)

- Garbage Cans left out at days end 2.2
- Trash on Yard 2.2
- Derelict Vehicles/parking on grass 2.4
- Hedge Heights (front, rear/side) 2.4
- Barking dogs 2.4

Moderate & Below (2.6 to 4.0)

- Fence Heights (side/rear) 2.6
- Stagnant pools/ponds 2.6
- Grass overgrowth 2.6
- Exterior Surfaces of Houses 2.6
- Bee hives 2.8
- Garage Sales (unpermitted) 2.8
- Non-domestic animals kept 2.8
- Roof Surfaces 3.0
- Trees/shrubs overhanging R-O-W 3.0
- Real Estate Signs 3.0
- Garage Sale Signs 3.0
- Political Signs 3.0
- Boats moored or docked 3.0
- POD type storage units 3.0
- Chain Link Fences 3.0
- Squawking birds 3.0
- Other Noise 3.0
- Tree/shrub overhanging property 3.2

MULTI-FAMILY DISTRICTS PRIORITIES

High (2.0 and less)

- Short Term Rentals 2.0

Moderate - High (2.1 to 2.5)

- Exterior Surfaces (paint/clean) 2.2
- Overgrowth of Grass 2.2
- Overgrowth onto right-of-way 2.2
- Construction without permits 2.2
- Inadequate/inappropriate parking 2.4

Moderate & Below (2.6 to 4.0)

- Housing Standards/unit interiors 2.8
- Barking dogs 2.8
- Unpermitted POD storage units 3.0
- Real Estate Signs 3.4
- Other Noise 3.6
- Satellite Dishes (Added-on: only two responses, thus not calculated)

BUSINESS DISTRICT PRIORITIES

High (2.0 and less)

- Exterior Surfaces (paint/cleaning) 1.0
- Alley cleanliness 1.2
- Dumpster maintenance 1.4
- Missing awning/frame remaining 1.4
- Interior Violations (maintenance, sanitary, health & safety) 1.4
- Obstructions (chairs, mannequins, pots, signs) 1.6
- Sidewalk Café furniture equipment and expansion 1.6
- Deteriorated awnings 1.8
- Grease traps 1.8
- Overgrowth of weeds (at alleys) 2.0
- Sidewalk (sweep/pressure clean) 2.0

Moderate - High (2.1 to 2.5)

- Alley area used staging equipment 2.2
- Sign installation without permits 2.2
- Awning installation w/o permits 2.2
- Construction without permits 2.2
- Resort Tax delinquency 2.2
- Old signs from prior businesses 2.2
- Electronic Signs 2.4
- Local Business Tax Receipt and Certificate of Use delinquency 2.4
- Parking Lot Maintenance 2.4

Moderate & Below (2.6 to 4.0)

- Deteriorated signs 2.6
- Window signs 2.6
- Illegal signage on awning 2.6
- Signs on R-O-W 2.7
- Roof Tops 3.0
- Noise, smoke, or other nuisance 3.2

PRIORITIES AMONGST ALL DISTRICTS

(as updated through 11/7/13)

HIGH (2.0 AND LESS)

SINGLE FAMILY DISTRICTS PRIORITIES

- Trash on Curb 1.8
- Construction without permits 1.8
- Boats parked in yards 2.0
- Sight-Triangle (hedge) visibility 2.0

MULTI-FAMILY DISTRICTS PRIORITIES

- Short Term Rentals 2.0

BUSINESS DISTRICT PRIORITIES

- Exterior Surfaces (paint/cleaning) 1.0
- Alley cleanliness 1.2
- Dumpster maintenance 1.4
- Missing awning/frame remaining 1.4
- Interior Violations (maintenance, sanitary, health & safety) 1.4
- Obstructions (chairs, mannequins, pots, signs) 1.6
- Sidewalk Café furniture equipment and expansion 1.6
- Deteriorated awnings 1.8
- Grease traps 1.8
- Overgrowth of weeds (at alleys) 2.0
- Sidewalk (sweep/pressure clean) 2.0

MODERATE - HIGH (2.1 TO 2.5)

SINGLE FAMILY DISTRICTS PRIORITIES

- Garbage Cans left out at days end 2.2
- Trash on Yard 2.2
- Derelict Vehicles/parking on grass 2.4
- Hedge Heights (front, rear/side) 2.4
- Barking dogs 2.4

MULTI-FAMILY DISTRICTS PRIORITIES

- Exterior Surfaces (paint/clean) 2.2
- Overgrowth of Grass 2.2
- Overgrowth onto right-of-way 2.2
- Construction without permits 2.2
- Inadequate/inappropriate parking 2.4

BUSINESS DISTRICT PRIORITIES

- Alley area used staging equipment 2.2
- Sign installation without permits 2.2
- Awning installation w/o permits 2.2

- Construction without permits 2.2
- Resort Tax delinquency 2.2
- Old signs from prior businesses 2.2
- Electronic Signs 2.4
- Local Business Tax Receipt and Certificate of Use delinquency 2.4
- Parking Lot Maintenance 2.4

MODERATE & BELOW (2.6 TO 4.0)

SINGLE FAMILY DISTRICTS PRIORITIES

- Fence Heights (side/rear) 2.6
- Stagnant pools/ponds 2.6
- Grass overgrowth 2.6
- Exterior Surfaces of Houses 2.6
- Bee hives 2.8
- Garage Sales (unpermitted) 2.8
- Non-domestic animals kept 2.8
- Roof Surfaces 3.0
- Trees/shrubs overhanging R-O-W 3.0
- Real Estate Signs 3.0
- Garage Sale Signs 3.0
- Political Signs 3.0
- Boats moored or docked 3.0
- POD type storage units 3.0
- Chain Link Fences 3.0
- Squawking birds 3.0
- Other Noise 3.0
- Tree/shrub overhanging property 3.2

MULTI-FAMILY DISTRICTS PRIORITIES

- Housing Standards/unit interiors 2.8
- Barking dogs 2.8
- Unpermitted POD storage units 3.0
- Real Estate Signs 3.4
- Other Noise 3.6
- Satellite Dishes (*Added-on: only two responses, thus not calculated)

BUSINESS DISTRICT PRIORITIES

- Deteriorated signs 2.6
- Window signs 2.6
- Illegal signage on awning 2.6
- Signs on R-O-W 2.7
- Roof Tops 3.0
- Noise, smoke, or other nuisance 3.2

