



**Town of Surfside  
Town Commission Meeting  
MINUTES**

**December 9, 2014  
7 p.m.**

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

**1. A. Call to Order**

Mayor Dietch called the meeting to order at 7:05 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 Olchyk and Commissioner Cohen. Commissioner Karukin was absent.

**C. Pledge of Allegiance**

Chief Allen led the Pledge of Allegiance

Mayor Dietch acknowledged former Commissioner Howard Weinberg who was in attendance.

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

Commissioner Cohen asked for a moment of silence to reflect on all the tragedies and difficulties parts of the world are dealing with. He also reached out to former Commissioner Ted Kopleman and on behalf of the community wishes him a complete recovery from his illness. Commissioner Cohen suggested looking into having a couple of computers available for research perhaps in the Community Center. Surfside does not have a library and this would greatly help students who may not have access to a computer. He also suggested that consideration be given to having a foundation set up so people who wish to make a charitable tax deducted gift to the town of Surfside can do so.

Commissioner Olchyk said that Mr. Kopleman had graciously donated devices such as Kindles and Tablets for a library and no one took advantage of using them. Parks and Recreation Director Tim Milian said they were not used and are now in storage. They were donated several years ago and are outdated somewhat but they can let the public know again that they are available for use and see if there is any interest. Mayor Dietch suggested the item be added for discussion at the next meeting when we have more information and all agreed.

Vice Mayor Tourgeman reminded all that on December 17<sup>th</sup> at 2:00 p.m. the Bay Harbour children will be singing and on December 22<sup>nd</sup> there will be the judging of the Light Up Surfside and four vouchers will be awarded.

Commissioner Olchyk expressed her thanks to John DiCenso for coming in as Interim Town Manager and helping the town of Surfside. She spoke very highly of Mr. DiCenso as did Mayor Dietch.

**E. Agenda and Order of Business** Additions, deletions and linkages  
Items linked are Item 9E Employee Morale and Item from Town Manager's Report.

Commissioner Olchyk made a motion to move Item 9A Solid Waste Rates to 8:00 p.m. or earlier. The motion received a second from Vice Mayor Tourgeman and all voted in favor with Commissioner Karukin absent.

Commissioner Cohen made a motion to move Item 9D Lot Coverage after Good and Welfare. The motion received a second from Vice Mayor Tourgeman and all voted in favor with Commissioner Karukin absent.

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

Mayor Dietch announced the upcoming community events which can be found on the Town's website. Anyone wishing to display holiday signs on public property should get in touch with the Town Manager for information.

## 2. Quasi-Judicial Hearings (None)

## 3. Consent Agenda

Commissioner Olchyk pulled Item 12 Historic Preservation from Town Manager's Report.

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

**A. Minutes** – Sandra Novoa, CMC, Town Clerk

November 6, 2014 Special Town Commission Meeting

November 18, 2014 Regular Town Commission Meeting

**B. Budget to Actual Summary as of September 30, 2014** – Donald Nelson, Finance Director **Page 16 - 19**

**\*C. Town Manager's Report** – John Di Censo, Interim Town Manager

**\*D. Town Attorney's Report** – Linda Miller, Town Attorney

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

**F. Committee Reports** – John Di Censo, Interim Town Manager

- September 22, 2014 Parks and Recreation Committee Minutes

**G. Approve Resolution to Amend Miami-Dade County Inter-local Agreement for Maintenance of the Bus Shelters** – Joseph Kroll, Public Works Director

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AMENDMENT NUMBER ONE TO THE INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE TRANSIT AGENCY AND THE TOWN OF SURFSIDE TO ASSIGN THE TOWN ALL MAINTENANCE RESPONSIBILITIES FOR THREE (3) BUS SHELTERS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**H. Certification of Charter Amendments Election Results- November 4, 2014 – Sandra Novoa, CMC, Town Clerk**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE CERTIFICATE OF THE RESULTS OF THE NOVEMBER 4, 2014 SPECIAL ELECTION FOR THE TOWN OF SURFSIDE, AND DECLARING RESULTS THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on sent.

**Pulled Items:**

Item 24 Historic Preservation. The Mayor asked that the Town Planner and Town Attorney represent them at the Historic Preservation Board Meeting and continue to request a deferral on this matter.

**4. Ordinances**

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

**1. 10% Windows for Each Story – Sarah Sinatra, Town Planner**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-50 “ARCHITECTURE AND ROOF DECKS” TO MODIFY THE CODE TO REQUIRE A 10% WINDOWS PER FAÇADE OF A SINGLE FAMILY HOME PER STORY; 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.

Town Attorney Linda Miller asked that the item be deferred until February 10, 2015, 7:00 p.m. as it has not gone before the Planning and Zoning Board.

Vice Mayor Tourgeman made a motion to defer the item until February 10, 2015. The motion received a second from Commissioner Olchyk and all voted in favor with Commissioner Karukin absent.

**2. Single Family District Paint Colors – Sarah Sinatra, Town Planner**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-50 “ARCHITECTURE AND ROOF DECKS” TO LIMIT THE PERMITTED COLORS IN THE H30A AND H30B ZONING DISTRICTS TO THE FOUR LIGHTEST COLORS ON A COLOR SWATCH; 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.

Town Attorney Linda Miller asked that the item be deferred until February 10, 2015, 7:00 p.m.as it has not gone before the Planning and Zoning Board.

Vice Mayor Tourgeman made a motion to defer the item until February 10, 2015. The motion received a second from Commissioner Olchyk and all voted in favor with Commissioner Karukin absent.

**3. Ordinance Amending Section 2-235 “Lobbying” – Sandra Novoa, CMC, Town Clerk**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 2-235 “LOBBYING”; CLARIFYING THE DEFINITION OF A LOBBYIST; SPECIFICALLY AMENDING SECTION 2-235 (2) “LOBBYIST REGISTRATION, FEES, RENEWAL AND WITHDRAWAL”; REQUIRING ALL LOBBYIST WITHIN THE SAME FIRM WHO REPRESENT THE SAME PRINCIPAL TO REGISTER, PAY FEE AND FILE EXPENDITURE REPORT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; 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.

The Mayor opened the meeting to public hearing. No one wishing to speak the Mayor closed the meeting to public hearing.

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

## **5. Resolutions and Proclamations**

### **A. Town Manager – Mayor Daniel Dietch**

Mayor Dietch gave an update on the recruitment on the new Town Manager and the agreement before the Commission for their approval.

Commissioner Olchyk made a motion for discussion. The motion received a second from Vice Mayor Tourgeman.

Commissioner Olchyk had a question regarding conflict of interest and what would the Town Manager's position would be as she did not see a memorandum of understanding in her package. Mayor Dietch was able to answer the question and show where her concern was addressed in the agreement.

Vice Mayor Tourgeman said his recommendations were not included in the report. The Mayor responded and said there was a timeline and all information received by then was included. However, the Mayor said his comments were considered even though they were not received in a timely fashion. Vice Mayor Tourgeman was happy with the choice made. When the agreement is signed the town will have a new Town Manager, Mr. Guillermo Olmedillo who will begin on January 5, 2015.

Mr. Olmedillo spoke and said he was honored and is looking forward to working with the Commission and for the town of Surfside.

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

## **6. Good and Welfare**

Mayor Dietch opened the meeting to Good and Welfare.

Public Speakers:

-Jeffery Platt spoke about the beach and said he noticed that after some high tides a cliff had formed and the difference in color and texture of the sand was very visible. The white sand, which was what the beaches originally had, was like powder and the dark sand was hard, crusty claylike. After almost a year, the sand has not bleached out as they were told it would.

-Louis Cohen discussed the play "Our Town" and the message he wanted to bring to the Commission was not to take things or people for granted. Mr. Cohen then discussed Genesis and how the town now has the opportunity for a new beginning and to not take its personnel for granted.

-Barbara McLaughlin agrees with Lou Cohen and feels that more respect be given to its public employees. Elected officials should not be involved in the management of employees.

- Sandy Lighterman represented a film industry and asked about developing a friendly policy with the town and bringing the industry back to the town.
- Leah Sokolowky representing a production company Torre Parros, which is currently shooting in Miami-Dade County. They have found a location on Biscaya Drive which they would like to use in part of the series they are filming. She is asking the Commission if there were ways they can make this happen.
- Howard Weinberg had some experience with production companies and filming but has nothing to do with this company. He suggested that it is a good opportunity for Surfside but strict policies should be put forth such as using our police, no parking on residential streets, post a bond, etc. as production companies have the funds to do what is necessary for their goals and the revenue generated would benefit the town.
- Norma Parron spoke about proposed parking garages and feels it is more feasible to have it built on Collins Avenue as it would greatly help the people who live there.
- Deborah Cimadevilla spoke about the parking and construction and that people use her area as a parking lot and it generates a lot of trash. She said she has worked in the film industry and was not in favor of allowing the production company coming. She said along with the professionals also come some undesirable activities and actions which she would not want in a family community. She also has concerns about all the new revenue coming in and questions why are taxes and fees still going up.

Commissioner Olchyk said she agreed with Ms. Cimadevilla and wanted to know where all this new money is going to be allocated.

Mayor Dietch said in the past two years the tax rate has actually gone down. He also said they have not been successful in creating a citizens committee to get input on issues such as the film industry. He feels the community really does not want the industry to come in. Commissioner Olchyk agrees with the Mayor as there is so much construction going on and the parking situation is terrible.

Commissioner Cohen was not in favor of the film industry coming in as the town is not equipped to handle it.

No one else wishing to speak the Vice Mayor closed Good and Welfare.

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

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

**8. Unfinished Business and New Business**

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

**A. Solid Waste Rates** – Donald Nelson, Finance Director/Joseph Kroll, Public Works Director

Director Nelson gave an update which was only for commercial use and changing from a fixed rate structure to amount of consumption.

Mayor Dietch opened the meeting to public hearing.

Public Speakers:

-Norma Parron speaking on behalf of her condo association said they have reviewed what was being proposed and said their fees would increase by 20% and did not feel this was fair as it amounts to a \$12,000 yearly increase which is not in their budget.

-Ivan Parron feels it is a costly endeavor for the town to buy new trucks and receptacles when the system in place is working.

-Elizabeth Cimadevall agrees with Norma Parron and is outraged that the condos have to take this enormous brunt of an increase.

No one else wishing to speak the Mayor closed the public hearing.

Commissioner Olchyk wanted clarification as to fees and amount of consumption and thinks each condo should be individual and not grouped together. Public Works Director Joseph Kroll said the new system would be on a month to month basis and what is in place now groups all together. Director Kroll further explained how the new system would work. There was further discussion regarding condos vs. apartments and fees. Director Kroll was asked that more realistic figures be presented and more examples to clarify how this would work. The Mayor asked there be an Outreach Program (a few meetings) with the citizens and business owners to give them a clear understanding of the proposed system. Also, a letter should be sent to all condo boards before a first reading of an ordinance.

Commissioner Olchyk made a motion to move forward with the proposed rate structure as long as the citizens are informed of the fee and aware of how the new system would work. The motion received a second from Vice Mayor Tourgeman and all voted in favor with Commissioner Karukin absent.

**B. Harding Avenue Business District Bench Sponsorship** – Duncan Tavares, TEDACS Director

Vice Mayor Tourgeman made a motion to defer the item. The motion received a second from Commissioner Olchyk and all voted in favor with Commissioner Karukin absent.

**C. Bal Harbour Village Sanitary Sewer Force Main** – Donald Nelson, Finance Director

Director Nelson gave an overview of the issue.

Public Speaker Lee Kelly once again said commitments should be honored as the town of Surfside will tarnish their reputation. Pay what is owed to Bal Harbour.

Commissioner Olchyk made a motion to approve the recommendation and pay what is owed to Bal Harbour. The Mayor wanted on record that the town of Surfside did everything over and beyond to honor this contract and praised the leadership that made this project done correctly. The motion

received a second from Vice Mayor Tourgeman and all voted in favor with Commissioner Karukin absent.

Vice Mayor Tourgeman left the meeting at 10:22 P.M.

Commissioner Cohen made a motion to move Item 9H ahead of Item 9G. After passing the gavel Mayor Dietch seconded the motion and all voted in favor.

**D. Lot Coverage – Commissioner Barry Cohen**

Town Planner Sarah Sinatra gave a power point presentation.

Commissioner Cohen made a motion for discussion. The motion received a second from Mayor Dietch after passing the gavel.

Architect Steve Bernard representing Charles Ness spoke on the item and gave further details. He said they have over 100 signatures in favor of expansion. Mr. Ness, the applicant, spoke who is asking for a change in the code so one could expand their home especially for growing families.

Anthony Blatt said he was not opposed to one house expanding but cautions that changing the code could create future problems for neighbors, green space, FEMA as homes are crowded together now.

Mayor Dietch said we should look at the very restrictive variance now in place as that may be a better way to address the issue. He also feels that if a house is approved to go vertical or deeper that no second story can be added at any time. Town Planner Sinatra said the Planning and Zoning Board had much discussion about allowance of a second story addition and agreed on what she is presenting. Mayor Dietch said he will review their meeting as he is still unconvinced.

Vice Mayor Tourgeman is not in favor of a code change as this will affect neighboring homes and their views of more concrete. In this particular case he would be in favor of a change in the variance. Commissioner Olchyk agreed with the Vice Mayor.

Commissioner Cohen said many residents would like to see the code changed as younger families are moving in and more space is needed. He feels changing the variance on a particular request is not the road to take. A code change can be tailored to meet the needs of the community. He is not in favor of changing the variance even on an individual basis as it may open up future problems but suggests an ordinance change.

The Mayor opened the meeting to public speakers.



-Clara Diaz-Leal Parker said we have the opportunity to review and see what people may need. If some costs can be lowered on variances it may help but is against changing the codes.

-Howard Weinberg said zoning and planning are very tough complex issues and praised Town Planner Sinatra for presenting a well done accurate report on all her issues. He said the town was very fortunate to have her.

-Lee Kelly said the most optimistic thing she has heard this evening was using reason. Trying to help the citizens by perhaps lowering the fees of a variance and redoing old plans or codes is thinking about reasonable solutions for each case.

-George Kousoulas tried to further explain what was being proposed as to lot increase and suggests lowering the percentage of increase and also closely look at the second level.

Ms. Sinatra was directed to meet with Planning and Zoning and explain that the Commission wants to review the proposal further and she will bring back more options with conditions to the variance (residential only), for their discussion and then back to the Commission. Commissioner Cohen made a motion to approve the direction given Ms. Sinatra. The motion received a second from Commissioner Olchyk and all voted in favor with Commissioner Karukin absent.

Commissioner Olchyk made a motion to move forward Item 9E. The motion received a second from Commissioner Cohen and all voted in favor with Commissioner Karukin absent.

**E. Employee Morale – John Di Censo, Interim Town Manager [*Linked to Town Manager’s Report Item 28*]**

Manager DiCenso presented the item and said it was very visible to him the low morale of staff and gave the reasons for it. Staff felt a lack of support from the previous Town Manager and officials and have been publically berated. He explained that in 2013 a review was done as to salaries other municipalities pay their department heads and that the department heads in Surfside were underpaid. A salary adjustment was approved but due to budget restrictions the Town Manager opted to do this in two phases. The five department heads only received half of what they were promised. Mr. DiCenso said this was wrong as it was deserved and would like to see it corrected. He further asked the Commission that if they were not happy with an employee’s performance that they praise in public and discipline in private. He also asked that problems be brought to the Town Manager. Mr. DiCenso read into the record a letter from Commissioner Karukin who could not be in attendance this evening.

Commissioner Karukin’s letter as follows:

“This item is about the restoration of 38,000 dollars to the payroll budget to compensate key employees.

I fully support this item and would encourage all to do the same.

Forget that 38,000 dollars represent less than 0.002 percent of the budget. What is most important is the message it sends.

It means that these are the people who take care of us, who lead by example for all the others in their respective departments. It means we value their service and dedication to this town.

I am not only speaking as a Commissioner, but also as a resident, and I ask that you support the Town Manager's recommendation and vote yes on item 9E.

Thank you for your consideration."

Public Speaker Michelle Kligman spoke and said it was a difficult subject to speak about as people are uncomfortable with talking about employee salaries. However, she spoke in favor of the adjustment as the staff we have are very valuable and certainly deserve the adjustment. She said she had asked the previous Town Manager not to bring it up to the Commission as it was in his authority to handle this and salaries should not be brought up and discussed in public. The adjustment was promised to them and feels the Commission should go forward and find an amicable solution privately with the Town Manager.

Public Speaker Lee Kelly said something promised should be delivered. Keep your word to your employees.

Vice Mayor Tourgeman said this item was discussed at length and a decision was made and we should now go forward and does not wish to discuss it further. He said the low morale was due to the former administration. He further said that many employees were give raises and is uncomfortable discussing salaries in public. Mr. DiCenso took exception to Vice Mayor Tourgeman's remark about the administration causing the low morale. He said that although the Vice Mayor now states he is uncomfortable discussing salaries, the Vice Mayor's derogatory comments regarding salaries caused the low morale. Vice Mayor Tourgeman took exception to Mr. DiCenso's statement.

Commissioner Olchyk said this is a very private issue and the Town Manager should have brought it to the Commission first instead of handling it the way he did. She said she was not happy with some of the supervisors hired and the high salaries given which was in the Town Manager's purview and he did that. To her surprise she heard that salaries were to be increased again and some of the employees involved have caused the town many problems. As she has said in the past, employees should be paid according to their performance. If we have employees who are not doing their job properly they should not be rewarded regardless if their salary is below the salary range. She also said she was disappointed that Manager DiCenso brought up

the subject now as he is only here for a short time as interim and the issue was discussed before and voted on.

