



**Town of Surfside  
Town Commission Meeting  
AGENDA  
June 10, 2014  
7 p.m.**

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

**1. Opening**

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks – Mayor Daniel Dietch**
- E. Agenda and Order of Business Additions, deletions and linkages**
- F. Community Notes – Mayor Daniel Dietch**
- G. 2014 Hurricane Preparedness – Chief of Police David Allen**

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

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

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

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

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

- A. Minutes** – May 13, 2014 Regular Town Commission Meeting  
May 14, 2014 Special Commission Meeting – Community Dialogue –  
Community Center Expansion  
May 22, 2014 Budget Workshop  
May 22, 2014 Joint Workshop – Town Commission and Planning and  
Zoning Board
- B. Budget to Actual Summary as of March 31, 2014** – Donald Nelson, Finance  
Director
- \*C. Town Manager’s Report** – Michael P. Crotty, Town Manager
- \*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
- March 17, 2014 Parks and Recreation Committee Minutes
  - March 24, 2014 Downtown Vision Advisory Committee Minutes
  - April 28, 2014 Planning and Zoning Board Minutes
- G. Proclamations**
1. Toni Carraway – Mayor Daniel Dietch
  2. Jannet Dennard – Mayor Daniel Dietch
  3. Margarita Reyes - Mayor Daniel Dietch
  4. Estela Egozi Berry – Mayor Daniel Dietch
- H. 4<sup>th</sup> of July Fireworks** – Tim Milian, Parks and Recreation Director

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF  
SURFSIDE, FLORIDA, APPROVING AN AFTER-THE-FACT  
AGREEMENT WITH ZAMBELLI FIREWORKS MANUFACTURING CO.  
FOR EXHIBITION AND DISPLAY OF FIREWORKS; APPROVING THE  
EXPENDITURE OF \$4,000.00 FROM THE RESORT TAX FUND,  
ACCOUNT NO. 102-8000-552-48-10 AND \$8,000.00 FROM THE GENERAL  
FUND, PARKS & RECREATION DEPARTMENT, ACCOUNT NO. 001-6000-  
572-4810; PROVIDING FOR AN EFFECTIVE DATE**

#### 4. Ordinances

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

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

1. **An Ordinance Amending the Civil Penalty Provisions of Chapter 90 (Zoning Code) by Repealing Civil Penalty Provisions Contained Therein - Joe Damien, Code Compliance Director [LINKED TO ITEMS 4A2 AND 5C]**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE CODE OF THE TOWN TO AMEND ALL SECTIONS REFERENCING FINE AMOUNTS FOR CODE VIOLATIONS; SPECIFICALLY AMENDING SECTIONS 90-41.1 "SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS AND TOWNHOMES"; 90-49.2 "AWNINGS AND CANOPIES"; 90-56 "FENCES, WALLS AND HEDGES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

2. **An Ordinance Amending the Civil Penalty Provisions of the Town Code (less Chapter 90) by Repealing Civil Penalty Provisions Contained Therein - Joe Damien, Code Compliance Director [LINKED TO ITEMS 4A1 AND 5C]**

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTIONS OF THE CODE RELATING TO FINES AND PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS; SPECIFICALLY AMENDING; CHAPTER 1 "GENERAL PROVISIONS" SECTION 1-8 "PENALTY FOR VIOLATIONS"; CHAPTER 10 "ANIMALS" SECTION 10-27 "PENALTY"; CHAPTER 14 "BUILDINGS AND BUILDING REGULATIONS" SECTIONS 14-31 "REQUIRED ROOFING MATERIALS," 14-51 "ESTABLISHED," AND 14-55 "VACANT LOTS OR BUILDINGS"; CHAPTER 15 "CODE ENFORCEMENT" SECTIONS 15-6 "CIVIL INFRACTIONS AND PENALTIES," 15-11 "CIVIL PENALTIES AND RELATED TERMS CONSTRUED," AND 15-18 "VIOLATIONS; SCHEDULE OF CIVIL PENALTIES"; CHAPTER 18 "BUSINESSES" SECTIONS 18-85 "CIVIL FINES AND PENALTIES; DENIAL OF FUTURE PERMITS TO REPEAT VIOLATORS," AND 18-88 "PERMITTED AREAS; CONDITIONAL PERMIT; TOWN MANAGER'S RIGHT TO REMOVE SIDEWALK CAFÉS"; CHAPTER 34 "ENVIRONMENT"**

**SECTIONS 34-71 “VACANT LOTS,” AND 34-80 “PROHIBITIONS ON LITTER; CIVIL FINES FOR VIOLATIONS; ENFORCEMENT; APPEALS; LIENS”; CHAPTER 42 “FLOODS” SECTION 42-64 “PENALTIES [SIC] FOR VIOLATION”; AND CHAPTER 70 “TAXATION” SECTIONS 70-32 “DELINQUENCIES; ADDITIONAL PENALTIES” AND 70-36 “HEARING WHEN THE RECEIPT HOLDER FAILS TO COMPLY WITH NOTICE OR WHEN REQUESTED BY AGGRIEVED APPLICANT/RECEIPT HOLDER”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.”**

- 3. Dock Projection Ordinance (Dock on Biscayne Bay) – Sarah Sinatra, Town Planner**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE CODE OF THE TOWN TO AMEND SECTION 90-57 “MARINE STRUCTURE” TO EXTEND THE LENGTH OF THE DOCK PROJECTION INTO BISCAYNE BAY AND TO PROVIDE FOR A COURTESY NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

*(Set for approximately 9:00 p.m.) (Note: Good and Welfare must begin at 8:15)*

#### **B. First Reading Ordinances**

- 1. Solar Panels – Sarah Sinatra, Town Planner**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”; AND SPECIFICALLY AMENDING SECTION 90.2 “DEFINITIONS”; AMENDING SECTION 90-19.7 TO EXEMPT ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS FROM PLANNING AND ZONING BOARD REVIEW AND TO FOLLOW DESIGN GUIDELINES; AND CREATING SECTION 90-50.3 “ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS” TO PROVIDE REGULATIONS OF ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE SURFSIDE CODE OF ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE.**

**5. Resolutions and Proclamations**

*(Set for approximately 9:15 p.m.) (Note: Depends upon length of Good and Welfare)*

- A. Resolution Adopting Civil Fine Schedules, Administrative Fees, and Abatement Costs for Code Violations – Joe Damien, Code Compliance Director [LINKED TO ITEMS 4A1 AND 4A2]**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE FLORIDA, AMENDING THE SCHEDULE OF CIVIL PENALTIES AND ADMINISTRATIVE FEES TO BE ASSESSED FOR VIOLATION OF THE CODE OF THE TOWN OF SURFSIDE, AS PROVIDED IN CHAPTER 1 “GENERAL PROVISIONS”, SPECIFICALLY SECTION 1-8 “PENALTY FOR VIOLATIONS”, AND CHAPTER 15 “CODE ENFORCEMENT” SPECIFICALLY SECTION 15-18 “VIOLATIONS; SCHEDULE OF CIVIL PENALTIES”; REPEALING ALL OTHERS; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING AN EFFECTIVE DATE.**

- B. Resolution re: Moratorium on the Downtown Parking Trust Fund (“PTF”) –Commissioner Michael Karukin [SET FOR TIME CERTAIN 7:30PM]**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE NEED FOR A MORATORIUM ON THE OPTION TO USE THE PARKING TRUST FUND FOR OFF-STREET PARKING AS APPLIED TO ANY PROPOSED DEVELOPMENT WHICH HAS NO COMPLETE APPLICATION PENDING; REQUESTING THAT THE PLANNING AND ZONING BOARD MAKE RECOMMENDATIONS REGARDING MODIFICATIONS TO THE PARKING TRUST FUND OPTION AND REGARDING SUCH MORATORIUM; DIRECTING THE TOWN CLERK TO PUBLISH A NOTICE OF ZONING IN PROGRESS AS APPLIED TO ANY PROPOSED DEVELOPMENT WHICH HAS NO COMPLETE APPLICATION PENDING; 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. Discussion on Operating Hours of Grand Beach Skybar (Verbal) – Commissioner Michael Karukin**
- B. Condition of the Plans Scanning Machine – Commissioner Marta Olchyk**
- C. Enforcement of Allowing Dogs in the Narrow Walk Path – Commissioner Marta Olchyk**
- D. Town Hall: Roof, Air Conditioning Issues and Remediation – Joseph Kroll, Public Works Director**
- E. Approval of Budget Schedule for FY 14/ 15 – Donald Nelson, Finance Director**
- F. Community Center Expansion – Outreach and Planning Initiative – Michael P. Crotty, Town Manager**
- G. Sand Update after Town Hall Meeting – Michael P. Crotty, Town Manager [ITEM TO BE DELIVERED SEPARATLY DUE TO THE TOWN HALL MEETING BEING HELD ON MONDAY, JUNE 2, 2014] [SET FOR TIME CERTAIN 8:30 PM]**
- H. Environmental Stewardship Policies and Procedures – Mayor Daniel Dietch**
- I. 88<sup>th</sup> Annual Florida League of Cities (FLC) Conference Voting Delegate – Sandra Novoa, Town Clerk**

**10. Adjournment**

Respectfully submitted,



Michael P. Crotty  
Town Manager

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

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

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT [www.townofsursidefl.gov](http://www.townofsursidefl.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  
Town Commission Meeting  
MINUTES  
May 13, 2014  
7 p.m.**

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

**1. Opening**

**A. Call to Order**

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

**B. Roll Call of Members**

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

**C. Pledge of Allegiance**

Chief David Allen led the Pledge of Allegiance

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

Vice Mayor Tourgeman said he attended the Bal Harbour Shops presentation as he was concerned with their plans regarding parking. Commissioner Karukin reminded all of the upcoming meeting of the Charter Review Board on June 18, 2014. Mayor Dietch thanked the Clausells, Ms. Lewis, Dr. Holtz, Mr. Strauss and staff for their services to the community.

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

Vice Mayor Tourgeman made a motion to link item 9G to item 1F and to move item 5D. The motion received a second from Commissioner Karukin and all voted in favor.

Commissioner Karukin made a motion to defer Items 5C, 9C and 9I. The motion received a second from Commissioner Cohen and all voted in favor with Commissioner Olchyk absent.

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

Mayor Dietch announced the upcoming community events which can be found on the Town's website.



**G. Recognition of Community Garden President Melissa Moonves – Mayor Daniel Dietch**

Mayor Dietch presented Community Garden President Melissa Moonves with a proclamation, a Surfside coin and a license plate holder. Ms. Moonves gave the members of the Town Commission a token of appreciation from the garden and presented the new officers.

Town Attorney Linda Miller presented Assistant Town Attorney Sarah Johnson with a plaque thanking her for her years of service and wished her well in her new endeavors.

**H. Presentation on 2014 Legislative Session – Fausto Gomez, Gomez Barker Associates, Inc.**

Town Lobbyist Fausto Gomez provided an overview on the 2014 Legislative Session and answered questions from the Commission.

Commissioner Karukin made a motion to move item 9E after Good and Welfare. The motion received a second from Vice Mayor Tourgeman and all voted in favor.

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

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

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

**A. Minutes – April 8, 2014 Regular Town Commission Meeting**

**B. Budget to Actual Summary as of February 28, 2014 – Donald Nelson, Finance Director**

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

**\*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**

- February 10, 2014 Parks and Recreation Committee Meeting Minutes
- March 03, 2014 Tourist Board Meeting Minutes
- March 27, 2014 Planning and Zoning Board Meeting Minutes
- April 7, 2014 Tourist Board Meeting Minutes

**G. National Missing Children's Day – David Allen, Chief of Police**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) RECOGNIZING MAY 25<sup>TH</sup> AS NATIONAL MISSING CHILDREN’S DAY AND SUPPORTING THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN’S TAKE 25 CAMPAIGN; DIRECTING THE TOWN CLERK TO SEND A COPY OF THIS RESOLUTION TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN AND ALL SOUTH FLORIDA MUNICIPALITIES; PROVIDING FOR AN EFFECTIVE DATE.**

Adopt on Consent

**H. Civility Month Proclamation – Mayor Daniel Dietch**

**I. Pets’ Trust Support Resolution – Mayor Daniel Dietch**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RECOGNIZING THAT AN OVERWHELMING MAJORITY OF THE MIAMI-DADE COUNTY ELECTORATE VOTED TO SUPPORT THE INITIATIVES PRESENTED BY PETS’ TRUST; URGING THE MIAMI-DADE COUNTY COMMISSION TO IMPLEMENT THE WILL OF THE PEOPLE IN THIS CURRENT BUDGET SESSION BY ESTABLISHING THE FUNDING MECHANISMS FOR SAID INITIATIVES; ENCOURAGING OTHER MIAMI-DADE COUNTY MUNICIPALITIES TO JOIN THE TOWN OF SURFSIDE IN THEIR SUPPORT FOR THE PETS’ TRUST; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE MAYOR AND COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA AND ALL SOUNTH FLORIDA MUNICIPALITIES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Adopt on Consent.

**J. Expenditure of Forfeiture Funds – 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 \$6,471.00 FROM THE FORFEITURE FUND FOR THE PURCHASE OF SOFTWARE AND ACCESSORIES TO BE INSTALLED IN THE NEW PATROL LAPTOPS; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

Adopt on Consent.

**K. Procedures for the Procurement of Firearms, Ammunition, and Firearm Accessories from Responsible Manufactures, Distributors, and Retailer – David Allen, Chief of Police**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) DIRECTING THE TOWN MANAGER AND THE SURFSIDE POLICE DEPARTMENT TO CREATE PROCEDURES FOR THE PROCUREMENT OF FIREARMS, AMMUNITION, AND FIREARM ACCESSORIES FROM RESPONSIBLE MANUFACTURERS, DISTRIBUTORS, AND RETAILERS; DIRECTING THE TOWN CLERK TO SEND A COPY OF THIS RESOLUTION TO ALL SOUTH FLORIDA MUNICIPALITIES, THE FLORIDA LEAGUE OF CITIES, INC., ALL MEMBERS OF FLORIDA'S CONGRESSIONAL DELEGATION, AND TO THE OBAMA ADMINISTRATION; PROVIDING FOR AN EFFECTIVE DATE.**

Adopt on Consent.

**4. Ordinances**

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

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

- 1. Ordinance Amending Section 66-7 “Disposal of grass cuttings and hedge trimmings.” – Joseph Kroll, Public Works Director**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 66-7, “DISPOSAL OF GRASS CUTTINGS AND HEDGE TRIMMINGS” OF THE CODE OF ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the Ordinance.

Vice Mayor Tourgeman made a motion to approve. The motion received a second from Commissioner Olchyk.

Mayor Dietch opened the public hearings. No one wishing to speak the Mayor closed the public hearings and a vote was taken.

The motion carried 4-1 with Commissioner Karukin voting in opposition.

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

**B. First Reading Ordinances**

- 1. An Ordinance Amending the Civil Penalty Provisions of Chapter 90 (Zoning Code) bu Repealing Civil Penalty Provisions Contained Therein**

- Joe Damien, Code Compliance Director [LINKED TO ITEMS 4B2 AND 9B]

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE CODE OF THE TOWN TO AMEND ALL SECTIONS REFERENCING FINE AMOUNTS FOR CODE VIOLATIONS; SPECIFICALLY AMENDING SECTIONS 90-41.1 "SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS AND TOWNHOMES"; 90-49.2 "AWNINGS AND CANOPIES"; 90-56 "FENCES, WALLS AND HEDGES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the Ordinance. Code Compliance Director Joe Damien presented the item.

Vice Mayor Tourgeman made a motion to approve. The motion received a second from Mayor Dietch after passing the gavel. The motion carried 4-1 with Commissioner Karukin voting in opposition.

- 2. An Ordinance Amending the Civil Penalty Provisions of the Town Code (less Chapter 90) by Repealing Civil Penalty Provisions Contained Therein - Joe Damien, Code Compliance Director [LINKED TO ITEMS 4B1 AND 9B]**

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTIONS OF THE CODE RELATING TO FINES AND PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS; SPECIFICALLY AMENDING; CHAPTER 1 "GENERAL PROVISIONS" SECTION 1-8 "PENALTY FOR VIOLATIONS"; CHAPTER 10 "ANIMALS" SECTION 10-27 "PENALTY"; CHAPTER 14 "BUILDINGS AND BUILDING REGULATIONS" SECTIONS 14-31 "REQUIRED ROOFING MATERIALS," 14-51 "ESTABLISHED," AND 14-55 "VACANT LOTS OR BUILDINGS"; CHAPTER 15 "CODE ENFORCEMENT" SECTIONS 15-6 "CIVIL INFRACTIONS AND PENALTIES," 15-11 "CIVIL PENALTIES AND RELATED TERMS CONSTRUED," AND 15-18 "VIOLATIONS; SCHEDULE OF CIVIL PENALTIES"; CHAPTER 18 "BUSINESSES" SECTIONS 18-85 "CIVIL FINES AND PENALTIES; DENIAL OF FUTURE PERMITS TO REPEAT VIOLATORS," AND 18-88 "PERMITTED AREAS; CONDITIONAL PERMIT; TOWN MANAGER'S RIGHT TO REMOVE SIDEWALK CAFÉS"; CHAPTER 34 "ENVIRONMENT" SECTIONS 34-71 "VACANT LOTS," AND 34-80 "PROHIBITIONS ON LITTER; CIVIL FINES FOR VIOLATIONS; ENFORCEMENT; APPEALS; LIENS"; CHAPTER 42 "FLOODS" SECTION 42-64 "PENALTIES [SIC] FOR VIOLATION"; AND CHAPTER 70 "TAXATION" SECTIONS 70-32 "DELINQUENCIES; ADDITIONAL**

**PENALTIES” AND 70-36 “HEARING WHEN THE RECEIPT HOLDER FAILS TO COMPLY WITH NOTICE OR WHEN REQUESTED BY AGGRIEVED APPLICANT/RECEIPT HOLDER”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.”**

Town Clerk Sandra Novoa read the title of the Ordinance.

Vice Mayor Tourgeman made a motion to approve. The motion received a second from Commissioner Cohen for discussion. Vice Mayor Tourgeman made a motion to withdraw his motion for 4B 2 and made a motion for 4B 1. Mayor Dietch passed the gavel and seconded the motion.

Vice Mayor Tourgeman made a motion to approve. The motion received a second from Commissioner Olchyk. The motion carried 4-1 with Commissioner Karukin voting in opposition.

For the record Mayor Dietch said they were striking the references to dollars for the fines and there will be discussion in the form of a resolution.

**3. Dock Projection Ordinance (Dock on Biscayne Bay) – Sarah Sinatra, Town Planner**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE CODE OF THE TOWN TO AMEND SECTION 90-57 “MARINE STRUCTURE” TO EXTEND THE LENGTH OF THE DOCK PROJECTION INTO BISCAYNE BAY AND TO PROVIDE FOR A COURTESY NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Cohen made a motion to bring the item back. The motion received a second from Commissioner Karukin and all voted in favor with Commissioner Olchyk absent.

Commissioner Karukin made a motion to approve. The motion received a second from Vice Mayor Tourgeman. All voted in favor with Commissioner Olchyk absent.

**5. Resolutions and Proclamations**

*(Set for approximately 9:00 p.m.) (Note: Depends upon length of Good and Welfare)*

**A. Resolution Approving the Design of the 94<sup>th</sup> Street End Project – Michael P. Crotty, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA PURSUANT TO RESOLUTION NO. 13-Z-04, CONDITION NO. 25 REVIEWING AND APPROVING THE DESIGN PREPARED BY THE APPLICANT, CHATEAU OCEAN, LLC FOR THE 94<sup>th</sup> STREET END PROJECT; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Cohen made a motion to approve. The motion received a second from Commissioner Olchyk.

Commissioner Karukin had questions related to the project. Representatives from the Chateau presented some visuals to address the questions from Commissioner Karukin. Public Speaker Pablo Clausell spoke and expressed his concerns about some issues. There was much discussion on the item.

Commissioner Karukin made a motion to extend the meeting ten minutes. The motion received a second from Commissioner Cohen. The motion carried 3-2 with Vice Mayor Tourgeman absent for the vote. Commissioner Olchyk had left the meeting at 11:15 p.m.

Commissioner Karukin made a motion to defer the item. The motion received a second from Mayor Dietch after passing the gavel. All voted in favor with Commissioner Olchyk absent.

**B. Resolution Authorizing Public-Private Partnership Advisory Services – Michael P. Crotty, Town Manager [LINKED TO ITEM 5C AND 9I]**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN ADMINISTRATION TO RETAIN LAMBERT ADVISORY, L.C., (“LAMBERT”) TO ASSIST THE TOWN IN EVALUATING A PUBLIC/PRIVATE PARTNERSHIP PARKING SOLUTION; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO EXECUTE AN AGREEMENT FOR RETENTION OF LAMBERT FOR CONSULTING SERVICES; AUTHORIZING THE APPROPRIATION AND EXPENDITURE FROM THE 2013/2014 FISCAL YEAR BUDGET NOT TO EXCEED \$18,500 FROM THE PARKING FUND, ACCOUNT NO. 402-9500-545-3110; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Vice Mayor Tourgeman made a motion to accept. The motion received a second from Commissioner Cohen. The motion carried 4-1 with Commissioner Karukin voting in opposition.

**C. Resolution re: Moratorium on the Downtown Parking Trust Fund (“PTF”)** –Commissioner Michael Karukin [LINKED TO ITEM 5B AND 9I]

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE NEED FOR A MORATORIUM ON THE OPTION TO USE THE PARKING TRUST FUND FOR OFF-STREET PARKING AS APPLIED TO ANY PROPOSED DEVELOPMENT WHICH HAS NO COMPLETE APPLICATION PENDING; REQUESTING THAT THE PLANNING AND ZONING BOARD MAKE RECOMMENDATIONS REGARDING MODIFICATIONS TO THE PARKING TRUST FUND OPTION AND REGARDING SUCH MORATORIUM; DIRECTING THE TOWN CLERK TO PUBLISH A NOTICE OF ZONING IN PROGRESS AS APPLIED TO ANY PROPOSED DEVELOPMENT WHICH HAS NO COMPLETE APPLICATION PENDING; AND PROVIDING FOR AN EFFECTIVE DATE.**

Item deferred

**D. Resolution Ratifying and Approving the Town Commission Members’ Appointments for the Resort Tax Board, Design Review Board, Pension Board, Personnel Appeals Board** – Linda Miller, Town Attorney

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) RATIFYING AND APPROVING THE TOWN COMMISSION MEMBERS’ APPOINTMENTS FOR THE RESORT TAX BOARD, DESIGN REVIEW BOARD, PENSION BOARD, PERSONNEL APPEALS BOARD, AND POLICE OFFICERS RETIREMENT TRUST BOARD; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

The Mayor opened the meeting to Good and Welfare.

Public Speakers:

--Terry Cohen said there is a need for more dog poop stations. She also said she has a problem with a neighbor’s large wind chimes and noise.

--Peter Neville spoke and gave his point of view as to the Shul being constructed and the traffic problem he feels will incur.

--Louis Cohen spoke about global warming.

--Leon Brum said there is an apartment sign on 89<sup>th</sup> Street and Harding Ave which obstructs visibility when driving. Mr. Brum also indicated a need for more handicapped parking in front of the Community Center.

--George Espinel , Gisela Santiago, Stefan Laft, Deborah Cimadevilla, Angela McBride, Aline Ellis, spoke regarding hedges and code enforcement. They thanked the Mayor and Commission for holding the upcoming special meeting so they will have the opportunity to express their views and present some ideas for resolution.

--Pablo Clausell spoke regarding traffic.

--Irene Secada spoke on behalf of the Pet Trust Support and is supportive of the resolution.

No one else wishing to speak the Mayor closed the meeting to Good and Welfare and resumed to item 9E.

**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. Hedges and Corner Visibility (Sight Triangle) at Intersections – Joe Damien, Code Compliance Director [TIME CERTAIN AT 7:30 PM]**

Vice Mayor Tourgeman made a motion to schedule a special meeting no later than forty-five (45) days, involving residents, present findings and bring item to closure. The motion received a second from Commissioner Karukin. The motion carried 4-1 with Commissioner Olchyk voting in opposition.

**B. A Draft Resolution Adopting Civil Fine Schedules, Administrative Fees, and Abatement Costs for Code Violations – Joe Damien, Code Compliance Director [LINKED TO ITEMS 4B1 AND 4B2]**

Code Compliance Officer Damien gave an overview of the item. The Commission had several questions which Officer Damien addressed.

Vice Mayor Tourgeman made a motion to approve. The motion received a second from Commissioner Olchyk. The motion carried 4-1 with Commissioner Karukin voting in opposition.