Establishment of Priorities

The recently updated and voted upon priority rankings resulted in a total of 35 priorities Town-wide, including nine priorities in the Single Family Districts (SFD), six priorities in the Multi-Family Districts (MFD), and 20 priorities in the Business District (BD). Although the votes establishing the priorities brought to fruition a nearly 18 month long process, the 35 separate priority items would be challenging to undertake with currently available resources. As such, it is recommended that consideration be given to setting priorities in two tiers. The first tier to include those that achieved a ranking of 1.8 and below, totaling 11 (2 in the SFD and 9 in the BD), with the second tier containing those that achieved a ranking of 1.9 to 2.5 totaling 24 (7 in the SFD, 6 in the MFD and 11 in the BD). This would be a more manageable number of priorities. Alternatively, the list could be expanded to have the first tier include those that achieved a ranking of 2.0 and below, totaling 16 (4 in the SFD, 1 in the MFD and 11 in the BD), with the second tier containing those that achieved a ranking of 2.1 to 2.5, totaling 19 (5 in the SFD, 5 in the MFD and 9 in the BD) if additional resources were to become available. Acceptance of this policy would not limit the Town's ability to pursue any of the other priority items, nor would it preclude enforcement of any other non-prioritized violation type. However, it would serve to establish clear policy direction on priorities and a baseline to address items deemed to be of the most importance at this time.

In closing, although it only achieved a mean average ranking of 2.0, the issue of Short Term Rentals received the highest priority ranking in the Multi-family Districts. Although the Administration continues to advise that enforcement of this issue is challenging, extremely time consuming and difficult to prosecute successfully, we will bring forth a recommendation for a limited enforcement program, which will include involving the condominium associations and a proposal for more punitive penalties, including criminal penalties that may be available.

Compliance Periods, Civil Penalties, and Additional Enforcement Action

At the November 7, 2013 Special Meeting the Commission requested that the Administration provide more detailed recommendations on compliance periods and civil penalties for the prioritized items.


Some items that were considered were minimum acceptable compliance periods, level of civil penalties that should be imposed for each, and what additional punitive penalties may be available for continued non-compliance. It was determined that after a reasonable period was allowed for compliance (including the appeal period provided by Code) those found to be in continued non-compliance should be required to pay a civil penalty (fine). The amount of the fine imposed for failure to comply, after a reasonable period, would need to be in an amount that would compel compliance within a reasonably short period, and should run on a daily basis until compliance is attained. In the event compliance is not forthcoming after the reasonable compliance period expires, and the fines that accrue do not compel compliance, then a lien should be filed upon the property, after appropriate notification (20 day notice) as required by Code.

If the lien fails to compel compliance, it is recommended that additional action be taken, including abatement (if warranted), civil court action to compel compliance, or foreclosure (if a legally available process.)

Attached hereto as Exhibit "B" is a recommended schedule of compliance periods and civil penalties that should be considered if compliance is not attained once said compliance periods expire. It is important to note that from an enforcement perspective neither the length of the compliance period nor the civil penalty imposed thereafter are as important, as the consistent execution of the policy once it has been established. A sensible and successful code enforcement program is a long term process that is most effective with a continued and consistent policy, no matter what compliance periods or civil penalties are proposed. However, the key consideration to establishing policy is decide how long one is willing to live with the impact of a particular violation before one takes more punitive action to compel compliance.

Also attached (Exhibit "C") is a copy of Resolution 1569, adopted on March 9, 1999, which sets out a series of fines for a variety of different violations. Florida Statutes and Town Code set forth the maximum amount of the fine on a first offense to be \$250 per day, and a maximum of \$500 per day for a second or repeat offense of the same violation. Town Code further provides that an uncorrectable violation may result in a fine of up to \$5,000. An uncorrectable violation means a violation which is irreparable or irreversible in nature.

Conclusion: Staff recommends that the Town Commission accept the Administration's report and approve the recommendations contained therein. Moreover, it is recommended that the administration and Town Attorney be directed to amend and submit a resolution adopting the new fine schedule substantially in the form that is attached hereto.



Joe Damien
Code Compliance Director



Michael Crotty
Town Manager

EXHIBIT "A"

SINGLE FAMILY DISTRICTS PRIORITIES							
<i>UPDATED 11/7/13</i>		Mayor Dierch	Comm. Kligman	Comm. Graubart	Comm. Olchyk	Vice-Mayor Karukin	Mean
Exterior Property Maintenance							
	Exterior Surfaces of Houses (Paint)	2	1	4	2	4	2.6
	Roof Surfaces	2	3	4	2	4	3.0
	Trash on Curb	1	1	2	3	2	1.8
	Trash on Yard	2	1	3	3	2	2.2
	Grass overgrowth	2	1	4	2	4	2.6
	Stagnant pools/ponds	1	1	4	3	4	2.6
	Garbage Cans left out at days end	1	3	1	3	3	2.2
	Trees/shrubs overhanging R-O-W	2	3	4	2	4	3.0
	Trees/shrubs overhanging property	2	3	4	3	4	3.2
	Non-domestic animals kept	2	3	4	2	3	2.8
Zoning							
	Hedge Heights (front, rear/side)	2	1	3	2	4	2.4
	Fence Heights (side/rear)	2	1	4	2	4	2.6
	Derelict Vehicles or parking on grass	1	1	4	3	3	2.4
	Sight-Triangle (hedge) visibility	1	1	1	3	4	2.0
	Real Estate Signs	2	3	4	2	4	3.0
	Garage Sale Signs	2	3	4	2	4	3.0
	Political Signs	2	3	4	2	4	3.0
	Boats parked in yards	1	2	2	1	4	2.0
	Boats moored or docked	2	3	4	2	4	3.0
	POD type storage units	1	2	4	4	4	3.0
	Chain Link Fences	2	1	4	4	4	3.0
Other							
	Construction without permits	1	2	2	1	3	1.8
	Garage Sales (unpermitted)	1	2	4	3	4	2.8
	Barking dogs	2	3	1	2	4	2.4
	Squawking birds	2	3	4	2	4	3.0
	Other Noise	2	2	3	4	4	3.0
	Bee hives	2	3	4	4	1	2.8

MULTI-FAMILY DISTRICTS PRIORITIES							
<i>UPDATED 11/7/13</i>		Mayor Dierch	Comm. Kligman	Comm. Graubart	Comm. Olchyk	Vice-Mayor Karukin	Mean
Exterior Property Maintenance							
	Exterior Surfaces (paint or pressure clean)	2	1	2	2	4	2.2
	Overgrowth of Grass	2	1	1	3	4	2.2
	Overgrowth unto right-of-way	2	1	3	1	4	2.2
Interior Property Maintenance (Rentals)							
	Housing Standards in interior of units	2	2	4	2	4	2.8
Other							
	Construction without permits	1	2	2	3	3	2.2
	Inadequate or inappropriate parking	1	2	4	2	3	2.4
	Barking dogs	2	3	3	2	4	2.8
	Other Noise	2	4	4	4	4	3.6
	Real Estate Signs	2	3	4	4	4	3.4
	Unpermitted use of POD storage units	1	2	4	4	4	3.0
	Short Term rentals	1	1	1	3	4	2.0
*	Satellite Dishes		2			2	