Mr. DiCenso responded by stating he felt very strongly about this issue and felt he had to bring it back as what transpired was wrong. The managers deserved and were promised the adjustment back in 2013 and it was not delivered. He stands firmly on this issue and feels it must be corrected as these managers have been underpaid for years. Although he is here as interim manager he is going to do his job to the best of his ability and not sit on his hands.

Commissioner Cohen said this issue was a very disturbing event that occurred during the budget process. Unfortunately at that time the town was held hostage and there was only one way to vote to get the budget approved. The Mayor had the luxury of voting his conscience and against the budget and I was forced to vote for it so the town could have a budget package. He applauded Manager DiCenso for bringing the issue forth and former Commissioner Karukin's statement and wishes he were here to vote on this. Because of what is being done to department heads employees have been talking about bringing in unions. He is supportive on giving the adjustments and praised the employees who work for the town and this should be handled by the Town Manager and the Commission responsible for policy.

Mayor Dietch gave an overview of the issue from 2013. He does not feel the staff was treated fairly and praised the employees, especially department directors. He asked that all reflect on what has been said this evening and to the citizens to reflect on the quality of service they receive. He asked the community to reach out to the public officials and express their views on this issue.

Commissioner Cohen asked the Commission to really think about the issue and come to decision which is fair to the employees.

Commissioner Cohen made a motion to reinstate the raises given to the department heads in 2013 as promised. Mayor Dietch asked for a friendly amendment that the issue be brought back to the next commission meeting if it does not pass this evening. Commissioner Cohen accepted the friendly amendment. The motion received a second from Mayor Dietch after passing the gavel. A vote was taken with Mayor Dietch and Commissioner Cohen for approval and Commissioner Olchyk and Vice Mayor Tourgeman in opposition. The issue will be brought back to the next commission meeting.

**F. Parking Solution** – John Di Censo, Interim Town Manager

Manager DiCenso gave an update and communications he has had with the owner of the Post Office lot.

Public Speaker George Kousoulas has had experience in building parking lots and garages and said the post office lot is the best site for the town. He gave some details and options for retail space which the owner is interested

in and offered to sit with the Town Manager and help with a plan to go forward.

Commissioner Cohen made a motion for a short break. The motion received a second from Mayor Dietch after passing the gavel. The motion passed with Commissioner Karukin and Vice Mayor Tourgeman absent.

**G. Sand Results – John Di Censo, Interim Town Manager**

Manager DiCenso gave an update and summary from the testing reports they have received to date.

Public Speaker Marianne Meischeid asked about the beach committee and where they stand and what are the action plans once the Chateau gets their sand results.

Manager DiCenso said there is an action plan in place and explained what will be done by the Chateau.

Mayor Dietch asked the Town Manager to post on the town website a summary of the activities as to what was done and what will be done or has to done.

Public Speaker Jeffrey Platt said the Town Manager was under the misconception that the sand problem only deals with the Chateau when the Surf Club is not going to fulfill their commitment. He accused the administration of letting the hotels to do whatever they please because the town benefitted monetarily. Mayor Dietch found the remarks to be offensive but Mr. Platt said destroying our beaches was offensive to the citizens.

**H. Traffic Signal Proposal – 91 Street and Collins Avenue – David Allen, Chief of Police**

Public Speaker Renee Tischler would like 90<sup>th</sup> and Harding Street to also be considered. Byron Avenue is also becoming a problem with traffic and should be looked into.

Public Speaker Lee Kelly said instead of focusing on just one area, the Surf Club, putting a light where the Marriott is located as it is needed there also.

The Mayor asked the Chief to continue to pursue the item on the agenda.

**I. 94<sup>th</sup> Street/Grand Beach Milling/Resurfacing (Verbal) – Joseph Kroll, Public Works Director**

Director Kroll gave an update and said the job was completed at no cost to the town.

Commissioner Cohen was nominated to be the Town's delegate for Miami-Dade County League of Cities. All approved the nomination with Vice Mayor Tourgeman and Commissioner Karukin absent.

### **10. Adjournment**

Public Speaker Deborah Cimadevilla wished to speak about the sand issue but it was 11:00 p.m. The Mayor asked if there could be a motion to extend the meeting five minutes. No one wishing to make a motion to extend the meeting, the meeting adjourned at 11:00 p.m.

Accepted this \_\_\_\_ day of \_\_\_\_\_, 2015

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

Attest:

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

**TOWN OF SURFSIDE, FLORIDA**  
**MONTHLY BUDGET TO ACTUAL SUMMARY**  
**FISCAL YEAR 2014/2015**

AS OF

10/31/2014

8% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

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Agenda Date: January 13, 2015

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET
<b>GENERAL FUND</b>			
REVENUE	\$ 129,311	\$12,040,318	1%
EXPENDITURES	1,477,030	\$12,040,318	12%
Net Change in Fund Balance	(1,347,719)		
Fund Balance-September 30, 2014 (Unaudited)	6,340,661 <sup>A</sup>		
Fund Balance-October 31, 2014 (Reserves)	<u>\$ 4,992,942</u>		
<b>RESORT TAX (TEDAC SHARE)</b>			
REVENUE	\$ 9,306 <sup>B</sup>	\$635,465	1%
EXPENDITURES	13,460	\$634,465	2%
Net Change in Fund Balance	(4,154)		
Fund Balance-September 30, 2014 (Unaudited)	183,753		
Fund Balance-October 31, 2014 (Reserves)	<u>\$ 179,599</u>		
<b>POLICE FORFEITURE/CONFISCATION</b>			
REVENUE	\$ 2	\$90,300	0%
EXPENDITURES	1,839	\$90,300	2%
Net Change in Fund Balance	\$ (1,838)		
Fund Balance-September 30, 2014 (Unaudited)	159,588		
Fund Balance-October 31, 2014 (Reserves)	<u>\$ 157,751</u>		
<b>TRANSPORTATION SURTAX</b>			
REVENUE	\$ (34,400)	\$197,000	-17%
EXPENDITURES	12,605	\$197,000	6%
Net Change in Fund Balance	(47,005)		
Fund Balance-September 30, 2014 (Unaudited)	406,231		
Fund Balance-October 31, 2014 (Reserves)	<u>\$ 359,226</u>		
<b>CAPITAL PROJECTS</b>			
REVENUE	\$ (224,972)	\$1,249,322	-18%
EXPENDITURES	64,500	\$1,249,322	5%
Net Change in Fund Balance	(289,472)		
Fund Balance-September 30, 2014 (Unaudited)	736,197		
Fund Balance-October 31, 2014 (Reserves)	<u>\$ 446,725</u>		

**NOTES:**

\* Many revenues for October 2014 are received in subsequent months (timing difference) and are recorded on a cash basis in the month received. October 2014 revenue accounts include the reversal of revenues that are for the prior fiscal year.

A. Includes \$2,000,000 available for hurricane/emergencies. The balance of \$4,340,661 is unassigned fund balance (reserves).

B. Resort Tax Revenues for October 2014 are received in November 2014, the (Total collected through October 2014 is \$25,806) (\$9,306 is for TEDAC and \$16,500 is the General Fund).

**ENTERPRISE FUNDS**

ACTUAL	ANNUAL BUDGETED	% BUDGET
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**WATER & SEWER**

REVENUE			
EXPENDITURES	\$ (125,302)	\$2,909,908	-4%
Change in Net Position	97,641	\$2,909,908	3%
Unrestricted Net Position-September 30, 2014 (Unaudited)	(222,943)		
Restricted Net Position	(3,373,441)		
Capital Project Expenses to date for Water & Sewer	1,260,776 C1		
Unrestricted Net Position-October 31, 2014 (Reserves)	0	\$0	
	<u>\$ (2,335,608) C2</u>		

**MUNICIPAL PARKING**

REVENUE	\$ 87,971	\$1,062,878	8%
EXPENDITURES	141,851	\$1,062,878	13%
Change in Net Position	(53,880)		
Unrestricted Net Position-September 30, 2014 (Unaudited)	1,091,943		
Capital Project Expenses to date for Municipal Parking	-	\$0	
Unrestricted Net Position-October 31, 2014 (Reserves)	<u>\$ 1,038,063</u>		

**SOLID WASTE**

REVENUE	\$ 235,141	\$1,261,360	19%
EXPENDITURES	137,745	\$1,261,360	11%
Change in Net Position	97,396		
Unrestricted Net Position-September 30, 2014 (Unaudited)	128,493		
Unrestricted Net Position-October 31, 2014 (Reserves)	<u>\$ 225,889</u>		

**STORMWATER**

REVENUE	\$ 8	\$505,000	0%
EXPENDITURES	30,002	\$505,000	6%
Change in Net Position	(29,994)		
Unrestricted Net Position-September 30, 2014 (Unaudited)	2,914,434		
Restricted Net Position	347,140 C3	\$0	
Capital Project Expenses to date for Storm Water	-		
Unrestricted Net Position-October 31, 2014 (Reserves)	<u>\$ 3,231,580</u>		

**NOTES:(con't)**

C1. The Restricted Net Position of \$1,260,776 includes \$1,017,776 for renewal and replacement, and \$243,000 for State Revolving Loan reserves.

C2. The reserves balance of (\$2,335,608) is the result of a change in current net position as of October 2014 of (\$222,943), net position as of September 30, 2014 of (\$3,373,441) includes \$651,144 for rate stabilization, plus Restricted Net Position of \$1,260,776.

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

  
Donald G. Nelson, Finance Director

  
Guillermo Olmedillo, Town Manager

\*\*ATTACHMENT

**Town of Surfside  
Fund Balance (Reserves)**

	<b>10/31/2014</b>			
FUND	9/30/2011	9/30/2012	9/30/2013	9/30/2014
General	\$ 4,256,315	\$ 5,266,374	\$ 5,304,042	\$ 6,340,661
Resort Tax	184,867	171,496	94,497	183,753
Police Forfeiture	117,889	122,272	138,143	159,588
Transportation Surtax	239,760	122,302	131,475	406,231
Capital	399,754	132,783	255,263	736,197
Water & Sewer	2,692,379	(1,931,707)	(5,261,333)	(3,373,441)
Parking	1,385,581	1,258,325	1,066,574	1,091,943
Solid Waste	207,462	228,437	227,274	128,493
Stormwater	342,240	104,651	2,520,512	2,914,434
Total	\$ 9,826,247	\$ 5,474,933	\$ 4,476,447	\$ 8,587,859
				\$ 8,296,167



## TOWN OF SURFSIDE, FLORIDA

STATEMENT OF NET POSITION  
PROPRIETARY FUNDS

SEPTEMBER 30, 2013

	Business-type Activities - Enterprise Funds				Totals
	Water and Sewer	Municipal Parking	Sanitation	Stormwater Utility	
<b>Assets</b>					
<b>Current Assets</b>					
Cash and cash equivalents	\$ 38,012	\$ 189,725	\$ 271,463	\$ --	\$ 499,200
Accounts receivable, net	647,746	15,661	80,505	96,705	840,617
Due from other funds	--	916,291	--	2,860,408	3,776,699
Due from other governments	--	--	7,105	--	7,105
Prepaid items	17,180	2,950	6,575	885	27,590
<b>Total Current Assets</b>	<b>702,938</b>	<b>1,124,627</b>	<b>365,648</b>	<b>2,957,998</b>	<b>5,151,211</b>
<b>Noncurrent Assets</b>					
Investments	5,873	--	--	--	5,873
Restricted cash and cash equivalents	1,906,402	--	--	1,526,621	3,433,023
<b>Capital Assets</b>					
Construction in progress	22,426,000	--	--	2,962,873	25,388,873
Land	--	1,358,011	--	--	1,358,011
Infrastructure	1,273,252	1,427,934	--	267,828	2,969,014
Equipment	157,215	468,019	378,200	--	1,003,434
	23,856,467	3,253,964	378,200	3,230,701	30,719,332
Less: accumulated depreciation	(1,299,278)	(894,544)	(312,432)	(100,278)	(2,606,532)
<b>Total Capital Assets, Net</b>	<b>22,557,189</b>	<b>2,359,420</b>	<b>65,768</b>	<b>3,130,423</b>	<b>28,112,800</b>
<b>Total Noncurrent Assets</b>	<b>24,469,464</b>	<b>2,359,420</b>	<b>65,768</b>	<b>4,657,044</b>	<b>31,551,696</b>
<b>Total Assets</b>	<b>25,172,402</b>	<b>3,484,047</b>	<b>431,416</b>	<b>7,615,042</b>	<b>36,702,907</b>
<b>Liabilities</b>					
<b>Current Liabilities</b>					
Accounts payable	407,449	29,678	28,006	23,365	488,498
Accrued liabilities	50,857	10,604	17,980	2,849	82,290
Due to other funds	3,776,699	--	--	--	3,776,699
Due to other governments	69,838	--	--	--	69,838
Interest payable	183,502	--	--	61,167	244,669
Retainage payable	355,474	--	--	36,485	391,959
Current portion note payable	--	80,000	--	--	80,000
Current portion of revenue bonds payable	410,055	--	--	136,685	546,740
Current portion of state revolving loan payable	158,987	--	--	52,996	211,983
Compensated absences	2,101	727	6,791	39	9,658
Customer deposits	188,664	6,860	8,611	--	204,135
<b>Total Current Liabilities</b>	<b>5,603,626</b>	<b>127,869</b>	<b>61,388</b>	<b>313,586</b>	<b>6,106,469</b>
<b>Noncurrent Liabilities</b>					
Net OPEB obligation	11,341	3,636	15,864	2,573	33,414
Compensated absences	18,917	6,548	61,122	353	86,940
Revenue bonds payable	7,781,967	--	--	2,656,641	10,438,608
State revolving loan payable	5,282,895	--	--	1,760,966	7,043,861
<b>Total Noncurrent Liabilities</b>	<b>13,095,120</b>	<b>10,184</b>	<b>76,986</b>	<b>4,420,533</b>	<b>17,602,823</b>
<b>Total Liabilities</b>	<b>18,698,746</b>	<b>138,053</b>	<b>138,374</b>	<b>4,734,119</b>	<b>23,709,292</b>
<b>Deferred Inflows of Resources</b>					
Unearned revenue	18,839	6,860	8,611	--	34,310
<b>Net Position</b>					
Net investment in capital assets	10,474,213	2,279,420	65,768	13,271	12,832,672
Restricted for renewal and replacement	1,017,776	--	--	266,140	1,283,916
Restricted for loan reserve	243,000	--	--	81,000	324,000
Unrestricted	(5,261,333)	1,066,574	227,274	2,520,512	(1,446,973)
<b>Total Net Position</b>	<b>\$ 6,473,656</b>	<b>\$ 3,345,994</b>	<b>\$ 293,042</b>	<b>\$ 2,880,923</b>	<b>\$ 12,993,615</b>

The accompanying notes are an integral part of these financial statements.



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

## TOWN MANAGER'S REPORT JANUARY 2015

### COMMUNITY PROGRAMS / INITIATIVES / ENHANCEMENTS

#### **1. Bus Service - Multi-jurisdictional Study – Bus Service Improvements and Operational Efficiencies**

This initiative has been stymied by Miami-Dade Transit (MDT) due to other County priorities and lack of staff. We cannot move forward without MDT's cooperation.

In an effort to get this initiative moving, the Town Manager met with Commissioner Sally Heyman on December 22 to seek her assistance in getting MDT to prioritize this initiative.

#### **2. Citizen Survey**

This item is earmarked for the February 10, 2015 Town Commission agenda.

#### **3. Film Ordinance**

Based on Town Commission feedback at the December 9 meeting, a Film Community discussion meeting is set for February 11, 2015 at 7 pm. This date allows for the Miami Dade Film Commissioner Sandy Lighterman to attend and inform the residents on County and State efforts. The meeting is posted on the Town website, January Gazette, will be in the February Gazette, and will be included in the weekly website e-blasts closer to the meeting date. Flyers will also be distributed in the Biscaya neighborhood where the issue of filming seems to be an ongoing matter.

#### **4. Miami-Dade Design (Climate Resiliency, Sustainability and Mitigation) Charrette Group 2**

The follow up meeting is presently on hold due to the unavailability of participants. More information will be provided to the Town Commission when it becomes available.

#### **5. Local Government Academy**

This program would provide an opportunity to learn how each Town department and the Town Commission work together to achieve the Town's mission. In other municipalities the program is annual and comprises of 8 (+/-) consecutive weekly sessions similar to the existing Surfside Police Academy. This item will be addressed with the new Town Manager and more detailed information will be provided to the Commission in the near future.

## **DOWNTOWN BUSINESS DISTRICT and TOURISM**

### **6. Sidewalk Ordinance Implementation**

On October 29, 2014, Courtesy Notices were issued to both landlords and restaurateurs providing for a 15 day period to apply for and begin the approval process for sidewalk cafés. To date, sidewalk café applications have been received from nine restaurateurs. In the following weeks, Civil Violation Notices will be issued to those who have not made application, and require that they cease and desist operating on the sidewalk. Failure to comply with the timelines in said Notices will include civil penalties and may result in sidewalk café furnishings and equipment to be removed by the Town.