Commissioner Karukin made a motion to extend the meeting one hour. The motion received a second from Mayor Dietch after passing the gavel. The motion failed with Commissioners, Cohen and Olchyk and Vice Mayor Tourgeman voting in opposition.

Vice Mayor Tourgeman made a motion to extend the meeting fifteen minutes. The motion received a second from Mayor Dietch after passing the gavel. The motion carried 3-2 with Commissioners, Cohen and Olchyk voting in opposition.

**C. Town Hall: Roof, Air Conditioning Issues and Mold Remediation – Joseph Kroll, Public Works Director – Item deferred**

**D. Update on May Special Meeting (Community Center Expansion; Sign Code and FY 14/15 Budget) – Michael P. Crotty, Town Manager**

**E. Surf Club Sand Transfer Project Update – Michael P. Crotty, Town Manager**



Town Manager Crotty presented the item to the Town Commission.

Mr. Tom Tepper, P.E. from Terracon Consultants, Inc. presented the Town Commission with the sand findings.

Mr. Tepper addressed questions from the Commission and the composition of the sand. Commissioner Karukin asked if the amount of arsenic in the sand can be a health risk and Mr. Tepper indicated that would have to be determined by a toxicologist. He has recommended a toxicologist to the Town Manger.

Public Speaker Dr. Edmund Handwerper spoke about his concerns regarding the amount of arsenic in the sand and the effects of heavy metal toxicity may have on young children. He questioned why a toxicologist had not been called to address this issue. The sand should also be tested for radon.

Public Speaker George Kousoulos spoke about sand dunes on the beach and also on the arsenic level in sand.

Public Speaker Candace Chin Fatt representing the Surf Club gave a report of their study on the composition of the sand and said there was no evidence that the Surf Club property has contributed to the amount of arsenic now found in the sand.

Public Speakers Terry Cohen, Deborah Cimadevilla and Marina Sanabia expressed their concerns about this issue.

After much discussion Vice Mayor Tourgeman made a motion that Town Manager Crotty go forward to authorize a proposal from the toxicologist recommended by Mr. Tepper to analyze any health issues and identify health risk assessment. Mr. Crotty will also take a formal position from the Commission to the FDEP to address the issue. The toxicology report should include radon levels and staff will explore the options of other tests. The Town Manager will also convene a public meeting presenting its findings. The motion received a second from Commissioner Cohen and all voted in favor.

**F. Boards and Committees Appointments**– Sandra Novoa, Town Clerk

Vice Mayor Tourgeman nominated James McKenzie to the Design Review Board.

Commissioner Karukin nominated Jessica Weiss to the Design Review Board.

A vote was taken and Vice Mayor Tourgeman and Commissioner Olchyk voted for James McKenzie. Commissioner Cohen, Commissioner Karukin and Mayor Dietch voted for Jessica Weiss. Jessica Weiss will be the new member of the Design Review Board.

Mayor Dietch passed the gavel and made a motion to accept resident members Abraham Iisa and Michael Feldman to the Pension Board. The motion received a second from Commissioner Olchyk and all voted in favor.

Mayor Dietch appointed Jason Chats to the Personal Appeals Board.

Commissioner Cohen appointed Moisha Rubenstein to the Planning and Zoning Board

**G. Establish Date for Quasi-Judicial Hearing for Shul Project** – Michael P. Crotty, Town Manager

Commissioner Karukin made a motion to have the hearing on Wednesday, June 24, 2014 at 7:00 p.m.

Town Manager Crotty read a statement to go in the record “In the event that the Administrative Law Judge does not rule in the Administrative Appeal of the Comp Plan Amendment prior to the date of the Shul site plan special meeting, The Shul agrees to a continuance to the next specifically set schedule meeting date.” Recapping, Mayor

Dietch said in the event the administrative law judge has not ruled in favor of the town by June 24, 2014, 5:00 p.m. then the scheduled meeting of June 24, 2014 at 7:00 p.m. will not take place.

Vice Mayor Tourgeman made a motion to approve. The motion received a second from Mayor Dietch after passing the gavel and all voted in favor with Commissioner Olchyk absent.

Commissioner Karukin made a motion to extend the meeting to 11:30 p.m. The motion received a second from Commissioner Cohen and all voted in favor with Commissioner Olchyk absent.

- H. Change of President for the Community Garden Non-Profit** – Duncan Tavares, TEDACS Director
- I. Presentation of Report: Parking Solution: The Next Step** - Michael P. Crotty, Town Manager [ITEM LINKED TO ITEMS 5B AND 5C] Item deferred
- J. Community Notes move out of the Agenda and place with awards and presentations at 6:30 p.m. to 7:00 p.m.** – Vice Mayor Tourgeman  
Vice Mayor Tourgeman made a motion to move Community Notes to 6:30p.m. together with Awards and Presentations. The motion received a second from Commissioner Olchyk. After some discussion, the motion failed 2-3 with Commissioner Cohen, Commissioner Karukin and Mayor Dietch voting in opposition

## 10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 11.30 p.m.

Accepted this \_\_\_\_ day of \_\_\_\_\_, 2014

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

Attest:

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



**TOWN OF SURFSIDE**  
**Special Town Commission Meeting**  
**Community Dialogue**  
**Community Center Expansion**  
**Wednesday, May 14, 2014 – 7:00 p.m.**  
**Commission Chambers**  
Town Hall 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**MINUTES**

**I. Call to Order and Roll Call**

The meeting was called to order by Mayor Daniel Dietch, at 7:06pm.

Recording Clerk, Frantza Duval called the roll with the following members present: Mayor Dietch, Vice Mayor Tourgeman, Commissioner Cohen, and Commissioner Karukin.

Commissioner Olychk was absent.

Resident, Lou Cohen led the Pledge of Allegiance.

**Also in attendance:** Michael Crotty, Town Manager, Duncan Tavares, TEDACS Director, Tim Milian, Parks and Recreation Director, Donald Nelson, Finance Director, Ross Prieto, Building Official, Residents: Lou & Barbara Cohen, June & Peter Neville, Elise Harris, Sandra Argow, Jason Nevader, Frantza Duval, Recording Clerk.

**II. Open Discussion**

Michael Crotty presented a slide with regards to the expansion of community center.

He advised that the community needs to be involved in order for the project to be successful.

The time frame for construction would be 9-12 months.

The Town is looking to spend under \$100,000 for the conceptualization/design phase for the community center expansion.

The initial startup money allocated for the expansion of community center is \$517,000.

The Town Manager advised that engineering analysis is needed to determine if structural capacity of the current community center is adequate to accommodate additional stories.

The projected time frame is incremental. Once the plan is approved it can take anywhere from six months from the final plan to be completed to submit to the architect for approval; two-three months for bid awards and signing of the contracts.

Vice Mayor Eli Tourgeman wants to move quickly with community center and suggested that the timeline presented be shortened.

Jason Nevader, resident, suggested that the more variety we have the better.

Elise Harris, resident, wants a library/media center to be considered for the second floor of the community center.

Barbara Cohen wants tourist to be able to make more use of the facilities.

Peter Neville advised that the current bollards in front of community center are installed incorrectly. The current lifeguard office should be moved near the north side of the fence and away from the concession stand. Additional storage space is also needed. The main pool was built on the wrong side as it gets cold in the winter time. A visible tourist office and library is needed.

Jason Nevader wants the Town to also move forward with renovations at the Tot Lot on Hawthorne.

June Neville advised that since the town avenues are named after literary writers it would be fitting to have a library to learn more about said writers.

Commissioner Michael Karukin inquired if the first \$100,000 will be used to determine how many floors can be built in the expansion. Town Manager, Michael Crotty advised it would and that the structural engineer will make the determination of how many floors can be built on the existing community center.

Commissioner Karukin want to the Parks and Recreation Committee to be responsible for the design review of the community center expansion. He would also like to see the second floor with a high ceiling to provide an auditorium like feel.

Commissioner Barry Cohen advised that the community center should be an attraction that the tourist should want to visit. The second floor should have an amphitheater like setting. Commissioner Cohen inquired on the estimated generated revenue for renting out the community center. He also suggested having restaurants or catering companies bid to provide food at the community center. Overall it should be something that the community supports.

Vice-Mayor Tourgeman stated that the center focus of the second floor should be a “grand” ballroom. He wants to see something, with regards to the design feature, that stands out.

Mayor Dietch suggested having a Surfside archive or museum within the second story.

Vice-Mayor Tourgeman suggested having old pictures hung up throughout Town Hall.

Mayor Dietch inquired as if the community would be interested in renting the room to those beyond Surfside and residents who attend the meeting were in favor of this idea.

Town Manager, Michael Crotty presented the Commission with his recommendations for an advisory committee tasked with facilitating community initiative. The advisory committee would consist of both Parks and Recreation and Tourist Board members. This committee would be tasked in gauging the community, recommending a list of design features, amenities and other items. The committee would be ad-hoc in nature and would operate under the sunshine law. The

Town staff would assist this committee. An initial report will be brought back to the Commission by October 14, 2014 or a date determined by the Commission.

Vice-Mayor Tourgeman made a motion to have the committee consisting of both Parks and Recreation and Tourist Board members being an advisory ad-hoc for the design review for the expansion of the second story of the community center and for a report to be include in the June Town Commission agenda; Commissioner Karukin seconded the motion. The motion passed unanimously.

Commission Olchyk is absent for the vote.

Barry Cohen suggested having a suggestion box for residents to provide feedback on the second story expansion of the community center and for said box to be located at the community center.

Lou Cohen would like to see LEED building and would also like to see something be made out of the roof space just like Grand Beach currently has it.

### **III. Adjournment**

Vice-Mayor Tourgeman made a motion to adjourn the meeting; Commissioner Karukin seconded the motion. The motion passed unanimously. The meeting ended at 8:26pm.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2014

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

Attest:

\_\_\_\_\_  
Sandra Novoa, CMC



**Town of Surfside  
Town Commission Budget Workshop  
Minutes**

**May 22, 2014**

**6:00 p.m. – 7:30 p.m.**

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

**1. Opening**

**A. Call to Order**

Mayor Dietch called the meeting to order at 6:08 P.M

**B. Roll Call of Members**

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

**C. Pledge of Allegiance**

Chief David Allen led the Pledge of Allegiance

The Mayor thanked his colleagues for taking the time to attend this meeting.

**2. Discussion and Input of Upcoming FY 14/15 Budget – Michael P. Crotty, Town Manager**

Town Manager Michael P. Crotty presented the item.

Finance Director Donald Nelson said he had received the budgets from all departments and would like the Commission's input in order to go forward. He also spoke of the anticipated report May 30, 2014 from the Miami-Dade Property Appraisers Office which would show a very good growth in property value and which accounts for a large part of the town's budget. He explained that 46% of the budget is from property tax and this amount will help set the budget for 2014-2015. He also anticipates a growth in resort taxes and other revenues.

Finance Director Nelson then spoke about expenditures and basic increases. This will all be put together in order to have a balanced budget. He then asked for the Commission's input as to changes and priorities they would like to see in the budget.

Eliana Salzhauer a member of the Parks and Recreations Committee spoke against the amount of money spent on fireworks and said the money could be put to better use. She said she was pleased with the maintenance and quality of service of the town and would not like to see any of these services cut back especially programs involving children. The enhancements she suggested was extending the pool hours in the winter months by installing lighting and expressed a need for more receptacles in the town as there is an increase in littering. Commissioner Olchyk thanked Ms. Salzhauer for her input and said

Ms. Salzhauer should run for a seat on the Commission and take her place when she retires.

Public Speaker Sasha Plutno spoke about police officers take home cars, the amount of money given to the School Board, summer camps for children, Surfside Gazette, senior programs, bus system and the costs incurred. He would like to see his taxes go down. The Mayor asked if he was satisfied with the quality of service the town provides and Mr. Plutno responded that he was satisfied.

Commissioner Cohen arrived at 6:32 p.m.

Commissioner Olchyk spoke in favor of children's programs and how important they are and also was in favor of senior's getting a break and discounts on activities that are offered.

Commissioner Karukin addressed some of these issues and said the Commission will be taking a closer look at all the department budgets.

Mayor Dietch spoke highly about the Police Dept and praised them for their service as one of the best and was supportive of the take home cars benefit they receive.

Vice Mayor Tourgeman said he would like more details on the issues brought forth by the public speakers. He also said that almost every budget submitted called for a need of upgrading the system and new software and this item should be looked into.

Town Manager Crotty indicated they were working on upgrading the system and anticipated a proposal shortly. As to fireworks, staff have been in contact with neighboring towns to perhaps share the cost of firework celebration. He also spoke on other programs.

Commissioner Olchyk expressed her disappointment with the time it takes for Department Heads to get together and schedule a meeting to resolve some issues. She also spoke on the amount of money spent on fireworks and the hiring of new people to help resolve an issue. She will also question expenditures of new equipment that may not be fully utilized.

Finance Director Nelson said last year they were able to maintain the reserve which is used for unbudgeted items. This was accomplished by departments being very conservative in their budgets therefore reducing expenditures.

Commissioner Karukin gave his input about the reserve in the budget, recurring and non-recurring revenue, anticipated resort tax revenue and putting a cap on percentage going to Tourist Board as these funds can be used for other things such as to offset ad valorem taxes, or enhancing the community center. He also spoke about planned and unplanned budgeted items as well as different types of software and costs. He also identified the difference between a function and a position.

Vice Mayor Tourgeman said he was very fiscal conscious and would be looking at the budget closely. He also spoke about the Tourist Board and the percentage of tax money they receive.

Mayor Dietch asked the Commission if they were satisfied with the level and quality of service provided by the town.

Commissioner Cohen said he was proud of the way the town is run and the excellent staff it employs and this has motivated him to run for office. He spoke highly of the Police Department.

Commissioner Olchyk said she has seen improvements in the town and said they should be very happy with the way they have run the town and all of this has made her want to run again for Office. She is satisfied with services provided and would like to see continued improvements.

Commissioner Karukin mentioned waste management in the business district and the costs.

Public speaker Joe Graubart would like to see some funds allocated for feeder schools.

Town Manager Crotty gave a brief summary.

### 3. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 7:31 p.m.

Accepted this \_\_\_\_ day of \_\_\_\_\_, 2014

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

Attest:

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





**Town of Surfside  
Joint Workshop  
Town Commission and Planning and Zoning Board  
MINUTES  
May 22, 2014  
7:30 p.m.**

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

**1. Opening**

**A. Call to Order**

Mayor Dietch called the meeting to order at 7:40 P.M

**B. Roll Call of Members**

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Tourgeman, Commissioner Karukin, Commissioner Olchyk and Commissioner Cohen. Also in attendance were Planning and Zoning Board Chair Lecour, Board member Glynn, Board member Rubenstein and Board member Castellanos. Vice Chair Kligman was absent.

As a point of order, Commissioner Karukin asked why the Design and Review part of the Planning and Zoning Board had not been invited to the workshop. Mayor Dietch said he did not know but invited Design and Review Board Member Armando Gutierrez to join them at the table.

**C. Pledge of Allegiance**

Building Official Rosendo Prieto led the Pledge of Allegiance

Vice Chair Kligman arrived at 8:25 p.m.

Mayor Dietch thanked the business district and the Planning and Zoning Board for attending the workshop.

**2. Review and Discussion on Issues Related to the Sign Code Update – Sarah Sinatra, Town Planner**

Town Planner Sarah Sinatra gave a presentation to the Town Commission regarding different signs options.

There was discussion regarding illuminated Open/Closed signs which DVAC was not in favor of. The Board was not against these signs but would put limitations such as non-blinking.

Most members agreed that businesses should have illuminated signs.

Evening lighting was discussed and members like the idea of soft lighting even when an establishment is closed for the evening. It was felt that lighting adds liveliness to the town and people driving can see what types of businesses are in the city. It may also

encourage citizens to take a stroll down the streets in the evening with no dead spots (non-lighted stores). A requirement on hours of lighting was also mentioned. Uniformity of lettering was discussed. There was a consensus that there should be some flexibility in the lighting type. Second floor signs and placement of sign was discussed. All agreed that signs should be allowed on second floors. Town Planner Sinatra gave an overview on temporary signs such as political, real estate and construction. There was discussion regarding non-conforming signs becoming a conforming sign. There was a consensus that an amortization schedule be set. Setting parameters on LED lighting was discussed. There were several public speakers who gave some input on the subject.

Mayor Dietch left the meeting at 9:02 p.m.

Town Planner Sinatra said modifications to the sign code will be presented to Planning and Zoning in July and brought to the Commission in August and first reading of ordinance in September.

**3. Adjournment**

There being no further business to come before the Joint Meeting Workshop, the meeting adjourned at 9:31 p.m.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2014

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

Attest:

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

**TOWN OF SURFSIDE, FLORIDA**  
**MONTHLY BUDGET TO ACTUAL SUMMARY**  
**FISCAL YEAR 2013/2014**  
**March 31, 2014**

AS OF

50% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 3

Agenda Date:

June 10, 2014

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET
<b>GENERAL FUND</b>			
REVENUE	\$ 7,489,408	\$12,197,616	61%
EXPENDITURES	5,462,883	\$12,197,616	45%
Net Change in Fund Balance	2,026,525		
Fund Balance-September 30, 2013 (unaudited)	5,304,042 A		
Fund Balance-March 31, 2014 (Reserves)	<u>\$ 7,330,567</u>		
<b>RESORT TAX (TEDAC SHARE)</b>			
REVENUE	\$ 118,585 B	\$287,471	41%
EXPENDITURES	166,834	\$287,471	58%
Net Change in Fund Balance	(48,249)		
Fund Balance-September 30, 2013 (unaudited)	94,497		
Fund Balance-March 31, 2014 (Reserves)	<u>\$ 46,248</u>		
<b>POLICE FORFEITURE/CONFISCATION</b>			
REVENUE	\$ 21,114	\$46,000	46%
EXPENDITURES	27,768	\$46,000	60%
Net Change in Fund Balance	\$ (6,654)		
Fund Balance-September 30, 2013 (unaudited)	138,143		
Fund Balance-March 31, 2014 (Reserves)	<u>\$ 131,489</u>		
<b>TRANSPORTATION SURTAX</b>			
REVENUE	\$ 319,176	\$196,916	162%
EXPENDITURES	83,000	\$196,916	42%
Net Change in Fund Balance	236,176		
Fund Balance-September 30, 2013 (unaudited)	131,475		
Fund Balance-March 31, 2014 (Reserves)	<u>\$ 367,651</u>		
<b>CAPITAL PROJECTS</b>			
REVENUE	\$ 294,840	\$1,054,770	28%
EXPENDITURES	1,268,661	\$1,054,770	120%
Net Change in Fund Balance	(973,821)		
Fund Balance-September 30, 2013 (unaudited)	255,263		
Fund Balance-March 31, 2014 (Reserves)	<u>\$ (718,558)</u>		

**NOTES:**

\* Many revenues are received in subsequent months (timing difference) and are recorded on a cash basis in the month received.

A. Includes \$2,000,000 available for hurricane/emergencies. The balance of \$3,304,042 is unassigned fund balance (reserves).

B. Resort Tax Revenues for March 2014 are received in April 2014, the (Total collected through March 2014 is \$233,972) (\$118,585 is for TEDAC and \$115,387 is the General Fund).

**ENTERPRISE FUNDS**

**ACTUAL**

<b>ANNUAL BUDGETED</b>	<b>% BUDGET</b>
------------------------	-----------------

**WATER & SEWER**

REVENUE	\$ 1,349,248	\$3,190,000	42%
EXPENDITURES	976,960	\$3,190,000	31%
Change in Net Assets	372,288		
Unrestricted Net Assets-September 30, 2013 (unaudited)	(5,912,477) C1		
Restricted Net Assets	1,911,920 C2		
Capital Project Expenses to date for Water & Sewer	(114,072)	\$0	
Unrestricted Net Assets-March 31, 2014 (Reserves)	<u>\$ (3,742,341) C</u>		

**MUNICIPAL PARKING**

REVENUE	\$ 528,749	\$1,052,185	50%
EXPENDITURES	492,223	\$972,185	51%
Change in Net Assets	36,526		
Unrestricted Net Assets-September 30, 2013 (unaudited)	1,066,574		
Capital Project Expenses to date for Municipal Parking	-	\$80,000	
Unrestricted Net Assets-March 31, 2014 (Reserves)	<u>\$ 1,103,100</u>		

**SOLID WASTE**

REVENUE	\$ 690,294	\$1,336,241	52%
EXPENDITURES	661,539	\$1,336,241	50%
Change in Net Assets	28,755		
Unrestricted Net Assets-September 30, 2013 (unaudited)	227,274		
Unrestricted Net Assets-March 31, 2014 (Reserves)	<u>\$ 256,029</u>		

**STORMWATER**

REVENUE	\$ 248,554	\$505,000	49%
EXPENDITURES	154,750	\$505,000	31%
Change in Net Assets	93,804		
Unrestricted Net Assets-September 30, 2013 (unaudited)	2,520,513		
Restricted Net Assets	347,140 C3		
Capital Project Expenses to date for Storm Water	(40,761)	\$0	
Unrestricted Net Assets-March 31, 2014 (Reserves)	<u>\$ 2,920,696</u>		

**NOTES:(con't)**

C. The reserves balance of (\$3,742,341) is the result of a change in current net assets as of March 2014 of \$372,288, net assets as of September 30, 2013 of (\$5,912,477), plus Restricted Net Assets of \$1,911,920, less Capital Project expenses of (\$114,072) paid through March 2014 on the Utility Project.

C1. The Unrestricted Net Assets as of September 30, 2013 (Unaudited) of (\$5,912,477) is the result of the investment in Capital Assets of \$10,394,720 from the water/sewer and stormwater project as shown on Attachment 1.

C2. The Restricted Net Assets of \$1,911,920 includes \$1,017,776 for renewal and replacement, \$243,000 for State Revolving Loan reserves and \$651,144 for rate stabilization.

C3. The Restricted Net Assets of \$347,140 includes \$266,140 for renewal and replacement, \$81,000 for State Revolving Loan reserves.



Donald G. Nelson, Finance Director



Michael P. Crotty, Town Manager

\*\*ATTACHMENT

**Town of Surfside**  
**Fund Balance (Reserves)**  
**March 31, 2014**

FUND	9/30/2011	9/30/2012	9/30/2013	3/31/2014
General	\$ 4,256,315	\$ 5,266,374	\$ 5,304,042	\$ 7,330,567
Resort Tax	184,867	171,496	94,497	46,248
Police Forfeiture	117,889	122,272	138,143	131,489
Transportation Surtax	239,760	122,302	131,475	367,651
Capital	399,754	132,783	255,263	(718,558)
Water & Sewer	2,692,379	(1,931,707)	(5,912,477)	(3,742,341)
Parking	1,385,581	1,258,325	1,066,574	1,103,100
Solid Waste	207,462	228,437	227,274	256,029
Stormwater	342,240	104,651	2,520,513	2,920,696
<b>Total</b>	<b>\$ 15,301,180</b>	<b>\$ 9,300,237</b>	<b>\$ 3,825,304</b>	<b>\$ 7,694,882</b>



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

## TOWN MANAGER'S REPORT JUNE 2014

### COMMUNITY PROGRAMS/INITIATIVES/ENHANCEMENTS

#### 1. Sister Cities

The Tourist Board discussed and endorsed the concept of Sister Cities at their October 7, 2013 meeting and recommends that this initiative be a collaborative effort with the Town Commission. At the January 6, 2014 Tourist Board meeting, the Board unanimously endorsed recommending Newtown, CT as the first Surfside sister city to the Town Commission. The Tourist Board met with members of the Town Commission at the regular monthly Tourist Board meeting on February 3, 2014 and received a presentation on the Sister Cities organization and programs. George Neary and Ms. Ibis Romero also presented their perspective on their Sister Cities programs in Miami Beach and Sunny Isles Beach respectively. The TEDACS Director is set to meet with representatives of the Sister Cities Organization the week of May 5. As there is now a new Tourist Board, the program will need to be reviewed again at a meeting of this new Board in the near future. A recommendation on the details of a Sister Cities program will be vetted by the Tourist Board over the next couple of months and will be provided to the Town Commission as part of the FY 14/15 budgetary review process. Find more information at: <http://sister-cities.org>.

#### 2. Bus Service

**MAY UPDATE:** Discussions have now been completed with the Managers of Bal Harbour, Bay Harbor Islands and Sunny Isles Beach. Each municipality has expressed its desire to participate in this multi-jurisdictional transportation analysis in order to provide a bus transportation system that is more responsive to its residents ridership needs by attempting to provide a coordinated schedule and routes; expand designation options (Mount Sinai; Aventura Mall, etc.); reduce costs by eliminating overlapping routes and number of vehicles; and provide linkages to the Miami-Dade transportation system.