*Added by one of the Respondents

BUSINESS DISTRICT PRIORITIES						
<i>UPDATED 11/7/13</i>						
	Mayor Dierch	Comm. Kligman	Comm. Graubart	Comm. Olchyk	Vice-Mayor Karukin	Mean
Exterior Property Maintenance						
Exterior Surfaces (paint/cleaning)	1	1	1	1	1	1.0
Roof Tops	3	2	4	2	4	3.0
Rear At Alley						
Dumpster maintenance	1	1	2	1	2	1.4
Alley cleanliness	1	1	1	1	2	1.2
Area used for staging equipment	2	2	3	2	2	2.2
Overgrowth of weeds (at alleys)	1	1	4	2	2	2.0
Sidewalks						
Obstructions (chairs, mannequins, pots, signs)	1	1	2	2	2	1.6
Sidewalk Café furniture/equipment/expansion	1	1	1	2	3	1.6
* Signs on R-O-W	2	2	3.5	3	3	2.7
Sweep or pressure clean	1	1	3	2	3	2.0
Signs						
Old signs remaining from prior businesses	1	1	4	1	4	2.2
Deteriorated signs	1	1	4	3	4	2.6
Window signs	1	1	4	3	4	2.6
Electronic Signs	1	1	4	2	4	2.4
Installation without permits or approvals	1	1	4	1	4	2.2
Awnings						
Deteriorated awnings	1	1	2	3	2	1.8
Missing awning, with frame remaining	1	1	1	2	2	1.4
Illegal signage	1	1	4	3	4	2.6
Installation without permits	1	1	4	1	4	2.2
Other						
Construction without permits	1	2	4	1	3	2.2
Noise, smoke, or other nuisance	2	3	4	3	4	3.2
Parking Lot Maintenance	2	2	2	3	3	2.4
Local Business Tax Receipt & Certificate of Use	1	2	4	2	3	2.4
Resort Tax delinquency	1	1	4	2	3	2.2
Interior Violations (maint/sanitary/safety)	1	2	1	1	2	1.4
Grease traps	1	2	3	1	2	1.8

EXHIBIT "B"

Recommendations for Civil Penalties and Compliance Periods to be Provided Prior to Enforcement for Prioritized Violation

	PRIORITY RANKING	ISSUE	COMPLIANCE PERIOD BEFORE PENALTY	PENALTY PER DAY
Single Family	1.8	Trash on Curb	2 Days	\$25
	1.8	Construction without permits*	5 Days	\$250
	2.0	Boats parked in yards	15 Days	\$25
	2.0	Sight-Triangle (hedge) visibility	15 Days	\$25
	2.2	Garbage Cans left out at days end	2 Days	\$25
	2.2	Trash on Yard	5 Days	\$25
	2.4	Derelict Vehicles/parking on grass	5 Days	\$25
	2.4	Hedge Heights (front, rear/side)	15 Days	\$25
	2.4	Barking dogs	Immediate (after warning)	\$100
Multi-Family	2.0	Short Term Rentals	30 Days	\$250
	2.2	Exterior Surfaces (paint/clean)	30 Days	\$25
	2.2	Overgrowth of Grass***	5 Days	\$100
	2.2	Overgrowth onto right-of-way	15 Days	\$25
	2.2	Construction without permits*	5 Days	\$250
	2.4	Inadequate/inappropriate parking	30 Days	\$25
Business District	1.0	Exterior Surfaces (paint/cleaning)	30 Days	\$25
	1.2	Alley cleanliness	1 Day	\$25
	1.4	Dumpster maintenance	1 Day	\$25
	1.4	Missing awning or frame remaining	7 Days	\$25
	1.4	Interiors (maintenance, sanitary)	15 Days	\$25
	1.6	Sidewalk Obstructions (signs, planters, etc.)	2 Days	\$25
	1.6	Sidewalk Café furniture & expansion	2 Days	\$25
	1.8	Deteriorated awnings	15 Days	\$25
	1.8	Grease traps	7 Days	\$250
	2.0	Overgrowth of weeds (at alleys)	5 Days	\$25
	2.0	Sidewalk (sweep/pressure clean)	5 Days	\$25
	2.2	Alley area used staging equipment	5 Days	\$25
	2.2	Sign installation without permits	5 Days to apply*	\$250
	2.2	Awning installation w/o permits	5 Days to apply*	\$250
	2.2	Construction without permits	5 Days to apply*	\$250
	2.2	Resort Tax delinquency	15 Days (+late fee & int.)	\$25
	2.2	Old signs from prior businesses	15 Days	\$25
	2.4	Electronic Signs	2 Days	\$25
	2.4	Delinquent L.B.T.R & Cert. of Use	15 Days (+late fee & int.)	\$25
2.4	Parking Lot Maintenance	30 days	\$25	

*** Depending on the season grass may reach overgrowth height within 10-15 days of cutting. By the time we respond action must be swift or overgrowth will reach levels that are costing the Town well above that which we are permitted to collect \$125.

* One time penalty for violation. Subject to permit double fee and other Building Dept. penalties

RESOLUTION NO. 1569

A RESOLUTION OF THE COMMISSION OF THE TOWN OF SURFSIDE ADOPTING A SCHEDULE OF CIVIL PENALTIES TO BE ASSESSED FOR VIOLATION OF THE CODE OF THE TOWN OF SURFSIDE, AS PROVIDED IN SECTION 18 OF CHAPTER 15.

WHEREAS, the Town Commission of the Town of Surfside is charged with protecting and preserving the public health, safety and welfare of the residents and those coming into the Town of Surfside; and

WHEREAS, the Town Commission of the Town of Surfside is charged with preserving and maintaining the high quality of real estate and high architectural and aesthetic standards of the Town; and