The initial master plan showing the overall available café space (left after backing-out clear walking paths) in front of each storefront has been received from the engineer. The Building Department has reviewed the submitted master plan and has assessed the plans and recommended minor changes to accommodate café spaces. Once finalized, the plans will then be added to the applicant files for their consideration. Upon final approval, and after fees and insurance documents are received, the permits will be issued. A per square foot charge will be charged per ordinance based on the number of square feet that each café decides to use.

### **7. Parking Structure Feasibility Study**

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 parking solution 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.

An appraisal of the Post Office property was completed and a survey of the Post Office parking lot is being completed.

Staff has met with the owner of the Post Office building to discuss a long term lease of his property. The owner has made it clear that he wants the ability to include retail space in his allotted square footage space. He has been advised that the land use designation of that property is public buildings and anything other than a post office will require a change to the Town's comprehensive plan. Direction is sought from the Town Commission on allowing retail space and changing the comprehensive plan.

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

The Town Commission identified February 2, 2015 at 7 pm as a possible date for a joint meeting. The Tourist Board members have all stated their availability for this meeting. The agenda will include the proposed changes to the Resort Tax Ordinance, Board governance and composition, policies and procedures as well as ethics. The Town Commission needs to confirm their attendance. **(Action Item)**

**Holiday Lights:** At the December 15, 2014 Tourist Board Meeting the Board voted to have the downtown Harding Avenue tree lights remain on until February 16, 2015. This is at no additional cost as the vendor contract allowed for such a decision.

**Mobile App:** Staff is working with the vendor on having the app operational by the first Third Thursday event on January 15, 2015.

**Sister Cities:** This initiative, while approved by the previous Tourist Board, was set for discussion by the new Tourist Board at their November 3, 2014 meeting. The focus was on educating the Board on this initiative and to determine a path forward. At the November 3, 2014 meeting the Board approved moving ahead with the initiative but needs more time and information before providing a recommendation to the Town Commission. This initiative will be addressed by the Board over the next few months with updates provided to the Commission when available.

**Benches:** At the Tourist Board meeting on December 15, 2014 the Board voted in favor of bench sponsorships in principle with guidelines to be determined. They would also like to see benches added to the beach hard pack/street ends. Direction is sought from the Town Commission on sponsorships and donations in general. This matter is on the Town Commission January 13, 2015 agenda.  
**(Action Item)**

## **INFRASTRUCTURE AND UTILITIES**

### **9. Seawall Project**

Per the direction of the Commission, a report was scheduled for the September Commission meeting recommending a plan to address seawall deficiencies within available resources. However, due to the length of other agenda items, this item was delayed until the October meeting. Again, the item was deferred from the October meeting and was finally heard at the November 6, 2014 Special Commission Meeting. At this meeting the Commission directed CGA to contract with PAC COMM, INC to complete the seawalls listed as "Option 5". Option 5 included the following seawalls:

1. Carlyle Ave and 88th St
2. End of 88th St on Isles of Biscaya
3. 95th St and Bay Drive
4. Froude Ave and 88th St
5. Surfside Park

CGA presented Option #5 to the FIND board and received approval to proceed. A Notice to Proceed (NTP) will be issued in January 2015. The preparation work will commence in January with the construction barge arriving in February 2015. The project is scheduled to complete within 160 days from NTP.

## **10. Town Hall Improvements**

### **Town Hall**

The approved renovations for Town Hall have been ongoing now for 3 months. The roof remove and replace is complete. The old material has been scraped off and the new roof has been installed to the design specification. The project was completed within budget.

The A/C replacement is about 45% complete. The new chiller unit is installed on the roof as well as all of the piping. The air handler units have been delivered to Town Hall and are scheduled to be installed on the roof by the third week of January. We are waiting for FPL to make a connection for the new unit and once that is complete we will be able to move forward with the air handlers.

Finally, the remediation and replacement part of the inside (Commission Chamber, Code Compliance Office, Police Chief's Office and the Training Room) will begin when the A/C is completed.

## **PLANNING, ZONING AND DEVELOPMENT**

### **11. Historic Preservation**

The staff of the Miami-Dade Historic Preservation Board (Board) has identified the following buildings as potentially historic structures: 9016 Collins, 9024 Collins, 9025 Harding, 9033 Harding, 9040 Collins, 9048 Collins, 9056 Collins, 9064 Collins and has deferred the hearing on these properties until March 2015.

The Town of Surfside Building Official reports that Miami-Dade County's Office of Historic Preservation contacted the Building Department on July 24, 2014 requesting the review of plans for the following addresses:

- 9300 Collins Ave
- 9316 Collins Ave
- 9332 Collins Ave
- 9348 Collins Ave
- 9364 Collins Ave
- 9372 Collins Ave
- 9380 Collins Ave
- 9309-9317 Collins Ave

Property owner Bratt Holdings filed building demolition applications on August 1, 2014 for the following addresses, 9348 Collins, 9364 Collins and 9372 Collins. Property owner 9300 Collins Avenue Investment Group filed a building demolition application on August 8, 2014 for address 9300 Collins. Miami-Dade County's Office of Historic Preservation has not issued a moratorium on permits for these addresses and as such these applications will now precede any such abeyance on the permitting process.

Municipalities now under Miami Dade County's Historic Preservation regulations must remain because they did not opt out in 1982 when that option was available. Commissioner Sally Heyman sponsored an ordinance that would allow municipalities to now opt out and establish their own Historic Preservation Boards/regulations. [Note: On October 7, 2014, the ordinance passed on first reading by a reported 7-5 vote and was tabled at the December 17, 2014 Cultural Affairs and Recreation Committee hearing.]

Town Staff attended the November 19, 2014 and December 18, 2014 hearing of the Miami-Dade County's Historic Preservation Board and presented a copy of the Town's Resolution No. 14- 2270 to request a six month deferral on any and all Town of Surfside properties. The Historic Preservation Board denied the Town's request for a 6 month deferral.

At the December 18, 2014 hearing, the Board designated 9340 Collins Avenue and 9149 Collins Avenue as historic designation for these properties. The Historic Preservation Board will hold a hearing on January 22, 2015 for historic designation of 9241 Collins Avenue.

Miami-Dade County Commissioner Sally Heyman has sponsored an additional ordinance which relates to Historic Preservation and passed first reading on the December 2, 2014. This ordinance proposes to amend section 16A-10 of the Miami-Dade County Code as it pertains to owner-initiated petitions for historic designation. The proposed amendments will require at least 75 percent of unit owners in a condominium or cooperative property to join a petition to initiate an historical designation proceeding. A public hearing before the Miami-Dade County Cultural Affairs & Recreation Committee is currently set for February 9, 2015 at 9:30 am.

## **12. Land Development Regulations – Block between Harding and Collins Avenues**

At the September 30, 2013, Joint Planning and Zoning and Town Commission meeting, there was a discussion about the block between Collins and Harding Avenues and the high interest in redevelopment of this corridor. In an effort to stay ahead of the new construction, there was interest from both boards to prepare criteria to help guide future development into the desired development pattern. Based on that, a budget item was included for an analysis and preparation of zoning criteria which includes the following:

- Preparation of new zoning criteria and comparison of existing conditions
- A review of green book traffic engineering standards as well as Miami-Dade County and FDOT as it relates to mid-block accessibility, walkways, pedestrian activity
- Impacts to existing buildings and strategies for potential non-conformities such as if there is a modification to an existing building, under what circumstances would the entire development need to be brought up to the proposed code
- Consistency of new criteria with comprehensive plan, including the 1989 Comprehensive Plan, which provided for a study of this corridor
- Consistency of new criteria with other sections of the zoning code such as off-street parking, signs, accessory structures, conditional uses, landscaping
- Requirements for open space in terms of landscaping, public space

- Coordination with legal in terms of vested rights, reduced density or intensity resulting from new zoning criteria
- Design criteria for pedestrian walkways

At the June 2014 Planning and Zoning meeting, the Board voted unanimously to establish this as a top priority. This project was funded in the FY 14/15 budget. The work authorization with CGA was approved on November 6, 2014. Work has commenced and an initial discussion with the Planning and Zoning Board is scheduled for January 29, 2015.

### **13. Ten Year Water Supply Plan**

The Town is required to update its Ten Year Water Supply Plan including identifying any alternate water supply sources and analyzing/updating data from our current supplier. Funds for this project have been included in the FY 14/15 Budget. Work Authorization No. 89 – Ten Year Water Supply Plan has been executed with CGA in the amount of \$7,466.92. This will be scheduled for the February, 2015 Commission meeting for first reading.

## **TOWN DEPARTMENTS**

### **Building Department**

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

The follow-up visit date is pending and has not been determined.

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

The community verification visit has been tentatively scheduled for mid-February 2015 and we are preparing required documentation of activities to support the Town's application.

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

The 40 Year Building Certification Program is progressing as follows:

Reported certifications: 122 in present case file  
Completed certifications: 43  
Time extensions granted: 2  
Exempt from Certification: 3  
Vacant commercial properties: 9  
Sent to Code Enforcement for non-compliance: 9  
150 day repair order: 7  
On hold: 4  
Inspections: 4

## **17. Development Projects**

### **The Chateau**

The Chateau has completed pouring the north first floor and is scheduled to complete the south elevator core and southeast basement foundations and slabs this month.

### **The Surf Club**

The sky-mat, its major structural element consisting of 1200 plus cubic yards of concrete, is scheduled to be poured January 10, 2015 beginning at 2 am.

### **The Marriott**

The second floor garage deck is scheduled to be completed by January 10, 2015 and the balance of the pile caps and grade beams for the south side of the project are also scheduled.

## **18. Document Scanning**

The scanning program continues to collect funds through its expired permit outreach effort. The fees collected under this project should fully fund the scanning program drawing no funds from the Building Services Department's budget. The sale of the scanner is pending.

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

On November 18, 2014, the Town Commission adopted, on second reading, an ordinance amending the corner visibility provisions (hedges and sight triangles). A policy and enforcement standards will be provided at the January, 2015 Commission meeting.

## **20. 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, 2014 requesting a determination that the County can assign maintenance/regulations to local governments. The County once again received a denial from the State to move forward with this request. At this time the County is not able to move forward on a staff level with any type of agreement. This has been an unsuccessful effort to this point despite Staff's efforts over the past couple of years. This has been identified as a priority for the new Town Manager on the Transition Plan.

## **21. Tennis Programing**



The Parks and Recreation Department will present options for operations including court rentals. The proposed budget did not include the funding request for the recreational software for the tennis facility. Due to budget constraints and the cost of the requested recreation software, other options will be explored. The Parks and Recreation Department will work with the Parks and Recreation Committee to review tennis court rentals and reservations. The Parks and Recreation Committee along with staff will look into the expansion of the tennis programming to include court fees. With the feedback from the tennis operations/players it is recommended that we continue to operate as is and if needed a court rental fee will be addressed in the near future.

## **22. Silver Sneakers Program**

Silver Sneakers is the leading fitness program designed specifically for active older adults. It is delivered through a nationwide network of participating fitness locations such as wellness centers, gyms and other facilities. Healthways has been providing innovative health benefits for older adults for more than two decades. Today more than 65 Medicare health plans offer the program as a benefit to members across the nation. Regular participation in the program has been proven to help older adults manage their health and increase strength, balance and endurance. At the request of Vice Mayor Tourgeman, the Parks and Recreation Department has completed an application to host this national program. We have listed the Surfside Community Center as the host site. No update to the status has been provided from the Silver Sneakers Program at this time.

## **23. Tennis Court Shade/Tennis Court Divider**

Requests have been made for shade structures to be installed at the newly renovated Tennis Center. Any type of structure would have to be a permanent structure due to hurricane code. Previously, Staff had erected tents in the corner of the courts but players complained the tents interfered with their volleys.

Installing nets to separate the courts was discussed but it is not feasible due to the limited space between courts. The netting would require posts to be installed to support the netting and this becomes a safety concern for players.

## **24. 96th Street Park Renovation**

The number two item on the Parks and Recreation 5 Year Capital Plan, approved by the Town Commission, was the renovation of the 96<sup>th</sup> Street Park. This item has now moved to the forefront of the 5 year Capital Plan. This was brought before the Town Commission at the October 2014 meeting. The Community Center Second Floor Expansion Committee requested and approved a 2 year hold on the second floor project. The recommendation was to consider moving forward with the 96<sup>th</sup> Street Park renovation. The committee at this time is reviewing recommendations on 96<sup>th</sup> street Park provided to the Town during the 2006 Charrette. The committee will meet again in January to review the Charrette recommendations and provide a recommendation to the Town Commission to move forward. This could be as early as February of 2015.

## **Police Department**

### **25. Current Issues**

**Traffic Issues** – Town and Police Department staff met with representatives of the Florida Department of Transportation on December 18 to discuss requests from residents for the installation of traffic signals at 96 Street and Abbott Avenue, 91 Street and Collins Avenue, 90 Street and Collins Avenue, 92 Street and Harding Avenue, and 90 Street and Harding Avenue. Town and PD staff also met with Miami-Dade Commissioner Sally Heyman on December 22 to discuss overall traffic solutions in Surfside.

**Pilot Residential Parking Program** – A ninety day pilot residential parking program will be implemented in January for the 9400 and 9500 blocks of Byron Avenue to address parking issues. A community meeting and community survey were conducted in December with overall support from residents living on these two blocks for the project. The program was also advertised in the Gazette and on the Town website. Signage will be added on these two blocks restricting parking to these residents only. Residents will be supplied with parking passes.

**Personnel Changes** – Surfside Reserve Officer Armando Guzman was appointed the Chief of Police for Miami Springs on January 5, 2015. Donna Natale-Planas, a Surfside resident and volunteer Police Department photographer, was hired as a part time administrative assistant for the Parking Division.

**New Equipment** – Police Officers were issued go bags to carry in the police cars for critical incidents. The go bags contain medical equipment, tourniquets, door stops, window punches, flex cuffs, extra ammunition, and a gas mask. This equipment will be readily available to every officer so they can be prepared for medical emergencies, crashes with injuries, active shooters, building searches, and other emergencies.

**Pay by Phone Parking** – The Parking Department has researched the Pay by Phone System as a payment option for use in Surfside. The Pay by Phone System operates independent of our existing Pay Stations and is an easy and convenient way to pay for parking using a smartphone. Drivers find the system easy to use and appreciate the many user friendly options including the ability to receive text message reminders before their parking session expires. Drivers simply follow the step-by-step instructions and can add more time from any phone without returning to their vehicle. With the Pay by Phone system there is no receipt to display in the vehicle windshield.

Parking Enforcement Officers will soon be able to use their existing handheld device (AutoCite) or any cell phone/tablet to verify who has paid. Miami-Dade County is in the process of upgrading AutoCite so that the device will be able to work in real time to verify payment from the Pay by Phone System. The County plans to launch this system in March of 2015 and there will be no additional equipment for the Town to purchase or maintain.

When using Pay by Phone, the drivers parking status is displayed on AutoCite and our Parking Enforcement Officers can verify the parking time purchased by entering the license plate number.

There are several companies operating the Pay by Phone system in our area. Most companies charge \$0.35 per transaction and the Town has the option to add that cost to the parking rate. For example, if a driver purchased two (2) hours of parking it would cost them \$2.85 (\$1.25 per hour plus \$0.35 transaction fee). The Town would receive a monthly payment for the number of parking hours purchased and the transaction fees would go to the Pay by Phone company.

We will begin a six month pilot program with the Pay By Phone Company to see how the system works for the Town. It will take approximately six weeks to get the signage made and installed. The signs will be provided by the company at no cost to the Town. At the end of the six month period the Town can cancel the service or piggyback off of a competitively bid contract that was recently awarded by the Miami Parking Authority.

There are no additional costs to the Town for this service.

## **Human Resources**

### **26. Request for Commission Action on Personnel Salaries**

Michael Crotty, former Town Manager wrote in his November 2014 Town Manager's Report:

*During the first budget hearing on September 9, the Commission passed a motion "to approve a millage rate of 5.0293 with the provision that the cuts would include eliminating salary increases in October for department heads, part of the step two process. It would also include eliminating a two percent increase in salary for the Finance Director who was not listed on the document." The minutes show that the Commission approved this millage rate to avoid a substantially-reduced millage at the majority vote rate (4.6201 mills), which would have required an additional reduction of approximately \$500,000 in the FY 14/15 budget. However, this action has caused significant uncertainty and concern among our employees at all levels. In a previous memo to the Commission, I outlined the concerns and recommended Commission action:*

1. Merit increase for Finance Director. The Town Manager is solely responsible for personnel actions, including the evaluation of employees to determine whether merit increases are warranted. Since the Commission's action is contrary to this principle, I recommend that the Commission leave this matter to the Town Manager's discretion and rescind this merit-increase prohibition.
2. Funding for step-two salary adjustments designed to address salary disparities for five Department Heads. At the 12/10/13 regular Commission meeting, the Commission discussed disparities in Department Head salaries. *"The Town Commission agreed that this issue is totally under the Town Manager's purview and to take necessary actions to assure fairness in the salaries of Department Heads."* Following this direction and consistent with the Commission-approved Wage Study, I initiated a two-step plan to increase Department Head salaries in January and September 2014. The two-step phasing of the plan was to mitigate budget impacts for FY 13/14. The January increase was implemented, but the Commission cancelled the September increase at the 9/9/14 meeting. I understand that some Commission members felt that the proposed salary adjustments were excessive or even unwarranted. However, the Commission has already acknowledged that this is a fairness issue. Our Department Heads are loyal, dedicated employees who provide outstanding service; and the ones with the low salaries are the ones who have served us the longest. To recognize these employees and their value to our municipal operation, I recommend that the Commission consider the step-two salary

adjustments as a stand-alone item independent of other issues and fund the second salary adjustments that were promised to them.