**JUNE UPDATE:** Miami-Dade CITT has agreed to organize the coordination of the three bus circulators (Surfside, Bal Harbour and Bay Harbor) in an attempt to identify a more efficient routing that would reduce the overall operating costs.

Each community will appoint a contact person to identify the stops that are necessary. Sunny Isles did not attend but will be asked to participate. Expected timeline for this effort is three (3) months, at which time a revised routing plan should be available for local review, ultimately leading to an interlocal agreement.

### **3. Joint Skate Park with City of Miami Beach**

The proposal of a skate park located between 86th and 87th streets through a partnership between the Town of Surfside and Miami Beach was presented by Miami Beach Parks and Recreation Department to the Miami Beach Commission on January 15, 2014. The Miami Beach Commission requested staff to prepare a comprehensive Master Plan for the considerable amount of land in the very extreme north area of Miami Beach owned by the City. The City Commissioners indicated that this area should be developed as part of an overall plan. Miami Beach staff reports that the recreational master planning process for the North Beach area is moving forward and a skate park is included in the project; however, the location will likely be several blocks to the south and incorporated near or in the development of a recreation complex at the Log Cabin site.

At the April 23 Miami Beach Commission meeting, follow-up discussion was held and the Commission did not support a skate park in this vicinity. Miami Beach Parks and Recreation Director John Rebar wrote following the April 23 meeting that, "at this time, Commission is not in support of a skate park anywhere along the west lots 79th through 87th. These lots are now part of a much larger North Beach revitalization plan. The direction is to not invest any capital funds on these lots until the long range vision has been determined". Discussions will continue to explore these options with Miami Beach representatives.

### **4. Turtles Project – Art in Public Places**

The Tourist Bureau continues to leverage the iconic Turtles in promoting Surfside. With the Tourist Board's decision to keep the remaining Turtles and leave them on 93<sup>rd</sup> Street ("Turtle Walk"), the department can now focus on including them in marketing initiatives. An item requested by the Vice Mayor regarding small turtle statues was presented to the Town Commission on the February 11, 2014. The decision on procuring Turtle souvenirs, etc. was referred to the Tourist Board for a decision at the March 3, 2014 meeting. The Tourist Board voted to defer a decision on all merchandising to be included in their FY 14/15 budgetary process. Also at that meeting, the Tourist Board discussed honoring the late Sandra Suarez (artist of the Love Turtle). A memorial plaque will be placed on the Turtle (date to be determined) and the Board voted to contact the family of the Turtle before selling/disposing of the sculpture if that decision is ever made in the future. The resident who would like to see the Turtles removed has been invited to approach the Tourist Board at the June 2, 2014 meeting.

### **5. Relay for Life**

The Surfside, Bal Harbour, Bay Harbor Relay for Life took place May 31 (9am to 9pm) at Ruth K. Broad Bay Harbor K-8 Center. The goals were to collectively raise funds (\$15,000) for the American Cancer Society and bring community awareness to help the American Cancer Society "in the world's largest fight against cancer".

The event raised approximately \$16,000. Surfside merchants, Publix, The Greek Place, Big Daddy's, Scarlett Letter, Flanigan's, Specchio Café, and Starbucks provided products/gift certificates to help

Team Surfside reach their goal. Team Surfside ranks #1 out of 10 teams having raised approximately \$6,000.

Relay funds are used to provide education programs, advocacy for cancer research, services to cancer patients currently battling the disease (transportation, lodging, equipment, wigs, bras, support groups, etc.) throughout their journey and is investing in crucial research to prevent, treat, and ultimately, cure all cancers.

Great job by the Surfside team under the leadership of Yami Slate-McCloud, Human Resources Director.

## **DOWNTOWN BUSINESS DISTRICT AND TOURISM**

### **6. Harding Avenue Streetscape Plan**

The nine (9) street benches finally arrived on May 28 and were installed by Public Works. One Medjool palm has not survived and a replacement (under warranty) has been ordered.

### **7. Downtown Vision Project**

DVAC met on Wednesday May 28. Discussion items included the April 2014 Town Manager's report "Parking Solution: The Next Step", the BID process update, Bal Harbour Shops Enhancement project and the Sign Code process update. DVAC's last meeting before their summer hiatus is June 23. DVAC will meet this month to further brainstorm options/ideas/features for the Abbott Lot option contained in the report.

**BID:** The referendum ballot was mailed certified to the Surfside downtown business district property owners on Wednesday May 28. The voters have until 5pm on Thursday June 12 to return their ballots to the Town Clerk. A meeting for the voters is scheduled at the Community Center on Tuesday June 3 at 6pm. Staff will continue outreaching to all stakeholders to ensure the return of the ballots in a timely manner. The results of the vote will be brought to the Town Commission at the July 8, 2014 meeting to decide on finalizing the creation of a BID and BID Board.

### **8. Sidewalk Ordinance Implementation**

The Town has received the signed copies of the Sidewalk Café Agreement with FDOT. The Building Department will oversee the roll out and management of this with the assistance of Code Compliance, Public Works and TEDACS. Door to door outreach to the downtown restaurants was conducted the week of February 24, 2014 and March 3, 2014:

- Letters on ADA Path of Travel: Code Compliance staff hand delivered letters signed by the Town Manager to all restaurants requesting their assistance in keeping the sidewalk open for pedestrians and informing them of their responsibility to clean their sidewalk each evening. Code Compliance staff has been monitoring "Path of Travel" provisions and has



witnessed a marked improvement and restaurants have mostly been observant, excepting minimal situations wherein patrons may have moved the furnishings themselves.

- **Sidewalk Furniture:** Once all applications for sidewalk cafes are received and processed, Code Compliance expects to follow the Ordinance requirements which have very specific enforcement procedures, including removal of furnishings if warranted. However, the Town has yet to begin enforcement associated with "leaving furniture on the sidewalk outside of business hours", as the new sidewalk café ordinance procedures, including application, have yet to be fully implemented.

A survey of the sidewalks, that includes the new downtown streetscape, has been completed. This will now enable the Building Department to meet with each business individually to assist with the Sidewalk Café Application and to determine what furniture can be accommodated and where it can be placed. Once these determinations are made, the businesses must comply or face stringent code enforcement that could result in removal of the furniture or closure of the outside seating.

The next steps include: 1) Staff has tentatively scheduled to begin contacting Town restaurateurs, during the third or fourth week of June, to request that they submit their proposed furnishing designs and conceptual sidewalk layout for discussion and review; (2) Town will generate a preliminary sidewalk layout in keeping with Code requirements; (3) Permit application processing will be finalized.

## **9. Parking Structure Feasibility Study**

The report entitled "Parking Solution: The Next Step" was presented to the Commission on April 1, 2014 and was an agenda item for the April 8 Commission meeting.

At the May meeting, the Commission approved the proposal of Lambert Advisory to assist in the process of evaluating the Public Private Partnership (P3) recommendation contained in the April 1, 2014 report for the Post Office site. The initial work to be undertaken includes necessary economic/market analysis to ultimately determine feasibility of a P3 and identification of strategic opportunities to ensure a successful P3. This work should be completed within 45 days. Also, see DVAC Report on the Abbott Lot option; Item #7.

## **10. Five Year Tourism Strategic Plan**

Staff is working on implementing the first year identified in the plan (FY 13/14). The Tourist Board finalized the ethics, conflict of interest, policies and procedures as well as governance policies after several months of work. Suggested changes to the Town's Resort Tax Ordinance were passed on first reading by the Town Commission on February 11, 2014. On second reading at the March 11, 2014 Town Commission meeting, none of the recommendations passed even with the endorsement from the majority of the Tourist Board (except the Chair), the Administration, the adopted Five Year Tourism Plan, the Grand Beach and Mr. Meyers (the consultant). The Town Commission has sent the initiative back to the Tourist Board to be readdressed once the new Board is established by the new Town

Commission. The new Tourist Board met for the first time on May 5. All members have been provided with the Plan as well as the Resort Tax Ordinance (including the recommended changes), FY 13/14 Budget documents etc. The Tourist Board June 9, 2014 meeting (date change due to the Community Sand Transfer Meeting on June 2) will focus on the FY 14/15 budget as identified in the Five Year Tourism Strategic Plan.

## **INFRASTRUCTURE AND UTILITIES**

### **11. 95th Street End Project**

The project west of the bulkhead is now complete. Two accidents occurred at the street end resulting in the concrete bollards to be broken. The electric was disabled and removed for replacement which takes about 2 months for delivery. The permit was issued from FDEP for phase two on April 16, 2014 which encompasses landscaping, paver walkway, new shower and stairway from the bulkhead east to the hard pack. Staff is finalizing the construction costs and contractors. This will be on the July Commission agenda for approval.

[Note: A major focus of the 95th Street project was to adjust the elevation of the 95th Street to accommodate access into the garages of the newly constructed townhomes. This project has been completed].

### **12. Seawall Project**

Schedule for the seawall project:

- Pre-bid conference – held May 20, 2014
- Bid opening – June 17, 2014
- Commission award of bid – July 8, 2014

### **13. Community Center Expansion: Second Floor Addition**

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.

The Town Manager moderated a May 14 Community Discussion to kick-off this exciting community project. The objective of the discussion was to arrive at consensus of the process to be utilized. It was suggested that the process should appropriately be led by the Parks and Recreation Committee and the Tourist Board as their responsibilities are closely aligned with most aspects of the Community Center. A final process to facilitate outreach and initial planning of the expansion will be on the June agenda.

A joint meeting between the Parks and Recreation Committee and Tourist Board was held on May 19, 2014. They will meet again on June 16, 2014, 7:00 pm to review past proposals for an expanded Community Center. These meetings will alternate between the regularly scheduled Parks and Recreation Committee and Tourist Board meetings monthly until the Fall. The goal is to have a recommendation for the Town Commission at that time. **(Agenda Item)**

#### **14. Biscaya Drainage**

The plans have been completed and were submitted to Staff the week of May 22 for final review and were approved. Public Works is in the process of ordering the piping and structures needed for this project. Staff is waiting for confirmation of material delivery to schedule a confirmed start date, possibly mid-July. Per direction of the Commission, a final neighborhood meeting will be held and this meeting will be on site.

#### **15. Town Hall and Tennis Hut Improvements**

##### **TENNIS HUT**

Decon Construction has started the remediation at the tennis center on May 26, 2014. First phase is the removal of the molded walls and ceilings which will be packed and removed in accordance state law on mold remediation. This project will include all new walls, windows and exterior doors (impact resistant) tile floor, A/C unit and bathrooms. Project completion is estimated to be the end of June.

##### **TOWN HALL**

**Remediation and replacement** - Decon Environmental Company, who is currently remediating the tennis center, has submitted a proposal to remediate Town Hall once the roof and A/C are replaced for a cost of \$ 28,368.21.

**Roof** - The roof pre-bid conference was held on May 27, 2014. During that time it was discovered that there would be a cost saving approach by utilizing the existing drain system. Staff has redesigned the roof and the closing dates for new bids are set for June 13, 2014.

**A/C** - The original A/C bid deadline was set for June 5, 2014. No contractors attended the required May pre-bid conference. Due to the urgency, the advertising time was short which resulted in no interest. By re-advertising for a longer period of time and notifying contractors, bids will be received. The bid date closing has been reset for June 27, 2014.

The roof and A/C projects will run concurrently with an expected finish date at the end of August. **(Agenda Item)**

## **PLANNING, ZONING AND DEVELOPMENT**

### **16. The Shul Project**

The Shul application was heard at the February 27, 2014 Planning and Zoning Board meeting and the Town Commission will consider at a special quasi-judicial public hearing on June 24, 2014. An independent traffic consultant has been retained to analyze the study submitted by the Shul as well as review existing conditions.

### **17. Massing and Zoning Discussion**

At the 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, 2013 meeting with the Town Attorney and Staff and these specific issues have been discussed at the August, 2013 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 prepared a rendering for the December 19, 2013 Planning and Zoning Board meeting demonstrating three options for building length modification. The renderings demonstrated that the building separations were not adequate for meeting the intent of the Board, therefore Staff prepared additional revisions to the renderings and language for the ordinance, which was presented at the May 29, 2014 Planning and Zoning Board meeting. The Town Commission will be presented with an ordinance at an upcoming meeting.

### **18. Sign Code**

The Town Commission authorized CGA to proceed with a re-write of the Sign Code. The content was discussed by DVAC in March and at a Joint Meeting of the Town Commission and Planning and Zoning Board. The sign code eliminates inconsistencies and unenforceable provisions to provide a user friendly document. The final draft will be presented to the Planning and Zoning Board for discussion on June 26, 2014.

Code Compliance staff has issued approximately 15 Courtesy Notices of Violations associated with the illuminated "OPEN" signs in the business district. In light of the outcome of the joint Town Commission/Planning & Zoning Board Meeting of May 22, 2014 on proposed Sign Code amendments, said cases will not be pursued until such time as the Sign Code amendments are finalized and approved.

## **TOWN COMMISSION**

### **19. Charter Review Board (CRB)**

The Charter Review Board presented a final report on Phase I Charter Review for election issues to the Town Commission on March 11, 2014. A Special Meeting with the Town Commission is scheduled for June 18, 2014 at 7:00 p.m. to discuss and vote on proposed Ballot Questions.

## **TOWN DEPARTMENTS**

### **Town Attorney**

### **20. Options to Mitigate Inadequate Number of Parking Spaces at Multi-family Establishments along the Collins Avenue Corridor**

Kobi Karp submitted a preliminary parking plan on April 22, 2014 for Spiaggia Condominium. The Building Official advised that these drawings would serve as a field reference to verify the actual parking, but that it would not substitute the revision process required by the FBC and the Building Department. Signed and sealed plans are required for the formal revision process to begin. Howard Weinberg, Esq., counsel for Spiaggia advised that Kobi Karp has requested a hold harmless and indemnification agreement from the Spiaggia before proceeding with the final sealed plans. Mr. Weinberg stated he expects submission within three weeks.

### **Building Department**

### **21. FEMA National Flood Insurance Program (NFIP)**

The final property on the CAV is 9415 Harding Avenue, The Harbor Grill Restaurant. The Flood Panel Operations and Maintenance agreement was the final document requested and it has been forwarded to Dr. Prasad Inmula, FEMA Region IV, Atlanta for review in order to close the CAV.

### **22. Community Rating System (CRS)**

The Surfside CRS application will be completed in September. Still to be completed is the second and final Program for Public Information. This date allows the CRS application file to be completed prior to the FEMA field visit.

### **23. Forty Year Building Certification for Collins, Harding, Abbott Avenues and Surfside Blvd.**

The 40 Year Building Certification Program is progressing as follows:

Reported certifications: 118 in present case file

Completed certifications: 40

Time extensions granted: 3

Exempt from Certification: 3  
Vacant commercial properties: 11  
Sent to Code Enforcement for non-compliance: 8  
150 day repair order: 2  
On hold: 4

## **Code Compliance Department**

### **24. Code Compliance Priorities**

The priorities for code compliance have been established by the Town Commission. The Administration was asked to bring the compliance periods and fine schedule back in the form of a resolution. The Town Commission approved, on first reading, Ordinance amendments that will remove fines from the Town Code and provide for all fines and compliance periods to be reflected in a newly proposed resolution that will be presented at the June 2014 Commission meeting. Said resolution will be accompanied by the second reading of the Ordinances that were approved at the May 2014 Commission meeting. (**Agenda Item**)

### **25. Sight Triangle (Hedges) and Corner Visibility**

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. The County recommended adoption of same into 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 Street and Byron, 4-way stop signs, stop sign locations, and speed limit signs, some of which may have been placed without County review or authorization. At the May 2014 Commission meeting the Administration was asked to meet with the affected residents prior to scheduling a Special Commission Meeting. The meeting with the residents has been scheduled for June 5, 2014, and the Special Commission Meeting has been scheduled for June 19, 2014.

## **Finance Department**

### **26. Online Bill Pay**

The online payment of water, sewer and storm water bills by electronic check (e-check or transfer of bank funds) will be operational in June, 2014 by SunTrust Bank, Muni-Code (utility bill preparer) and CBoss (credit card processor who will also be the processor for e-checks). These three companies are testing the e-check process to ensure security and complete transaction processing of a utility payment by e-check. SunTrust Bank has completed the link between the bank account and the ACH (Automated Clearing House) service, an electronic network to process credit and debit transactions. Muni-Code, the Utility bill preparer is working with CBoss the e-check processor to ensure functionality and security compliance.

A credit card terminal and a customer facing PIN pad device has been installed at the Front Desk of Town Hall. Customers are now able to make payments for all services at the Front Desk securely by credit and debit card.

## **Parks and Recreation**

### **27. Beach Management Agreement**

Progress on a Town/Miami-Dade County Beach Management Agreement is dependent upon the County receiving specific authorization from FDEP permitting the County to assign certain management responsibilities to local municipalities. The County sent a letter to FDEP on March 17 requesting a determination that the County can assign maintenance/regulations to local governments. Updates will be provided as received by the County. At this time the State has not replied. This is in the process with the State and the County.

### **28. Pool Tot Lot Repairs - Community Center**

Work is still in progress on the final Phase of the repairs and work continues to move forward. The water playground continues to remain open. Due to the complexity of the playground apparatuses, special issue items are in need of minor repairs and will be replaced as the parts are received. The amount anticipated and budgeted for this project remains the same, not to exceed the retainer amount of \$22,600.

### **29. Tennis Programing**

During the upcoming budget process, the Parks and Recreation Department will present options for operations including court rentals.

### **30. Security Cameras at 96th Street Park**

Parks and Recreation and the Police Department presented an option of placing security cameras in strategic areas at the park that will help identify/deter issues that arise at the park. Over the past 6 months, there has been a rash of cell phone thefts that cameras would have helped identify the person(s) involved. The cameras would also monitor patrons coming in and out of the park. The cameras were approved at the May 13, 2014 Commission meeting. The cost of the cameras is \$7,744. Staff is researching the best alternative to make a recommendation on funding.

### **Police Department**

### **31. Women's Self Defense Class**

The Surfside Police Department hosted a Women's Self Defense Class on May 21, May 29 and June 4 with one more scheduled for June 11 from 6:00 pm to 8:30 pm at the Community Center. The training shows how to resist and how to escape a sexual assault. The techniques are easy-to-learn and easy-to-use. The training also shows how to escape a standing assault and what to do if the attacker has you pinned on the ground. These techniques do not require strength, speed or coordination and are perfect for women of all ages and physical types. Classes are free of charge.


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  
**DATE:** June 10, 2014  
**SUBJECT:** Office of the Town Attorney's Report for June 2014

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

- May 13, 2014 Town Commission Meeting
- May 14, 2014 Community Center Expansion Meeting
- May 19, 2014 Parks and Recreation Committee Meeting
- May 20, 2014 Pre-Bid Conference Surfside Seawall Project
- May 21, 2014 Ethics Training for Newly Elected Officials conducted by the Miami-Dade County Commission on Ethics and Public Trust
- May 22, 2014 Budget Workshop
- May 22, 2014 Joint Town Commission & Planning and Zoning Meeting on Sign Code
- May 28, 2014 DVAC Meeting
- May 29, 2014 Planning and Zoning Board Meeting
- June 2, 2014 Sand Project Meeting for Town Residents
- June 3, 2014 BID Meeting
- June 4, 2014 Code Enforcement Triangle Meeting for Town Residents
- June 9, 2014 Tourist Board Meeting

**Ordinances prepared and reviewed for First Reading:**

- Rooftop Photovoltaic Solar Systems

**Ordinances prepared and reviewed for Second Reading:**

- Dock Projection Ordinance (Dock on Biscayne Bay)
- Ordinance Amending Chapter 90 "Zoning" Of The Code Of The Town To Amend All Sections Referencing Fine Amounts For Code Violations
- Ordinance Amending Chapter 1 "General Provisions" Section 1-8 "Penalty For Violations" and various sections of the Code referencing Fine Amounts for Code Violations

**Resolutions prepared and reviewed:**

- Resolution regarding Zambelli Fireworks
- Resolution adopting Civil Fine Schedules, Administrative Fees, and Abatement Costs for Code Violations
- Resolution re: Moratorium on the Downtown Parking Trust Fund

**Town Manager:**

- Research jurisdiction of Federal, State, County and Town for regulations of beach/sand
- Follow-up review of Resolution No. 11-Z-03 approving a site plan for the Grand Beach Hotel Surfside regarding the "Sky Bar"
- Coordinate and follow up with the Town Manager and the Town Clerk for presentation of proposed Charter Ballot questions for June 18, 2014 Town Commission meeting
- Follow-up regarding RFQ for Architect and Engineering Services
- Follow-up RFP for ERP
- Continued follow-up with Building Official regarding parking spaces in Spiaggia
- Review of conditions of approval on all ongoing development projects
- Ongoing review and research for Public-Private Partnership
- Continued follow-up with Code Enforcement regarding code compliance issues
- Ongoing research for dock and dredging permit issue
- Review Agreement between Miami Beach and Surfside for Miami Beach to provide sewage conveyance for disposal services and memorialize the new rate of compensation to be

paid by Surfside

**Town Clerk:**

- Follow-up regarding BID Ballot
- Opined on Notice requirements
- Review updated Ethics Law requirements
- Review and follow up for Public Records requests and exemptions
- Follow-up research for Sunshine Law issues

**May 29, 2014 Planning and Zoning and Design and Review Board:**

***Design Review Board Applications:***

- A. Request of the Owner of Property located at 9472 Harding Avenue to install two retractable awnings.
- B. Request of the Owner of Property located at 9461 Harding Avenue requesting to install a new permanent sign.
- C. Request of the Owner of Property located at 9599 Harding Avenue to install a new permanent sign.

***Planning and Zoning Board Discussion Items:***

- A. Parking Trust Fund Moratorium
- B. Massing

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

- Continued research and follow-up re: dock and Class 1 Permit
- Research on jurisdiction on beach/sand issues
- Follow up with Counsel for 1268 Biscaya Drive for preparation of Stipulated Order
- Continued research and follow-up on analysis of Pointe Lake and North Canal issues
- Research and review development permit language for compliance
- Research and review lien laws

**Finance Department:**

- Follow-up RFP for ERP
- Continue preparation for FY 14/15 Budget documents

**Parks and Recreation:**

- Review Agreement with Zambelli Fireworks
- On-going analysis of status of Florida Department of Environmental Protection and Miami-Dade County for Beach Management Agreement

**Tourist Bureau/Downtown Vision Advisory Board/Tourist Board:**

- Continued follow-up re: post Tourist Board requests
- Follow-up (“BID”) Ballot
- On-going follow-up regarding issues related to parking solution

**Public Works:**

- Follow up Sewage Conveyance Agreement
- Review for revisions to the Stormwater Utility Fees Ordinance
- Follow up Bal Harbour Force Main Project and Agreement

**Police Department:**

- Analysis regarding beach jurisdiction issues
- Research exemption of public records for police officers

**Legal Matter Not Covered by Florida Municipal Insurance Trust (FMIT):**

Pieter Bakker and Shirley Bakker vs. Town of Surfside. Case No. 14-1026, Division of Administrative Hearings, State of Florida (“DOAH”). Mr. and Mrs. Bakker filed a Petition for Formal Administrative Hearing and seek to have the Comprehensive Plan Amendment adopted by Ordinance No. 2014-1613 rejected as failing to be “in compliance” with Chapter 163, Florida Statutes. The Administrative Law Judge heard this matter on April 17, 2014 in the Town Hall Chambers and both parties have submitted proposed recommended orders to the Administrative Law Judge, who has not yet ruled as of the date of printing this TA Report. The Town’s approximate legal fees and costs from March 7, 2014 to May 31, 2014 are \$36,000.

**Florida Municipal Insurance Trust ("FMIT")** investigates claims and provides legal representation for the Town on the following claims:

1. On September 1, 2013, a resident was walking on the north most sidewalk in the 200 block of 93<sup>rd</sup> Street when she tripped on a raised portion of the sidewalk and fell to the ground. The Surfside Police Incident Report indicates the resident sustained a contusion on her right elbow and abrasions to her chin and both knees. FMIT continues its investigation of this matter and advises the Town that that they have requested two years of prior medical records. FMIT is also analyzing the issue of comparative negligence.
2. On August 28, 2013, a resident fell in the rear of CVS (9578 Harding Avenue). The resident claims she tripped on an uneven section of the sidewalk behind the store and hurt her right knee and right hand. The resident's attorney is still waiting on final medical billings, and thereafter will forward a medical demand package. FMIT continues its investigation of this claim.
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 continues its on-going investigation to determine liability.