WHEREAS, the Town Commission in preserving and protecting the public health, safety and welfare has enacted Ordinance No. 1397, entitled "AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, CREATING CHAPTER 15, ESTABLISHING A CODE ENFORCEMENT PROCEDURE; PROVIDING DEFINITIONS; PROVIDING FOR CIVIL INFRACTIONS AND PENALTIES; QUALIFICATIONS, APPOINTMENT, REMOVAL AND COMPENSATION OF SPECIAL MASTERS; SETTING FORTH THE POWERS OF SPECIAL MASTERS; AUTHORITY TO INITIATE ENFORCEMENT AND SETTLE CASES; PROVIDING FOR ENFORCEMENT PROCEDURES INCLUDING THE CONTENTS AND METHOD OF SERVICE OF CIVIL VIOLATION NOTICES; PROVIDING FOR CIVIL PENALTIES AND RELATED TERMS CONSTRUED; PROVIDING FOR RIGHTS OF VIOLATORS; PAYMENT OF FINE; RIGHT TO APPEAL; FAILURE TO PAY AND CORRECT OR TO APPEAL; WILLFUL REFUSAL TO ACCEPT CIVIL VIOLATION NOTICE; SCHEDULING AND CONDUCT OF HEARING; PROVIDING REMEDIES TO RECOVER UNPAID CIVIL PENALTIES; UNPAID PENALTIES TO CONSTITUTE A LIEN AND PROVIDING FOR FORECLOSURE; PROVIDING FOR APPEALS OF ORDERS OF SPECIAL MASTERS; PROVIDING FOR ADDITIONAL ENFORCEMENT POWERS; ESTABLISHING A SCHEDULE OF CIVIL PENALTIES; PROVIDING INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE;" and

WHEREAS, pursuant to Section 18 of Ordinance No. 1397, violations of said Ordinance shall be subject to the imposition of penalties, pursuant to which the Town Commission may adopt from time to time by Resolution, a schedule showing the sections of the Code, ordinances, laws, rules or regulations, which may be enforced and, the dollar amount of civil penalty for the violation of such provisions.

NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY RESOLVES:

Section 1. That the above and foregoing recitals are true and correct.

Section 2. That attached hereto and incorporated herein is a schedule of civil penalties adopted pursuant to Section 18 of Ordinance No. 1397. Any sections of the Code and Ordinances not listed in the attached schedule, or for which a dollar amount of civil penalty for violation thereof is not listed, shall be subject to the imposition of penalties as provided under Section 1-8 and any other applicable penalty sections of the Code of the Town of Surfside. Each day of violation shall constitute a separate, punishable offense for which the daily penalty shall accrue.

SCHEDULE OF CIVIL PENALTIES

(a) The following table shows the sections of ordinances or codes or statutes as they may be amended from time to time, which may be enforced pursuant to the provisions of Chapter 15; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

(b) The "descriptions of violations" below are for informational purposes only and are not meant to limit the number of or amount of fines to be imposed or define the nature of the subject matter of the listed code section, ordinance, laws, rules or regulation, except to the extent that different types of violations of the same section may carry different civil penalties. To determine the exact nature of any activity proscribed or required, the relevant code section, ordinance, laws, rules or regulation must be examined.

<u>SECTION</u>	<u>DESCRIPTION OF VIOLATION</u>	<u>DAILY PENALTY</u>
TOWN OF SURFSIDE CODE		
ALCOHOLIC BEVERAGES		
Chap. 6	Failure to comply or conform to any requirement of the Town Code relating to alcoholic beverages.	\$250
ANIMALS		
Sec. 10-2	Killing birds and squirrels.	\$250
Sec. 10-3(a)	Keeping or maintaining more than two cats, two dogs or two of any two kind of domestic pets.	\$ 50
	Keeping or maintaining horses, poultry, farm animals or non-domestic pets.	\$ 50
	Outdoor feeding of stray or ownerless cats.	\$ 50
Sec. 10-28(c)	Allowing a dog to run at large.	\$ 50
	Allowing a dog to be improperly leashed.	\$ 50
Sec. 10-30	Failure to license any dog.	\$ 50
Sec. 10-32	Failure to remove fecal excrement.	\$100
Sec. 10-33	Taking a dog, whether on a leash or without a leash, other than a seeing-eye dog, into any store where food for human consumption is sold or held for sale.	\$ 50
	Taking a dog, whether on a leash or without a leash, other than a seeing-eye dog, at any time to any public beach in the town.	\$100
Sec. 10-34	Failure to have one's dog properly collared.	\$ 50

Sec. 10-36	Keeping or harboring any dog that engages in frequent or habitual barking, yelping or howling; that is mean or vicious; that becomes a nuisance.	\$ 50
	Any cruelty to a dog, as defined.	\$250

BEACHES

Sec. 86-37	Soliciting for commercial photography on town's beaches.	\$100
Sec. 86-38	Picnicking, eating or consuming food on town's beaches.	\$ 50
Sec. 86-39	Drinking or consuming alcoholic beverages on town's beaches.	\$ 50
Sec. 86-40	Building or maintaining a fire on town's beaches.	\$ 50
Sec. 86-41	Selling, peddling or carrying on any business on town's beaches.	\$100

BUILDINGS AND CONSTRUCTION

Sec. 14-2	Performing mechanical or hand abrasive operations involving removal of paint, rust or other materials from any source resulting in particles that can float, drop, or be blown to adjoining property or into public ways or streets.	\$250
	Failing to confine all loose particles and abrasives from processes involving use of air pressure applications with suitable means to prevent their transferring to the ground.	\$250
Sec. 14-28, 90-37	Performing or having performed work without first obtaining required permit.	\$100
Sec. 34-30	Unlawful connection of any sanitary sewer drains to the town's drainage system.	\$250
	Unlawful connection of any storm drains to the town's sanitary sewer system.	\$250

BULKHEADS

Sec. 14-87	Construct any groin, bulkhead, seawall, jetty, breakwater or other protective work or to place any permanent or temporary structure of any nature whatsoever east of the ocean bulkhead line.	\$250
	Repair, extend, alter or replace any existing structure	

	lying east of the ocean bulkhead line.	\$250
Sec. 14-88	Erect any structure within 20 feet west of the ocean bulkhead line.	\$250
	Repair, extend, alter or replace any existing structure lying within 20 feet west of the ocean bulkhead line.	\$250
Sec. 14-102	Erect any structure within 20 feet landward of the Indian Creek bulkhead line.	\$250
	Repair, extend, alter or replace any existing structure lying seaward of the Indian Creek waterway or existing bulkhead or within 20 feet landward of such bulkhead line.	\$250
Sec. 90-184	Erect, repair, extend, alter or replace:	
	Dock and pier projecting into Biscayne Bay waterway beyond the waterway line more than 20 feet.	\$100
	Dock and pier projecting into Indian Creek waterway beyond the waterway line more than 10 feet.	\$100
	Dock and pier projecting into Point lake waterway beyond the waterway line more than 15 feet.	\$100
Sec. 90-187	Construction, repair, alteration, extension or replacement of any bulkhead, sea wall, shore protection or any structure on Biscayne Bay, Indian Creek and Point Lake without required permit.	\$100