It was my intention to place this item on the November 6 meeting agenda; however, one member of the Commission could not attend. These two items deserve the attention of the full Commission; therefore, I recommend that they be placed on an agenda when the full Commission will be present. These are fundamental issues of fairness that must be addressed to ensure a sound personnel management system.

This item was discussed at the December 2014 Town Commission.

## **27. Electronic Comments during Commission Meetings**

Staff was asked to research methods of allowing residents who are unable to attend Commission meetings to participate electronically.


Staff surveyed fifteen (15) local municipalities and only two (2) allow electronic comments. One municipality requires comments to be submitted 48 hours prior to the meeting and the other reads the comments live but do not respond.

If directed, Staff could create a link on the Town's website which would allow residents to submit electronic comments to be read at Commission meetings. Residents would be required to provide their name, address, and topic or agenda item. These comments would have to be submitted in advance of the meetings.

Allowing residents to submit "live" electronic comments is problematic and presents challenges that Staff has to address.

Staff recommends that this item be deferred until the February 10 Commission meeting in order to allow more time to research a method for submitting live electronic comments.

Respectfully submitted by:

  
\_\_\_\_\_  
John Di Censo, Assisting the 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 *LM*

**CC:** Guillermo Olmedillo, Town Manager  
 John Di Censo, Assisting the Town Manager  
 Jane Graham, Assistant Town Attorney

**DATE:** January 13, 2015

**SUBJECT:** Office of the Town Attorney Report for January, 2015

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

December 9, 2014 – Town Commission Meeting  
 December 15, 2014 – Tourist Board Meeting  
 December 15, 2014 – Parks and Recreation Committee Meeting  
 December 18, 2014 – Miami-Dade County Historic Preservation Board Meeting  
 January 8, 2015 – Planning and Zoning and Design Review Board Meeting

**Ordinance for First Reading:**

- Limiting Service Uses in the Business District

**Resolutions prepared and reviewed:**

- Agreement with Miami-Dade State's Attorney Office to Prosecute Criminal Municipal Ordinance Violations in Surfside

- Approving and authorizing the purchase of the 2016 Mack truck with a 25 yard rear loader through the annual Florida Sheriffs State Bid and the trade-in sale of the 2001 Mack of \$20,000.00 for a total net cost of \$182,998.50
- Sea Level Rise Task Force Urging Resolution to Miami-Dade County

**Town Commission/Town Manager:**

- Follow up with Miami-Dade County Attorneys regarding Miami-Dade County ordinances on historic preservation including Commissioner Sally Heyman's additional sponsorship of an ordinance to require at least 75 percent of unit owners in a condominium or cooperative property to join a petition to initiate an historical designation proceeding. A public hearing before the Miami-Dade County Cultural Affairs & Recreation Committee is currently set for February 9, 2015.
- Research case law and historic designation reports on historic preservation authority between county and local jurisdictions
- Attended the December 18, 2014 hearing of the Miami-Dade County's Historic Preservation Board ("Board") and re-submitted a copy of Town Resolution No. 14- 2270 to renew the request for a six month deferral of historic designation on any and all properties within the Town. The Board denied the Town's request. The Board approved historic designation for 9340 Collins Avenue and 9149 Collins Avenue and voted to initiate historic designation of Seaside Terrace - 9241 Collins Avenue, which will be heard by the Board on January 22, 2015.
- Follow up on Point Lake/North Canal – ownership submerged lands
- Review for revisions to variance criteria
- Research and prepare Memorandum on the authority of municipalities to exercise Eminent Domain
- Parking – Research Florida Statutes 287.057(4)-(6) – Public Private Partnerships
- Research and draft a Memorandum on municipalities' ordinances on Polystyrene Foam (Styrofoam), Preemption, Home Rule, and applicable state laws
- Research and prepare Memorandum on Beach Sand Quality Regulations, Beach and Coastal Management, and Coastal Construction
- Research and prepare Memorandum on local, state, and county laws and ethics of Sponsorship/Donation

**Town Clerk:**

- Notice requirements
- Follow up with Miami-Dade County notification regarding March 2016 Election

**January 8, 2015 Planning and Zoning and Design and Review Board:**

*Design Review Board Applications:*

1. 8874 Carlyle Avenue – Fence
2. 9441 Carlyle Avenue – Garage Conversion
3. 9024 Harding Avenue – Carport
4. 9380 Collins Avenue – Façade Modification
5. 9525 Harding Avenue – Window sign

*Planning and Zoning Agenda:*

1. 10% wall openings for each story
2. Single Family Color Palette

*Discussion items:*

1. Sheds
2. Future agenda items

**Building Department/Code Enforcement:**

- Review master plan for sidewalk café accessible route
- Follow up with Code Enforcement for on-going settlement of cases
- Finalize Settlement Agreements (Case Nos. 13-74; 13-44 and 14-40) - 1268 Biscaya Drive

**Finance Department:**

- Follow up and analysis for Grant Writing, VOIP and ERP proposal/agreements

**Human Resources:**

- Review Agreement for Human Resources and Police Department for electronic live scan fingerprinting



**Parks and Recreation:**

- Continued analysis for follow-up to FDEP for beach concession and jurisdiction of beach management
- Review policy for Parks and Recreation for health and safety of patrons

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

- Research and analysis of Solicitation of Sponsorships/Donations
- Follow-up review and analysis of bench sponsorship
- Follow-up review for amendment to film ordinance
- Research jurisdiction of placement of benches on beach and street ends

**Public Works:**

- Follow up with City of Miami Beach regarding CMB–Surfside Sewage Conveyance Services Agreement
- Revise draft Maintenance Agreement for pavers for Grand Beach

**Police Department:**

- Valet insurance requirements
- Revise SPD procedures on Business Rules as a follow up to recent court decision re: ATS
- Review license agreement for Automatic vehicle locator system

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

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. Settlement negotiations ongoing.
2. Julien Deleon - Equal Employment Opportunity Commission (EEOC) Charge #510-2014-05171. Mr. Deleon has filed a Notice of Charge of Discrimination against the Town.
3. Asya Yakobson alleges injuries and vehicle damage occurred on November 18, 2014. She alleges her car was hit by a Surfside police vehicle. The police vehicle was driven by



an employee of a car repair dealer who was returning the police vehicle to Town Hall. FMIT is investigating the claim.

4. 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.
5. 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 Court has issued an Order dismissing the Amended Petition for Writ of Certiorari without prejudice. Petitioner, Pieter Bakker has filed a Third Amended Petition for Writ of Certiorari. Surfside has filed a Motion To Dismiss Third Amended Petition For Writ Of Certiorari.

**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.  
 December, 2014

1. **Planning and Community Development** – The Miami-Dade Historic Preservation Board notified property owners along Collins Avenue that its staff have identified properties with potential historic significance. The Board instituted a moratorium on building permits until the Board could have a hearing and determine if the structures would be deemed historic. If a designation is instituted, then the property owners will have limited options for their properties. Furthermore, the County staff was not aware of any of the projects the Town is exploring, such as new zoning criteria for the block between Collins and Harding Avenues or the potential for a parking structure. Town planning staff attended the Historic Board meeting on June 18, 2014 to request a six month deferral of a decision by the Board so that the Town could work with County staff. The Board granted a three month deferral. Planning staff attended the September 17, 2014 Historic Preservation Board meeting to request an additional six month deferral to continue coordinating efforts with the County Staff, which was granted by the Board. Town Staff attended the November 19, 2014 meeting of the County's Historic Preservation Board and presented a copy of the Town's Resolution No. 14- 2270 requesting a six month deferral on all Town of Surfside properties. The Historic Preservation Board denied the Town's request for a 6 month deferral on all properties, however, the Board indicated the Town may ask for additional deferrals at their December Board meeting. The Seaway Villas and 9340 Collins Avenue are scheduled for the Historic Board's December 18, 2014 designation public hearing. Planning staff have commenced an analysis on the zoning criteria for the block between Collins Avenue and Harding Avenue in November. A discussion will occur with the Planning and Zoning board in January. A resident requested that the Town consider increasing lot coverage to 50% from 40% of a lot. Staff has prepared an analysis for discussion at Planning and Zoning and Town Commission. An ordinance addressing this request will be on an upcoming Commission meeting. Staff continues to answer approximately 85-100 zoning questions monthly and reviews permit applications.
  
2. **Information Technology & TV Broadcasts** - IT is waiting on Public Works to add a network cable in the gas pump area so the pump can be converted to digital. A Microsoft SQL Server license was ordered for the Badger meter reading software. IT is still awaiting approval to proceed with an upgrade to Microsoft Office 2013 (partially completed). The Town was upgraded to a 50MB Metro Ethernet connection for internet service and cancellation of the previous T1 circuit has been completed through AT&T. The SCALA system has been updated every week with the new meetings and Town schedule per Town Manager's request. The Barracuda web filtering device has arrived and will be installed in January 2015. The equipment for the new Town Manager has arrived (Surface Pro and

Smartphone) and are being setup in December 2015. The file share will be transferred to the new server in January 2015.

3. **Public Utilities / Engineering – Public Utilities / Engineering** – The 1 year warranty video of the sanitary sewer mains has commenced and is 100% complete. The engineers have reviewed 72 the main line sewer runs and have accepted 43 of them. The unaccepted sewer mains will require the line be cleaned and re-televised or require minor repairs that will be completed by the Contractor at no cost to the Town.

**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	\$859,000
<b>TOTAL</b>	<b>\$11,270,381</b>	<b>\$9,225,928</b>

**\*Request # 3 has been submitted for the full \$9,312,881. The final report has been submitted to the state.**

4. **Town-Owned Seawall Repair** – This item was presented at the November 6, 2014 Special Commission Meeting and received direction to proceed with Option 5 (total of 5 walls) for the budgeted amount of \$1,100,000.00. CGA has received approval FIND to commence with Option 5. CGA will issue a Notice to Proceed to the Contractor (PAC COMM INC) in January 2015. Preparatory work will commence in January 2015 with the crane barge arriving in February 2015. The project is scheduled to be complete 160 days from issuance of the Notice to Proceed.
5. **Biscaya Island Drainage Project** – This project is completed with the exception the installation of the final tide flex valve at the bridge side of the project (ordered and scheduled to arrive mid-January 2015). Clean up and irrigation repairs are completed. The final landscaping restoration will be completed in January 2015.



**TOWN OF SURFSIDE  
PENSION BOARD MEETING**

Tuesday, August 19, 2014 – 2:00 p.m.  
9293 Harding Avenue - Town Hall - Chambers

**MINUTES**

**Pension Board Members**

Michael K. Feldman, Chair  
N. Abraham Issa  
Michael P. Crotty  
Sgt. Julio E. Torres  
Yamileth “Yami” Slate-McCloud

**Town of Surfside Consultants**

Alyce Jones, A.M. Jones – C.P.A., P.A.  
Burgess Chambers, Burgess Chambers & Associates  
Grant McMurry, ICC Capital Management  
Larry Wilson, Gabriel Roeder Smith & Company  
Robert Klausner, Esq, Klausner & Kaufman  
Donald Nelson, Finance Director  
Mayte Gamiotea, Third Party Administrator  
Frantza Duval, Recording Clerk

**1. Call to Order and Roll Call**

The meeting was called to order by the Chair, Michael Feldman at 2:06pm.

The Pension Board members noted above were present, with the exception of Sgt. Julio E. Torres, who is absent. A quorum was established.

Also in attendance were the above noted consultants and Town staff with the exception of Donald Nelson, Finance Director and Robert Klausner. Adam Levinson was present for Klausner & Kaufman. Philippa Feldman, member of the public, is also present.

**2. Approval of Minutes**

a. Regular Pension Board Meeting – *June 19, 2014*

**MOTION:**

The Town of Surfside Pension Board recommended approval of the June 19, 2014 minutes of the Regular Pension Board meeting. Abraham Nissa moved; Yamileth Slate-McCloud seconded. The motion passed unanimously.

**3. Agenda Additions and Deletions**

Ms. Mayte Gamiotea requested to include Larry Wilson’s response to Sgt. John Davis’s calculation for retirement as a discussion item on the agenda.

#### 4. Public Participation

None

#### 5. Reports and Updates

##### a. Burgess Chambers & Associates

- Reports: Investment Performance Quarter Ending June 30, 2014  
Burgess Chambers provided overview on the investment performance quarter ending June 30, 2014.

The Town had a great quarter, earning \$567,000, a 3.6% net return. The REIT was the best performer, with strong performance from the TIPS.

The Town's retirement plan earned 11.4% for the fiscal year to date.

The best three performing asset categories were: mid-cap core 25.7%, ICC large-cap core 24.5%, and SPDR large cap core 24.5%.

- Investment Presentation regarding asset classes & Program analysis  
Burgess Chambers advised that private real estate is negatively correlated to stocks. When the stock market goes down private real estate is not affected at all.

Burgess recommends bringing bonds down from 35% to 25% freeing up 10% with 5% going into master limited partnerships and the other 5% going into private real estate. The company that is being considered for the private real estate is a multi-employer property trust (MEPT). Burgess advised that the bonds are currently hurting the pension and these two alternatives will help. Burgess advised that the fee for Westwood was 1.1%, but Burgess was able to negotiate it down to .95%. Burgess is still looking to bring the fee down and is working with the company. The private equity fee structure went down from 1.0% to 0.89%.

Burgess Chambers advised that there would be no incentive fees.

Westwood would manage the portfolio for the MLP.

Town Manager advised that the approach to move forward seems logical.

Chair Mr. Feldman wants to move forward with the idea given that the return on the bonds is getting worse.

#### **MOTION:**

The Town of Surfside Pension Board recommended approval to adopt proposed changes to asset allocation and rebalancing procedures prepared by Burgess Chambers. Allowing the 10% from the fixed income to be split with 5% going into the master limited partnership and the other 5% going into real

estate; Abraham Nissa moved; Ymileth Slate-McCloud seconded. The motion passed unanimously.

Burgess advised that with the motion being passed the 5% going into MLP will be monitored by an MEPT and the other 5% by Westwood. Completion of the documents is dependent on the review of the contract by the Pension Attorney.

- DROP-Investment policy  
There was no discussion on the DROP Investment policy.

**b. ICC Capital Management**

- Reports: Investment Review for Quarter Ending: June 30, 2014  
Grant McMurry provided a brief overview on the investment review for quarter ending June 30, 2014.
- Informational letter of changes in ICC Capital July10, 2014  
Grant McMurry provided, as a part of the agenda packet, their Informational letter of changes in ICC Capital, dated July10, 2014.
- ICC – Portfolio Appraisal as of July 31, 2014  
Grant McMurry provided, as a part of the agenda packet, ICC’s Portfolio Appraisal, dated July 31, 2014

**c. Klausner & Kaufman**

Adam Levinson advised that he received information regarding premium tax for the police’s share plan. He advised that there is more money coming in and it has gone up from \$43,000 to \$49,000.

Adam Levinson, with regards to questions raised during Burgess Chambers’ recommendation to adopt proposed changes to asset allocation and rebalancing procedures, reminded the Board they have the authority, as per Section 2-186 (c)(1) of the Town’s Ordinance, to invest and reinvest the trust fund assets in such securities or in such property, real or personal, wherever situated, as the trustee shall deem advisable, etc...

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

- Report  
Alyce Jones advised that she has worked on the report with Mayte Gamiotea that showed the deficiencies from the CAFR.

She set up all the investment statements for the year ending September 30, 2014.

- Engagement Letter for Audit of FY 2014 9-30-2014  
Alyce Jones advised there are no increase in the engagement letters for audits. She advised that Bob Klausner, Pension Attorney, approved the letter.

**MOTION:**

The Town of Surfside Pension Board recommended approval of Alyce Jones Engagement Letter for Audit of Fiscal Year ending September 30, 2014 at the same rate and terms of last year with authorization for Chair, Michael Feldman to sign. Yamileth Slate-McCloud moved; Abraham Nissa seconded. The motion passed unanimously.

**6. Administrator**

**a. Refunds of Contributions:**

- Scott Harrison-Terminated 7-3-2014 \$2,070.20
- Andrea Smith-Bustillo Terminated 7-11-2014 \$4,126.33

**MOTION:**

The Town of Surfside Pension Board recommended approval to payout the refund contributions to the aforementioned Town employees. Yamileth Slate-McCloud moved; Abraham Issa seconded. The motion passed unanimously.

**b. FY 2015 Quarterly Pension Meeting Dates: For Discussion Purposes**

- November 20, 2014 Thursday @ 2:00pm
- February 24, 2015 Tuesday @ 2:00pm
- May 21, 2015 Thursday @ 2:00pm
- August 13, 2015 Thursday @ 2:00pm

The date are tentatively approved.