**Legal representation is provided by the ("FMIT") in the following matters:**

1. Donald McGavern vs. Surfside, State of Florida Office of the Judge of Compensation Claims, OJCC Case NO. 14-007583RJH. Claimant, McGavern filed an appeal of a denial of his Workers' Compensation Claim. Discovery is on-going.
2. 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 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 to Dismiss the Amended Petition for Writ of Certiorari and De Novo Complaint. The Court issued an order for Respondents (the Town and Young Israel) to address various jurisdictional issues. The Town filed a jurisdictional brief and responded that Mr. Bakker failed to invoke the Circuit Court's Appellate jurisdiction in a proper fashion with respect to the claim for certiorari relief and that the Appellate Division of the Circuit Court is entirely without jurisdiction to consider evidence and adjudicate the claims. Mr. Bakker filed a motion seeking leave to amend and proposed a new Count III directed against the Town. The new Count III seeks to invalidate Resolution 12-Z-2078 on grounds that the Town's approval of the Young Israel site plan violated Section 4 of the Town Charter. Young Israel and the Town filed a motion requesting that Mr. Bakker's request for leave to amend the pleadings be denied. The Court has entered an Order indicating that it would not be expediting its review of the pending matters. Accordingly, the parties are now waiting for the Court to issue an Order on all pending claims and all pending defenses.

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



**TOWN OF SURFSIDE  
PROJECTS PROGRESS REPORT  
CALVIN, GIORDANO & ASSOCIATES, INC.  
June, 2014**

1. **Planning and Community Development** – Planning and Community Development – In August 2012, the Shul submitted a site plan application for an expansion. The application was heard and unanimously approved at the February 27, 2014 Planning and Zoning Board meeting and will be heard at a Special Town Commission meeting on June 24, 2014. Per the discussion at the Planning and Zoning Board meeting, staff has requested that an independent traffic engineer review the package. Results of the analysis will be reported in the site plan report. The draft sign code was presented to DVAC in March and to a joint meeting of the Planning and Zoning Board/Town Commission in May. The sign code eliminates inconsistencies and unenforceable provisions to provide a user friendly document. The draft will be presented to the Planning and Zoning Board on June 26, 2014. Staff continues to answer approximately 85-100 zoning questions monthly and reviews permit applications.
  
2. **Information Technology & TV Broadcasts** - IT is awaiting approval from the Town Manager for a surveillance camera to be installed at the Surfside Park located on 96<sup>th</sup> Street. Licensing has been purchased for Microsoft Office 2013 for the new police laptops and IT is beginning the process of deploying the new laptops. Purchase Orders for new copiers have been provided for the Town Manager's office and the Town Attorney's office. The necessary construction work was completed for the pull string from the building exterior to the server room from AT&T's box, and now AT&T can proceed with the fiber installation for the new internet circuit. IT has created new name templates for the Commissioners to be used on Channel 77. Due to a maintenance outage that occurred on May 23<sup>rd</sup>, a failover phone solution has been provided to the Town by IPFone in order to avoid future downtime.
  
3. **Public Utilities / Engineering** – **Public Utilities / Engineering** – The Contractor's subcontractor is mobilizing in June to repair the final leak on the drainage pump station on 94<sup>th</sup> St. The 1 year warranty video of the sanitary sewer mains is currently scheduled to commence in June 2014.

**Funding Summary** –

<b><u>Funding Status:</u></b>	<b><u>Amount</u></b>	<b><u>Amount Received</u></b>
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 *
<b>TOTAL</b>	<b>\$11,270,381</b>	<b>\$9,225,928</b>

**\*The final request has been submitted.**

**\*\*\*Request # 3 has been submitted for the full \$9,312,881**

4. **Town-Owned Seawall Repair** – The bid package was advertised on May 6, 2014 and a mandatory pre bid conference was held on May 20, 2014. The pre bid meeting was well attended with 15 attendees. Staff has received written questions which will continue to be accepted up until June 10, 2014. Responses to the written questions will be issued in the form of addenda. The bids are due and will be opened publically on June 17, 2014 at 10:00am. CGA will review the bids and provide recommendations for the lowest responsive responsible Contractor at the July Commission Meeting.
5. **Biscaya Drainage Project** – 90% plans were submitted to the Town on May 5, 2014 for review and comments. CGA obtained the Miami-Dade County Class II permit #20140009 from DRER on May 8, 2014. CGA is currently preparing the 100% plans. Final Construction plans will be submitted to the Town by June 4, 2014.





## TOWN OF SURFSIDE

MUNICIPAL BUILDING  
9293 HARDING AVENUE  
SURFSIDE, FLORIDA 33154-3009

### PARKS AND RECREATION ADVISORY COMMITTEE MEETING

7:00 pm  
Monday March 17, 2014  
Community Center  
9301 Collins Avenue

### MINUTES

1. Roll Call of Committee Members

The meeting was called to order by Eliana Salzhauer at 7:09pm.

Also in attendance: Louisa Agresti, Arnie Notkin, Veronica Lupinacci, Michael Crotty, Town Manager, Tim Milian, Parks and Recreation Director, Marta Olchyk, Commission Liaison, Linda Miller Town Attorney, Frantza Duval, Recording Clerk

Retta Logan is absent with regrets

2. Approval of minutes from 2/10/14

Louisa Agresti made a motion to approve the minutes; Veronica Lupinacci seconded the motion. The motion passed unanimously. The minutes were approved.

3. Elections and Committee Member Appointments

Tim Milian recommends that Committee members reach out to the appointed Commission in order to be re-appointed to the Parks and Recreation Committee.

The next scheduled Parks and Recreation meeting is April 21, 2014.

Linda Miller and Tim Milian advised that Committee members need to reach out to the new Town Commission about their desire to remain members of the Committee by or before April 8, 2014.

Linda Miller advised that the current members of Committee can be put on the Commission agenda as a discussion item. The Town Commission can then vote on the Parks and Recreation Committee members as a whole and then Linda Miller can prepare an after-the-fact resolution.

The Committee members will let the Town Manager know if they would like to remain on the Parks & Recreation Committee.

Tim Milian will let the members know if there is a Commission appointed Parks and Recreation committee for the April 21, 2014 meeting.

Tim Milian will send a reminder to the Committee to speak to the elected officials about remaining on the Parks and Recreation Committee.

4. 96th street playground equipment update

Dominica is doing the equipment installation in the park.

The equipment will go in on March 31, 2014, after Spring Break. Sections will be closed, but it will be roped off.

Eliana Salzhauer advised that there should be a notification sent out of the new equipment in the park.

Michael Crotty suggested that the Committee meet thirty minutes prior to the next meeting to take pictures to include in Gazette.

5. Tennis Programing Update and Building Renovation

Tim Milian will have a full scale of the fees for the tennis program by Tuesday.

The groups are broken down by age:

4-6 year old – twice a week

7-9 years old – twice a week

10-14 years old - Monday, Wednesday, Friday

The time for the tennis programs vary.

GM sports will be running the youth tennis program.

Tim Milian will send an email out to the Committee and a flyer will be available tomorrow. The tennis program will start on March 31, 2014.

Margarette will still be running the adults doubles program as well as other adult programs.

The maximum number of kids per class is 3-6 kids.

The youth program will not be held in the summer, but will resume in the fall (September).

Eliana Salzhauer suggested a winter tennis camp.

Joseph S. Kroll, Public Works Director, will be working on renovations for the hut and it will come before the Commission in April.

Tim Milian is looking to add supplemental to allow for the rec track program to be used from the tennis center.

During construction, a port-a-potty will be available. The renovations will be done by the fall.

6. First Year Spring Camp

Tim advised that there are 38 kids currently registered for the camp and the maximum number of kids allowed is 45.

The cost to run the program is \$125 for the week for residents.

A tennis camp is in the works possibly in the winter.

Summer camp registration is April 14, 2014.

Movie Night was really successful. The only complaint was that the line for popcorn was long.

7. Community Input

Eliana Salzhauer inquired about the community center being opened later.

Michael Crotty advised that a permit is needed from Florida Department of Environmental Protection (FDEP) to have the lighting on longer at the community center.

Tim advised that pool hours have been extended to run with the swim team time.

Michael Crotty advised that something to consider is what is the cost to keep pool open in the winter. Is there a need?

Martha Olchyk advised that a study is needed for keeping the pool open. How many people are actually interested? The study can be done in house.

Veronica Lupinacci advised that there would be more usage with lights on the pool deck.

The people who run the basketball program at 96<sup>th</sup> has an after school program as an alternative for the Y(YMCA). The program will provide transportation to the kids from school. A certain number of kids must be registered. Tim needs commitment from the Committee in order to pursue.

8. Meeting Adjournment

Louisa Agresti made a motion to adjourn the meeting; Veronica Lupinacci seconded the motion. The motion passed unanimously. The meeting ended at 7:53pm

Accepted this 19 day of May, 2014

Retta Logan  
Member (Print)  
[Signature]  
Signature

Attest  
[Signature]  
Frantza Duval  
Recording Clerk



**TOWN OF SURFSIDE  
DVAC**

**Monday March 24, 2014 – 7:00 p.m.  
Commission Chambers**

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

**MINUTES**

**I. Call to Order and Roll Call**

The meeting was called to order by Michael Crotty, Town Manager 7:02pm.

**Also in attendance:** Nancy Rachman, Sandra Argow, Lou and Barbara Cohen, Jackie Murphy, Jessica Weiss-Levison, Sarah Sinatra, Town Planner, Sarah Johnston, Assistant Town Attorney, Duncan Tavares, TEDACS Director.

**II. Introduction by Town Manager Michael Crotty**

Sarah Sinatra provided a brief update on the improvement to the Amtrust building. Amtrust is moving forward with their permits etc. The façade improvements have already been approved by the Planning and Zoning Board.

**III. Approval Meeting Minutes: January 27, 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 Structure Update**

Michael Crotty stated that a report will be available on the April 8, 2014 Commission agenda.

Discussion on the public/private partnership for the post office lot will be a time certain item on the agenda at the next Commission meeting.

**V. BID Process Update**

The Town Commission passed a resolution authorizing a referendum to allow business owners to vote on the BID.

Duncan Tavares asked for those DVAC members interested in reaching out to the business owners on this to contact him.

**VI. Sign Code Process Update**

The Town Commission authorized a sign code review for downtown.

Sarah Sinatra advised that there are some signs that do not require a permit and conducted a powerpoint presentation.

Sandra Argow inquired if there will it be a variety of options or one option with regard to the (open/close) signs. Sarah Sinatra advised that businesses would be allowed to pick their own style but within the Town requirements.

The Town code does not allow for neon signs.

Jessica Levison is in favor of some uniformity but feels that neon lights are tacky.

Special event banners are allowed to be up for a limit of two weeks.

Sandra Argow advised that the Town should outlaw portable signs due to the narrow sidewalks and handicap liability.

A-Frames were not recommended by the Committee, but will be re-visited if necessary.

Sandra Argow suggested that the Town provide regulated open/close signs to business owners.

The Committee agreed that the open/close signs should not be illuminated.

Sarah Sinatra showed signs that were prohibited per Town code and signs that require permits.

She will prepare a draft on sign code recommendations for the Planning and Zoning Board. This will then return to DVAC for additional discussion.

**VII. Color Palette Discussion**

Sarah Sinatra suggested that instead of having a color palette the Town should have language that states after a certain amount of years a building has to be re-painted etc.

**VIII. DVAC & the Tourist Board**

The Committee feels that DVAC needs to be re-invigorated and interest needs to be renewed.

While the DVAC and Tourist Board tackle similar issues on occasion and are both concerned about the downtown, they have different missions.

Nancy Rachman requested clear direction on what is needed from the Downtown Vision and Advisory Committee.

Duncan Tavares suggested that the DVAC and Tourist Board meet together on a quarterly basis as some of the issues overlap.

Michael Crotty stated that some of the Town Commissioners feel that DVAC members should be appointed by Town Commissioners as with the other boards in order to establish some stability.

**IX. Action Item** ~ Return with discussed updates.

**X. Public Comment**

**XI. Next meeting: Change to Wednesday April 30, 2014**

**XII. Adjournment**

Barbara Cohen made a motion to adjourn the meeting; Lou Cohen seconded the motion. The motion passed unanimously. The meeting ended at 8:33pm.

Accepted this 20 day of Oct, 2014

LOUIS M. COHEN

Member (Print)

Louis M. Cohen

Signature

Attest:  
Frantza Duval  
Frantza Duval  
Recording Clerk





**TOWN OF SURFSIDE**  
**PLANNING AND ZONING BOARD AND DESIGN REVIEW BOARD**  
**MINUTES**  
**APRIL 28, 2014**  
**7:00 PM**

**1. CALL TO ORDER**

Town Attorney Linda Miller called the meeting to order at 7:03 p.m.

**2. ROLL CALL**

Recording Clerk Frantza Duval called the roll with the following members present: Board Member Armando Castellanos, Board Member Peter Glynn, Board Member Lindsay Lecour, Board Member Jacob Kligman and Design and Review Board Member Jorge Gutierrez. Board Member Jennifer Zawid was absent. Commissioner Cohen attended as liaison.

**3. SELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON**

Board Member Peter Glynn nominated Board Member Lindsay Lecour for Chair and received a second from Board Member Castellanos and all voted in favor. Board Member Jacob Kligman nominated himself as Vice Chair and received a second from Board Member Castellanos and all voted in favor.

**4. APPROVAL OF MINUTES: MARCH 27, 2014**

Board Member Castellanos made a motion to approve and all voted in favor.

**5. ORIENTATION**

Town Attorney Linda Miller gave an orientation for the Planning and Zoning Board.

**6. DESIGN REVIEW BOARD:**

**A. Request of the Owner of Property located at 9175 Bay Drive**

The applicant is requesting to convert a garage into additional living space.

Town Planner Sarah Sinatra presented the item. The applicant spoke on the item.

Board Member Gutierrez made a motion to approve with the recommendation that dimensions are provided on plans. The motion received a second from Board Member Castellanos and all voted in favor.

**B. Request of the Owner of Property located at 9016 Bay Drive**

The applicant is requesting to add a master suite, new windows and doors and remodel & repave the pool deck.

Town Planner Sarah Sinatra presented the item and gave recommended conditions.

For the record Board Member Gutierrez stated that as an architect, he spoke to the applicant but did not receive the job and there was no monetary exchange.

Board Member Castellanos made a motion to approve with the following conditions:

1. overall site pervious area shall be a minimum of 35%
2. minimum side setbacks shall be 5.4 feet.

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

**C. Request of the Owner of Property located at 9418 Collins Avenue**

The applicant is requesting to install two monument signs at The Grand Beach Hotel west parcel.

Town Planner Sarah Sinatra presented the item. John Perez, representing Grand Beach Hotel gave more details on the proposed signs. Mr. Perez also presented some visuals for the Board to review. There was some discussion regarding the number of signs as well as the size and placing of the signs.

Board Member Glynn made a motion to approve. The motion received a second from Board Member Castellanos and all voted in favor.

**D. Request of the owner of Property located at 9850 Abbott Avenue**

The applicant the Young Israel Congregation is requesting within the H-30B zoning district to install stained glass windows, stainless steel doors, landscaping, and a sign.

Town Planner Sarah Sinatra presented the item. The architect Jaime Shapiro representing Young Israel spoke on the item and gave a visual presentation showing details of the proposed project. The Board was pleased with the design.

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

**7. DISCUSSION ITEMS:**

**1. Massing**

Town Planner Sinatra gave an update with a power point presentation.

The Board discussed the item and then Chair Lecour opened the meeting to the public.

Review Board Member Jorge Gutierrez spoke and gave his insight on the issue.

Architect Jaime Shapiro also spoke and gave his opinions on the issue. After much discussion the Board asked Town Planner Sinatra to bring back to the Board another presentation with additional options discussed.

**2. Commercial Waste & Recycling Screening**

Town Planner Sinatra gave an update and after discussion she will prepare an ordinance for the June meeting.

**3. Single Family District Paint Colors**

Town Planner Sinatra gave an update and presented a color palette suggested by Board Member Glynn. The Board agreed on the top 4 colors presented which are lighter and rejected the stronger colors. Board Member Castellanos made a motion to allow the

top four lighter colors to go forward to the Commission. The motion received a second from Vice Chair Kligman and all voted in favor.

**4. Tree Canopy**

Town Planner Sinatra gave an update as to what is in the code and what is not in the code. Town Manager Crotty also gave an update on the issue. Board Member Glynn made a motion to request the Commission to prioritize the tree canopy project. The motion received a second from Board Member Castellanos and all voted in favor.

**5. Future Agenda Items**

Board Member Glynn asked for updates on the traffic study for the Shul, which Town Planner Sinatra provided. He also asked for an update on the Point Lake issue. Town Manager Crotty said a meeting with residents of that area is scheduled.

Town Planner Sinatra and Town Manager Crotty gave an update on sign awning code.

**8. PERMITS ISSUED AND REVENUE REPORT FOR MARCH 2014**

Building Official – Ross Prieto

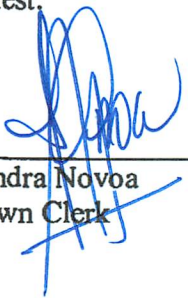
**9. ADJOURNMENT.**

There being no further business to come before the Planning and Zoning Board, the meeting adjourned at 8:42 p.m.

Accepted this 29<sup>th</sup> day of May, 2014

  
Chair Lindsay Lecour

Attest:

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



## Proclamation

*Whereas, Ruth K, Broad Bay Harbor K-8 Center and the Town of Surfside declare May 23, 2014 in honor of Toni Carraway for her devoted and conscientious service to our staff and students;*

*Whereas, we recognize her excellence in teaching which has endured throughout her 33 years of service in the field of education;*

*Whereas, 12 of those years were at Ruth K, Broad Bay Harbor K-8 Center;*

*Whereas, we recognize her caring, compassionate and dedicated service to our students;*

*Whereas, her outstanding passion for teaching and her gifts as an educator have been shared with her students;*

*Whereas, she has expressed her creativity in the classroom and has shared this talent with her students;*

*Now, Therefore, the Bobcat Family and the Town of Surfside do hereby proclaim May 23<sup>rd</sup>, 2014 Toni Carraway Day in observance thereof, we call upon her friends and family to join us in celebration of this day.*

*In witness thereof I have hereunto set my hand this 10<sup>th</sup> day of June, 2014.*

---

*Daniel Dietch, Mayor  
Town of Surfside, Florida*





## Proclamation

*Whereas, Ruth K, Broad Bay Harbor K-8 Center and the Town of Surfside declare May 23, 2014 in honor of Jannet Dennard for her devoted and conscientious service to our children;*

*Whereas, we recognize her excellence in teaching which has endured throughout her 35 years of service in the field of education;*

*Whereas, 32 of those years were at Ruth K, Broad Bay Harbor K-8 Center;*

*Whereas, we recognize her caring, compassionate and dedicated service to our children;*

*Whereas, her outstanding passion for teaching and her gifts as an educator have been shared with her children;*

*Whereas, she has expressed her creativity in the classroom and has shared this talent with her children;*

*Now, Therefore, the Bobcat Family and the Town of Surfside do hereby proclaim May 23<sup>rd</sup>, 2014 Jannet Dennard Day in observance thereof, we call upon her friends and family to join us in celebration of this day.*

*In witness thereof I have hereunto set my hand this 10<sup>th</sup> day of June, 2014.*

---

*Daniel Dietch, Mayor  
Town of Surfside, Florida*





## Proclamation

*Whereas, Ruth K, Broad Bay Harbor K-8 Center and the Town of Surfside declare May 23, 2014 in honor of Margarita Reyes for her devoted and conscientious service to our staff and students;*

*Whereas, we recognize her excellence in organizational skills which has endured throughout her 28 years of service;*

*Whereas, 12 of those years were at Ruth K, Broad Bay Harbor K-8 Center;*

*Whereas, we recognize her caring, compassionate and dedicated service to our staff and students;*

*Whereas, her outstanding passion for working with others have been shared with our staff and students;*

*Now, Therefore, the Bobcat Family and the Town of Surfside do hereby proclaim May 23<sup>rd</sup>, 2014 Margarita Reyes Day in observance thereof, we call upon her friends and family to join us in celebration of this day.*

*In witness thereof I have hereunto set my hand this 10<sup>th</sup> day of June, 2014.*

---

*Daniel Dietch, Mayor  
Town of Surfside, Florida*





## Proclamation

*Whereas, Na'amat USA was founded in 1925 as an organization that helps fund educational services including day care, vocation training, legal aide, community centers, and institutions for the prevention and treatment of family violence in Israel;*

*Whereas, Na'amat USA is committed to helping women and children in the United States and Israel that are in need;*

*Whereas, Estela Egozi Berry is a great humanitarian and philanthropist and through the magnitude of her volunteerism has helped us to accomplish our goals, particularly in fundraising to help provide a safe and empowering environment for at-risk youth;*

*Whereas, Estela Egozi Berry is a blessing to our organization. She possesses the vision and understanding of the needs to women and children in Israel today where turmoil and terrorism exist on a daily basis;*

*Whereas, Raquel Rub, Na'amat South Florida Regional President, Matilde Behar, Na'amat "OR" Chapter President, and Talia Livni, President of Na'amat Israel, express their gratitude and appreciation on behalf of the entire Na'amat USA and community at large to Estela Egozi Berry;*

*Now, Therefore, the Town of Surfside does hereby proclaim June 10th, 2014 Estela Egozi Berry Day in observance thereof, we call upon her friends and family to join us in celebration of this day.*

*In witness thereof I have hereunto set my hand this 10<sup>th</sup> day of June, 2014.*

---

*Daniel Dietch, Mayor  
Town of Surfside, Florida*





## Town of Surfside Commission Communication

**Agenda Item #** 3H

**Agenda Date:** June 10, 2014

**Subject:** 4<sup>th</sup> of July Fireworks

**Objective:** Celebrate the Fourth of July holiday with a day full of activities concluding with a fireworks display.

**Background:** The Town of Surfside has previously held celebrations to commemorate the 4<sup>th</sup> of July. The Town of Surfside has an established working relationship with Zambelli Fireworks. Zambelli Fireworks is highly reputable fireworks company, known nationwide. An annual contract is done by the Town with Zambelli to execute the firework display each year. A resolution (Exhibit A) is requested for approval of the cost of the fireworks display.

**Analysis:** Hosting a day of activities at the Community Center will continue to showcase the facility along with a capstone event by a national company which carries the Zambelli family name and understands the importance of providing top-notch quality service. In addition to the fireworks display, other activities planned for the 4<sup>th</sup> of July celebration include: Live Band, Dance Floor, Swim Races, DJ/Emcee, Stilt Walker, Airbrush Temporary Tattoos, Giveaways, Children Arts & Crafts, and Raffles. A deposit of \$6,000 dollars was required and has been paid to Zambelli to perform the firework display on the 4<sup>th</sup> of July. The additional \$6,000 dollars will be paid at the conclusion of the event on July 4<sup>th</sup> 2014.

**Budget Impact:** The event/activities during the day are currently budgeted through the Parks and Recreation Department. Total budget impact for the fireworks display is \$12,000. The Tourist Board provides 1/3 of the cost (\$4,000) of the \$12,000 thus reducing the Parks and Recreation Department's cost to \$8,000.

**Recommendation:** It is recommended that the Town Commission approve the Resolution authorizing the contract with Zambelli Fireworks for the Town's 4<sup>th</sup> of July celebration and the authorization of the initial deposit of \$6,000 and the additional balance \$6,000 to be paid at the conclusion of the event.

  
\_\_\_\_\_  
Department Head

  
\_\_\_\_\_  
Town Manager



RESOLUTION NO. 14 – \_\_\_\_

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AFTER-THE-FACT AGREEMENT WITH ZAMBELLI FIREWORKS MANUFACTURING CO. FOR EXHIBITION AND DISPLAY OF FIREWORKS; APPROVING THE EXPENDITURE OF \$4,000.00 FROM THE RESORT TAX FUND, ACCOUNT NO. 102-8000-552-48-10 AND \$8,000.00 FROM THE GENERAL FUND, PARKS & RECREATION DEPARTMENT, ACCOUNT NO. 001-6000-572-4810; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside is celebrating the 4<sup>th</sup> of July holiday at the Surfside Community Center; and

**WHEREAS**, Zambelli Fireworks Manufacturing Co. (hereinafter “Zambelli”) specializes in designing and performing exhibitions and displays of fireworks and has previously done work for the Town of Surfside providing the same services as agreed upon in Exhibit “A”; and

**WHEREAS**, the fireworks display project will be funded with \$4,000.00 from the Resort Tax Fund, Account No. 102-8000-552-48-10 and \$8,000.00 from the General Fund, Parks & Recreation Department, Account No. 001-6000-572-4810; and

**WHEREAS**, the Town Commission approves an after-the-fact Agreement with Zambelli to ensure preparation in time for the 4<sup>th</sup> of July celebration at the Community Center.