GARBAGE, TRASH AND WEEDS

Sec. 34-69(a) and 66-4	Deposit, accumulate or allows to accumulate any garbage, trash, stone, rock, lumber, building materials, crates, bottles or debris on any vacant, occupied or unoccupied property, street, gutters, alley, parkway, park, canal, waterway, bay, ocean, or pool.	\$ 50
Sec. 34-70	Allows the excessive growth of grass, weeds, shrubs or other vegetation.	\$ 25
Sec. 34-31	Deposit of any form of debris, including grass and other forms of yard clippings, into any waterway within the town.	\$ 25
Sec. 66-7	Failure to bag grass cuttings and hedge trimmings.	\$ 25
	Failure to completely remove all grass cuttings from all paved areas.	\$ 25

	Use of power blowers.	\$ 25
Sec. 66-33	Trash, industrial waste or other type of refuse placed for collection by the town when it did not originate at that property.	\$100
Sec. 66-34	Failure to remove industrial waste.	\$100
Sec. 66-46(b)	Failure to locate commercial containers from view from street or adjacent properties, or to screen the commercial containers from public view by approved wall or fence.	\$ 50
Sec. 66-47	Failure to place all garbage, trash and refuse in commercial containers.	\$ 50
Sec. 66-47(d)	Failure to maintain garbage cans on single family residence.	\$ 50
Sec. 66-48	Failure to bag all garbage deposited in commercial containers.	\$ 50
Sec. 66-49	Failure to keep closed commercial container.	\$ 50
	Failure to disinfect commercial containers twice a month.	\$ 50
	Deposit in commercial containers wooden or paper cartons without first breaking or crushing same.	\$ 50

HEALTH

Sec. 46-1	Violation of the Florida Department of Health and Rehabilitation Services, or responsible department or agency.	\$250
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OCCUPATIONAL LICENSES, PEDDLING, SOLICITORS, HAWKERS, SPECIAL SALES

Sec. 18-26 (a)&(b)	Peddle, hawk or sell on public streets, sidewalk, parks, any public place or private property in the town.	\$ 50
Sec. 18-71	Publish or conduct any sale of goods, wares and merchandise of any and all kinds without first having obtained a license.	\$ 50
Sec. 70-26	Conduct or engage in any, business, profession or occupation for which a license is required without first obtaining such license.	\$250
Sec. 70-106	Failure to comply with any provision of Article IV, Resort Tax.	\$250

OFFENSES, MISCELLANEOUS PROVISIONS

Sec. 6-8	Failure to comply or conform to any requirement of the Town Code relating to music and/or entertainment.	\$250
Sec. 30-26	Burglar alarm not automatically shutting off audio after it has sounded for 15 minutes.	\$ 25
Sec. 34-28	Unlawful placement of any form of debris, including grass or other forms of yard clippings, onto a public street or alley.	\$ 50
Sec. 54-2	Throw or deposit any commercial or noncommercial handbill in or upon any vehicle.	\$ 50
	Hand out or distribute any commercial handbill on any sidewalk, street or other public place.	\$ 50
Sec. 54-62	Drinking any beer, wine or any other alcoholic beverage on any street, sidewalk, pedestrian mall, alley, highway, playground or park in the town.	\$100
Sec. 54-63	Obstructions of sidewalks, streets or building entrance ways by auctioneers or merchants.	\$ 50
Sec. 54-78 to 54-83	Creation of any prohibited noises at any prohibited times or locations.	\$100
Sec. 62-1	Conducting a garage sale without the required permit and/or in violation of the garage sale provisions.	\$ 50
Sec. 62-2	Conducting a estate sale without the required permit and/or in violation of the estate sale provisions.	\$ 50
Sec. 62-3	Conducting an auction sale within a residential zoning district.	\$ 50
	Conducting an auction sale within the B-1 and CO-1 without the required permit and/or in violation of provisions.	\$ 50

PROPERTY MAINTENANCE STANDARDS

Sec. 14-52

- (a) Exterior appearance of all commercial property standards.

- | | | |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| (1) | Failure to maintain all exterior building surfaces from chipping, pitting, cracking, discoloration, peeling or fading. | \$100 |
| (2) | Failure to maintain all exterior signs from chipping, pitting, cracking, peeling, fading, discoloration or good repairs. | \$100 |
| | Failure to maintain all lights working on lighted signs. | \$ 50 |
| (3) | Failure to maintain all doors and windows from cracking or discoloring of glass or corroded frames. | \$100 |
| (4) | Failure to maintain all awnings without tears or holes and be free of dirt, discoloration, fading or cracking. | \$100 |
| | Lettering or painted surface on awnings not conforming to subsection (a)(2) of this section. | \$100 |
| | Failure to maintain all hardware, supports and poles straight, free of rust, and not in good condition. | \$100 |
| (5) | Failure to maintain any property that is vacant for more than 15 days, with all glass surfaces visible to the public clean and screened from the inside with a clean, neat-appearing opaque material and shall be kept in such condition until property is occupied. | \$100 |
| (6) | Failure to maintain all sidewalk overhangs attached to commercial buildings structurally sound and free of rust, discoloration, peeling, chipping, cracking, fading, sagging or dirt. | \$100 |
| | Failure to maintain all lettering or signage on overhangs not conforming to the requirements provided in subsection (a)(2) of this section. | \$100 |
| (7) | Failure to maintain air conditioner or heating or cooling device installed so as to be visible from the street, or so as to discharge condensation onto the sidewalk or street. | \$100 |

Sec. 14-53

- (a) Exterior appearance of all property in the RS-1, RS-2, RD-1, RM-1 and RT-1 zoning districts.
- (1) Failure to maintain all exterior building surfaces, including roofs free of chipping, pitting, cracking, discoloration, peeling or fading. \$ 50
 - (2) Failure to maintain all windows and exterior doors weathertight, watertight and rodentproof and be maintained in good working condition. \$ 50
 - Failure to maintain all glass areas without cracks or holes and doors and window frames free of rust, chipping, pitting, cracking or fading. \$ 50
 - (3) Failure to maintain all exterior signs in good repair and free of chipping, pitting, cracking, peeling, fading or discoloration. \$ 50
 - Failure to maintain all lights working on lighted signs. \$ 50
 - (4) Failure to maintain all ground areas open to the sky planted with sufficient ground cover to prevent the blowing or eroding of soil. \$ 50
 - Failure to maintain paved areas free of potholes, excessive cracking and/or plant growth and be free of concrete spalling. \$ 50
 - (5) Failure to maintain all awnings without tears or holes and free of dirt, discoloration, fading or cracking. \$ 50
 - Failure to maintain all hardware, supports and poles straight, free of rust and in good condition. \$ 50
 - (6) Air conditioner or heating or cooling device of more than 24,000 BTU capacity installed so as to be visible from the street. \$ 50

RESORT TAX

- Sec. 106 to 111 Failure to comply with provisions of Article IV, Resort Tax. \$250