**7. Approval of Invoices**

- a. A.M. Jones, C.P.A., P.A.
  - Invoice Pending
- b. Burgess Chambers & Associates, Inc.
  - Invoice #14-92 7/16/2014 \$ 2,000.00
- c. Gabriel Roeder Smith & Company
  - Invoice #122910 7/7/2014 \$ 8,829.00
- d. ICC Capital Management
  - Invoice #57533770 7/10/2014 \$ 8,506.18
- e. Klausner & Kaufman
  - Invoice #15921 6/30/2014 \$ 2,989.00

• Invoice #16011 7/31/2014	<u>\$ 00.0000</u>
	\$ 2,989.00
f. Frantza Duval	
• Invoice #14-01 8/13/2014	\$ 382.50
g. SunTrust Bank	
• Invoice #6895223 7/29/2014	\$ 4,934.80
h. Mayte Gamiotea	
• Invoice #14-03 August 15, 2014	\$ 1,575.00

**MOTION:**

The Town of Surfside Pension Board recommended approval of all the aforementioned enumerated invoices. Abraham Issa moved; Yamileth Slate-McCloud seconded. The motion passed unanimously.

**8. Old Business**

Sgt. John Davis appeared before the Board and advised that his calculation were incorrect and advised that the actuary's, Larry Wilson's re-calculation is correct.

All of the Town's consultants and Pension Board members have reviewed the re-calculation and are in agreement of the actuary's calculation.

**MOTION:**

The Town of Surfside Pension Board recommended the approval of Larry Wilson's re-calculation of Sgt. John Davis's retirement pension. Abraham Issa moved; Michael Crotty seconded. The motion passed unanimously.

**9. New business**

None

**10. Trustees' Comments/Concerns**

Chair, Michael Feldman, thanked the Town Manager for his participation as a member of the Pension Board.

**11. Next Regular Scheduled Meeting Date**

- To be Discussed (November 20, 2014 Thursday) @ 2:00pm

**12. Adjournment**


There being no further business to come before the Board, the meeting unanimously adjourned at 4:01pm with the motion made by Yamileth Slate McCloud; receiving a second from Michael Crotty.



Accepted this 4 day of December, 2014

  
Michael Feldman

Attest:

  
Frantza Duval  
Recording Clerk



## TOWN OF SURFSIDE

MUNICIPAL BUILDING  
9293 HARDING AVENUE  
SURFSIDE, FLORIDA 33154-3009

### PARKS AND RECREATION ADVISORY COMMITTEE MEETING

7:00 pm

Monday November 17, 2014  
Surfside Community Center  
9301 Collins Avenue

### MINUTES

1. Roll Call of Committee Members

Retta Logan called the meeting to order at 7:06pm.

**Also in attendance:** Alberto Aguirre, Eliana Salzhauer, Stacie Barrett, Parks and Recreation Supervisor, Arnie Notkin, Veronica Lupinacci, Marta Olchyk, Liaison, Michael Crotty, Town Manager, Frantza Duval, Recording Clerk, Linda Miller, Town Attorney, Phyllis Shamis, Resident.

Shlomo Danzinger is absent with regrets.

2. Approval of minutes from 9/22/14

Veronica Lupinacci made a motion to approve the September 22, 2014 minutes; Alberto Aguirre seconded the motion. The motion passed unanimously. The minutes were approved.

Arnie Notkin thanked the Town Manager for his participation in the Parks and Recreation meetings.

3. Recap Halloween Event

Stacie Barrett advised that the Halloween event was successful. They handed out over 800 bags of candy and received nothing but positive feedback. The attendance was higher than they anticipated.

Retta Logan recommends that parts of Bay Drive be closed due to cars almost hitting people due to the large crowds. It was particularly crowded on 95<sup>th</sup> and 96<sup>th</sup> street.

Veronica Lupinacci suggested that it be done again on Friday next year, which will perhaps limit the number of people since Halloween falls on Saturday next year.

#### 4. Tennis Court Rentals

The tennis court is staffed seven days a week. There have been minimal complaints regarding court usage.

Parks and Recreation is looking into designating one court for specifically scheduling court rental as a policy. They are contacting other municipalities to see how they are handling court rental fees.

Parks and Recreation hopes to start in January whereas booking must be done at the Community Center since the tennis center is not set up to accept payments.

The tennis center staffed at 4:00pm, where Monday was identified as the busiest day.

Eliana Salzhauer entered the meeting at 7:22pm

Town Manager, Michael Crotty suggested a sliding screen in between the courts to keep the balls from going into other courts.

Michael Crotty, Town Manager, also suggested a cardio tennis program.

Stacie Barrett advised that she has spoken to Margaret regarding activity program, but will also look into it as well. Parks and Recreation has also been working with GM Sports about hosting a clinic in the New Year.

Phyllis Shamis, resident shared her concerns regarding the scheduling at the tennis court.

Stacie has advised that there has been one court identified for the scheduling. Parks and recreation are still working out the details.

#### 5. Picnic Tables at Community Center Green Space

It was brought to the Town Manager's attention that their use to be benches in the green space, and several residents inquired as to what happened to them.

Stacie Barrett advised that if there were tables out there it was only for special events.

Linda Miller, Town Attorney advised that as a part of the concession agreement no food can be brought to the community center, so not having benches out that deters people from bringing their own food. Stacie advised that the space is heavily used in the summer during camp and through the after school program and would need to be strategically planned. A picnic table would need to be purchased and an area would need to be identified. This item will be re-visited at the next meeting

#### 6. November and December Programs /Events

Stacie Barrett provided a list of events happening within Parks and Recreation such as:

- Storytelling for toddlers and infants
- Movie night at the park being held this Friday at 7:00pm.
- Brunch bunch in December.
- Senior trip to the mall.
- Winter camp registration
- December 14 – Winter Extravaganza Sunday.

Marta Olchyk inquired about the cost for the Winter Extravaganza. Stacie Barrett advised that the cost is unknown, but she can find out.

Coach Arnie Notkin thanked Parks and Recreation for the beautiful Veterans Day Ceremony.

#### 7. Community Input

Veronica proposed that the pool be open from 8:00-9:00am, every day for lap swimming for adults since the pool closes early. Stacie Barrett will have Tim follow-up on this item. Eliana Salzhauer advised that with the pool closing earlier at night then it should be open earlier.

It has been noted that there have been animal excrement in the pool. Stacie Barrett advised that the issue has since been identified and corrected.

#### 8. Meeting Adjournment

Veronica Lupinacci made a motion to adjourn the meeting, Eliana Salzhauer seconded the motion. The motion passed unanimously. The meeting ended at 7:51pm.

Accepted this 15 day of December, 2014

Retta Logan  
Member (Print)  
[Handwritten Signature]  
Signature

Attest:  
[Handwritten Signature]  
Frantza Duval  
Recording Clerk



## Town of Surfside Commission Communication

**Agenda Item #:** 3G

**Agenda Date:** January 13, 2015

**Subject:** Proposed Agreement with the Miami-Dade State Attorney's Office to Prosecute Criminal Municipal Ordinances.

**Background:** State legislation was passed in 2004 for the State Attorney to prosecute criminal municipal ordinances only if (1) the ordinance violation is ancillary to a felony prosecution or (2) the municipality has entered into a contract with the State Attorney for these prosecutions. The agreement is for the prosecution of ordinances only; the State Attorney's Office has no authority to handle appeals related to the Constitutionality of ordinances.

**Analysis:** The proposed agreement allows the Miami-Dade State Attorney's Office to prosecute criminal ordinance violations in Surfside for the period of October 1, 2014 to September 30, 2015.

**Budget Impact:** The Town will be billed at the statutorily prescribed rate of \$50 per hour. It is estimated that it takes approximately 20 minutes per case equivalent to the rate \$16.67 per case. During the past years the use of the State Attorney's Office has been very limited, however, the agreement should be in place in the event an unforeseen occurrence requires these services.

**Recommendation:** The Town staff recommends that the Commission approve the resolution to enter into the proposed agreement with the Miami-Dade State Attorney's Office to prosecute criminal municipal ordinances.

David Allen, Chief of Police

John Di Censo, Interim Town Manager



**RESOLUTION NO. 15 - \_\_\_\_\_**

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

**WHEREAS**, the Town Commission wishes to enter into an agreement with the Miami-Dade State Attorney's Office to prosecute criminal municipal ordinance violation in Surfside for the period of October 1, 2014 through September 30, 2015; and

**WHEREAS**, the Town will be billed by the State Attorney's Office at the statutorily prescribed rate of fifty dollars (\$50.00) per hour; and

**WHEREAS**, section 27.02. Florida Statutes, authorizes the State Attorney to prosecute municipal ordinance violations punishable by incarceration if ancillary to state prosecution or, if not ancillary to state prosecution, when the State Attorney contracts with the Town for reimbursement; and

**WHEREAS**, the Town finds that in order to maintain and improve the health, safety, and welfare of this community, it is necessary to adequately enforce and prosecute violations of the Town's Municipal Code of Ordinances.

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

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

**Section 2.** The Town Commission authorizes the Town Manager on behalf of the Town of Surfside, Florida to execute the agreement with the Miami-Dade State Attorney's Office (Exhibit "A").

**Section 3.** The Resolution shall become effective immediately upon its adoption.

**PASSED and ADOPTED** on this day \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Motion by \_\_\_\_\_

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

**FINAL VOTE ON ADOPTION**

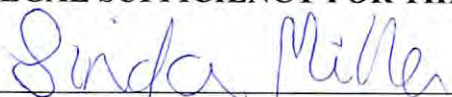
Commissioner Barry Cohen \_\_\_\_\_  
Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Eli Tourgeman \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

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

**ATTEST:**

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

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

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



**AGREEMENT BETWEEN TOWN OF SURFSIDE AND THE STATE OF  
FLORIDA, OFFICE OF THE STATE ATTORNEY FOR THE  
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA TO REIMBURSE THE  
STATE FOR THE COST OF STATE ATTORNEY PROSECUTION OF  
CERTAIN CRIMINAL VIOLATIONS OF THE  
\_\_\_\_\_ CODE**

This agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between Town of Surfside, a political subdivision of the State of Florida (hereinafter referred to as the "City") and the Office of the State Attorney for the Eleventh Judicial Circuit of Florida (hereinafter referred to as "State Attorney").

WHEREAS, the City finds that in order to maintain and improve the health, safety, and welfare of this community, it is necessary to adequately enforce and prosecute violations of the City's Municipal Code; and

WHEREAS, Section 27.02, Florida Statutes, authorizes the State Attorney to prosecute municipal ordinance violations punishable by incarceration if ancillary to state prosecution or, if not ancillary to state prosecution, when the State Attorney contracts with the City for reimbursement.

NOW, THEREFORE, the parties hereto agree as follows:

**ARTICLE I**  
**Services**

The State Attorney agrees to prosecute municipal ordinance violations as authorized in Sections 27.02, and 27.34, Florida Statutes. The City agrees to remit, subject to the terms outlined in Article III of this agreement, to the State Attorney the required funds to reimburse for costs associated with the prosecution of violations of the Municipal Code for the period of October 1 of current year through September 30 for following year. The State Attorney shall provide such clerical and professional personnel as may be required for the performance of any of the functions of the State Attorney as set forth in this agreement. This agreement does not commit the City to pay for the prosecution of Municipal Code violations ancillary to state prosecution or for the prosecution of municipal ordinance violations not punishable by incarceration. This agreement specifically does not authorize the State to handle appeals of municipal ordinances on constitutional grounds, which shall remain the responsibility of the municipality that passed the ordinance.

**ARTICLE II**  
**Terms**

This agreement shall expire on September 30, 2015, unless terminated earlier pursuant to Article VII of this agreement. Under no circumstances shall the City be liable to continue or extend this agreement beyond this date. This agreement may only be amended in writing, through a document executed by duly authorized representatives of the signatories to this agreement.

**ARTICLE III**  
**Payment Schedule**

The City agrees to reimburse the State Attorney on an hourly basis for services rendered at a rate of Fifty dollars (\$50) per hour. On a quarterly basis, the State Attorney shall provide the City with an invoice including, but not limited to, the hours of services rendered, number of cases prosecuted as set forth in this agreement, and the total amount due for payment for the previous month. The City shall remit each payment within ten (10) days after receiving said invoice from the State Attorney.

**ARTICLE IV**  
**Responsibilities**

The City does not delegate any of its responsibilities or powers to the State Attorney other than those enumerated in this agreement. The State Attorney does not delegate any of its responsibilities or powers to the City other than those enumerated in this agreement.

**ARTICLE V**  
**Reporting**

All required reports shall be submitted to the \_\_\_\_\_.

**ARTICLE VI**  
**Indemnification**

It is expressly understood and intended that the State Attorney is only a recipient of the reimbursements paid by the City and is not an agent of the City. The respective parties agree, subject to the provisions of Chapter 768.28 (17), Florida Statutes, that they will hold each other harmless from any claims arising from this agreement.

**ARTICLE VII**  
**Termination**

Either party may terminate this agreement at any time with or without cause by furnishing written notice to the other party with no less than ninety (90) days notice.

**ARTICLE VIII**  
**Service Charges**

This agreement is contingent upon all City funding provided, and any interest earned thereon, not being subject to any State service charges or administrative assessments.

**ARTICLE IX**  
**Non-Discrimination**

The State Attorney agrees to abide and be governed by Title II of the Americans with Disabilities Act of 1990, Title VI and VII, Civil Rights Act of 1964 (42 USC 200d, e) and Title VIII of the Civil Rights Act of 1968, as amended, which provides in part that there will not be discrimination of race, color, sex, religious background, ancestry, or national origin in performance of this contract, in regard to persons served, or in regard to employees or applicants

for employment and it is expressly understood that upon receipt of evidence of discrimination, the City shall have the right to terminate said agreement.

IN WITNESS THEREOF, the parties have caused this agreement to be executed by their respective and duly authorized officers the day and year first above written.

ATTEST:

NAME City Commission

By: \_\_\_\_\_ By: \_\_\_\_\_  
POSITION

ATTEST State Attorney's Office  
Eleventh Judicial Circuit

By: \_\_\_\_\_ By: \_\_\_\_\_  
Don L. Horn  
Chief Assistant State Attorney  
for Administration



**Town of Surfside  
Town Commission Meeting  
January 13, 2015**

**RESOLUTION COVER LETTER**

- Agenda #:** 3H
- Subject:** Miami-Dade County Sea Level Rise Task Force Recommendations Support
- Submitted By:** Daniel Dietch, Mayor
- Objective:** To approve the Miami-Dade County Sea Level Rise Task Force Recommendations Support Resolution.
- Background:** The Miami-Dade County Sea Level Rise Task Force was formed by the Miami-Dade County Commission on July 2, 2013. The Sea Level Rise Task Force was charged with:
1. Reviewing relevant data and prior studies and reports regarding the potential impact of sea level rise on public services and facilities, real estate, water and other ecological resources, and property and infrastructure; and
  2. Providing a comprehensive and realistic assessment of the likely and potential impacts of sea level rise and storm surge over time.
- Consideration:** Sea level rise is a fact. Thoughtful and coordinated action is required to mitigate the impacts, build resiliency and adapt to this evolving reality. While Surfside has taken deliberate and important actions to proactively manage the challenges, much more work lies ahead. And such work will be enhanced by working in a coordinated manner with other units of government. One such opportunity is to support the recommendations of the Miami-Dade County Sea Level Rise Task Force (<http://www.miamidade.gov/planning/library/reports/sea-level-rise-report-recommendations.pdf>), which can be achieved through the adoption of the enclosed resolution.

**RESOLUTION NO. 15 - \_\_\_\_\_**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, SUPPORTING THE MIAMI-DADE SEA LEVEL RISE TASK FORCE RECOMMENDATIONS AND URGING THE BOARD OF MIAMI-DADE COUNTY COMMISSIONERS TO IMPLEMENT SUCH RECOMMENDATIONS; ENCOURAGING OTHER MIAMI-DADE COUNTY MUNICIPALITIES TO JOIN THE TOWN OF SURFSIDE IN THEIR SUPPORT FOR THE MIAMI-DADE SEA LEVEL RISE TASK FORCE; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE MAYOR AND COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, THE MIAMI-DADE COUNTY LEAGUE OF CITIES, INC. AND MUNICIPALITIES IN MIAMI-DADE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the world’s scientific community has reached consensus that human-induced climate change is occurring and is causing sea level rise; and

**WHEREAS**, Miami-Dade County, its wildlife, natural lands, water supply, vital facilities, and infrastructure are especially vulnerable to the impacts of sea level rise; and

**WHEREAS**, climate scientists and other groups have predicted the potential erosion of dry land and loss of property and natural resources in Miami-Dade County as a result of sea level rise; and

**WHEREAS**, a U.S. Geological Survey study concluded that sea levels along the east coast of the United States will rise three to four times faster than the global average over the next century and the U.S. Army Corps of Engineers has projected that the water around Miami could rise up to 24 inches by 2060; and

**WHEREAS**, parts of Miami-Dade have already experienced an increased frequency of urban flooding caused by higher high tides, elevated groundwater levels, and over saturated soils, and without any action, these rising tides will pose a significant threat to the Town’s tourism industry; and

**WHEREAS**, the Miami-Dade Sea Level Rise Task Force (“SLRTF”) reviewed the relevant data and prior studies, assessments, reports, and evaluations of the potential impact of sea level rise on vital public services and facilities, real estate, water and other ecological resources, water front property, and infrastructure; and

**WHEREAS**, the SLRTF issued a report with their findings on July 1, 2014, that included a comprehensive and realistic assessment of the likely and potential impacts to sea level rise and storm surge over time, to be used to help develop a set of recommendations relative to

amendments to the Comprehensive Development Master Plan, capital facilities planning, budgetary priorities and other County programs as necessary to ensure that Miami-Dade County is taking all appropriate actions to reduce its contributions to climate-induced sea level rise and to ensure its resiliency to the increase in sea level rise, storm surge and related impacts which are expected to occur; and

**WHEREAS**, the SLRTF set forth numerous recommendations in their report that, if implemented would aid Miami-Dade County in coping with the inevitable consequences of this measurable, tractable, and relentless reality of sea level rise; and

**WHEREAS**, the Miami-Dade Board of County Commissioners will discuss the adoption of various resolutions to move the recommendations of the SLRTF into action; and

**WHEREAS**, the Town of Surfside seeks to work collaboratively and jointly with Miami-Dade County to ensure the quality of life and economy of Town residents is protected.