**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.**     **After-the Fact Approval of Agreement.** The Town Commission approves an after-the fact Agreement (attached as Exhibit “A”) between Zambelli and the Town of Surfside to provide fireworks display for the Town’s 4<sup>th</sup> of July holiday celebration at the Surfside Community Center, together with such non-material changes as may be acceptable to the Town Manager.

**Section 3.**     **Authorization of Town Officials.** The Town Manager and/or his designee and the Town Attorney are authorized to take all actions necessary to implement the terms and conditions of the Agreement.

**Section 4. Authorization of Fund Expenditure.** The Town Manager is authorized to expend funds from the Resort Tax Fund and General Fund - Parks and Recreation Department to implement the terms and conditions of the Agreement.

**Section 5. Execution of Agreement.** The Town Manager is authorized to execute the Agreement on behalf of the Town, to execute any required agreements and/or documents 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 6. Effective Date.** This Resolution shall be effective immediately from adoption hereof.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2014.

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

FINAL VOTE ON ADOPTION

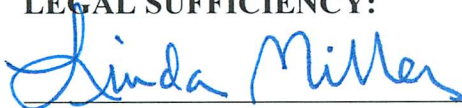
Commissioner Barry Cohen	_____
Commissioner Michael Karukin	_____
Commissioner Marta Olchyk	_____
Vice Mayor Eli Tourgeman	_____
Mayor Daniel Dietch	_____

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

**ATTEST:**

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

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

  
\_\_\_\_\_  
Linda Miller, Town Attorney

**ZAMBELLI FIREWORKS MANUFACTURING CO.**

THIS CONTRACT AND AGREEMENT (this "Contract") is made effective as of this 9<sup>th</sup> day of May, 2014,  
by and between:

*Zambelli Fireworks Manufacturing Co. of New Castle, Pennsylvania* (hereinafter referred to as "Zambelli"),

-AND-

*Town of Surfside, 9293 Harding Avenue, Surfside, FL 33154* (hereinafter referred to as "Client").

WHEREAS, Zambelli is in the business of designing and performing exhibitious and displays of fireworks; and

WHEREAS, Client desires that Zambelli provide an exhibition and display of fireworks for Client's benefit pursuant to the terms and conditions hereof, and Zambelli desires to perform an exhibition and display of fireworks for Client's benefit pursuant to the terms and conditions hereof.

NOW, THEREFORE, in consideration of the mutual agreements herein contained:

Zambelli, intending to be legally bound, agrees as follows:

1. Zambelli agrees to sell, furnish and deliver to Client a fireworks display [per the program submitted by Zambelli to Client, accepted by Client and made a part hereof] (hereinafter referred to as the "Display") to be exhibited on the display date set forth below (hereinafter referred to as the "Display Date"), or on the postponement date set forth below (hereinafter referred to as the "Postponement Date") if the Display is postponed as provided herein, which Display Date and Postponement Date have been agreed upon at the time of signing this Contract.

Display Date: July 4, 2014 Postponement Date (if any): TBD

2. Zambelli agrees to furnish the services of display technicians (hereinafter referred to as "Display Technicians") who are sufficiently trained to present the Display. Zambelli shall determine in its sole discretion the number of Display Technicians necessary to take charge of and safely present the Display.
3. Zambelli agrees to furnish insurance coverage in connection with the Display for bodily injury and property damage, including products liability, which insurance shall include Client as additional insured regarding claims made against Client for bodily injury or property damage arising from the operations of Zambelli in performing the Display provided for in this Contract. Such insurance afforded by Zambelli shall not include claims made against Client for failure of Client, including through or by its employees, agents and independent contractors, to perform its obligations as set forth in paragraphs 5 and 6 below and under this Contract.

It is expressly understood that Zambelli shall defend, indemnify, and hold harmless the Client, its officers, agents, and employees, from and against any and all demands, claims, losses, suits, liabilities, causes of action, judgment or damages, including legal fees and costs, arising out of or, related to, or in any way connected with Zambelli's performance or non-performance of this Contract. Zambelli shall defend, indemnify, and hold the Client harmless from all losses, injuries, or damages and wages or overtime compensation due its employees in rendering services pursuant to this Contract, including payment of reasonable attorneys' fees and costs in the defense of any claim made under the Fair Labor Standards Act, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act or any employment related litigation or workers' compensation claims under federal or state law. The provisions of this section shall survive termination of this Contract.

For other and additional good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Zambelli, including but not limited to the Zambelli's officers, officials, employees, representatives, agents, contractors officers, etc., subcontractors and their officers, etc. (hereinafter Zambelli) hereby agrees to indemnify, hold harmless and defend the Town of Surfside, including but not limited to its officers, agents, subcontractors, officers, officials, representatives, volunteers, employees and all those others acting on the Town's behalf (hereinafter Client) against any and all liability, loss, cost, damages, expenses, claims or actions of whatever type or nature, including but not limited to attorney and expert fees and suit cost, for trials and appeals, that the Client may pay, sustain, or incur arising wholly or in part due to any negligent or deliberate act, error or omission of Zambelli in the execution, performance or non-performance or failure to adequately perform Zambelli's obligation pursuant to this Agreement.

Client, intending to be legally bound, agrees as follows:

4. Client agrees to pay Zambelli the sum of \$12,000 (hereinafter referred to as the "Purchase Price"), fifty percent (50%) of which is due upon signing this Contract and the balance of which is due three days before the Display Date. Zambelli reserves the right to add to Client's invoice an equitable transportation surcharge in the event of any material increase in transportation costs (including the cost of fuel and third party shipping costs) to Zambelli after the date of this Contract. In addition, Client agrees to pay a postponement fee of fifteen percent (15%) of the Purchase Price plus Additional Third Party Charges (as defined in paragraph 11 below) if the Display is fired on the Postponement Date, or twenty-five percent (25%) of the Purchase Price plus Additional Third Party Charges if the Display is fired on a date other than the Display Date or the Postponement Date ("Alternate Date"). The Alternate Date must occur within six months of the original Display Date at a time agreeable to both Zambelli and the Client. Generally, Alternate Dates will not include the period from June 28<sup>th</sup> through July 7<sup>th</sup>. These Checks shall be made payable to Zambelli Fireworks Manufacturing Co., unless otherwise authorized in writing by Zambelli. NO CASH shall be paid to any agent or employee of Zambelli, unless otherwise authorized in writing by Zambelli. There shall be no refund of the Purchase Price due and payable under this paragraph 4, except as specifically provided in paragraph 11 below.
5. Client agrees to meet all deadlines outlined in the Design and Production Provisions, which has been provided to Client, including but not limited to the following:
  - (a) Client must select a suitable place for the Display, including a firing and debris zone reasonably acceptable to Zambelli (hereinafter referred to as the "Display Area") and submit such selection to Zambelli no later than sixty (60) days prior to the Display Date. The Display Area shall adhere to or exceed applicable National Fire Protection Association ("NFPA") standards including the Zambelli guideline that the Display Area have a radius of at least 100 feet per inch (or as mutually agreed to between Zambelli and Client) of the largest diameter pyrotechnic from the firing site in all directions to any parking area, spectators, inhabited buildings, public roads, or active railroad. Client shall submit a site map (attached hereto as Exhibit A) to Zambelli accurately representing the physical characteristics of the Display Area as pertains to NFPA and Zambelli guidelines. The content of the Display may be limited by the selection of the Display Area due to the requirement to provide sufficient safety zones.
  - (b) Zambelli will secure all permits necessary for the Display as required, including but not limited to police, local, state and United States Coast Guard ("USCG") permits, and arrange for any security bonds or insurance as required by law. Client will assist Client when appropriate in completing permit applications.
6. If, in its sole discretion, Client designates an area for members of the public to view the Display (hereinafter referred to as the "Spectator Area") or an area for vehicular parking (hereinafter referred to as the "Parking Area"), Client shall (a) ensure that the Spectator Area does not infringe on the Display Area, (b) have sole responsibility for ensuring that the terrain of the Spectator Area and any structures thereon, including but not limited to grandstands and bleachers are safe for use by spectators, (c) have sole responsibility for ensuring that the Parking Area is safe for use, (d) have sole responsibility to police, monitor and appropriately control spectator access to the Spectator Area and the Parking Area and police and monitor and appropriately control the behavior of persons in these areas. It is expressly agreed that Zambelli shall not inspect any area other than the Display Area, except to ensure that any Spectator or Parking Areas are outside the Display Area.
7. Prior to, during, and immediately following the Display, Client shall monitor the Display Area and will be solely responsible to keep all persons and property not authorized by Zambelli out of the Display Area and behind safety zone lines and limits.
8. Following the Display, Client shall be solely responsible for policing of the Display Area and for cleanup except as specifically provided in the sentence immediately following. Zambelli shall be responsible for the removal of unexploded fireworks and the cleanup of material debris, the removal of frames, sets and lumber from the Discharge Area, and the refilling of holes created by Zambelli or on behalf of Zambelli within the Discharge Area.
9. Client will include a direct reference to "Zambelli Fireworks" in all promotional material, including but not limited to event schedules; radio, television, newspaper and internet announcements; newspaper articles; and other media.

The parties, intending to be legally bound, mutually agree as follows:

10. It is agreed and understood by the parties hereto that should inclement weather prevent firing of the Display on the Display Date, as determined by the Authority Having Jurisdiction (as defined in paragraph 14 below) or as reasonably determined by Zambelli, then the program shall be postponed and fired on the Postponement Date. If there is no Postponement Date and the Display is not fired on the Display Date, or if inclement weather prevents

firing of the Display on the Postponement Date, as determined by the Authority Having Jurisdiction or as reasonably determined by Zambelli, the Display will be cancelled and there will be no refund of the Deposit or fifty percent (50%) of the Purchase Price, whichever is greater.


11. Client's cancellation of the Display will only be effective upon receipt by Zambelli of a written notice from an authorized person-representing Client. In the event of cancellation of the Display, the parties agree as follows:
  - (a) If Client cancels the Display more than sixty-one (61) days prior to the Display Date, Client agrees to pay Zambelli a cancellation fee equal to ten percent (10%) of the Purchase Price plus Additional Third Party Charges, as defined below.
  - (b) If Client cancels the Display from thirty-one (31) to sixty (60) days prior to the Display Date, Client agrees to pay Zambelli a cancellation fee equal to twenty percent (20%) of the Purchase Price plus Additional Third Party Charges, as defined below.
  - (c) If Client cancels the Display from five (5) days prior to the Display to thirty (30) days prior to the Display Date, Client agrees to pay Zambelli a cancellation fee equal to thirty percent (30%) of the Purchase Price plus Additional Third Party Charges, as defined below.
  - (d) If Client cancels the Display less than five (5) days prior to the day of the Display, Client agrees to pay Zambelli a cancellation fee equal to fifty percent (50%) of the Purchase Price plus Additional Third Party Charges, as defined below.
  - (e) "Additional Third Party Charges" shall mean all costs and expenses incurred by Zambelli and paid or payable to third parties in connection with the Display, including but not limited to security fees, permits and licensing fees and expenses, barge and tow expenses, and firewatch fees.
12. Zambelli reserves the exclusive right to make minor modifications and substitutions to the Display, provided that such changes are reasonable and necessary and do not materially adversely affect price, time of delivery, functional character or performance of the Display.
13. It shall be within Zambelli's and/or the Authority Having Jurisdiction's discretion to terminate the firing of the Display if any unsafe or unsuitable condition is identified. If such condition is not corrected, Zambelli may cancel the Display without further liability to Client for such cancellation.
14. The parties agree to cooperate with the regulatory authorities having jurisdiction over the Display, including, but not limited to local fire and police departments, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Department of Transportation, the Department of Homeland Security, and the USCG (any such authority having jurisdiction over the Display is sometimes referred to herein as, the "Authority Having Jurisdiction"). The parties acknowledge that such governmental regulatory authorities having jurisdiction over the Display have the right to prohibit the Display until unsafe or unsuitable conditions are corrected.
15. This contract shall be deemed made in the State of Florida and shall be construed in accordance with the laws of the State of Florida, excluding its conflict of law rules. The parties agree and consent to the jurisdiction of the courts of the State of Florida and Miami-Dade County to decide all disputes regarding this Contract.
16. If Client becomes bankrupt or insolvent, or if a petition in bankruptcy is filed by or against Client or if a receiver is appointed for Client, Zambelli may refuse to perform under this Contract and may terminate this Contract without prejudice to the rights of Zambelli. If Client's financial condition becomes unsatisfactory to Zambelli, Zambelli may require that Client deposit the balance of the Purchase Price in escrow or provide sufficient proof of its ability to pay the balance of the Purchase Price.
17. If Client fails to pay the monies due under this Contract, Zambelli is entitled to recover the balance due plus interest at one and one-half percent (1 ½ %) per month on amounts past due sixty (60) days or more. Further, on balances outstanding one hundred twenty (120) days or more, Zambelli is entitled to recover the balance due, plus accrued interest, plus attorneys fees of ten percent (10%) of the amount past due, plus court costs, or, if less, the maximum amount permitted by law.
18. It is expressly intended, understood and agreed that Zambelli is acting solely as an independent contractor and in no respect an agent, servant, or employee of the Client. Accordingly, Zambelli shall not attain or be entitled to any rights or benefits of the Client, nor any rights generally afforded classified or unclassified employees. Zambelli's employees shall not be deemed an employee of, the Client. Zambelli shall be responsible for the payment of all taxes and withholdings in connection with earnings.

19. Each party hereunder shall be excused for the period of delay in the performance of any of its obligations hereunder and shall not be liable for failure to perform or considered in default hereunder, when prevented from so performing by a cause or causes beyond its reasonable control, including but not limited to fire, storm, earthquake, flood, drought, accident, explosion, operation malfunction, or interruption, strikes, lockouts, labor disputes, riots, war (whether or not declared or whether or not the United States is a member), Federal, state, municipal or other governmental legal restriction or limitation or compliance therewith, failure or delay of transportation, shortage of, or inability to obtain materials, supplies, equipment, fuel, power, labor or other operational necessity, interruption or curtailment of power supply, or act of God, nature or public enemy.
20. This Contract constitutes the sole and entire understanding of the parties with respect to the matters contemplated hereby and supersedes and renders null and void all prior negotiations, representations, agreements and understandings (oral and written) between the parties with respect to such matters. No change or amendment may be made to this Contract except by an instrument in writing signed by each of the parties.
21. Notices, consents, requests or other communications required or permitted to be given by either party pursuant to this Contract shall be given in writing by first class mail, postage prepaid addressed as follows: if to Zambelli, to the address set forth below; if to Client, to 9293 Harding Avenue, Surfside, Florida 33154, Attention: Michael Crotty, Town Manager.
22. This Contract may be executed in one or more counterparts, each of which shall be deemed to be an original but all of which together shall be deemed to be one and the same instrument. The exchange of copies of this Contract and of signature pages by facsimile transmission shall constitute effective execution and delivery of this Contract as to the parties and may be used in lieu of the original Contract for all purposes. This Contract and all the rights and powers granted by this Contract shall bind and inure to the benefit of the parties and their respective successors and assigns.
23. Nothing in this agreement shall be deemed or otherwise interpreted as waiving the Client's sovereign immunity protections existing under the laws of the State of Florida, or as increasing the limits of liability as set forth in Section 768.28, Florida Statutes.

IN WITNESS WHEREOF, we set our hands and seals to the agreement in duplicate the day and year first above written.

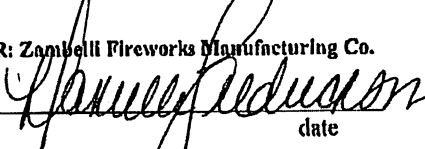
FOR Client:

BY

 5/9/14  
date

FOR: Zambelli Fireworks Manufacturing Co.

BY

 5/9/14  
date

Please sign contract where indicated for Client and return all copies for final acceptance to:

Zambelli Fireworks Manufacturing Co.  
1 West Camino Real Blvd, Ste 100  
Boca Raton, FL 33432  
561.395.0955 800.245.0397 FAX 561.395.1799



# Town of Surfside Commission Communication

**Agenda Item #** 4A1

**Agenda Date:** June 10, 2014

- Subject:**
- 1) Second Reading of an Ordinance Amending the Civil Penalty Provisions of Chapter 90 (Zoning Code) by Repealing Civil Penalty Provisions Contained Therein
  - 2) Second Reading of an Ordinance Amending the Civil Penalty Provisions of the Town Code (less Chapter 90) by Repealing Civil Penalty Provisions Contained Therein
  - 3) A Resolution Adopting Civil Fine Schedules, Administrative Fees, and Abatement Costs for Code Violations

## Introduction

On May 13, 2014, the Town Commission approved, on first reading, the two subject ordinances and discussed the draft of a proposed Resolution whereby civil penalties would be repealed from the Town Code and be adopted via resolution. The Administration was directed to move forward with the proposed Resolution and revisit the fine schedule on the noise related violations and come back with a recommendation. The proposed Resolution reflects that noise related violations will carry a \$100 per day civil penalty for a first time offense (as they currently exist), and a \$200 per day civil penalty for second, or repeat violations.

The ordinance amending the Chapter 90 provisions was presented to the Planning and Zoning Board on May 29, 2014. The Board recommended approval of the ordinance as presented. Both ordinances, and the accompanying Resolution, are being hereby presented for final approval and adoption.

The Administration was also directed to report back, after a six month period, and advise as to the impact of the revised civil penalty schedule.

## History

The Town Commission approved a list of enforcement priorities for the Code Compliance Division. In furtherance of said priorities, the Administration was asked to review and provide detailed recommendations on civil penalties and compliance periods for the priority items, as well as other code violations.

Code Compliance staff, along with the Town Attorney's office, spent considerable time reviewing the Town Code, as well as Resolution No. 1569, adopted on March 9, 1999, to identify all civil penalties contained therein. During this process, numerous sections of the Town Code were found to contain specific civil penalties for certain violations, while Resolution 1569 also contained specific civil penalty schedules linked to Town Code sections. The research revealed that there were many inconsistencies between the Town Code and Resolution 1569, and many of the code sections reflected in Resolution 1569 were outdated and no longer in keeping with the codified material. At the March 2014 Commission Meeting a report was prepared and submitted to the Commission that revealed the complexities involved in comprehensively addressing penalties/fines contained in the Town Code and Resolution 1569. Due to the fact that certain penalty schedules were part and parcel of Town Code Section 90 (Zoning Ordinance) which requires that any amendment thereto be brought before the Planning Board prior to second reading, two separate Ordinances were prepared to appropriately address the changes, along with a new resolution that will address civil penalties, administrative fees and costs.

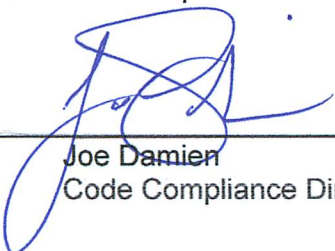
### Analysis

The proposed Resolution, along with the two Ordinances shall serve to amend and comprehensively update the Town's civil penalty schedules. The proposed penalty schedules update the penalty schedules for a majority of the violations addressed in the outdated Resolution 1569, as well as any other violation types that were not specifically addressed in Resolution 1569 (including the 35 Town Commission established priorities.) In an effort to simplify and facilitate administration and enforcement of the more than 150 violation types that previously had specific civil penalty amounts, it is proposed that penalties for most violation types be established at a rate of twenty-five dollars (\$25.00) per day for a first time offense and at fifty dollars (\$50.00) per day for a second or repeat offense. Other violations that are more egregious or are not reparable are specifically addressed by type in the proposed Resolution.

To facilitate review of the penalties and compliance periods proposed for the 35 established priorities, please see Exhibit "1", attached hereto. The rest of the civil penalties, along with the penalties for the 35 established priorities, are included in the proposed Resolution. The compliance period for the balance of the violations will vary depending on the nature of the violation, and should be left to the discretion of the Town Administration.

### Conclusion

Removing most civil penalty references from the Town Code and previously adopted Ordinances and addressing same via resolution will provide for a more efficient manner to amend the scheduled penalties in the future, if necessary. As such, it is recommended that the Commission approve and adopt the attached Resolution, and approve and adopt the accompanying Ordinances on second reading which will serve to comprehensively update the schedule of civil penalties and the Town Code.

  
\_\_\_\_\_  
Joe Damien  
Code Compliance Director

  
\_\_\_\_\_  
Michael Crotty  
Town Manager



Civil Penalties and Compliance Periods to be Provided Prior to Enforcement for Prioritized Violation Types			PROPOSED	
PRIORITY RANKING	ISSUE	COMPLIANCE PERIOD BEFORE PENALTY	PENALTY PER DAY	
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 (noise)	Immediate (after warning)	\$100	
2.0	Short Term Rentals	30 Days	\$250	
2.2	Exterior Surfaces (paint/clean)	30 Days	\$25	
2.2	Overgrowth of Grass	5 Days	\$25	
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	
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	

\* Also subject to permit double fee and other Building Dept. penalties

HISTORICAL (PRE Oct. 2011)		CURRENTLY	
COMPLIANCE PERIOD BEFORE	FINE PER DAY	COMPLIANCE PERIOD BEFORE PENALTY	PENALTY PER DAY
Unknown	\$250	2 Days	\$100
Unknown	\$250	5 Days	\$250
Unknown	\$250	15 Days	\$100
Unknown	\$250	15 Days	\$100
Unknown	\$250	2 Days	\$100
Unknown	\$250	5 Days	\$100
Unknown	\$250	5 Days	\$100
Unknown	\$250	15 Days	\$100
Unknown	\$100	Immediate (after warning)	\$100
Unknown	\$250	30 Days	\$100
Unknown	\$250	30 Days	\$100
Unknown	\$250	5 Days	\$100
Unknown	\$250	15 Days	\$100
Unknown	\$250	5 Days	\$250
Unknown	\$250	30 Days	\$100
Unknown	\$250	30 Days	\$100
Unknown	\$250	1 Day	\$100
Unknown	\$250	1 Day	\$100
Unknown	\$250	7 Days	\$100
Unknown	\$250	15 Days	\$100
Unknown	\$250	2 Days	\$100
Unknown	\$250	2 Days	\$100
Unknown	\$250	15 Days	\$100
Unknown	\$250	7 Days	\$250
Unknown	\$250	5 Days	\$100
Unknown	\$250	5 Days	\$100
Unknown	\$250	5 Days	\$100
Unknown	\$250	5 Days to apply*	\$250
Unknown	\$250	5 Days to apply*	\$250
Unknown	\$250	5 Days to apply*	\$250
Unknown	\$250	15 Days (+late fee & int.)	\$100
Unknown	\$250	15 Days	\$100
Unknown	\$250	2 Days	\$100
Unknown	\$250	15 Days (+late fee & int.)	\$100
Unknown	\$250	30 days	\$100

**ORDINANCE NO. 14 - \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE CODE OF THE TOWN TO AMEND ALL SECTIONS REFERENCING FINE AMOUNTS FOR CODE VIOLATIONS; SPECIFICALLY AMENDING SECTIONS 90-41.1 "SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS AND TOWNHOMES"; 90-49.2 "AWNINGS AND CANOPIES"; 90-56 "FENCES, WALLS AND HEDGES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Commission has had numerous discussions of Code Compliance and of the Town's fine and penalties structure; and

**WHEREAS**, the Town Commission approved a list of enforcement priorities for the Code Compliance division; and

**WHEREAS**, the Town Commission desires to revise the Town's fine and penalty structure and determined this was a priority; and

**WHEREAS**, in an effort to ensure consistency between the Florida Statutes, the Town Code of Ordinances, and Code Compliance procedures, references to fine amounts will be removed from the Code of Ordinances and the reference will be to the schedule of fines to be adopted by the Town Commission in a Resolution; and

**WHEREAS**, the Town Commission held its first public reading on May 13, 2014 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 May 29, 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 June 10, 2014 and further finds the proposed change to the Code necessary and in the best interest of the community.

**NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:**

**Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by this reference.

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

**Chapter 90. Zoning.**

**Sec. 90-41.1. Short term rental of single family dwellings, two-family dwellings, multi-family dwellings and townhomes.**

\*\*\*

(c) *Resort tax and enforcement.*

(1) *Payment of resort tax required.* Owners are subject to payment of the resort taxes as establish by the laws of the Town of Surfside.

(2) *Violations of this section:*

a. Are subject to the finest as set forth in the schedule of fines adopted by resolution to the following fines. ~~The special master may not waiver or reduce fines set by this section.~~

i. ~~First violation: \$500.00.~~

ii. ~~Second violation within the preceding 12 months: \$1,500.00.~~

iii. ~~Third violation within the preceding 12 months: \$5,000.00.~~

iv. ~~Fourth or greater violation within the preceding 12 months: \$7,500.00.~~

\*\*\*

**Sec. 90-49.2. Awnings and canopies.**

The following Design Criteria are applicable to all multi-dwelling and non-residential properties. All new and replacement awnings and canopies shall meet these requirements.