SEWERS AND SEWAGE DISPOSAL

Sec. 78-51	Construction or maintenance of any septic tank or sanitary privy.	\$100
Sec. 78-54	Discharge into the town's sanitary sewer any prohibited material or substance.	\$250

TRAFFIC AND VEHICLES

Sec. 14-89	Drive, park, store or leave unattended any vehicle east of the ocean bulkhead line without proper permit from the town manager.	\$ 50
Sec. 74-1	Park or operate any commercial vehicle at any time upon any streets or parts in the town, except Collins Avenue, Harding Avenue, 96th Street, and 88th Street; between Byron and Collins Avenue, except for the purpose of expeditiously delivering or picking up materials or merchandise.	\$ 50
Sec. 74-57(c)	Parking in prohibited areas and locations.	\$ 50

VEGETATION

Sec. 82-1	Failure to comply with provisions of sections 24-60 through 24-60.9, as amended of the Miami-Dade County Tree Ordinance.	\$ 50
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ZONING

Sec. 90-6		
	(1) Use of any land or water for a different purpose as that specifically permitted in the district in which it is located.	\$250
	(2) Erect, convert, enlarge, reconstruct, move, or structurally alter any building or part thereof not in conformity with a use permitted in the district in which it is located.	\$250
	(3) Erect, convert, enlarge, reconstruct, move or structurally alter any building to exceed the height limit established for the district in which the building is located.	\$250

	(4) Erect, convert, enlarge, reconstruct, move or structurally alter any building not in conformity with the area regulations of the district in which the building is located.	\$250
	(5) Erect, convert, enlarge, reconstruct, move or structurally alter any building failing to conform with the off-street parking and loading regulations of the district in which the building is located.	\$250
	(6) Erect, convert, enlarge, reconstruct, move or structurally alter any building failing to conform with the floor area regulations of the district in which it is located.	\$250
	(7) Erect, convert, enlarge, reconstruct, move or structurally alter any building failing to conform with the most current edition of the federal flood insurance rate maps and in chapter 42, article 11, applicable to the lot on which the building is located.	\$250
	(8) Failing to display and make clearly visible from the street on which the front entrance of the building faces the street number of an improved property.	\$ 50
	Failing to display, in addition in the B-1 district, the street numbers clearly visible from the rear of the property.	\$ 50
Sec. 90-7	Maintaining in a single family dwelling an individual room separated from the main building.	\$250
	Maintaining in a single family dwelling more than one kitchen on a lot.	\$250
Sec. 90-8	Reduction or diminishing of setbacks or lot coverage requirements.	\$250
Sec. 90-39	Occupying or using vacant land, premise or building without required certificate of occupancy and compliance with building and zoning laws.	\$250
Sec. 90-146	Maintaining a violation of the RS-1 and RS-2 single-family residential district.	\$250
Sec. 90-147	Maintaining a violation of the RD-1 two-family residential district.	\$250

Sec. 90-148	Maintaining a violation of the RD-2 two-story multiple family residential district.	\$250
Sec. 90-149	Maintaining a violation of the RM-1 multiple family residential district.	\$250
Sec. 90-150	Maintaining a violation of the RT-1 tourist district.	\$250
Sec. 90-152	Maintaining a violation of the B-1 business district.	\$250
Sec. 90-153	Maintaining a violation of the CO-1 business district.	\$250
Sec. 90-181(1)	Failure to maintain unobstructed vision at corner lots by any barriers of a height of more than (2) feet above the established elevation of the nearest curb for a distance of 25 feet from the intersection of the front and side lot lines.	\$ 50
	Plant or cause to be planted any tree, shrub or flowers or to place any structure in the public right of way without required permit.	\$ 50
	Alter the grade of public-right-of-way adjacent to private property without required permit.	\$ 50
Sec. 90-183	Maintaining fence, wall or hedge more than (5) feet in height.	\$ 50
	Fence or wall of any kind in a front yard.	\$ 50
Sec. 90-185	Placing or erecting outdoor receiving or broadcasting antenna weighting more than 20 pounds without required permit.	\$ 50
Sec. 90-188	Paving more than 50% of a front yard in the RS-1, RS-2 and RD-1 with any material that is not readily permeable.	\$ 50
	More than (2) two curb cuts on front yard accessible by vehicles from public street.	\$ 50
	Single curb cut for any one property more than 18 feet in width.	\$ 50
	Two curb cut driveway for any one property more than 12 feet in width for each cut.	\$ 50

	Landscaping island between two curb driveway with less than 60 square feet.	\$ 50
Sec. 90-189	Outdoor lighting installed without required permit.	\$ 50
Sec. 90-192	More than one boat on any lot in a RS-1 or RS-2 district.	\$ 50
	Boat more than 20 feet in length on any lot in a RS-1 or RS-2 district.	\$ 50
	Boat and place of parking not kept in a clean, neat and presentable condition.	\$ 50
	Major repairs or overhaul work made or performed on the premises.	\$ 50
	Boat used for living or sleeping quarters.	\$ 50
	Parking boat not parallel with and immediately adjacent to the driveway.	\$ 50
	Boat outside required setback.	\$ 50
	Boat parking on any right-of-way.	\$ 50
Sec. 90-193	House car, camp car, camper or house trailer, or any vehicle or part of vehicle designed or adapted for human habitation which exceeds 20 feet in length or 8 feet in height, parked on public streets or public property at any time, or more than 24 hours within a calendar week on private property.	\$ 50
	Vehicle designed or adapted for human habitation attached to any public or private source of water, gas or sanitary sewer, and electricity except for recharging storage batteries.	\$ 50
Sec. 90-194		
	(a) Maintaining less than 50% of front yard landscaped.	\$ 50
	(b) Off-street parking areas and all land upon vehicles traverse the property as a function of its primary use, such as, filling station, grocery, banks, and the like not conforming to landscaping requirements Section 18A, Miami-Dade County Code.	\$ 50
	(c) Landscaping without required permit.	\$ 50

SIGNS

Sec. 90-206	(a)	Sign of any type suspended across any public street, alley or waterway without required authorization.	\$100
		Sign stenciled, written, painted, posted, printed, nailed or affixed to any curb, sidewalk, tree, light standard, utility pole, hydrant, traffic signal device, street sign and its pole, bridge, wall or any other structure.	\$ 50
	(b)	Sign stenciled, written, painted, posted, printed, nailed or affixed to any vacant lot, unoccupied building or to any temporary structure.	\$ 50
	(c)	Failure to remove sign upon cessation of business.	\$100
Sec. 90-207		Prohibited sign erected, constructed, or affixed in violation of the provisions of signs regulations.	\$250
Sec. 90-208		Temporary sign erected, constructed, or affixed in violation of the provisions of regulations.	\$250
Sec. 90-209		Failure to comply with regulations for signs permitted within specific zoning districts.	\$250
Sec. 90-210		Failure to comply with regulations for sign construction and illumination.	\$250
Sec. 90-211		Failure to remove nonconforming signs.	\$250
Sec. 90-212		Erect, alter or relocate sign without required permit.	\$250