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

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

**Section 2. Support.** The Town supports the Miami-Dade Sea Level Rise Task Force efforts and recognizes that human-induced climate change is occurring and is causing sea level rise that affect Miami-Dade County's wildlife, natural lands, water supply, vital facilities, and infrastructure. The Town therefore supports the adoption of sound resolutions to implement the recommendations of the SLRTF.

**Section 3. Request by Town of Surfside Commission.** The Town requests the Miami-Dade Board of County Commissioners to ensure the language contained in the resolutions is action-oriented and furthers the process of preparing Miami-Dade County and its natural and built environment for the inevitable rise in sea level.

**Section 4. Municipalities.** The Town further encourages other Miami-Dade County municipalities to join the Town in supporting Sea Level Rise Task Force recommendations.

**Section 5. Directions to Town Clerk.** The Town Clerk is hereby directed to transmit a copy of this Resolution to the Mayor and County Commissioners of Miami-Dade County, Florida, the Miami-Dade County League of Cities, Inc. and municipalities in Miami-Dade County.

**Section 6. Effective Date.** This Resolution shall become effective immediately upon its adoption.



**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Motion by \_\_\_\_\_,

Second by \_\_\_\_\_.

**FINAL VOTE ON ADOPTION**

Commissioner Barry Cohen \_\_\_\_\_

Commissioner Michael Karukin \_\_\_\_\_

Commissioner Marta Olchyk \_\_\_\_\_

Vice Mayor Eli Tourgeman \_\_\_\_\_

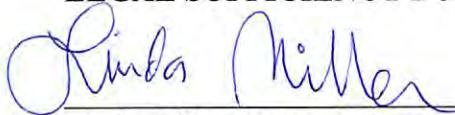
Mayor Daniel Dietch \_\_\_\_\_

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

**ATTEST:**

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

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

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



## Town of Surfside Commission Communication

**Agenda #** 4B1  
**Agenda Date:** January 13, 2015  
**Subject:** Limiting Service Uses in the Business District  
**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background:** At the September 9, 2014 Town Commission Meeting, Vice Mayor Tourgeman requested that the Town Commission consider a moratorium for service related uses in the business district with the goal of preparing code modifications to limit service uses. The Town Commission did not approve the moratorium and gave direction to staff to examine the existing code and possibly restrict any new service uses to the second floor and/or implement distance separation requirements. The intent is to encourage more retail and restaurant uses at the street level. The concept was discussed at the September 30, 2014 Planning and Zoning Board meeting and Staff was directed to prepare an ordinance limiting one service related business per block, per side.

**Analysis:** Staff is proposing language that limits service uses to no more than four in the business district. The existing uses may remain, however, if the business changes ownership, there will be no grandfathering of the use. The restriction will not be applicable to uses above the first floor.

**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, Town Planner

Guillermo Olmedillo, Town Manager

**ORDINANCE NO. 15 – \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION SEC. 90-41(D) “REGULATED USES”; ADDING LIMITATIONS OF USES IN THE BUSINESS DISTRICT; 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’s vision and goals for future development has changed in regard to service uses; and

**WHEREAS**, the Town desires to encourage placement of more retail and restaurant uses on the street level of its Business District; and

**WHEREAS**, the Town wishes to implement regulations to limit service uses to no more than four in the Business District; and

**WHEREAS**, the Town intends that existing service uses may remain in their existing locations, however, if the business changes ownership, there will be no grandfathering of the use; and

**WHEREAS** the restriction will not be applicable to uses above the first floor; and

**WHEREAS**, the Town has created regulations to address the specific needs of this unique community and continues to amend these regulations as they may best suit the needs of the community; and

**WHEREAS**, the Town Commission held its first public hearing on January 13, 2015, having complied with the notice requirements required by Florida Statutes; and

**WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on January 29, 2015 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

**WHEREAS**, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on March 10, 2015.

**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 Ordinances of the Town of Surfside, Florida is hereby amended as follows:

**Sec. 90-41. - Regulated uses.**

*(c)Table—Regulated uses.*

	SD-B40
***	
Banks	P (26)
Business and professional offices	P (26)
Currency exchange	P (26)
Delivery service	P(9)
Employment agencies	P(9, 17)

General ticket agencies	P
Interior decorator	P <u>(26)</u>
Loan or mortgage office	P(9, <u>26</u> )
Medical or dental clinic	P(9)
Psychic reading, advising, and consulting, palmistry, clairvoyance, astrological interpretation, tarot card reading, spiritual consultation, or fortune telling	P(9)
Radio or television station or studio	P(9)
Savings and loan associates	P( <u>26</u> )
Secretarial service, mailing, bookkeeping, court reporter	P(9)
Stocks and bond brokers	P <u>(26)</u>
Taxi agency	P(9)
Telegraph station	P <u>(26)</u>
Telephone exchange	P (26)
Title company	P(9)
Travel agency	P <u>(26)</u>
Veterinary Office	CU (25)
Antique shops	P
Appliances	P
Art and photograph galleries	P
Art dealers	P
Art supplies	P

Beauty/personal services	P(19, 26)
Health club or studio	P(16,19)
Books and newspaper	P
Cigars and tobacco	P
Coin-operated machines	P(15, 26)
Department stores	P
Drug stores and sundries	P
Dry cleaning and laundry agency	P(10)
Dry goods	P
Flowers and plants	P
Furniture	P(14)
Furrier	P (26)
Gift shops	P
Hardware, paint and wallpaper	P
Jewelry	P
Locksmith	P(11, 26)
Luggage	P
Men's, women's, children's clothing	P
Millinery	P
Office machines and supplies	P
Pet supplies	P

Photographers and camera stores	P
Pottery	P
Sale of televisions, radios, phonograph and recording equipment	P
Sheet music and musical instruments	P
Shoe repair	P(20, <u>26</u> )
Shoes	P
Sporting goods	P
Stationery and greeting cards	P
Tailor	P ( <u>26</u> )
Toys	P
Video tapes sales and rentals	P(12)
Bakeries	P(8)
Candy and nut shops	P(13)
Caterers	P
Confectionary and ice cream stores	P(13)
Delicatessens	P(13)
Fruit shops	P(13)
Grocery and meat stores or supermarkets	P(13)
Liquor stores	P(13)
Restaurants	P(13)

Outdoor dining facilities	P(24)
Dance or music instruction studios	P(9, 16, <u>26</u> )
Institutions, educational or philanthropic, including museums	CU
Driving school offices	P(9, 21, <u>26</u> )
Modeling school, language school, or athletic instruction	P(9, <u>26</u> )
See RLUIPA Map and Ordinance 07-1479	P

(26) One business of this type shall be permitted on the first floor of a building as follows: one on the east side of the block of Harding Avenue between 96<sup>th</sup> Street to 95<sup>th</sup> Street and between Collins Avenue to Abbott Avenue, one on the west side of the block of Harding Avenue between 96<sup>th</sup> Street to 95<sup>th</sup> Street and between Collins Avenue to Abbott Avenue, one on the east side of the block of Harding Avenue between 95<sup>th</sup> Street and 94<sup>th</sup> Street and between Collins Avenue to Abbott Avenue, and one on the west side of the block of Harding Avenue between 95<sup>th</sup> Street and 94<sup>th</sup> Street and between Collins Avenue to Abbott Avenue. This restriction shall not be applicable to businesses located above the first floor of a building. Businesses subject to this restriction shall not be provided relief under Section 90-31 “Discontinuance of Non-Conforming Uses.”

**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 adoption on second reading.

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

**ATTEST:**

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

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



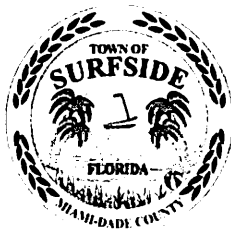
\_\_\_\_\_  
Linda Miller, Town Attorney

**PASSED** and **ADOPTED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

**PASSED** and **ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2015

**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 Date:** January 13, 2015

**Subject:** Resolution to Purchase a New Solid Waste Truck

**Background:** The current solid waste fleet consists of three (3) trucks, 2001, 2004, and 2005 Mack's with 275,000, 210,000, and 187,000 miles respectively on these trucks. The normal replacement cycle of solid waste vehicles is 7 to 10 years depending on maintenance and mileage of vehicles. Although the Town is only one square mile, the trucks are heavily utilized due to the five (5) day pick up for residential and six (6) day pick up for commercial customers. In order to continue this type of schedule, the equipment needs to be maintained and replaced accordingly.

Staff is proposing to replace Truck #44, which is fourteen (14) years old. This truck has surpassed its useful cycle and should have been replaced four (4) years ago. Staff has maintained and kept this truck operational, but at a cost. The Town has spent a total of \$53,118 in repairs on this truck since October 2013.

- FY 2012/13 - \$21,530
- FY 2013/14 - \$19,139
- The first three months of FY 2014/15 - \$12,449

A replacement for this truck was included in the Public Works Department budget for FY 2014/15 but due to last minute cuts it was eliminated from the budget.

**Analysis:** The Town has spent over \$53,000 to keep this truck on the road which is 25% of the cost to replace it. It is very important for staff to have dependable equipment so they can perform their jobs properly.

**Budget Impact:** The cost through the Florida Sheriff's Bid List is \$202,998.50. The manufacturer has offered to buy the Town's old truck for \$20,000.00 leaving a balance of \$182,998.50. The new Mack truck was not budgeted in the 2014/2015 Fiscal Year Budget and the cost of the purchase requires transfer of Fund Balance (Reserves) in the total amount of \$182,998.50 from the General Fund Balance to the Solid Waste Fund Account No. 403-4000-534-64.10, amending the 2014/2015 budget to appropriate the funds in the Solid

Waste Fund. It should be noted that the trade in value on the 2001 truck is \$5,000 less than what was offered by the manufacturer in September. The decision not to replace this truck in October has been a costly one.


**Staff Impact:** None

**Recommendation:** Staff recommends the Town Commission approve the resolution authorizing the purchase of a 2016 Mack Solid Waste Truck at a cost not to exceed \$182,998.50 including the \$20,000 trade in value of the 2001 truck.



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Public Works Director



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Town Manager

**RESOLUTION NO. 15 - \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, TO APPROVE THE PURCHASE OF A 2016 MACK TRUCK WITH A 25 YARD REAR LOADER; TRANSFERRING FUND BALANCE (RESERVES) FROM THE GENERAL FUND BALANCE TO SOLID WASTE FUND ACCOUNT NO. 403-4000-534-64.10 APPROPRIATING THE FUNDS IN THE SOLID WASTE FUND; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2014/2015; PROVIDING FOR APPROVAL AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the 2001 Mack truck has met its replacement criteria of miles (275,000) and years (14) in service; and

**WHEREAS**, the Town is only one square mile and the trucks operate beyond the normal wear and tear of an average cycle due to a 5 day solid waste pick-up for residential customers and 6 day solid waste pick-up for commercial customers; and

**WHEREAS**, in order to continue this level of service, equipment needs to be maintained and replaced accordingly; and

**WHEREAS**, to keep the 2001 Mack truck in service, the Town has spent in Fiscal Year 2013 \$21,530.00, Fiscal Year 2014 \$19,139.00 and the first three months of Fiscal Year 2015 \$12,449.00 for a total of \$53,118.00; and

**WHEREAS**, to purchase a new truck through the Florida Sheriffs State Bid No. 14-12-0904 (Attachment "A") will cost \$202,998.50; and

**WHEREAS**, the truck dealer Nextran (Attachment "B") has offered to buy the 2001 Mack truck for \$20,000.00; and

**WHEREAS**, the net cost of the new Mack truck including the trade-in sale will cost the Town \$182,998.50; and

**WHEREAS**, the purchase of a new Mack truck was not budgeted in the 2014/2015 Fiscal Year Budget and the cost of the purchase requires transfer of Fund Balance (Reserves) in the total amount of \$182, 998.50 from the General Fund Balance to the Solid Waste Fund Account No. 403-4000-534-64.10, amending the 2014/2015 budget to appropriate the funds in the Solid Waste Fund; and

**WHEREAS**, in order to continue to provide the Town with the best level of service for solid waste pick-up, the Public Works Department recommends that the Town

Commission approve and authorize the purchase of the 2016 Mack truck with a 25 yard rear loader through the annual Florida Sheriff Bid and the trade-in sale of the 2001 Mack of \$20,000.00 for a total net cost of \$182,998.50.

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

**Section 1. Recitals.** That the above-stated recitals are hereby adopted and confirmed.

**Section 2. Approval and Authorization.** The Town Commission hereby approves and authorizes the Town Manager and/or designee to trade-in the 2001 Mack truck for \$20,000.00 and to purchase the 2016 Mack truck with a 25 yard rear loader for a net cost of \$182,998.50.

**Section 4. Budget Amendment.** The Town Commission authorizes the Town Manager to amend the budget previously adopted by Resolution No. 14-2257 to transfer the amount described in Section 2 hereinabove from the General Fund Balance to Solid Waste Account No. 403-4000-534-64.10.

**Section 5. Implementation.** The Town Manager and/or designee and the Public Works Director are hereby authorized to take any and all action necessary to implement this Resolution.

**Section 6. Effective Date.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Motion by \_\_\_\_\_,

Second by \_\_\_\_\_.

**FINAL VOTE ON ADOPTION**

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

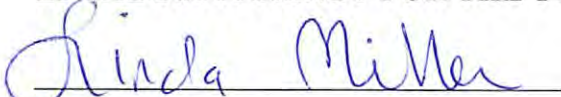
\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

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Sandra Novoa, Town Clerk

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

  
Linda Miller, Town Attorney

# BUYER'S ORDER

ATTACHMENT "A"



Sold to: Town of Surfside  
9293 Harding Avenue  
Surfside, FL 33154

Invoice Number:  
Date: October 16, 2014  
PO #:  
Salesman:

Mark Hansen

Make	Year	Model	Type	VIN NUMBER	Amount
MACK	2016	GU813	NEW	ORDER OUT	\$ 203,216.00

IN ACCORDANCE WITH FLORIDA SHERIFFS STATE BID NO. 14-12-0904  
SPECIFICATION # 14 , REFUSE TRUCK

**TRUCK SPECIFICATION**

<b>BASE TRUCK</b>	Mack GU813	\$ 108,755.00
	Allison 4500 RDS	\$ 18,910.00
	20,000 FRT axle	\$ 2,176.00
	46,000 Rear axle	\$ 3,095.00
	46,000 Rear Suspension	\$ 6,060.00
<b>Ext Warranty</b>	Engine/Aftertreatment	\$ 2,950.00
	5year/250K miles	\$ -
	Tire tax credit	\$ (368.00)
<b>Leach 2R-III</b>	25 CU YD Rear Loader	\$ 61,638.00
	<b>TRUCK TOTAL</b>	<b>\$ 203,216.00</b>

Total Selling Price: \$ 203,216.00

Tire Tax Credit \$ (232.00)

Disposal Fee: \$ 14.50

Sub Total: \$ 202,998.50

AMOUNT DUE: \$ 202,998.50

P.O. #

  
Salesman Signature

Customer Signature

MV Registration#: MV12152  
Our Service Manager is Joe Ponder  
Our Parts Manager is Matt Lenhart  
Our Sales Manager is Barry Sessions  
Feel free to call if you need any assistance!

2200 W. Landstreet Rd., Orlando, FL 32809  
Phone: 800-800-6225 Fax: 407-398-0297

**From:** Mark Hansen [<mailto:mhansen@nexttrancorp.com>]  
**Sent:** Monday, January 05, 2015 12:12 PM  
**To:** Joseph Kroll  
**Subject:** Fwd: Trade

Sent from my iPad

Begin forwarded message:

**From:** Joseph Kroll <[jkroll@townofsurfsidefl.gov](mailto:jkroll@townofsurfsidefl.gov)>  
**Date:** December 16, 2014 at 3:25:35 PM EST  
**To:** Mark Hansen <[mhansen@nexttrancorp.com](mailto:mhansen@nexttrancorp.com)>  
**Subject: RE: Trade**

Mark thanks

Joseph S Kroll  
Public Works Director  
Town of Surfside

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

**From:** Mark Hansen [<mailto:mhansen@nexttrancorp.com>]  
**Sent:** Monday, December 15, 2014 1:12 PM  
**To:** Joseph Kroll  
**Subject:** Trade

Joseph:

Our Wholesaler will give \$20,000 for your 2001 trade. Trucks and Parts in Tampa is the wholesaler.

If you need anything from me please let me know.

Best Regards,

Mark Hansen - Account Manager  
Nextran Truck Centers  
Office - 800-780-0089  
Mobile - 321-302-5203

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





**Town of Surfside  
Town Commission Meeting  
January 13, 2015**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 9B

**Subject:** Department Director Salaries

**Submitted By:** Daniel Dietch, Mayor

**Objective:** Provide salary adjustments consistent with the Cody & Associates recommendation to responsibly address internal inequities for five Department Directors.