\*\*\*

d. *Enforcement.*

1. Code enforcement and/or the building department shall be responsible for the enforcement of these provisions. Any person or entity violating these provisions shall be subject to a ~~\$250/day fine~~ finest as set forth in the schedule of fines adopted by resolution and punishable as provided in section 1-8 and all other applicable sections of the Code of the Town of Surfside.

**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.

\*\*\*

- (c) Any person or entity found to be in violation of this subsection shall be subject to ~~a fine of \$500.00 per day~~ finer as set forth in the schedule of fines adopted by resolution.

\*\*\*

- (o) *Enforcement and penalties.* The code compliance division and building departments shall be responsible for the enforcement of the provisions of this section. Any person or entity found to be in violation of this section shall be subject to ~~a \$500.00 fine per day~~ finer as set forth in the schedule of fines adopted by resolution.

**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 \_\_\_\_\_, \_\_\_\_\_

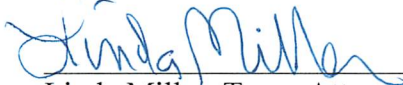
PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
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: \_\_\_\_\_

**FINAL VOTE ON ADOPTION**

Commissioner Barry R. Cohen \_\_\_\_\_  
Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Eli Tourgeman \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_



# Town of Surfside Commission Communication

**Agenda Item #** 4A2

**Agenda Date:** June 10, 2014

- Subject:**
- 1) Second Reading of an Ordinance Amending the Civil Penalty Provisions of Chapter 90 (Zoning Code) by Repealing Civil Penalty Provisions Contained Therein
  - 2) Second Reading of an Ordinance Amending the Civil Penalty Provisions of the Town Code (less Chapter 90) by Repealing Civil Penalty Provisions Contained Therein
  - 3) A Resolution Adopting Civil Fine Schedules, Administrative Fees, and Abatement Costs for Code Violations

## Introduction

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The ordinance amending the Chapter 90 provisions was presented to the Planning and Zoning Board on May 29, 2014. The Board recommended approval of the ordinance as presented. Both ordinances, and the accompanying Resolution, are being hereby presented for final approval and adoption.

The Administration was also directed to report back, after a six month period, and advise as to the impact of the revised civil penalty schedule.

## History

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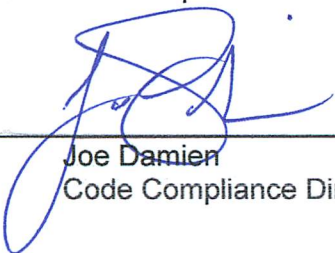
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To facilitate review of the penalties and compliance periods proposed for the 35 established priorities, please see Exhibit "1", attached hereto. The rest of the civil penalties, along with the penalties for the 35 established priorities, are included in the proposed Resolution. The compliance period for the balance of the violations will vary depending on the nature of the violation, and should be left to the discretion of the Town Administration.

### Conclusion

Removing most civil penalty references from the Town Code and previously adopted Ordinances and addressing same via resolution will provide for a more efficient manner to amend the scheduled penalties in the future, if necessary. As such, it is recommended that the Commission approve and adopt the attached Resolution, and approve and adopt the accompanying Ordinances on second reading which will serve to comprehensively update the schedule of civil penalties and the Town Code.

  
\_\_\_\_\_  
Joe Damien  
Code Compliance Director

  
\_\_\_\_\_  
Michael Crotty  
Town Manager

Civil Penalties and Compliance Periods to be Provided Prior to Enforcement for Prioritized Violation Types			
PRIORITY RANKING	ISSUE	PROPOSED	
		COMPLIANCE PERIOD BEFORE PENALTY	PENALTY PER DAY
	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 (noise)	Immediate (after warning)	\$100
	2.0 Short Term Rentals	30 Days	\$250
	2.2 Exterior Surfaces (paint/clean)	30 Days	\$25
	2.2 Overgrowth of Grass	5 Days	\$25
	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
	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

\* Also subject to permit double fee and other Building Dept. penalties

HISTORICAL (PRE Oct. 2011)		CURRENTLY	
COMPLIANCE PERIOD BEFORE	FINE PER DAY	COMPLIANCE PERIOD BEFORE PENALTY	PENALTY PER DAY
Unknown	\$250	2 Days	\$100
Unknown	\$250	5 Days	\$250
Unknown	\$250	15 Days	\$100
Unknown	\$250	15 Days	\$100
Unknown	\$250	2 Days	\$100
Unknown	\$250	5 Days	\$100
Unknown	\$250	5 Days	\$100
Unknown	\$250	15 Days	\$100
Unknown	\$100	Immediate (after warning)	\$100
Unknown	\$250	30 Days	\$100
Unknown	\$250	30 Days	\$100
Unknown	\$250	5 Days	\$100
Unknown	\$250	15 Days	\$100
Unknown	\$250	5 Days	\$250
Unknown	\$250	30 Days	\$100
Unknown	\$250	30 Days	\$100
Unknown	\$250	1 Day	\$100
Unknown	\$250	1 Day	\$100
Unknown	\$250	7 Days	\$100
Unknown	\$250	15 Days	\$100
Unknown	\$250	2 Days	\$100
Unknown	\$250	2 Days	\$100
Unknown	\$250	15 Days	\$100
Unknown	\$250	7 Days	\$250
Unknown	\$250	5 Days	\$100
Unknown	\$250	5 Days	\$100
Unknown	\$250	5 Days	\$100
Unknown	\$250	5 Days to apply*	\$250
Unknown	\$250	5 Days to apply*	\$250
Unknown	\$250	5 Days to apply*	\$250
Unknown	\$250	15 Days (+late fee & int.)	\$100
Unknown	\$250	15 Days	\$100
Unknown	\$250	2 Days	\$100
Unknown	\$250	15 Days (+late fee & int.)	\$100
Unknown	\$250	30 days	\$100



ORDINANCE NO. 14 - \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTIONS OF THE CODE RELATING TO FINES AND PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS; SPECIFICALLY AMENDING; CHAPTER 1 "GENERAL PROVISIONS" SECTION 1-8 "PENALTY FOR VIOLATIONS"; CHAPTER 10 "ANIMALS" SECTION 10-27 "PENALTY"; CHAPTER 14 "BUILDINGS AND BUILDING REGULATIONS" SECTIONS 14-31 "REQUIRED ROOFING MATERIALS," 14-51 "ESTABLISHED," AND 14-55 "VACANT LOTS OR BUILDINGS"; CHAPTER 15 "CODE ENFORCEMENT" SECTIONS 15-6 "CIVIL INFRACTIONS AND PENALTIES," 15-11 "CIVIL PENALTIES AND RELATED TERMS CONSTRUED," AND 15-18 "VIOLATIONS; SCHEDULE OF CIVIL PENALTIES"; CHAPTER 18 "BUSINESSES" SECTIONS 18-85 "CIVIL FINES AND PENALTIES; DENIAL OF FUTURE PERMITS TO REPEAT VIOLATORS," AND 18-88 "PERMITTED AREAS; CONDITIONAL PERMIT; TOWN MANAGER'S RIGHT TO REMOVE SIDEWALK CAFÉS"; CHAPTER 34 "ENVIRONMENT" SECTIONS 34-71 "VACANT LOTS," AND 34-80 "PROHIBITIONS ON LITTER; CIVIL FINES FOR VIOLATIONS; ENFORCEMENT; APPEALS; LIENS"; CHAPTER 42 "FLOODS" SECTION 42-64 "PENALTIES [SIC] FOR VIOLATION"; AND CHAPTER 70 "TAXATION" SECTIONS 70-32 "DELINQUENCIES; ADDITIONAL PENALTIES" AND 70-36 "HEARING WHEN THE RECEIPT HOLDER FAILS TO COMPLY WITH NOTICE OR WHEN REQUESTED BY AGGRIEVED APPLICANT/RECEIPT HOLDER"; 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 has had numerous discussions of Code Compliance and of the Town's fine and penalties structure; and

WHEREAS, the Town Commission approved a list of enforcement priorities for the Code Compliance division; and

WHEREAS, the Town Commission desires to revise the Town's fine and penalty structure and determined this was a priority; and

**WHEREAS**, in an effort to ensure consistency between the Florida Statutes, the Town Code of Ordinances, and Code Compliance procedures, references to fine amounts will be removed from the Code of Ordinances and the reference will be to the schedule of fines to be adopted by the Town Commission in a Resolution; and

**WHEREAS**, the Town Commission held its first public reading on May 13, 2014 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

**WHEREAS**, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on June 10, 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:**

**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:

**Chapter 1. General Provisions.**

**Sec. 1-8. Penalty for violations.**

\*\*\*

- (c) Except as otherwise provided, whenever in town ordinances, codes, resolutions, rules and regulations; provisions, rules and regulations of the South Florida Building Code; applicable sections of the Code of Miami-Dade County; applicable rules and regulations of the state board of health and of the state hotel and restaurant division; or such other land development regulations or ordinances as may be adopted by the town, any act is prohibited or is made or declared to be unlawful or an offense, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of same shall be ~~punished~~ by a fine not to exceed \$500.00 ~~or by imprisonment for a term not to exceed 60 days, or by both such fine and imprisonment.~~ the maximum allowable fines established by Florida Statute. The Town Commission shall adopt by resolution, a schedule of fines for violations of this Code. Unless otherwise stated, each day that a violation continues shall constitute a separate punishable offense

\*\*\*

**Chapter 10. Animals.**

**Sec. 10-27. Penalty.**

Violation of any provision of this article is a civil infraction. A maximum penalty of ~~\$500.00~~, as determined by Florida Statute, may be imposed by a county judge. A citation for civil infraction may be issued by any police officer or code enforcement officer of the town who has probable cause to believe that a person has committed an act in violation of this article. If the person cited does not wish to contest the citation in the county court, he may pay a the penalty of \$100.00 as set forth in the citation, to the clerk of the court within 20 days of receipt of the citation. Upon failure to pay the civil penalty, failure to appear in court to contest the citation, or failure to appear in court for an offense for which a mandatory court appearance is required, the court may issue an order to show cause upon the request of the town commission. This order shall require such persons to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, that person may be held in contempt of court.

\*\*\*

**Chapter 14. Buildings and Building Regulations.**

**Sec. 14-31. Required roofing materials.**

\*\*\*

(d) Unless otherwise provided by Resolution, ~~Any~~ person, persons, firm or corporation violating any of the provisions of this section, shall, upon conviction thereof, be punished by a fine ~~not to exceed \$1,000.00~~ not to exceed the maximum penalty as determined by Florida Statute, ~~or by imprisonment not to exceed 90 days or by both such fine and imprisonment.~~ Each day that a violation is permitted to exist shall constitute a separate offense.

\*\*\*

**Sec. 14-51. Established.**

\*\*\*

(f) In order to defray the cost to the town of maintaining such property there is hereby levied and assessed against each owner or occupant who fails to maintain such lawns, landscaping and driveways in accordance with this article, an administrative fee as set forth in the schedule of fines adopted by resolution ~~the sum of \$125.00~~ per time the town provides such maintenance, in addition to the actual costs incurred for said maintenance. All charges becoming due and payable under this subsection constitute, and are hereby imposed as liens against the real property, and, upon becoming delinquent April 1 of the following year, until fully paid and discharged, shall remain liens, equal in rank and dignity with the ad valorem taxes of the town, and may be satisfied by the sale of certificates in the same manner as is provided for the sale of certificates on delinquent ad

valorem taxes. Such lien shall be superior in rank and dignity to other liens, encumbrances, titles and claims in, to or against the real property involved.

\*\*\*

**Sec. 14-55. Vacant lots or buildings.**

\*\*\*

- b) Failure to comply with any provisions set forth in this ordinance shall subject an owner, his successors or assigns, to the civil penalties set forth in Chapter 15, Code Enforcement (Section 15-11) of the Code of the Town of Surfside the schedule of fines adopted by resolution.

**Chapter 15. Code Enforcement.**

**Sec. 15-6. Civil infractions and penalties.**

A violation of the Code shall constitute a civil offense punishable by civil penalty as prescribed in sections 1-8 of the Code, ~~and section 15-18 hereof,~~ and as set forth in the schedule of fines adopted by resolution.

\*\*\*

**Sec. 15-11. Civil penalties and related terms construed.**

- (a) Penalties for violations of the provisions to be enforced through this chapter shall be in the amounts prescribed in the schedule of civil penalties adopted by resolution contained in section 15-18 hereof; provided, however, that the maximum civil penalty shall ~~be \$250.00~~ not exceed the maximum fine amount as determined by Florida Statute for a first time single violation. If the violation is continuing or repetitive, a separate violation will occur each day beyond the date of the civil violation notice.
- (b) For each day of a continued violation, an additional penalty in the same amount as that prescribed for in the original violation shall be added.
- (c) Uncorrectable violations as defined in section 15-1(l) above may be assessed a fine not to exceed ~~\$5,000.00~~ the maximum fine amount as determined by Florida Statute per violation.
- (d) Civil penalties assessed pursuant to this section are due and payable to the Town of Surfside on the first day after a violator has not timely requested an administrative hearing pursuant to section 15-12(a)(3), or if such request was timely filed, when the order of the special master imposing a fine is final.
- (e) For the first repeat violation, the amount of the civil penalty shall be double the amount of the penalty prescribed for the original violation ~~by section 15-18 hereof~~ as set forth in the schedule of fines adopted by resolution. The amount of civil penalty due for each subsequent repeat violation shall be double the amount of penalty due for the first day of the immediately preceding violation, provided that the maximum penalty as set forth in the schedule of fines adopted by resolution

~~shall not be exceeded payable for the first day of any one repeat violation shall be \$500.00, and in addition, shall include all costs incurred by the town to bring the property into compliance.~~

\*\*\*

**Sec. 15-18. Violations; schedule of civil penalties.**

\*\*\*

- (d) ~~For violations of any section of this Code for which a specific penalty is not prescribed herein, a penalty shall be imposed which shall not be less than \$25.00 or more than \$250.00 per day for a first violation and shall not be less than \$50.00 or more than \$500.00 per day for a repeat violation. For the purposes of continuing violations, each day shall constitute a separate violation.~~

\*\*\*

**Chapter 18. Businesses.**

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

(a) Violations of this section are subject to fines that increase based upon the number of violations within the preceding 12 month period, the fine amounts are set forth in the schedule of fines adopted by resolution. In addition to the fines imposed pursuant to the schedule of fines, the below listed penalties shall result based upon the number of violations per preceding 12 month period: The following civil fines and penalties shall be imposed for violations of this division:

- (1) ~~First violation .....\$100.00~~
  - (2) ~~Second violation within the preceding 12 months .....250.00~~
  - (3) ~~Third violation within the preceding 12 months .....500.00~~
  - (4) ~~Fourth within the preceding 12 months .....750.00~~
  - (5)(1) Fifth violation within the preceding 12 months, suspension of the sidewalk café permit for one weekend (Saturday and Sunday) ~~and \$1,000.00.~~
  - (6)(2) Sixth violation within the preceding 12 months, revocation of the sidewalk café permit for the remaining portion of the permit year ~~and \$1,000.00.~~
  - (7)(3) Failure to apply for permit—Termination of sidewalk café operations.
  - (8)(4) Failure to renew permit—Suspension of sidewalk café operations.
- (b) A permittee who has been issued more than six violations pursuant to this division within a permit year shall be prohibited from applying for and obtaining a sidewalk café permit for a period of two permit years, following the permit year in which the applicant/permittee incurred the aforesaid violations.

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

\*\*\*

- (g) Upon written and/or verbal notification by the town manager of a hurricane or other major weather event, or the issuance of a hurricane warning by Miami-Dade County, whichever occurs first, the permittee shall, within no more than four hours of same, remove and place indoors all tables, chairs and any other sidewalk café furniture located on the right-of-way. The notification by the town manager of a hurricane or other major weather event, or the issuance of a hurricane warning, shall constitute a public emergency situation as referenced in this division. The town manager may remove, relocate, and/or store any sidewalk café furniture found on the right-of-way that has otherwise not been removed by the permittee pursuant to this subsection. Any and all costs incurred by the town for removal, relocation and/or storage of sidewalk café furniture shall be the responsibility of the permittee. Sidewalk cafés will not re-open for business following a hurricane or other major weather event until notified by the town manager. Violation of this subsection (g) shall result in the issuance of an immediate ~~\$1,000.00~~ fine pursuant to the schedule of fines adopted by resolution, and/or suspension, for up to 30 days, of the sidewalk café permit.

\*\*\*

**Chapter 34. Environment.**

**Sec. 34-71. Vacant lots.**

\*\*\*

- (b) In order to defray the cost of clearing such vacant property, there is hereby levied and assessed against each and every vacant lot in the town, upon which the owner thereof may allow to accumulate excessive or heavy growth of grass, weeds, shrubs or other vegetation, an administrative fee, as provided for in the schedule of fines adopted by resolution, the sum of \$125.00 per cutting, cleaning or removal, as set forth in subsection (a) of this section., per time the Town provides such maintenance, in addition to the actual costs incurred for said maintenance.

**Sec. 34-80. Prohibitions on litter; civil fines for violations; enforcement; appeals; liens.**

- (a) It shall be unlawful for any person or benefactor to throw, discard, place or deposit, or cause to be thrown, discarded, placed, or deposited, litter in any manner or amount whatsoever in or on any public highway, sidewalk, road, street, alley, thoroughfare, beach, park, baywalk, beachwalk, cut walk, or any other public place, except in containers or areas lawfully provided therefor. It shall be unlawful for any person to throw, discard, place or deposit any garbage, cans, bottles or containers in or on any freshwater lakes, rivers, streams, canals, or tidal or coastal waters within the town. In addition, it shall be unlawful for any person to throw, discard, place or deposit litter in any manner or amount whatsoever on

any private real or personal property, unless prior consent of the owner has been given and unless such litter will not cause a public nuisance or be in violation of any other state or local laws, rules or regulations.

- (b) It shall be unlawful for any person to carry onto any beach within the town a glass container.
- (c) ~~The following civil fines~~ shall be imposed for violations as set forth in the schedule of fines adopted by resolution. ~~of this section except as provided in subsections (f) below:~~
  - (1) ~~First offense: \$50.00 fine.~~
  - (2) ~~Second offense: \$100.00 fine.~~
  - (3) ~~Third or subsequent offense: \$250.00 fine.~~

In lieu of a fine, the special master may accept voluntary community service removing litter in the town equivalent to one hour of community service for each imposed fine. If the community service is not completed within three months of an adjudication of guilt, the fine shall be reinstated.

- (d) If a violation of this section resulted from the throwing, discarding, placing or depositing, or causing to be thrown, discarded, placed, or deposited commercial handbills as litter, then the ~~following civil fines~~ schedule of fines adopted by resolution shall be imposed. The special master shall not have discretion to alter these prescribed penalties except as to the per handbill fine provided for therein. ~~of \$50.00 provided in subsection (e)(1).~~
  - (1) ~~If the offense is the first offense, \$100.00 fine;~~
  - (2) ~~If the offense is the second offense within the preceding 12 months, \$250.00 fine;~~
  - (3) ~~If the offense is the third or subsequent offense within the preceding 12 months, \$500.00 fine plus \$50.00 per handbill.~~
  - (4) ~~Notwithstanding subsections (e) (1) (3),~~ No person or benefactor shall receive more than one offense within any one-day period.

\*\*\*

## Chapter 42. Floods.

### Sec. 42-64. ~~Penalties~~ Penalties for violation.

Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall be punishable for a noncriminal violation. Any person who violates this article or fails to comply with any of its requirements shall, upon adjudication therefore, be fined not more than ~~\$500.00~~ the maximum allowable fines established by Florida Statute, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the floodplain

administrator from taking such other lawful actions as is necessary to prevent or remedy any violation

## **Chapter 70. Taxation.**

### **Sec. 70-32. Delinquencies; additional penalties.**

- (a) Those receipts not renewed by October 1 shall be considered delinquent and subject to a delinquency penalty of ten percent for the first whole or partial month of delinquency, plus an additional five percent penalty for each subsequent whole or partial month of delinquency, until fully paid. However, the total delinquency penalty shall not exceed 25 percent of the local business tax receipt for the delinquent receipt.
- (b) Any person engaging in or managing any business, occupation or profession without first obtaining a town local business tax receipt, if required hereunder, shall be subject to a penalty of 25 percent of the receipt determined to be due, in addition to a ~~\$250.00~~ the penalty-fines provided for in the schedule of fines adopted by resolution if the local business tax receipt is not applied for within 60 days of notice.
- (c) Any person who engages in any business, occupation, or profession covered hereby who does not pay the required local business tax receipt within 150 days after the initial notice of tax due, and who does not obtain the required local business tax receipt, is subject to civil actions and penalties including court costs, reasonable trial and appellate attorneys' fees, additional administrative costs incurred as a result of collection efforts and an additional penalty ~~of up to \$250.00~~ as provided for in the schedule of fines adopted by resolution.
- (d) Any person who shall carry on or conduct any business, profession or occupation for which a receipt is required hereby without first obtaining such receipt; and any person who shall make a false statement, application or oath, in connection with any application for a receipt hereunder, shall, upon conviction, be punished as provided in section 1-8. Each day that a business, occupation or profession is conducted or allowed to be conducted without first having procured a receipt therefor, shall constitute a separate and individual offense.

\*\*\*

### **Sec. 70-36. Hearing when the receipt holder fails to comply with notice or when requested by aggrieved applicant/receipt holder.**

If a receipt holder fails to comply with any notice issued as provided above, the town manager may issue an order in writing to the receipt holder, by certified mail or hand delivery, notifying him to appear at an administrative hearing before the town manager or his designee to be held at a time to be fixed in such order, which date shall be not less than five days after service thereof. An administrative hearing may also be requested by an applicant/receipt holder aggrieved by a decision of a code inspector regarding denial of a receipt, determination of fees/penalties due and/or warning of potential suspension/revocation for violation of a provision of this article. The request must be in writing and filed in the town manager's office within ten days of receipt of the decision of



the inspector. The request must specify the decision complained of and the nature of the applicant/receipt holder's grievance and must be accompanied by a fee of \$75.00 fifty percent (50%) of the cost of the administrative fee as provided for in the schedule of fines adopted by resolution, to partially defray expenses of the hearing. The fee will be refunded if the applicant/receipt holder prevails in the appeal.

\*\*\*

**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 become effective in ten (10) days after second reading.

**PASSED and ADOPTED** on First Reading the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**PASSED and ADOPTED** on Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

**ATTEST:**

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

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



\_\_\_\_\_  
Linda Miller  
Town Attorney

On Final Reading Moved by: \_\_\_\_\_

On Final Reading Seconded by: \_\_\_\_\_

VOTE ON ADOPTION:

Commissioner Michael Karukin	yes	_____	no	_____
Commissioner Marta Olchyk	yes	_____	no	_____
Commissioner Barry R. Cohen	yes	_____	no	_____
Vice Mayor Eli Tourgeman	yes	_____	no	_____
Mayor Daniel Dietch	yes	_____	no	_____



## Town of Surfside Town Commission Communication

**Agenda Date:** June 10, 2014

**Subject:** Dock Projection Ordinance  
(Docks on Biscayne Bay)

**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background:** The Town's zoning code limits docks located on Biscayne Bay and Indian Creek to 35 feet in length. Miami-Dade's Regulatory and Economic Resources (RER, formerly DERM), has required longer docks than what is limited by the Town's zoning code, to protect the sea grasses located adjacent to the seawalls. The Planning and Zoning Board directed staff to request input from RER on the appropriate length of docks and prepare an ordinance for an upcoming Town Commission meeting limiting docks to RER's recommendation.

Staff reviewed the codes of other municipalities within Miami-Dade County as well as spoke to RER about the potential code change. RER has indicated that there is no specific minimum or maximum number of feet to limit a dock projection to protect the seagrass beds. Each circumstance is different and even the sea grasses adjacent to neighboring properties could have different requirements.

### **Analysis:**

The proposed ordinance is a modification to the length of a dock for docks along Biscayne Bay. This modification is not applicable to Point Lake.

Due to Miami-Dade County requiring longer docks that permitted by the Town Code for docks along Biscayne Bay, staff originally suggested modifying the maximum length of a dock projection to 40 feet, except if the applicant provides evidence that Miami-Dade County requires a greater dock length. However, the Planning and Zoning Board suggested that the language continue to be limited to 35 feet with the provision that if evidence is provided requiring additional length, a longer dock may be permitted. The

current code states that a dock is limited to 35 feet and a variance would be required to exceed the 35 foot limitation in order to meet the County standards.