OFF-STREET PARKING

Sec. 90-226		Failure to comply with off-street parking requirements.	\$100
Sec. 90-228	(a)(4)	Keeping trailer of any type in any required yard continuously for more than 72 hours.	\$100
		Keeping trailer of any type without displaying a valid license plate and registration decal, not in operating condition or supported by fully inflated tires on functioning wheels.	\$100
	(c)	Keeping any motor vehicle in any unpaved area of any lot or parcel in the town.	\$ 50

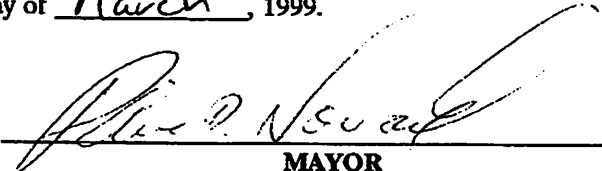
(d) Keeping any motor vehicle which is not in operating condition or which does not have a valid license plate decal properly displayed in any area of any lot for more than 30 days. \$ 50

(e) Keeping off-street parking of trucks and other commercial vehicles or equipment, in excess of 3/4 ton truck, in RS-1, RS-2, RD-1, RD-2, RM-1, RT-1 and CO-1 zoning districts, except when rendering services to the premises or continuously and completely enclosed within a permitted garage. \$100

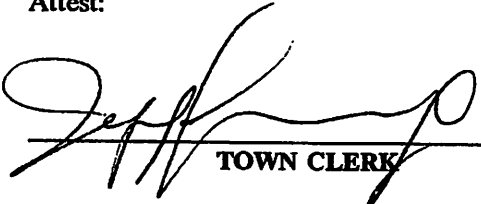
Sec. 90-230 Failure to comply with off-street parking design standards. \$100

Sec. 90-241 Failure to comply with off-street loading design standards. \$100

PASSED AND ADOPTED this 9 day of March, 1999.


MAYOR

Attest:


TOWN CLERK

Adopted 3/9/99

Approved as to form and legal sufficiency:


TOWN ATTORNEY



**Town of Surfside
Town Commission Meeting
December 12th, 2013**

COMMISSION COMMUNICATION ITEM

Please see the attached two letters:

- (1) Letter from me to Ms. Silvia Coltrane**
- (2) Ms. Coltrane's response**

Included in this month's Commission Agenda Packet for your information, and to make part of the Town's permanent record.

Thank you;

Respectfully,

Joe Graubart, Commissioner



TOWN OF SURFSIDE

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

September 30, 2013

Silvia Coltrane
Transacta Lanai Developers
9380 Collins Avenue, Suite 1
Surfside, FL 33154

Dear Silvia:

The Town Manager has informed the Town Commission of an upcoming meeting between you, him and Sarah Sinatra of CGA. This meeting, presumably to get an update on the development/project planned for your Transacta Lanai vacant land at 92nd Street between Collins and Harding Avenues.

As you will recall in 2004/05, the Town's Planning and Zoning Board (myself as Chairman and Mr. Daniel Dietch, member) enthusiastically and unanimously approved your beautiful 32 homes consisting of: 10 two story homes, 10 three story homes, 8 two story splits, and four "flats." The presentation your team gave, along with examples of "finishes", architectural details, etc., were upscale and gorgeous. That, along with the consideration given to neighborhood compatibility, density and the provided 89 parking spaces - we were overjoyed with such a project and truly looked forward to its completion.

Fast forward to 2010/11, you began to come before the Town with a new plan for a hotel, explaining that, "market conditions have changed and that this project no longer works or is not marketable". This eventually brought about approval for a hotel project consisting of approximately 150 hotel rooms/units which many residents of Surfside were, and remain to be concerned about.

Recent trends demonstrate that there is an increasing demand for single family home sales and there is also a scarcity of same in Surfside, especially new construction which includes all the modern amenities lacking in the existing older homes. Based upon these facts, that the market has changed once again, I respectfully ask and suggest that you return to your original vision of building the tranquil homes.

You will be a hero to so very many residents by building your original Lanai homes; something to be proud of, and as beautiful as the Azure condominium.

Respectfully,

Joseph Graubart
Town of Surfside Commissioner

October 2, 2013

Commissioner Joe Graubart
Town of Surfside
Surfside, Florida 33154

Dear Commissioner Graubart:

I am in receipt of your letter dated September 30th 2013, and take this moment to respond.

I am in agreement with you that the Lanai project was a beautiful project and that it was conceived with a lot of care and attention to details. It would have been a spectacular project, one of which I would have been very proud. Unfortunately the economy dictated that it was not feasible. Even though it was very well received, I am afraid that the project, given the level of speculation in the marketplace at that time, would have ended up with the same verdict as so many other developments that were on the market at that time that ended up in some bank's list of foreclosures.

I had the foresight to consider an alternative to build a hotel. This idea was good for Surfside, an area that was being depleted of its hotel inventory. The project, designed by one of the best known architects in South Florida, received approvals from the Town, as you are aware; and I am sure that many of the Town residents will be very proud that we are building such a nice hotel in our midst. The hotel will be an atypical Residence Inn by Marriott, and has a lot of beautiful features that are found in higher-end hotels: The beautiful courtyard; the pool deck; the interior details of the lobby and other public areas, the rooms; ample parking, something that is not available in most hotels in Miami Beach. Remember also that all the circulation is internal so as not to disturb the neighbors.

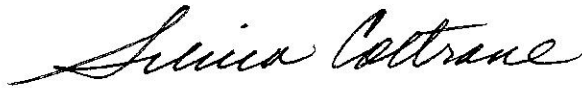
Even if I would have wanted to go back, because I also loved the project, it is impossible for us at the present time for the following reasons:

1. We have entered into a joint venture agreement with one of the country's largest hotel operators to co-develop and manage the hotel.
2. We are ready to start the development of the hotel. It was a difficult process to get construction financing in a tight financial environment, but we have now a construction loan commitment from Ocean Bank, and plan to close within the next 10 to 15 days. Their loan has been underwritten for a hotel project as conceived. We have paid a large commitment fee to the bank.
3. We have spent a lot of money in all our professionals for architecture, engineering, low voltage, and many other consultants for the hotel project.
4. We have engaged Kauffman and Lynn to be our General Contractors and are ready to pull our foundation permit as soon as the loan closes.
5. We have presented the full set of plans to the Town for a full building permit, and our professionals will be working with the Town officials to quickly address any questions or comments in order to get the final building permit.