**Background:** In 2011, the Town Commission authorized the firm of Cody & Associates to conduct a classification and compensation study. The study was accepted by the Town Commission at its April 10, 2012 meeting. Shortly thereafter, employees earning below market salaries received pay increases to align with the recommendations in the study.

On September 9, 2013, Town Manager Crotty prepared a letter to Cody & Associates seeking a recommendation to address internal consistency and equity with department director salaries.

On September 17, 2013, Town Manager Crotty prepared a memorandum to the Town Commission entitled "First 120 Days and Strategic Objectives." One of the strategic objectives was to "*Resolve the disparity/lack of internal consistency of salaries of department heads.*"

On September 23, 2013, Cody & Associates responded to the Town Manager's September 9, 2013 request and identified salary disparities.

On November 22, 2013, Town Manager Crotty prepared a memorandum to the Town Commission entitled "*Inequity/Disparity of Department Head Salaries.*" This memorandum identified a two-step approach to address the salary disparities. (Attachment A)

On December 10, 2013, Town Manager Crotty included an item in his Town Manager's Report that indicated his intent to implement his plan to achieve the Cody & Associates recommendation. The minutes from the December 10, 2013 Town Commission Meeting reflect "*The Town Commission agreed that this issue is totally under the Town Manager's purview and to take the necessary actions to assure fairness in the salaries of Department Heads.*"

Subsequently, first step of the Town Manager's recommendation was instituted as planned. The second step was included in the proposed 2014/2015 Budget with an associated cost of \$38,000, but was removed during the first budget hearing on September 9, 2014 and was also excluded during the second budget hearing on September 23, 2014.

**Consideration:** As noted in Agenda Item 9E from the December 9, 2014 Commission Agenda Package, employee morale is damaged (Attachment B). While there may be many underlying reasons for this condition, it is clear that the lack of follow through on the promised salary equity issue appears to be a root cause. This conclusion is directly tied to the findings of our three previous Town Managers as well as Cody & Associates, a professional pay and compensation consulting firm. The cost of not taking responsible action will greatly exceed the expense of proceeding with the recommendation.

The Town's employees serve on the front lines to implement our policy direction. They have demonstrated their commitment to the Town, and now it is our responsibility to honor our previous commitment to them through reaffirming our support for our Town Manager to address this longstanding and easily remedied issue.



## TOWN OF SURFSIDE

MUNICIPAL BUILDING

9293 HARDING AVENUE - SURFSIDE, FLORIDA 33154-3009

www.townofsurfsidefl.gov

### MEMORANDUM

**TO:** Mayor and Members of the Town Commission

**FROM:** Michael Crotty, Town Manager *MJC*

**SUBJECT:** Inequity / Disparity of Department Head Salaries

**DATE:** November 22, 2013

#### INTRODUCTION

In September, I provided a report to the Commission entitled "First 120 Days and Strategic Objectives." The report included a strategic objective to "resolve the disparity / lack of internal consistency of salaries of department heads". This strategic objective was developed following an analysis of salaries which clearly documented that primarily newly hired department heads have significantly higher salaries and are slotted considerably further along their pay range than longer term department heads. As the administration continues to focus on the "value" that each department head provides to the Town, it is critically important to address the salary disparity. The following table illustrates the current salary disparity:

Name	Title	Years of Service	Salary as of December 1, 2013	Approved Salary Range
Donald Nelson	Finance Director	1 year and 5 months	\$118,450.18	\$90,312 - \$135,468
Rosendo Prieto	Building Official	6 months	\$110,000.00	\$73,715 - \$110,572
Joseph Kroll	Public Works Director	6 months	\$108,500.00	\$84,404 - \$126,606
Duncan Tavares	TEDACS	5 years	\$85,392.94	\$78,882 - \$118,323
Tim Milian	Parks and Recreation Director	9 years and 4 months	\$83,047.54	\$73,722 - \$110,583
Yamileth Slate-McCloud	Human Resources Director	6 years and 1 month	\$80,604.99	\$73,722 - \$110,583
Jose Damien	Code Compliance Director	2 years and 1 month	\$72,099.87	\$64,392 - \$96,588
Sandra Novoa	Town Clerk	2 years and 1 month	\$69,525.04	\$64,392 - \$96,588

[Note: Chief Allen is employed by the Town as a contract employee. Chief Allen has 6 years and 8 months of service and his salary is \$138,248.00.]

**ANALYSIS**

In 2011, the Town Commission authorized the firm of Cody & Associates to conduct a classification & compensation study. The study was accepted by the Commission at its April 10, 2012 meeting.

The following table provides salary and analysis of department head compensation for those hired prior to 2010

<b>Name</b>	<b>Salary (before study)</b>	<b>Minimum Salary per Study</b>	<b>Study Recommended Range</b>	<b>Analysis</b>
Tim Milian	\$73,532	\$73,722	\$73,722 - \$110,583	0.25% below recommended pay grade minimum
Yamileth Slate-McCloud	\$62,500	\$73,722	\$73,722 - \$110,583	17.95% below recommended pay grade minimum
Duncan Tavares	\$55,900	\$78,882	\$78,882 - \$118,323	41.11% below recommended pay grade minimum

[Note: The salaries for the above department heads were adjusted to the recommended minimum following the Town Commission approval of the study]

The table below illustrates the newly hired department heads (hired after 2010) starting salaries in relation to the classification & compensation study.

<b>Name</b>	<b>Salary (starting)</b>	<b>Study Accepted Minimum Salary</b>	<b>Study Recommended Range</b>	<b>Analysis</b>
Don Nelson	\$115,000	\$90,312	\$90,312 - \$135,468	27.34% above recommended pay grade minimum
Ross Prieto	\$110,000	\$73,715	\$73,715 - \$110,572	49.22% above recommended pay grade minimum
Joseph Kroll	\$108,500	\$84,404	\$84,404 - \$126,606	28.55% above recommended pay grade minimum
Jose Damien	\$70,000	\$64,392	\$64,392 - \$96,588	8.7% above recommended pay grade minimum
Sandra Novoa	\$67,500	\$64,392	\$64,392 - \$96,588	4.8% above recommended Pay grade minimum

To address this disparity / lack of internal consistency, Cody & Associates was asked to review the actual salary data and provide a recommendation on how best to address this situation. Attachment A contains the September 9, 2013 correspondence to Cody & Associates and their response dated September 23, 2013 containing their recommendation regarding slotting of department heads to address the disparity.

In addition to the financial comparison provided throughout this memo, the Administration's proactive approach in solving this disparity will assist in avoiding negative impacts among senior management staff including:

- Detrimental impact on valued employees' motivation
- Lower morale
- Perception in terms of preferences
- Potential for turnover in key positions
- Impact commitment
- Disrupting relationships between senior staff
- Perceived discriminatory practices

**ACTION STEPS**

1. The following chart lists the Cody & Associates salary recommendation on how to attain / retain equity among department head's salaries:

<b>Cody &amp; Associates Recommendations</b>					
<b>Name</b>	<b>Title</b>	<b>Years of Service (as of Dec 1, 2013)</b>	<b>Salary (as of Dec 2013)</b>	<b>Approved Salary Range</b>	<b>Consultant Recommended Salary</b>
Tim Milian	Parks and Recreation Director	9 years and 4 months	\$83,047.54	\$73,722 - \$110,583	\$101,368.30
Yamileth Slate-McCloud	Human Resources Director	6 years and 1 month	\$80,604.99	\$73,722 - \$110,584	\$98,603.71
Duncan Tavares	TEDACS	5 years	\$84,547.42	\$78,882 - \$118,323	\$104,519.18
Jose Damien	Code Compliance Director	2 years and 1 month	\$72,099.87	\$64,392 - \$96,588	\$80,490.00
Sandra Novoa	Town Clerk	2 years and 1 month	\$69,525.04	\$64,392 - \$96,588	\$80,490.00

2. Two phase Implementation Plan that will achieve Cody & Associates' recommended slotting as follows:

Name	Title	January, 1 2014 Salary Adjustment	September 1, 2014 Salary Adjustment	Total FY 13/14 Impact
Tim Milian	Parks and Recreation Director	\$92,207.92	\$101,368.30	\$8,397.02
Yamileth Slate- McCloud	Human Resources Director	\$89,604.35	\$98,603.71	\$8,249.41
Duncan Tavares	TEDACS	\$94,956.06	\$104,519.18	\$8,766.17
Jose Damien	Code Compliance Director	\$76,294.87	\$80,490.00	\$3,845.47
Sandra Novoa	Town Clerk	\$75,007.52	\$80,490.00	\$5,025.61

**Total FY 13/14 financial impact \$34,283.68**

3. The funds to implement the FY 13/14 financial impact are available within the approved budget under Non Departmental Expenditures Regular Salaries (001-7900-590-1210).
4. All salary adjustments outlined in this report will be within the pay ranges included in the Commission approved Classification and Compensation Study. While it falls under the authority of the Town Manager to establish salaries within Commission approved salary ranges, I welcome and encourage dialogue with each Commissioner to further discuss the issues outlined in this report.



## TOWN OF SURFSIDE

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

September 9, 2013

N.E. Pellegrino, Principal Partner  
Cody & Associates, Inc.  
305 Jack Drive  
Cocoa Beach, FL 32931

Dear Mr. Pellegrino,

I am writing to follow up on our phone conversation of last week regarding the disparity of salaries of our department heads and the lack of internal consistency.


This disparity/lack of internal consistency has developed since 2010 as a result of recruitments of departments by the former manager and myself. During this time, newly recruited department heads have started near the top of the pay ranges recommended in your 2012 Classification and Compensation Study, due to the desire to recruit a highly qualified person for the position. At the same time existing longer term department heads salaries lag substantially behind. Several of these longer term department heads are at or near the entry level recommended by your study. Enclosed is a copy of Enclosure 4 from your study highlighted in yellow which illustrates these points. I believe the attached spread sheet will provide the necessary information to illustrate these issues.

The proposed FY 13/14 Budget provides for implementation of the recommended Alternative B of the Classification and Compensation study that grants a 1% salary adjustment for each satisfactory year of service. This includes adjustments for the three department heads currently at the recommended minimum. However, this is at best a minimal adjustment and doesn't adequately address the salary disparity.

During our phone conversation, you indicated your willingness to look at these issues and your analysis which will assist us going forward as we need to address this issue to ensure an equitable compensation plan for our management team.

Should you need more specific or detailed salary, our Human Resources Director, Yamileth Slate-McCloud is available to assist and provide you with any information needed.

Sincerely,

  
Michael P. Crotty  
Town Manager

MPC/ysm

Department Heads Hired since 2010	Date of Hire	Years of Service as of 10/1/13	Starting Salary	Additional Annual (car allowance, cell phone, health etc).	Current / Ending Annual Salary	2012 Study Recommended Salary Range	Years of Experience, Qualifications, Education, Certification etc. <u>AT TIME OF HIRE</u>
Public Works Director (Kroll)	5/30/2013	4 months	\$108,500	Car allowance = \$5,400 annual	\$108,500	\$84,404 - \$126,606	20 years of progressive management experience; MPA - Public Administration; Certified Public Manager; AA - Civil Engineering
Public Works Director (Evans)	1/24/2011		\$95,000	Car allowance = \$6,000 annual	\$112,500	\$84,404 - \$126,606	17 years of progressive management experience; High school Diploma
Building Official (Prieto)	5/29/2013	4 months	\$110,000	Phone allowance \$720 annual	\$110,000	\$73,715 - \$110,572	20 years of administrative, managerial, supervisory and building code administration experience; MS - Construction Management; BS - Construction Management; Fluent in English, Spanish & Portuguese
Building Official (Rojas)	12/10/2012		\$110,000		\$110,000	\$73,715 - \$110,572	18 years of progressive experience; BA - Architecture; MS Construction Management; BS Civil Engineering; Fluent in English and Spanish
Finance Director (Nelson)	6/4/2012	1 year & 4 months	\$115,000	Health Insurance = \$13,788 annual; 20 vacation days per year	\$115,000	\$90,312 - \$135,468	30 years of municipal government experience; Masters in Accounting; BS Accounting
Finance Director (Sherwood)	2/19/2008		\$90,000	Phone allowance \$720 annual	\$95,000	\$90,312 - \$135,468	20+ years of experience as CPA and Finance Officer; MBA - Accounting; BS - Accounting; CPA; CGFO - FGOA
Town Clerk (Novoa)	10/31/2011	1 year & 11 months	\$67,500	Phone allowance \$720 annual	\$67,500	\$64,392 - \$ 96,588	12 years of municipal government experience; High School Diploma; Certified Municipal Clerk; Fluent in English & Spanish
Town Clerk (Eastman)	4/6/2009		\$82,500	20 vacation days per year	\$98,000	\$64,392 - \$ 96,588	27 years of municipal government experience; Master Municipal Clerk
Code Compliance Director (Damlen)	10/10/2011	2 years	\$70,000	Phone allowance \$720 annual	\$70,000	\$64,392 - \$96,588	25 years of municipal government experience; 2 years at FIU for Public Relations & Public Administration; Fluent in English & Spanish
Department Heads Hired Prior to 2010	Date of Hire	Years of Service as of 10/1/13	Starting Salary	Additional Annual (car allowance, cell phone, health etc).	Current / Ending Annual Salary	2012 Study Recommended Salary Range	Years of Experience, Qualifications, Education, Certification etc. <u>AT TIME OF HIRE</u>
Parks & Recreation Director (Millan)	7/26/2004	9 years & 2 months	\$45,000	Take home vehicle	\$73,722	\$73,722 - \$110,583	16 years of parks & recreation experience; 24 credit hours of sports administration; 71 credit hours of Business administration
Human Resources Director (Slate-McCloud)	10/25/2007	5 years & 11 months	\$35,000	Phone allowance \$720 annual	\$73,722	\$73,722 - \$110,583	7 years of Human Resources experience and progressive management; BA - Business Administration; Fluent in English, Spanish & moderate Portuguese
Tourism Economic Development & Community Services Director (Tavares)	12/15/2008	4 years & 9 months	\$43,000	Phone allowance \$720 annual PER CONTRACT (health insurance = \$5,399.94; take home vehicle, 20 vacation days per year; clothing allowance \$1,200; cell phone); State money = \$1,560 annual	\$78,882	\$78,882 - \$ 118,323	19 years of progressive managerial experience; BS Travel and Tourism Management
Police Chief (Allen)	3/1/2007	6 years & 7 months	\$120,000		\$134,221	\$96,634 - \$144,951	28+ of law enforcement service; Master of Education - Public Administration; BS - Criminal Justice



**RECOMMENDED PAY PLAN - BY INTERNAL RELATIONSHIP**

TITLE	ACTUAL SALARY	REC PAY		MINIMUM	MAXIMUM	FLSA
		RANGE				
PARKS & RECREATION SUPERVISOR	47,752	24		42,907	64,361	E
SOLID WASTE SUPERVISOR	52,255	24		37,476	58,214	NE
EXECUTIVE ADMIN. ASSISTANT TO TOWN MANAGER	48,548	25		45,910	68,885	E
BUDGET OFFICER	60,000	27		52,563	78,845	E
BUILDING & ROOFING INSPECTOR	411.82 **	29		28.93 P/H	43.40 P/H	NE
CHIEF BUILDING INSPECTOR	411.92 **	29		28.93 P/H	43.40 P/H	NE
CHIEF ELECTRICAL INSPECTOR	411.92 **	29		28.93 P/H	43.40 P/H	NE
CHIEF MECHANICAL INSPECTOR	823.85 **	29		28.93 P/H	43.40 P/H	NE
CHIEF PLUMBING INSPECTOR	823.85 **	29		28.93 P/H	43.40 P/H	NE
CONTROLLER/FRONT OFFICE MANAGER	69,917	29		60,179	90,269	E
CODE COMPLIANCE DIRECTOR	70,000	30		64,392	96,588	E
TOWN CLERK	67,600	30		64,392	96,588	E
BUILDING OFFICIAL	50.90 P/H	32		35.44 P/H	53.16 P/H	E
HUMAN RESOURCES DIRECTOR	62,500	32		73,722	110,583	E
PARKS & RECREATION DIRECTOR	73,532	32		73,722	110,583	E
ASSISTANT POLICE CHIEF	105,715	33		78,882	118,323	E
TOURISM/ECONOMIC DEVELOPMENT & COMMUNITY SERVICES DIRECTOR	55,900	33		78,882	118,323	E
PUBLIC WORKS DIRECTOR	112,500	34		84,404	128,606	E
FINANCE DIRECTOR	Vacant	35		90,312	135,468	E
POLICE CHIEF	134,222	36		96,634	144,951	E
TOWN MANAGER	121,105	NEG		170,600 *		E
TOWN ATTORNEY	181,210	NEG		181,200 *		E

\* BASED UPON ACTUAL SALARIES SINCE RANGES WERE NOT AVAILABLE FOR THESE POSITIONS

\*\* FLAT BIWEEKLY SALARIES PAID REGARDLESS OF HOURS WORKED

\*\*\* 5% ADDED FOR LEAD WORK

ENCLOSURE 4

# Cody & Associates, Inc.

MANAGEMENT CONSULTANTS  
305 Jack Drive, Cocoa Beach, Florida 32931  
(321) 783-3720; FAX (321) 783-4353  
E-mail: CodyAssociates@aol.com

September 23, 2013

Mr. Michael P. Crotty, Town Manager  
*Town of Surfside*  
9293 Harding Ave  
Surfside, FL 33154

Dear Mr. Crotty,

*Cody & Associates, Inc.* has completed the analysis of the Department Heads' salaries to determine any discrepancy or equity issues.