**Staff Recommendation:** The Town Commission unanimously approved this ordinance on first reading. The Planning and Zoning Board recommend the dock length should remain at 35 feet with an allowance to exceed the maximum length if documentation is provided. This was unanimously recommended to the Town Commission.

**Budget Impact:** N/A

**Growth Impact:** N/A

**Staff Impact:** N/A



\_\_\_\_\_  
Sarah Sinatra Gould, AICP, Town Planner



\_\_\_\_\_  
Michael Crotty, Town Manager

ORDINANCE NO. 14-\_\_\_\_\_

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE CODE OF THE TOWN TO AMEND SECTION 90-57 "MARINE STRUCTURE" TO EXTEND THE LENGTH OF THE DOCK PROJECTION INTO BISCAYNE BAY AND TO PROVIDE FOR A COURTESY NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town has previously regulated the length docks that project into Biscayne Bay, Indian Creek, and Point Lake; and

**WHEREAS**, DERM and the Corp of Engineers have expressed an interest in preserving and not disturbing the sea-grass the presently grows at the point where the Code currently requires docks to be built in Biscayne Bay; and

**WHEREAS**, the Town has received requests to extend the length of docks in Biscayne Bay and those requests are not inconsistent with recommendations from the applicable approving government agencies and this amendment will therefore promote the health, safety, and welfare of the Town; and

**WHEREAS**, the Town Commission held its first public reading on April 8, 2014 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 May 29, 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 June 10, 2014 and further finds the proposed change to the Code necessary and in the best interest of the community.

**NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:**

**Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by this reference.

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

**Sec. 90-57. Marine structures.**

The following regulations shall apply to boat docks, piers, and mooring piles, in any district:

(1) Projection of docks and piers into waterways beyond the waterway line, lot line, or established bulkhead lines shall be limited as follows, subject to final approval by ~~DERM and any other applicable agency~~ Miami-Dade County and any other authority having jurisdiction:

a. *Biscayne Bay*: 35 feet except if the applicant provides evidence that Miami-Dade County requires a greater dock length to avoid or minimize adverse environmental impact to marine resources.

\*\*\*

(3) For all properties requesting a Marine Structure permit as described in this Section, the Town Manager or designee shall send a mailed courtesy notification to all property owners within 300 feet of the property requesting the permit submitted to the Building Department.

**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 \_\_\_\_\_, \_\_\_\_\_

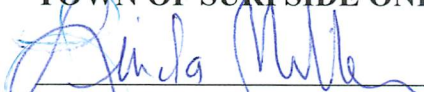
PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
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: \_\_\_\_\_

FINAL VOTE ON ADOPTION

Commissioner Barry R. Cohen \_\_\_\_\_  
Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Eli Tourgeman \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_



## Town of Surfside Commission Communication

**Agenda #:** 4B1  
**Agenda Date:** June 10, 2014  
**Subject:** Solar Panels  
**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 solar panels. Staff presented the proposed code amendment at the March 27, 2014 Planning and Zoning Board meeting where the ordinance was recommended for approval to the Town Commission.

**Analysis:** The code is currently silent on solar panels. Broward County has created a model ordinance that many municipalities are utilizing to make it easier for the public to move forward with solar panels. Staff used this ordinance text as a base for the following proposed changes:

### **Sec. 90-2. Definitions.**

*Rooftop photovoltaic solar system: A system which uses one (1) or more photovoltaic panels installed on the surface of a roof, parallel to a sloped roof or surface- or rack-mounted on a flat roof, to convert sunlight into electricity.*

90-19.7 The following shall be exempt from planning and zoning board review; however, the design guidelines shall be followed:

- (1) Interior or rear yard fences.
- (2) Interior renovations.
- (3) Awnings.
- (4) Screens.
- (5) Driveways.



- (6) Re-roofs
- (7) Trellis.
- (8) Rooftop Photovoltaic Solar Systems

**Sec. 90-50.3 Rooftop Photovoltaic Solar Systems**

(1) Intent. The provisions contained herein are intended to promote the health, safety, and general welfare of the citizens by removing barriers to the installation of alternative energy systems and encourage the installation of rooftop photovoltaic solar systems.

(2) Permitted accessory equipment. Rooftop photovoltaic solar systems shall be deemed permitted accessory equipment to conforming and nonconforming buildings and structures in all zoning categories. Nothing contained in this chapter shall be deemed to prohibit the installation of rooftop photovoltaic solar systems as accessory equipment to conforming and nonconforming buildings, including buildings containing nonconforming uses.

(4) Height. The height of rooftop photovoltaic solar systems shall not be greater than five (5) feet above the roof and shall not exceed the Town's maximum height limitation described in Section 90-44.1.

(6) Tree removal. Any removal of trees shall require a tree removal permit from Miami-Dade County.

(7) Maintenance. The rooftop photovoltaic solar system shall be properly maintained and be kept free from hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare.

**Budget Impact:** N/A

**Growth Impact:** N/A

**Staff Impact:** N/A

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



Sarah Sinatra Gould, AICP, Town Planner



Michael Crotty, Town Manager

**ORDINANCE NO. 14 - \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”; AND SPECIFICALLY AMENDING SECTION 90.2 “DEFINITIONS”; AMENDING SECTION 90-19.7 TO EXEMPT ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS FROM PLANNING AND ZONING BOARD REVIEW AND TO FOLLOW DESIGN GUIDELINES; AND CREATING SECTION 90-50.3 “ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS” TO PROVIDE REGULATIONS OF ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE SURFSIDE CODE OF ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on September 30, 2013 at a Joint Meeting of the Town Commission and Planning and Zoning Board there was a discussion regarding solar panels; and

**WHEREAS**, the Town Code is currently silent on solar panels; and

**WHEREAS**, Broward County has created a model ordinance that many municipalities are utilizing to make it easier for the public to move forward with solar panels; and

**WHEREAS**, the Town Commission held its first public reading on June 10, 2014 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

**WHEREAS**, the Planning and Zoning Board, as the Local Planning Agency for the Town, held its hearing on the proposed amendments to the district regulations on June 26, 2014 with due public notice and input; and

**WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on July 8, 2014; and

**WHEREAS**, the Town Commission finds that the proposed Ordinance to the Code is 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. 90-2. Definitions.**

Rooftop photovoltaic solar system: A system which uses one (1) or more photovoltaic panels installed on the surface of a roof, parallel to a sloped roof or surface- or rack-mounted on a flat roof, to convert sunlight into electricity.

\* \* \*

90-19.7 The following shall be exempt from planning and zoning board review; however, the design guidelines shall be followed:

- (1) Interior or rear yard fences.
- (2) Interior renovations.
- (3) Awnings.
- (4) Screens.
- (5) Driveways.
- (6) Re-roofs
- (7) Trellis.
- (8) Rooftop Photovoltaic Solar Systems

\* \* \*

**Sec. 90-50.3 Rooftop Photovoltaic Solar Systems**

(1) Intent. The provisions contained herein are intended to promote the health, safety, and general welfare of the citizens by removing barriers to the installation of alternative energy systems and encourage the installation of rooftop photovoltaic solar systems.

(2) Permitted accessory equipment. Rooftop photovoltaic solar systems shall be deemed permitted accessory equipment to conforming and nonconforming buildings and structures in all zoning categories. Nothing contained in this chapter shall be deemed to prohibit the installation of rooftop photovoltaic solar systems as accessory equipment to conforming and nonconforming buildings, including buildings containing nonconforming uses.

(4) Height. The height of rooftop photovoltaic solar systems shall not be greater than five (5) feet above the roof and shall not exceed the Town’s maximum height limitation described in Section 90-44.1.

(6) Tree removal. Any removal of trees shall require a tree removal permit from Miami-Dade County.

(7) Maintenance. The rooftop photovoltaic solar system shall be properly maintained and be kept free from hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare.

\* \* \*

**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 the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

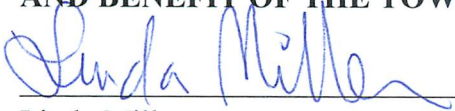
**PASSED and ADOPTED** on Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

**ATTEST:**

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

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



Linda Miller  
Town Attorney

On Final Reading Moved by: \_\_\_\_\_

On Final Reading Seconded by: \_\_\_\_\_

**VOTE ON ADOPTION:**

Commissioner Barry R. Cohen	yes	_____	no	_____
Commissioner Michael Karukin	yes	_____	no	_____
Commissioner Marta Olchyk	yes	_____	no	_____
Vice Mayor Eli Tourgeman	yes	_____	no	_____
Mayor Daniel Dietch	yes	_____	no	_____



# Town of Surfside Commission Communication

**Agenda Item #** 5A

**Agenda Date:** June 10, 2014

- Subject:**
- 1) Second Reading of an Ordinance Amending the Civil Penalty Provisions of Chapter 90 (Zoning Code) by Repealing Civil Penalty Provisions Contained Therein
  - 2) Second Reading of an Ordinance Amending the Civil Penalty Provisions of the Town Code (less Chapter 90) by Repealing Civil Penalty Provisions Contained Therein
  - 3) A Resolution Adopting Civil Fine Schedules, Administrative Fees, and Abatement Costs for Code Violations

## Introduction

On May 13, 2014, the Town Commission approved, on first reading, the two subject ordinances and discussed the draft of a proposed Resolution whereby civil penalties would be repealed from the Town Code and be adopted via resolution. The Administration was directed to move forward with the proposed Resolution and revisit the fine schedule on the noise related violations and come back with a recommendation. The proposed Resolution reflects that noise related violations will carry a \$100 per day civil penalty for a first time offense (as they currently exist), and a \$200 per day civil penalty for second, or repeat violations.

The ordinance amending the Chapter 90 provisions was presented to the Planning and Zoning Board on May 29, 2014. The Board recommended approval of the ordinance as presented. Both ordinances, and the accompanying Resolution, are being hereby presented for final approval and adoption.

The Administration was also directed to report back, after a six month period, and advise as to the impact of the revised civil penalty schedule.

## History

The Town Commission approved a list of enforcement priorities for the Code Compliance Division. In furtherance of said priorities, the Administration was asked to review and provide detailed recommendations on civil penalties and compliance periods for the priority items, as well as other code violations.

Code Compliance staff, along with the Town Attorney's office, spent considerable time reviewing the Town Code, as well as Resolution No. 1569, adopted on March 9, 1999, to identify all civil penalties contained therein. During this process, numerous sections of the Town Code were found to contain specific civil penalties for certain violations, while Resolution 1569 also contained specific civil penalty schedules linked to Town Code sections. The research revealed that there were many inconsistencies between the Town Code and Resolution 1569, and many of the code sections reflected in Resolution 1569 were outdated and no longer in keeping with the codified material. At the March 2014 Commission Meeting a report was prepared and submitted to the Commission that revealed the complexities involved in comprehensively addressing penalties/fines contained in the Town Code and Resolution 1569. Due to the fact that certain penalty schedules were part and parcel of Town Code Section 90 (Zoning Ordinance) which requires that any amendment thereto be brought before the Planning Board prior to second reading, two separate Ordinances were prepared to appropriately address the changes, along with a new resolution that will address civil penalties, administrative fees and costs.

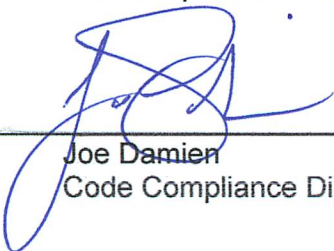
### Analysis

The proposed Resolution, along with the two Ordinances shall serve to amend and comprehensively update the Town's civil penalty schedules. The proposed penalty schedules update the penalty schedules for a majority of the violations addressed in the outdated Resolution 1569, as well as any other violation types that were not specifically addressed in Resolution 1569 (including the 35 Town Commission established priorities.) In an effort to simplify and facilitate administration and enforcement of the more than 150 violation types that previously had specific civil penalty amounts, it is proposed that penalties for most violation types be established at a rate of twenty-five dollars (\$25.00) per day for a first time offense and at fifty dollars (\$50.00) per day for a second or repeat offense. Other violations that are more egregious or are not reparable are specifically addressed by type in the proposed Resolution.

To facilitate review of the penalties and compliance periods proposed for the 35 established priorities, please see Exhibit "1", attached hereto. The rest of the civil penalties, along with the penalties for the 35 established priorities, are included in the proposed Resolution. The compliance period for the balance of the violations will vary depending on the nature of the violation, and should be left to the discretion of the Town Administration.

### Conclusion

Removing most civil penalty references from the Town Code and previously adopted Ordinances and addressing same via resolution will provide for a more efficient manner to amend the scheduled penalties in the future, if necessary. As such, it is recommended that the Commission approve and adopt the attached Resolution, and approve and adopt the accompanying Ordinances on second reading which will serve to comprehensively update the schedule of civil penalties and the Town Code.

  
\_\_\_\_\_  
Joe Damien  
Code Compliance Director

  
\_\_\_\_\_  
Michael Crotty  
Town Manager

Civil Penalties and Compliance Periods to be Provided Prior to Enforcement for Prioritized Violation Types			PROPOSED	
PRIORITY RANKING	ISSUE	COMPLIANCE PERIOD BEFORE PENALTY	PENALTY PER DAY	
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 (noise)	Immediate (after warning)	\$100	
2.0	Short Term Rentals	30 Days	\$250	
2.2	Exterior Surfaces (paint/clean)	30 Days	\$25	
2.2	Overgrowth of Grass	5 Days	\$25	
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	
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	

\* Also subject to permit double fee and other Building Dept. penalties

HISTORICAL (PRE Oct. 2011)			CURRENTLY		
COMPLIANCE PERIOD BEFORE	FINE PER DAY		COMPLIANCE PERIOD BEFORE PENALTY	PENALTY PER DAY	
Unknown	\$250		2 Days	\$100	
Unknown	\$250		5 Days	\$250	
Unknown	\$250		15 Days	\$100	
Unknown	\$250		15 Days	\$100	
Unknown	\$250		2 Days	\$100	
Unknown	\$250		5 Days	\$100	
Unknown	\$250		5 Days	\$100	
Unknown	\$250		15 Days	\$100	
Unknown	\$100		Immediate (after warning)	\$100	
Unknown	\$250		30 Days	\$100	
Unknown	\$250		30 Days	\$100	
Unknown	\$250		5 Days	\$100	
Unknown	\$250		15 Days	\$100	
Unknown	\$250		5 Days	\$250	
Unknown	\$250		30 Days	\$100	
Unknown	\$250		30 Days	\$100	
Unknown	\$250		1 Day	\$100	
Unknown	\$250		1 Day	\$100	
Unknown	\$250		7 Days	\$100	
Unknown	\$250		15 Days	\$100	
Unknown	\$250		2 Days	\$100	
Unknown	\$250		2 Days	\$100	
Unknown	\$250		15 Days	\$100	
Unknown	\$250		7 Days	\$250	
Unknown	\$250		5 Days	\$100	
Unknown	\$250		5 Days	\$100	
Unknown	\$250		5 Days	\$100	
Unknown	\$250		5 Days to apply*	\$250	
Unknown	\$250		5 Days to apply*	\$250	
Unknown	\$250		5 Days to apply*	\$250	
Unknown	\$250		15 Days (+late fee & int.)	\$100	
Unknown	\$250		15 Days	\$100	
Unknown	\$250		2 Days	\$100	
Unknown	\$250		15 Days (+late fee & int.)	\$100	
Unknown	\$250		30 days	\$100	



**RESOLUTION NO. 14 - \_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE FLORIDA, AMENDING THE SCHEDULE OF CIVIL PENALTIES AND ADMINISTRATIVE FEES TO BE ASSESSED FOR VIOLATION OF THE CODE OF THE TOWN OF SURFSIDE, AS PROVIDED IN CHAPTER 1 “GENERAL PROVISIONS”, SPECIFICALLY SECTION 1-8 “PENALTY FOR VIOLATIONS”, AND CHAPTER 15 “CODE ENFORCEMENT” SPECIFICALLY SECTION 15-18 “VIOLATIONS; SCHEDULE OF CIVIL PENALTIES”; REPEALING ALL OTHERS; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Commission approved a list of enforcement priorities for the Code Compliance Division on November 17, 2013; and

**WHEREAS**, the Town Administration reviewed the civil penalties and compliance periods for the priority items, as well as other code violations; and

**WHEREAS**, Resolution No. 1569 adopted on March 9, 1999, which addressed civil penalty schedules has been found to be inconsistent, outdated and no longer in keeping with the Town Code; and

**WHEREAS**, pursuant to Section 15-18 of the Code of Ordinances, 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; and

**WHEREAS**, except as otherwise provided in Chapter 15 above, Chapter 1 Section 1-8 provides a penalty for violations of all other Sections of the Code of Ordinances; and

**WHEREAS**, it is in the best interest of the Town to preserve the public health, safety and welfare of the residents and the Town Commission is charged with preserving and maintaining the aesthetic standards and preventing public safety hazards of the Town.

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

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

**Section 2. Authorization and Approval.** The Town Commission authorizes and approves the Civil Penalties and Administrative Fees Schedule for Code Compliance and Enforcement Related Services.

- 1) Incorporated herein as Attachment "A" is a schedule of civil penalties and administrative fees adopted pursuant to Chapter 1 Section 1-8 and Chapter 15 Section 15-18 of the Code of Ordinances. Any sections of the Code 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.
- 2) For violations of any section of the Town Code for which a specific penalty is not prescribed herein, a penalty shall be imposed which shall not be less than \$25.00 or more than \$250.00 per day for a first violation and shall not be less than \$50.00 or more than \$500.00 per day for a repeat violation. For the purposes of continuing violations, each day shall constitute a separate violation.

**Section 3. Effective Date.** The Commission of the Town of Surfside hereby ordains that this Resolution shall become effective immediately upon adoption.

**PASSED and ADOPTED** on this day of \_\_\_\_\_, 2014.

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

**FINAL VOTE ON ADOPTION**

Commissioner Barry R. Cohen \_\_\_\_\_  
Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Eli Tourgeman \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

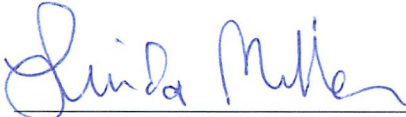
\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

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Sandra Novoa, Town Clerk

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



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Linda Miller, Town Attorney

## SCHEDULE OF DAILY CIVIL FINES FOR CERTAIN VIOLATION TYPES

(All violation types not listed herein shall be subject to a \$25.00 per day fine for a first time offense and a \$50.00 per day fine for a 2nd or repeat offense)

Chapter	Section Name	Description of Violation	Daily Fine First Offense	Daily Fine Second/Repeat Offense
Chapter 6	Alcoholic Beverages	Failure to comply or conform to any requirement of the Town Code relating to alcoholic beverages.	\$250.00	\$500.00
Section 6-8	Offenses, Miscellaneous Provisions	Failure to comply or conform to any requirement of the Town Code relating to music and/or entertainment.	\$100.00	\$200.00
Chapter 10-2	Animals	Killing birds and squirrels.	\$250.00	\$500.00
Section 10-28(c)	Animals	Allowing a dog to run at large	\$50.00	\$100.00
Section 10-28(c)	Animals	Allowing a dog to be improperly leashed	\$50.00	\$100.00
Section 10-30	Animals	Failure to license any dog	\$50.00	\$100.00
Section 10-32	Animals	Failure to remove fecal excrement	\$100.00	\$200.00
Section 10-33	Animals	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.	\$50.00	\$100.00
Section 10-33	Animals	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 town.	\$100.00	\$200.00
Section 10-34	Animals	Failure to have one's dog properly collared.	\$50.00	\$100.00
Section 10-36	Animals	Keeping or harboring any dog that engages in frequent or habitual barking, yelping or howling; that is mean or vicious; that becomes a nuisance.	\$50.00	\$100.00
Section 10-36	Animals	Any cruelty to a dog, as defined.	\$250.00	\$500.00
Section 14-2	Buildings and Construction	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.	\$250.00	\$500.00
Section 14-2	Buildings and Construction	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,	\$250.00	\$500.00
Section 14-28,90-37	Buildings and Construction	Performing or having performed work without first obtaining required permit.	\$250.00	\$500.00
Section 14-87	Bulkheads	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.	\$250.00	\$500.00
Section 14-87	Bulkheads	Repair, extend, alter or replace any existing structure lying east of the ocean bulkhead line.	\$250.00	\$500.00
Section 14-88	Bulkheads	Erect any structure within 20 feet west of the ocean bulkhead line.	\$250.00	\$500.00
Section 14-88	Bulkheads	Repair, extend, alter or replace any existing structure lying within 20 feet west of the ocean bulkhead line.	\$250.00	\$500.00
Section 14-102	Bulkheads	Erect any structure within 20 feet landward of the Indian Creek bulkhead line.	\$250.00	\$500.00
Section 14-102	Bulkheads	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..	\$250.00	\$500.00

**SCHEDULE OF DAILY CIVIL FINES FOR CERTAIN VIOLATION TYPES**

(All violation types not listed herein shall be subject to a \$25.00 per day fine for a first time offense and a \$50.00 per day fine for a 2nd or repeat offense)

<b>Chapter</b>	<b>Section Name</b>	<b>Description of Violation</b>	<b>Daily Fine First Offense</b>	<b>Daily Fine Second/Repeat Offense</b>
Section 18-85 (a)	Businesses (Civil Fines and Penalties)	First Violation (Sidewalk Café Ordinance)	\$100.00	Second violation within the preceding 12 months: \$250.00. Third violation within the preceding 12 months: \$500.00. Fourth violation within the preceding 12 months: \$750.00. *Fifth violation within the preceding 12 months: \$1000.00. **Sixth violation within the preceding 12 months: \$1000.00.
Section 18-88 (g)	Businesses (Permitted areas; conditional permit; town manager's right to remove sidewalk cafes)	Failure to respond to Town Manager's emergency notifications, and removal of sidewalk café furnishings by Town.	\$1,000.00	
Section 34-30	Buildings and Construction	Unlawful connection of any sanitary sewer drains to the town's drainage system.	\$250.00	\$500.00
Section 34-30	Buildings and Construction	Unlawful connection of any storm drains to the town's sanitary sewer system.	\$250.00	\$500.00
Section 46-1	Health	Violation of the Florida Department of Health and Rehabilitation Services, or responsible department or agency.	\$250.00	\$500.00
Section 54-62	Offenses, Miscellaneous Provisions	Drinking any beer, wine or any other alcoholic beverage on any street, sidewalk, pedestrian mall, alley, highway, playground or park in the town.	\$100.00	\$200.00
Sections 54-78 to 54-79	Offenses, Miscellaneous Provisions	Creation of any prohibited noises at any prohibited times or locations.	\$100.00	\$200.00
Section 78-51	Sewers and Sewage Disposal	Construction or maintenance of any septic tank or sanitary privy.	\$100.00	\$200.00
Section 78-54	Sewers and Sewage Disposal	Discharge into the town's sanitary sewer any prohibited material or substance.	\$250.00	\$500.00
Section 90-41.1(c)(2)	Zoning - Resort Tax and Enforcement	Resort Tax violations are subject to the following fines. The special master may not waiver or reduce fines set by this section.	\$500.00	Second violation within the preceding 12 months: \$1,500.00. Third violation within the preceding 12 months: \$5,000.00. Fourth or greater violation within the preceding 12 months: \$7,500.00.
Section 90-184	Bulkheads	Erect, repair, extend, alter or replace: Dock and pier projecting into Biscayne Bay waterway beyond the waterway line more than 20 feet. Dock and pier projecting in Indian Creek waterway beyond the waterway line more than 10 feet. Dock and pier projecting into Point Lake waterway beyond the waterway line more than 15 feet.	\$250.00	\$500.00

**SCHEDULE OF DAILY CIVIL FINES FOR CERTAIN VIOLATION TYPES**

(All violation types not listed herein shall be subject to a \$25.00 per day fine for a first time offense and a \$50.00 per day fine for a 2nd or repeat offense)

Chapter	Section Name	Description of Violation	Daily Fine First Offense	Daily Fine Second/Repeat Offense
Section 90-187	Bulkheads	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.	\$250.00	\$500.00

**Note: All violation types not listed herein shall be subject to a \$25.00 per day fine for a first time offense and a \$50.00 per day fine for a 2nd or repeat offense.**

\* Also subject to suspension of sidewalk café permit for one weekend (Saturday & Sunday).  
 \*\* Also subject to revocation of sidewalk café permit for the remaining portion of the permit year.