6. We have our Franchise Agreement with Marriott for a Residence Inn. This will be very good for the Town, because it is one of the most desired and stable flags in the chain. There were also sizeable fees required to secure the franchise, and they have been paid. Marriott has one of the best reservation systems in the world, and we are expecting our hotel to generate a lot of revenues for the Town.

Joe, I know that you had to give it another try, and I appreciate that you liked the Lanai project as much as I did, but there is nothing that can be done to return to it. We have agreements executed and millions of dollars already invested and committed to the hotel project. I am sure that you will be proud of the final product. Please, feel free to contact me if you would like to further discuss the matter.

Best Regards,



Silvia Coltrane



Silvia Sabates Coltrane

Chairman and Managing Director

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**Town of Surfside
Town Commission Meeting
December 10th, 2013**

DISCUSSION ITEM MEMORANDUM

“Construction Hours”

Objective: Review and reconsider permissible/permitted hours for construction.

Consideration: It is a duty and goal of the Town Commission to protect resident’s safety, health and well being – reviewing Construction hours pursues this goal. These are some of the construction projects: the ‘hotel project’ on 92nd Street may commence shortly, demolition of the Surf Club is underway (construction encompassing east and west sides of Collins Ave. and east side of Harding Ave.), second story Community Center, and Chateau residences (former Best Western). Many, many other projects are being proposed for our small Town.

Action: I am asking the Commission to give direction to the Town Attorney and Town Manager to prepare legislation establishing updated permitted/permissible “Construction Hours.”

Additional Info:

- **Miami Shores Village: Permitted Hours: Mon. – Fri. 8 am – 7 pm**
- **Bal Harbour: HOURS PROHIBITED: Mon. – Saturday 5:30 pm – 8:30 am**
- **Bay Harbor Islands: Permissible Hours: Mon – Fri. 9 am – 6 pm
Saturday 10 am – 5 pm**
- **Surfside: Dec. 1 – March 31: 9 am-5:30 pm and, April 1 – November 30: 8am – 8pm
Permitted Hours. Note: It appears that our 8 pm is not aligned with other communities.**

See attached details as provided by Town Attorney for above.

Note: Shortening construction hours may lengthen completion time for project.

Joe Graubart, Commissioner

Miami Shores Village

Sec. 6-8 Construction noise.

Any site preparation, construction, assembly, erection, substantial repair, alteration, delivery of materials, demolition or similar action, which disturbs the peace and quiet of the neighborhood, on public or private property, rights-of-way, structures, utilities or similar property under any permit issued by the Miami Shores Building Department and shall not take place outside the following hours:

- (a) Monday through Friday, 8:00 a.m. and 7:00 p.m.
- (b) Saturday 8:00 a.m. and 6:00 p.m.

In addition, Thanksgiving, Christmas and New Year's Day shall be recognized as holidays during which no action associated with a building department permit which disturbs the peace and quiet of the neighborhood shall take place.

Nothing contained in this section shall prohibit bona-fide emergency repair work to be conducted at any time.

Bal Harbor Village

Sec. 11-31. Certain Noises restricted to specified hours.[permanent link to this piece of content](#)

- (a) Noises other than those enumerated in 11-29, because of their nature and characteristics, shall be grouped as follows for the purpose of control and restriction:
 - (1) Steam, gasoline or oil-operated cranes, pile drivers, excavators, dredges, ditchers and all other similar machinery;
 - (2) One-cylinder steam or internal-combustion engines, horizontal or vertical;
 - (3) Air compressors and pneumatic riveting machines, jackhammers, drills and other similar air equipment;
 - (4) Power band and circular saws working in the open;
 - (5) Hand hammers on steel or iron, structural, rivet or otherwise;
 - (6) Stationary or portable concrete mixers, with engines multicylindered and properly muffled;
 - (7) Power band and circular saws, sanders, planers, grinding machines, drills, bar benders and cutters, and similar machinery, when enclosed;
 - (8) Hand operations in connection with plumbing, electrical, roofing and framing work in the open;
 - (9) Transit concrete mixers, with engines multicylindered and properly muffled, operated to cause the least possible noise;
 - (10) Hand operations in connection with plumbing, electrical, roofing and framing work, when enclosed;
 - (11) Hand loading and unloading and the handling of building materials and other similar heavy trucking;
 - (12) Masonry work and the hand mixing of mortar;
 - (13) Plastering and the hand mixing of plaster;
 - (14) Painting;
 - (15) Glazing;
 - (16) Landscaping; and
 - (17) All other Noises of similar intensity and/or annoyance.

Noises, to be considered enclosed, shall originate within the exterior walls of a building.

- (b) The Noises set forth in subsection (a) of this section are hereby prohibited at any location and at any hour on Sundays and on New Year's Day, Christmas Day, Independence Day, Labor Day and Thanksgiving Day, and on Mondays through Saturdays from 5:30 p.m. to 8:30 a.m.
- (c) Except with the prior written consent of the Village Manager or his or her designee, it shall be unlawful to construct or demolish, or to add to, alter or repair the exterior portion of, any dwelling, or to mow or perform any other lawn maintenance activities which require the use of machinery, in residential districts between the hours of 5:30 p.m. and 8:30 a.m. on Mondays through Saturdays, and during any hours on Sundays and on New Year's Day, Christmas Day, Independence Day, Labor Day, and Thanksgiving Day. Such consent shall not be withheld if documented proof is submitted to the Village Manager or his or her designee showing that the activities described in this paragraph (c) are necessary, cannot be done at any other time, and will not take more than one day to complete.
- (d) Except in an Emergency which will result in damage or injury, or with the prior written consent of the Village Manager or his or her designee, it shall be unlawful to permit independent contractors, vendors, or any other hired persons or employees to make any additions, alterations, or repairs inside any dwelling in residential districts between the hours of 9:00 p.m. and 8:30 a.m. on any day. Such consent shall not be withheld if documented proof is submitted to the Village Manager or his or her designee showing that any alterations, additions, or repairs described in this paragraph are necessary, cannot be made at any other time, and will not take more than one day to complete.

Bay Harbor Island

Sec. 12-26. Permissible hours for construction activity and landscaping.

The performance of construction activity and landscaping within the town shall be allowed only from 9:00 a.m. until 6:00 p.m., Monday to Friday, and between the hours of 10:00 a.m. and 5:00 p.m. Saturday. Notwithstanding the above, the operation of leaf blowers is hereby prohibited on Saturdays.

The performance of construction activity and landscaping within the town shall not be allowed on, Sundays or legal holidays, and the same is hereby specifically prohibited. For purposes of this section, the term "legal holidays" is defined as any day legally observed as a holiday by the town.