<b>ADMINISTRATIVE FEES, ABATEMENT COSTS, AND OTHER CIVIL FINES</b>				
Issue	Description	Fee	Fine	Note
Code Compliance Abatement	Fees based on actual costs incurred and staff time	Contractor Costs and/or staff hourly costs		
Code Compliance Abatement Related Administrative Fees	Fees based on actual costs incurred and staff time	Fees based on actual staff hourly costs for administrative process		
Lawn Cutting & Clearing Cost	Per Lawn Cutting Service	Fees based on actual Contractor costs and/or staff hourly costs		
Code Compliance Lawn Cutting Administrative Fee	Per Lawn Cutting Service	\$125.00	\$25.00	per occurrence
Trash & Debris Over-the-Limit Pick-Up Fees & Fines	Per cubic yard fee:	\$15.50	\$25.00	per occurrence
Construction Debris Pick-Up Fee & Fines	Per cubic yard fee:	\$30.00	\$25.00	per occurrence



**TOWN OF SURFSIDE  
COMMISSION COMMUNICATION MEMORANDUM**

**From:** Commissioner Michael Karukin

**Agenda Item #** 5B

**Agenda Date:** May 13, 2014

**Subject:** Resolution re: Moratorium on the Downtown Parking Trust Fund (“PTF”)

**Background:**

The PTF option in Section 90-77 of the Surfside Code permits an applicant to pay \$22,500 per space; payable over time (e.g., 20 years or longer) interest free, as a way to meet off street parking requirements without having to locate all the required parking spaces on the subjects property. Meaning, an applicant can purchase parking spaces that do not exist.

In addition, the PTF option contains no limits or restrictions on the number of parking spaces that can be purchased.

No limits or restrictions may have unintended consequences related to land use intensity, building configurations, massing, including negative impacts on traffic and congestion. For example, in a recent project the applicant selected the PTF option with a plan to purchase 100 spaces. However, the Town cannot realistically accommodate that number of spaces without a new parking structure.

At the March 2014 Planning and Zoning meeting, Stan Price, Esq., an expert land use attorney for the Applicant testified that Surfside’s PTF ordinance is "defective". In addition, the Town Planner suggested that having no limits or restrictions in a PTF ordinance may not be consistent with sound planning policy. Furthermore, in the Town Manager’s April 2014 report entitled “Parking Solution: The Next Step” it is stated that “until a parking solution is implemented” changes to the PTF should be considered (see page 21 of the pdf, page 19 in the hard copy).

**Action:** It is proposed that the Town Commission (“TC”) approve a Resolution that begins the process to impose a moratorium on using the PTF as an option to satisfy off street parking requirements until the issue can be more fully vetted and direct the Town Clerk to Publish a Notice of Zoning in Progress that is consistent with the Resolution. Until the issue can be more fully vetted, the TC may consider the following items:

- Eliminate the PTF altogether
- Add a requirement where the Town Commission has to approve a PTF application
- Add an interest rate requirement to the amount paid over time as governed under Florida Statutes
- Limit the number of spaces available under the PTF to a percentage of the total requirement.
- Establish a means test to determine if the PTF should apply to an applicant

**RESOLUTION NO. 14 - \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE NEED FOR A MORATORIUM ON THE OPTION TO USE THE PARKING TRUST FUND FOR OFF-STREET PARKING AS APPLIED TO ANY PROPOSED DEVELOPMENT WHICH HAS NO COMPLETE APPLICATION PENDING; REQUESTING THAT THE PLANNING AND ZONING BOARD MAKE RECOMMENDATIONS REGARDING MODIFICATIONS TO THE PARKING TRUST FUND OPTION AND REGARDING SUCH MORATORIUM; DIRECTING THE TOWN CLERK TO PUBLISH A NOTICE OF ZONING IN PROGRESS AS APPLIED TO ANY PROPOSED DEVELOPMENT WHICH HAS NO COMPLETE APPLICATION PENDING; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside (“Town”) is currently studying the feasibility of developing a parking garage that would use, in part, the fees collected in the Downtown Parking Trust Fund created pursuant to Section 90-77 (b)(5) of the Town of Surfside Code of Ordinances; and

**WHEREAS**, it is in the best interests and welfare of the Town and its residents to review the existing provisions of the off-street parking requirements of the Town of Surfside zoning code which allows the use of the Downtown Parking Trust Fund as an option to satisfy parking requirements for uses within the SD-B40 zoning district and for religious places of public assembly; and

**WHEREAS**, in order to prevent the premature use of the Downtown Parking Trust Fund as an option for off-site parking requirements during the period of the parking garage feasibility study and during the period of review of the off-street parking requirements of the zoning code, it may be necessary for the Town to impose a moratorium on the use of the aforesaid option and to invoke zoning in progress pursuant to Section 90-6 of the zoning code; and

**WHEREAS**, the Town Commission desires that the Planning and Zoning Board consider and recommend to the Town Commission whether there should be modifications to the zoning code provisions related to the Downtown Parking Trust Fund, and whether a moratorium should be imposed on the option to use the Downtown Parking Trust Fund as an alternative to off-street parking requirements; and

**WHEREAS**, the Town Commission desires that any such moratorium and the zoning in progress shall not apply to pending applications for development approvals which have been determined to be complete applications as of the date of this Resolution.



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

**Section 1. Recitals Incorporated.** The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution upon adoption hereof.

**Section 2. Call for Review of the Downtown Parking Fund Option for Providing Off-street Parking Requirements.** The Town Commission requests that the Planning and Zoning Board consider and make recommendations to the Town Commission regarding zoning revisions to Section 90-77 “Off-street parking requirements” of the Town of Surfside Zoning Code. Specifically, the Town Commission requests that the Planning and Zoning Board consider and recommend whether the provision of the zoning code relating to the use of the Downtown Parking Trust Fund as an option for fulfilling off-site parking requirements should be modified.

**Section 3. Call for Consideration of a Moratorium.** The Town Commission requests that the Planning and Zoning Board also consider and make recommendations to the Town Commission regarding the need for a moratorium on the option to use the Downtown Parking Trust Fund during the period that the Planning and Zoning Board and Town Commission consider any revisions to the zoning code provision for the Downtown Parking Trust Fund. It is intent of the Town Commission that any such moratorium shall not apply to pending applications for development approvals which have been determined to be complete applications as of the date of this Resolution.

**Section 4. Direction to the Town Clerk to Publish Zoning in Progress Notice.** The Town Commission directs the Town Clerk to Publish a Zoning in Progress Notice as provided in Section 90-6 “Zoning in Progress” of the zoning code, in order to apply a hold on the processing of development applications that are submitted to the Town after the date of the publication of the Notice. Provided, however, that the Notice shall not apply to any pending applications for development approvals which have been determined to be complete applications as of the date of this Resolution.

**Section 5. Effective Date.** This Resolution becomes effective upon adoption.

**PASSED and ADOPTED** on this \_\_\_\_ day of \_\_\_\_\_, 2014.

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

FINAL VOTE ON ADOPTION

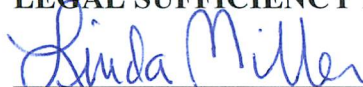
Commissioner Barry R. Cohen \_\_\_\_\_  
Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Eli Tourgeman \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

\_\_\_\_\_  
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

## Agenda Items:

Condition of the scanning machine <sup>it's use</sup> and the room that stores it.

Review the enforcement of allowing dogs in the narrow walk path.

Presented by Marta Olajuff

Please remember we have an agreement to place agenda items in the order they are presented in other words don't put it at the end since I'm not staying after 11:00 p.m.

Thanks,  
MD

5/21/14

9C

## Agenda Items:

Condition of the scanning machine <sup>it's use</sup> and the room that stores it.

Review the enforcement of allowing dogs in the narrow walk path.

Presented by Marta Olajuff

Please remember we have an agreement to place agenda items in the order they are presented in other words don't put it at the end since I'm not staying after 11:00 p.m.

Thanks,  
MD



## Town of Surfside Commission Communication

**Agenda Item #** 9D

**Agenda Date:** June 10, 2014

**Subject:** Town Hall: Roof, Air Conditioning Issues and Remediation

**Background:** See attached May 13, 2014 Commission Communication


**Current Status:**

**Remediation and replacement** - Decon Environmental Company, who is currently remediating the tennis center, has submitted a proposal to remediate Town Hall once the roof and A/C are replaced for a cost of \$ 28,368.21.

**Roof** - The roof pre-bid conference was held on May 27, 2014. During that time it was discovered that there would be a cost saving approach by utilizing the existing drain system. Staff has redesigned the roof and the closing dates for new bids are set for June 13, 2014.

**A/C** - The original A/C bid deadline was set for June 5, 2014. No contractors attended the required May pre-bid conference. Due to the urgency, the advertising time was short which resulted in no interest. By re-advertising for a longer period of time and notifying contractors, bids will be received. The bid date closing has been reset for June 27, 2014.

The roof and A/C projects will run concurrently with an expected finish date at the end of August.

  
\_\_\_\_\_  
Public Works Director

  
\_\_\_\_\_  
Town Manager

Attachment: May 13, 2014 Commission Communication



## Town of Surfside Commission Communication

### MEMORANDUM

**TO:** Michael Crotty, Town Manager  
**FROM:** Joseph S. Kroll, Public Works Director  
**SUBJECT:** Town Hall: Roof, Air Conditioning Issues and Mold Remediation  
**DATE:** May 13, 2014

**Purpose:** This report is being presented to update the Town Commission on the current status of efforts by Staff to address mold remediation in Town Hall and needed upgrades to the roof and air conditioning systems.

**Background:** In December 2013, Public Works contracted CIH Environmental Solutions to evaluate air quality and mold growth throughout Town Hall due to many years of roof leaks. The results came back in a report dated December 17, 2013 which outlined different areas throughout Town Hall which needed to be addressed through mold remediation, water damage repair and cleanup. Prior to addressing mold and air quality, the roof and air conditioning systems need to be addressed. Staff has prepared a scope of work for the roof replacement and with the assistance of mechanical engineer (Alfredo M. Carbonell P.E.) outlined a scope of work for the air conditioning portion. Both of these functions are in the process of being bid.

Town Hall had a major renovation in 2001 which only included minor roof repairs to the main center roof and painting with roof sealer, which was again done in 2012. The existing roof drains through the middle of Town Hall with a series of pipes which convey the rain water through the building down to ground level. This creates another leak point as piping gets old and is very difficult to repair properly if need be. The proposed roof will eliminate the drains through the building with a built up roof system. Water will be conveyed from a high point to a low point and exit thru scuppers (holes designed for water to pass thru at the edge of roof), not allowing any water to build up on the roof. Also, insulation will be added making Town Hall more energy efficient. There is no insulation currently. Approximate cost \$75,000 to \$85,000.

Town Hall is currently cooled and heated by 5 stand alone units that are dedicated for certain parts of the building. They are a condenser generated system and range in age from 3 to 5 years old. Because of our location to the coast line wear and tear caused by corrosion from salt air the life span of these units are very short (4 – 6 years). We are now experiencing major rust and deterioration which is allowing water intrusion during heavy rain events and malfunctions. The new proposed system is a chiller system designed for use in coastal climate. All parts are coated to prevent corrosion and because of our east / west exposure the system will utilize the wind to cool, which is very efficient.

The size of Town Hall warrants this type of system which will pay for itself on average in 6 – 8 years due to lower energy bills. A study is being finalized which will identify actual ROI. Approximate cost \$85,000 to \$95,000.

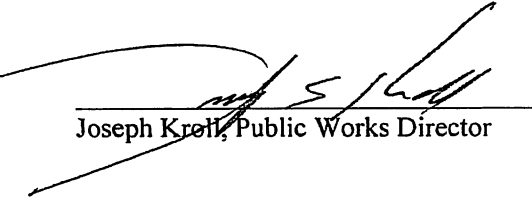
Once all the elevated work is completed Decon Construction, the same company approved to do the work at the tennis center, will perform the necessary remediation in Town Hall utilizing the same Broward County School District bid.

Roof and air conditioner work is anticipated to go to the Town Commission in June with work to begin the end of June with completion slated for end of July. Because the roof work will take less time to complete, once that is finished the remediation can start in the beginning of July instead of waiting for the entire A/C project to be completed. Once the remediation and replacement starts, completion will be about 6 weeks. The majority of the work is on the second floor with carpet, ceiling tiles and 3 walls to remove and replace drywall. Downstairs is mainly in the Police Chief's office walls. It is not as extensive as the Tennis Center, just a larger area to repair.

**Next Step: It is anticipated that Staff will have a proposal for the Commission's consideration at its June Commission meeting including roof repairs/improvements; A/C replacement; and mold remediation.**

**Update: Tennis Hut Improvements**

The Commission awarded a contract to the Decon Company in the amount of \$50,754.22 for improvements and remediation of the Tennis Center at the April 8 Commission meeting. A preconstruction meeting was held with Decon on April 10, 2014 to discuss scheduling, start date and completion date. Staff ordered an asbestos test for the ceiling to determine if asbestos is present in the building prior to Decon commencing work. The test was completed April 18, 2014 and the results were negative. Once the windows and doors arrive, construction will begin and should be completed within 6 weeks.

  
Joseph Kroll, Public Works Director

  
Michael P. Crotty, Town Manager



Town of Surfside  
2014/2015 Proposed Budget  
BUDGET PREPARATION CALENDAR

Distribution of Department Budget Package to Department Directors	February 13 (Thursday)
Submission of Department Budget Requests to Finance Department	March 13 (Thursday)
Department Budget Meetings with the Town Manager	March 17 - March 28
First Budget Workshop	May 22 (Thursday)
Miami Dade Property Appraiser 2014 Assessment Roll Estimate	May 30 (Friday)
2014/2015 Proposed Budget Completed	June 20 (Friday)
Town Commission Budget Workshop	June 26 (Thursday 4:00-6:00pm)
Miami-Dade Property Appraiser Certified Taxable Value	July 1 (Tuesday)
Preliminary Millage Rate Adoption at Regular Commission Meeting	July 8 (Tuesday 7:00pm)
First Public Hearing	September 9 (Tuesday)*
Budget Summary and Notice of Hearing Published	September 18 and September 19
Second Public Hearing	September 23 (Tuesday)**
Fiscal Year 14/15 Begins	October 1

\*Date to be determined based on Public Hearing dates of:  
Miami-Dade County (September 4)  
Miami Dade County School Board (July 24)

\*\*Date to be determined based on Public Hearing dates of:  
Miami-Dade County (September 18)  
Miami Dade County School Board (September 3)





## Town of Surfside Commission Communication

**Agenda Item #** 9F

**Agenda Date:** June 10, 2014

**Subject:** Community Center Expansion – Outreach and Planning Initiative

**Background:** 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.

The Town Manager moderated a May 14 Community Discussion to kick-off this exciting community project. The purpose of the discussion was to arrive at consensus on the process to be utilized. It was suggested that the process should appropriately be led by the Parks and Recreation Committee and the Tourist Board as their responsibilities are closely aligned with most aspects of the Community Center.

A joint meeting between the Parks and Recreation Committee and Tourist Board was held on May 19, 2014. They will meet again on June 16, 2014, 7:00 pm to review past proposals for an expanded Community Center. These meetings will alternate between the regularly scheduled Parks and Recreation Committee and Tourist Board meetings monthly until the Fall. The goal is to have a recommendation for the Town Commission at that time.

**Recommendation:** The proposed structure for undertaking the Community Center Outreach and Planning Initiative has been revised to incorporate the new approach – that is utilizing the talents of the Parks and Recreation Committee and Tourist Board.

This approach was discussed with the Parks and Recreation Committee and Tourist Board at their May 19 joint meeting.

Attached is the recommended approach to undertake outreach and planning efforts leading to the identification of recommended amenities/features/services; design features; schematic design option(s) and preliminary cost estimates.

  
Town Manager

Attachment: Community Center Outreach and Planning – June 2014



## Town of Surfside

# Community Center Outreach and Planning June 2014

### I. Purpose

This effort will facilitate the initial public outreach and planning for the initiative leading to the anticipated expansion/second floor of the Surfside Community Center.

### II. Process

This process will be coordinated through the Town Manager's office and will utilize the talents of the existing Parks and Recreation Committee and Tourist Board. These two committees/boards are involved with the operation, financing and functioning of the Community Center. The Parks and Recreation Committee and Tourist Board will meet jointly to undertake this initiative.

### III. Tasks

#### A. Background analysis

- Obtain full understanding of current layout and functions of the existing Community Center.
- Review existing "as-built" plans and previous plans/studies for a multi-level Community Center.

#### B. Obtain public opinion/input (Public Outreach)

- Determine appropriate method(s) to solicit needed stakeholder input (residents; community groups/associations; elected officials; staff, etc.) on Community Center expansion, including support in the community for the expansion project; specific amenities/functions to be included; additional services to be provided; and design elements.

#### C. Uses/Function of Second Story Expansion Area

- Begin process of prioritizing needs based upon information gathered in Tasks A, B and C.

#### D. Design Features

- Alterations/modifications to existing Community Center.
- Exterior "look" of the second story and inclusion of unique architectural features incorporating or taking advantage of the Community Center's beach location.

- Green initiatives including solar panels/photovoltaics; chiller system; roof top environmental/green opportunities, etc.

**E. Preliminary Recommendations**

- Prepare a report with recommendations following completion of A, B, C and D above.

**F. Presentation to the Town Commission**

- The Town Manager will present the recommendation(s) to the Town Commission at a public meeting anticipated to be held no later than October 14, 2014.
- Town Manager will request authorization from the Town Commission to utilize the services of an architect from the Town's approved list in order to prepare schematic design option(s) and preliminary cost estimate(s).

**G. Final Report**

- In consultation with the architect, the Parks and Recreation Committee and Tourist Board members will prepare a final report including recommended amenities/features/services; design features; schematic design option(s); and cost estimates.

**IV. Nature of Initiative**

- Advisory (non-binding recommendations)
- Operate in the "Sunshine" and in accordance with public records requirements of the Florida Statutes.
- Town Staff will assist in coordinating meetings; providing technical expertise for each of the assigned tasks and assisting as needed.
- It is not the intent that the Parks and Recreation Committee and Tourist Board will "cost out" personnel and operating costs of each proposed uses/functions included in their recommendation. Staff will provide this necessary financial analysis throughout the process.

**V. Timeframe**

- By October 14, 2014, the Town Manager will present the Staff recommendations.
- It is anticipated that the Town Commission establish additional timelines once the Staff recommendation(s) have been received and reviewed.

## Item 9G

To be delivered separately due to the Town Hall Meeting being held on Monday, June 2, 2014



**Town of Surfside  
Town Commission Meeting  
June 10, 2014  
7:00pm**

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

**DISCUSSION ITEM COVER MEMORANDUM**

**Title:** Environmental Stewardship Policies and Procedures

**Submitted By:** Daniel Dietch, Mayor

**Objective:** That the Surfside Town Commission provide clear policy direction to develop and implement comprehensive environmental stewardship policies and procedures.

**Consideration:** Surfside has implemented many sustainability initiatives and is gaining a reputation for its proactive leadership. The next opportunity is to develop formal environmental stewardship policies and procedures that relate to document management, purchasing and recycling. For example, requiring minimum recycled content in paper, requiring double-sided printing, prohibiting the use of Styrofoam, using durable containers (i.e., cups) instead of single serve water bottles and recycling at all Town facilities and public spaces are all initiatives that further demonstrate the Town's commitment to environmental stewardship.



301 South Bronough Street • Suite 300 • P.O. Box 1757 • Tallahassee, FL 32302-1757 • (850) 222-9684 • Fax (850) 222-3806 • www.floridaleagueofcities.com

Town Clerk

TOWN OF SURFSIDE

91

MAY 27 '14 9:36AM

TO: Municipal Key Official

FROM: Michael Sittig, Executive Director 

DATE: May 19, 2014

SUBJECT: 88th Annual FLC Conference –“*Cities take on Technology*”  
VOTING DELEGATE AND RESOLUTION INFORMATION  
August 14-16, 2014 – Westin Diplomat, Hollywood

As you know, the Florida League of Cities' Annual Conference will be held at the Westin Diplomat, Hollywood, Florida on August 14-16. This year we are celebrating “*Cities take on Technology*”, which will provide valuable educational opportunities to help Florida's municipal officials serve their citizenry more effectively.

It is important that each municipality designate one official to be the voting delegate. Election of League leadership and adoption of resolutions are undertaken during the business meeting. One official from each municipality will make decisions that determine the direction of the League.

In accordance with the League's by-laws, each municipality's vote is determined by population, and the League will use the Estimates of Population from the University of Florida for 2013.

Registration materials will be sent to each municipality in the month of June. Materials will also be posted on-line. Call us if you need additional copies. The League adopts resolutions each year to take positions on commemorative, constitutional or federal issues. We have attached the procedures your municipality should follow for proposing resolutions to the League membership. A resolution is not needed to become a voting delegate. If you have questions regarding resolutions, please call Allison Payne at the League at (850) 701-3602 or (800) 616-1513, extension 3602. **Proposed resolutions must be received by the League no later than July 9, 2014.**

If you have any questions on voting delegates, please call Gail Dennard at the League (850) 701-3619 or (800) 616-1513, extension 3619. **Voting delegate forms must be received by the League no later than August 11, 2014.**

Attachments: Form Designating Voting Delegate  
Procedures for Submitting Conference Resolution

President **P.C. Wu**, Councilmember, Pensacola

First Vice President **Lori C. Moseley**, Mayor, Miramar • Second Vice President **Matthew D. Surrency**, Mayor, Hawthorne

**Page 120**

Executive Director **Michael Sittig** • General Counsel **Harry Morrison, Jr.**

**88th Annual Conference  
Florida League of Cities, Inc.  
August 14-16, 2014  
Hollywood, Florida**

It is important that each member municipality sending delegates to the Annual Conference of the Florida League of Cities, designate one of their officials to cast their votes at the Annual Business Session. League By-Laws requires that each municipality select one person to serve as the municipalities voting delegate. Municipalities do not need to adopt a resolution to designate a voting delegate.

Please fill out this form and return it to the League office so that your voting delegate may be properly identified.

**Designation of Voting Delegate**

Name of Voting Delegate: \_\_\_\_\_

Title: \_\_\_\_\_

Municipality of: \_\_\_\_\_

**AUTHORIZED BY:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Return this form to:

Gail Dennard  
Florida League of Cities, Inc.  
Post Office Box 1757  
Tallahassee, FL 32302-1757  
Fax to Gail Dennard at (850) 222-3806 or email [gdennard@flcities.com](mailto:gdennard@flcities.com)



**Procedures for Submitting Resolutions  
Florida League of Cities' 88th Annual Conference  
Westin Diplomat  
Hollywood, Florida  
August 14-16, 2014**

In order to fairly systematize the method for presenting resolutions to the League membership, the following procedures have been instituted:

- (1) Proposed resolutions must be submitted in writing, to be received in the League office by July 9, 2014, to guarantee that they will be included in the packet of proposed resolutions that will be submitted to the Resolutions Committee.
- (2) Proposed resolutions will be rewritten for proper form, duplicated by the League office and distributed to members of the Resolutions Committee. (Whenever possible, multiple resolutions on a similar issue will be rewritten to encompass the essential subject matter in a single resolution with a listing of original proposers.)
- (3) Proposed resolutions may be submitted directly to the Resolutions Committee at the conference; however, a favorable two-thirds vote of the committee will be necessary to consider such resolutions.
- (4) Proposed resolutions may be submitted directly to the business session of the conference without prior committee approval by a vote of two-thirds of the members present. In addition, a favorable weighted vote of a majority of members present will be required for adoption.
- (5) Proposed resolutions relating to state legislation will be referred to the appropriate standing policy committee. Such proposals will not be considered by the Resolutions Committee at the conference; however, all state legislative issues will be considered by the standing policy councils and the Legislative Committee, prior to the membership, at the annual Legislative Conference each fall. At that time, a state Legislative Action Agenda will be adopted.
- (6) Proposed resolutions must address either federal issues, state constitutional issues, matters directly relating to the conference, matters recognizing statewide or national events or service by League officers. All other proposed resolutions will be referred for adoption to either the Florida League of Cities Board of Directors or FLC President.

Municipalities unable to formally adopt a resolution before the deadline may submit a letter to the League office indicating their city is considering the adoption of a resolution, outlining the subject thereof in as much detail as possible, and this letter will be forwarded to the Resolutions Committee for consideration in anticipation of receipt of the formal resolution.

## **Important Dates**

### **May 2014**

Notice to Local and Regional League Presidents and Municipal Associations  
regarding the Resolutions Committee

### **June 2014**

Appointment of Resolutions Committee Members

### **July 9th**

Deadline for Submitting Resolutions to the League office

### **August 14th**

League Standing Council Meetings  
Resolutions Committee Meeting  
Voting Delegates Registration

### **August 16th**

Immediately Following Breakfast – Pick Up Voting Delegate Credentials  
Followed by Annual Business Session