In this analysis we analyzed the current salaries in relationship to four major factors:

1. Midpoints of the 2012 study's recommended salary ranges;
2. Current average actual market level salaries;
3. Time in present grade;
4. Individual's experience, skill sets, education, and qualifications.

We found disparity in some of the salaries and have recommended how to attain or retain equity.

If you would like to discuss this further, please call.

Sincerely,



N. E. Pellegrino  
Principal Partner  
*Cody & Associates, Inc.*

## TOURISM ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES DIRECTOR

The current actual salary (\$78,882) is not equitable in relationship to the following factors:

1. The midpoint of the recommended 2012 salary range (\$98,603);
2. The current actual market level salaries (\$97,000);
3. Time in grade – 5 years;
4. Qualifications – Experience – Education – 19 years' experience – Bachelor's degree

Recommendation: Individual's base salary should be increased 6% from the midpoint, in addition to the scheduled 1% salary adjustment for this fiscal year.

## BUILDING OFFICIAL

The current actual salary (\$110,000) is equitable in relationship to the following factors:

1. The midpoint of the recommended 2012 salary range (\$92,144);
2. The current actual market level salaries (\$105,115);
3. Time in grade – 4 months;
4. Qualifications – Experience – Education – 18 years Civil Engineer, Architecture/Construction Management Degree

Recommendation: This individual should be considered for a salary increase (2% - 3%) this fiscal year in order to maintain an equitable salary position.

## FINANCE DIRECTOR

The current actual salary (\$115,000) is equitable in relationship to the following factors:

1. The midpoint of the recommended 2012 salary range (\$112,890);
2. The current actual market level salaries (\$117,134);
3. Time in grade – 1 year, 4 months;
4. Qualifications – Experience – Education – 30 years Master's Degree

Recommendation: This individual should be considered for a salary increase (2% - 3%) this fiscal year in order to maintain an equitable salary position.

## TOWN CLERK

The current actual salary (\$67,500) is not equitable in relationship to the following factors:

1. The midpoint of the recommended 2012 salary range (\$80,490);
2. The current actual market level salaries (\$83,500);
3. Time in grade – 2 years;
4. Qualifications – Experience – Education – 12 years' municipal government experience, Certified Municipal Clerk, Fluent in English and Spanish.

Recommendation: Individual's base salary should be increased to or near the midpoint of the salary range this fiscal year in order to attain an equitable salary position.

**CODE COMPLIANCE DIRECTOR**

The current actual salary (\$70,000) is not equitable in relationship to the following factors:

1. The midpoint of the recommended 2012 salary range (\$80,490);
2. The current actual market level salaries (\$81,000);
3. Time in grade – 2 years;
4. Qualifications – Experience – Education – 25 years' municipal government experience

**Recommendation:** Individual's base salary should be increased to or near the midpoint of the salary range this fiscal year in order to attain an equitable salary position.

## PUBLIC WORKS DIRECTOR

The current actual salary (\$108,500) is equitable in relationship to the following factors:

1. The midpoint of the recommended 2012 salary range (\$105,505);
2. The current actual market level salaries (\$111,575);
3. Time in grade – 4 months;
4. Qualifications – Experience – Education (20 years)

Recommendation: Individual should be considered for a salary increase (2% - 3%) this fiscal year in order to maintain an equitable salary position.

## HUMAN RESOURCES DIRECTOR

The current actual salary (\$73,722) is not equitable in relationship to the following factors:

1. The midpoint of the recommended 2012 salary range (\$92,153);
2. The current actual market level salaries (\$98,000);
3. Time in grade – 6 years;
4. Qualifications – Experience – Education – 7 years' experience, Bachelor's Degree – Multilingual fluent

Recommendation: Individual's base salary should be adjusted 7% from the midpoint in addition to the scheduled 1% salary adjustment this fiscal year.

## POLICE CHIEF

The current actual salary (\$134,221) is equitable in relationship to the following factors:

1. The midpoint of the recommended 2012 salary range (\$120,793);
2. The current actual market level salaries (\$135,000);
3. Time in grade – 7 years;
4. Qualifications – Experience – Education – 28 years with Master's Degree

Recommendation: The 1% salary adjustment scheduled this fiscal year would be sufficient for this fiscal year.

## PARKS AND RECREATION DIRECTOR

The current actual salary (\$73,722) is not equitable in relationship to the following factors:

1. The midpoint of the recommended 2012 salary range (\$92,153);
2. The current actual market level salaries (\$97,500);
3. Time in grade – 9 years 2 months;
4. Qualifications – Experience – Education – 16 years' experience, ample educational experience

Recommendation: Individual's base salary should be adjusted 10% from the midpoint this next fiscal year, in addition to the scheduled 1% salary adjustment this fiscal year.



## Town of Surfside Commission Communication

**Agenda Item #** 9E

**Agenda Date:** December 9, 2014

**Subject:** Employee Morale

**Background:** One very noticeable difference amongst the employees in Surfside since I left eighteen months ago is employee morale. I have never seen it this bad.

I met individually with the Department Heads to get a status report on pending projects and issues in their departments. During these meetings they expressed disappointment in the lack of direction, leadership and support from the manager.

They were also very upset about the way they were berated at a public meeting.

I have also spoken to several employees who expressed similar concerns as their supervisors. The employees feel they are not appreciated and that the tendency is to focus on the negative and not the positive.

We have a very dedicated, hardworking team of employees who serve the Town well and deserve our support. Our employees are the Town's greatest asset and we need to make a concerted effort to improve morale. (See Attachment)

**Budget Impact:** \$38,500 General Fund, Non-Departmental Salary Account

**Recommendation:** My recommendation is to immediately start restoring morale by giving the five Department Heads the salary adjustment they deserve and the Manager was authorized to implement back in December 2013. I would also give the Finance Director the merit increase he rightfully deserves and earned but was arbitrarily denied.

Additionally, I would ask that members of the Town Commission deal directly with the Town Manager regarding any employee performance issue. It is the Manager's responsibility to provide supervision, leadership, direction and support to all employees.

  
John Di Censo, Interim Town Manager





## TOWN OF SURFSIDE DISCUSSION ITEM

**Agenda #:** 9C

**Agenda Date:** January 13, 2015

**From:** Commissioner Barry Cohen

**Subject:** Solicitation of Sponsorships/Donations

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**Background:** I requested the Town Attorney's Office to research the legal and ethical implications of whether the Town may solicit sponsorships and donations through its employees. The Town Attorney's Office has provided the following brief overview of relevant county, state, and local regulations. The research indicates that soliciting sponsorships and accepting donations must be evaluated on a case by case basis.

Pursuant to Sec. 2-227 of the Surfside Town Code,

The conduct of the officers and employees of the town shall be governed by the code of ethics of the town, which shall include:

- (1) The state "code of ethics for public officers and employees", codified in F.S. ch. 112, as may be amended from time to time; and
- (2) The "Miami-Dade County Conflict of Interest and Code of Ethics Ordinance," codified at section 2-11.1 et seq., Miami-Dade County Code, as may be amended from time to time; and
- (3) Any provisions that the town commission may adopt from time to time in addition to those set forth in subsections (1) and (2) above.

Pursuant to Sec. 2-228 of the Town Code,

The ethics commission created pursuant to Miami-Dade County Ordinance No. 97-105 shall have primary jurisdiction for enforcement of this code of ethics.

*Miami Dade County:* The Miami-Dade Code of Ethics defines a gift as a transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise or in any other form, without adequate and lawful consideration.<sup>i</sup> There is mandatory disclosure for any gift in excess of \$100. Gifts cannot be solicited or accepted because of (a) an official action to be taken or could be taken, (b) a legal duty performed, to be performed, or which could be performed; or (c) a legal duty violated or to be violated.<sup>ii</sup> The law applies to commissioners, autonomous personnel, quasi-judicial personnel, advisory personnel,

departmental personnel, and employees. Violations of this section are classified as 2<sup>nd</sup> degree misdemeanors and are punishable up to a \$500 fine and/or 30 days imprisonment.<sup>iii</sup>

The Miami-Dade Ethics Commission prohibits gifts (or donations) from a vendor or lobbyist. For example, tickets to a golf tournament to a city official could not be accepted because they were from a vendor/lobbyist who may be awarded a contract or award with the city in the future.<sup>iv</sup>

The Miami-Dade Code of Ethics exempts gifts solicited by county employees, departmental personnel, and Commissioners on behalf of the County (or municipality) in performance of their official duties for use solely by the County (or municipality) in conducting its official business.<sup>v</sup> Miami-Dade Ethics Commission advisory opinions are all fact specific on this issue. For example, city staff was permitted to solicit donations from the business community for a July 4<sup>th</sup> event.<sup>vi</sup> A public hospital was advised they could solicit sponsors for a symposium through a general mailing and follow up by phone in some instances. However, the hospital was advised against soliciting contractors, vendors, and lobbyists to avoid any implication of quid pro quo.<sup>vii</sup> Quid pro quo is defined as an action or a thing that is exchanged for another action or thing of more or less equal value.<sup>viii</sup> Public hospital senior staff and procurement employees were not permitted to directly solicit vendors for donations of charitable purposes.<sup>ix</sup> On the other hand, a town could accept a gift for a fireworks display to celebrate the opening of a new community center from an individual who was likely to have matters coming before the municipality, as long as no quid pro quo was arranged, and that the gift was used solely by the city in conducting its official business.<sup>x</sup>

*Florida:* Under Florida law, a “reporting individual or procurement employee or any other person on their behalf is prohibited from knowingly accepting a gift from a vendor doing business with the reporting individual’s or procurement employee’s agency..., or a lobbyist if they reasonably believe the gift has a value in excess of \$100.”<sup>xi</sup> However, a gift may be accepted on behalf of a governmental entity or charitable organization. Employees of the not-for-profit Florida Sheriffs Association (FSA), composed of sheriffs across Florida, were found to legally solicit sponsorship and donations to pay for food and beverages at a symposium from lobbyists of the FSA. If so, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for a transfer of custody and ownership of the gift.<sup>xii</sup>

*Town of Surfside:* Surfside further articulates prohibitions on gifts. Pursuant to the Town Code, Sec. 2-229(c). – Gifts:

*Prohibitions.* Public officers and employees shall neither solicit nor demand any gift. It is also unlawful for any person or entity to offer, give or agree to give to any public officer or employee, to accept or agree to accept from another person or entity, any gift for or because of:

- (1) An official public action taken, or to be taken, or which could be taken, or an omission or failure to take a public action;
- (2) A legal duty performed or to be performed, or which could be performed, or an omission or failure to perform a legal duty;



(3) A legal duty violated or to be violated, or which could be violated by any public officer or employee; or

(4) Attendance or absence from a public meeting at which official action is to be taken.

There is precedent for the Town of Surfside accepting sponsorships and advertisements in the Mobile App and the “Surfside Gazette.” The Town developed guidelines to implement these programs. The Town has sole discretion in determining types of advertisements and promotions that will be accepted and will not accept advertisements that are not factually accurate and in good taste. The Town prohibits certain types of content, including escort services, firearms, alcohol or tobacco products, or content of sexually offensive nature. Advertisements cannot be used for any illegal, improper, immoral or offensive purpose or for any other purpose in violation of any law. There are additional restrictions on advertisements in the Gazette. For instance, the advertiser cannot convey a negative message that might be deemed prejudicial to any religious group or belief, imply endorsement by the Town of any one product or service over another, be fraudulent or deceptive, or contain political candidate and/or party advertisements.

*Other Miami-Dade Municipalities:* Miami-Dade municipalities have enacted a range of sponsorship and donation policies. At one end of the spectrum, in order to protect against the appearance of impropriety, the City of Miami Beach prohibits any of its regulatory departments from receiving any/all gifts from individuals/ businesses/ organizations that have or can potentially have a business relationship with the City.<sup>xiii</sup> Contrast this with Coral Gables which promotes sponsorship through an explicit and detailed sponsorship program codified by ordinance and administered by the economic sustainability department and city manager.<sup>xiv</sup> The City of Miami has a “naming rights” policy that allows a mutually beneficial business arrangement between the city and an external entity, whereby the external entity provides goods, services, or other support to the city in return for public display on city property.<sup>xv</sup> Miami’s program is administrated through a review committee and the Director of Parks through a “request for sponsorship” open bidding process.

**Recommendation:** More facts and information are necessary to make informed decisions on how to proceed and provide direction to Town Administration.

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- <sup>i</sup> §2-11.1(e), Conflict of Interest of Code of Ethics Ordinance, Miami Dade County Commission on Ethics and Public Trust.
- <sup>ii</sup> §2-11.1(e)(3).
- <sup>iii</sup> Sec. 2.11.1(cc). Conflict of Interest of Code of Ethics Ordinance, Miami Dade County Commission on Ethics and Public Trust.
- <sup>iv</sup> 14-98, Miami Dade Ethics Commission advisory opinion.
- <sup>v</sup> §2.11.1(2)(e-f). Conflict of Interest of Code of Ethics Ordinance, Miami Dade County Commission on Ethics and Public Trust.)
- <sup>vi</sup> 11-84, Miami Dade Ethics Commission advisory opinion.
- <sup>vii</sup> 14-172, Miami Dade Ethics Commission advisory opinion.
- <sup>viii</sup> Black's Law Dictionary 1367 (9<sup>th</sup> Ed. 2009).
- <sup>ix</sup> 06-05, Miami Dade Ethics Commission advisory opinion.
- <sup>x</sup> 11-114, Miami Dade Ethics Commission advisory opinion.
- <sup>xi</sup> FLA. STAT. §112.3148(4)
- <sup>xii</sup> FLA. STAT. §112.3148(4) (2014) See CEO 93-27, Sept. 2, 1993, Florida Commission on Ethics advisory opinion.
- <sup>xiii</sup> CITY OF MIAMI BEACH, FLA., Ethics Policy (2014), available at [www.miamibeachfl.gov/building/scroll.aspx?id=38194](http://www.miamibeachfl.gov/building/scroll.aspx?id=38194).
- <sup>xiv</sup> CORAL GABLES, FLA., Code Art. X, Sponsorship Program (2014)
- <sup>xv</sup> MIAMI, FLA., CODE, Sec. 38-67 (2014).



## Town of Surfside Commission Communication

**Agenda Item #** 9D

**Agenda Date:** October 14, 2014 / January 13, 2015

**Subject:** Harding Avenue Business District Bench Sponsorship

**Background:** Prior to the installation of the new Harding Avenue Business District streetscape, there was a need and desire to have benches placed on the sidewalks downtown

As Surfside Business Association President, and then chair of the Tourist Board, the Vice Mayor advocated for benches to be paid for via a sponsorship program in 2012. The Administration of the day decided to purchase two benches similar to the one outside of the Community Center to be placed near the intersection of Harding Avenue and 95<sup>th</sup> Street. This was seen as a temporary measure due to the fact that a complete streetscape project was gaining momentum. As sponsorship (advertising) would need to be brought before the Town Commission, the timing was deemed not appropriate given the unknown parameters of an eventual streetscape design. It was also deemed not appropriate at that time to commit to any possible sponsors given that a final design had not been determined therefore it was not known where the benches would be placed. The Town Commission did approve use of plaques at the June 12, 2012, meeting. Attachment A is a draft sponsorship agreement and form produced at that time – *it is imperative to note that these documents have not been reviewed by the Legal Department for legal sufficiency.*

As part of the streetscape project, a citizens committee selected benches that complimented the approved design. However, these benches were substantial more costly than those originally purchased in 2012: approximately \$3000 versus \$1200. The approved budget for the streetscape, paid for primarily from developer voluntary proffers, covered the purchasing of the nine benches in place today. Recently the Vice Mayor has expressed a desire to revisit the possibility of bench sponsorship.

**Analysis:** A recent survey of some of the businesses originally interested in sponsorship back in 2012 has resulted in a mixed response. These businesses were approached with the 2012 sponsorship amount of \$1200 – the caveat being that this amount may change. The amount of \$1200 was to cover the cost of actually purchasing the benches with the sponsorship being in place

indefinitely. Some of these businesses are “possibly” still interested with most of these businesses wanting to choose the location of “their” bench. Please note that there have been some comments from downtown merchants and residents as to why one bench has already been moved, placed outside of the scope of the streetscape design, as it seems to favor one business over another. Other previously interested businesses are no longer interested as benches are now in place – fulfilling a need and desire that they feel no longer exists.

It is important also to note that Staff has yet to determine how to attach a plaque (eg) as the design and composition of the new benches does not lend itself to an ease of application. Other municipalities have experienced theft and vandalism of plaques on benches (etc) as metal, usually used for durability and aesthetic reasons, is a valued commodity.

In addition, staff will need to determine if the Florida Department of Transportation (FDOT) requires a share of the sponsorship revenue, similar to what is required of sidewalk café permits, as the department has ownership of the sidewalks downtown. FDOT will probably weigh in on any additional placement of benches as part of their approval process as experienced in the recently completed overall streetscape design process.

**Budget Impact:** This would be an additional revenue source for the Town (amount to be determined based on direction and interest). However, any revenue gain needs to be weighed against Staff time devoted to this initiative.

**Staff Impact:** Considerable staff time to solicit sponsorship and monitor collection and renewals is inevitable as experienced with the vacant window covers process. Plus the Legal Department will need to review the attached agreement and form for legal sufficiency.

**Recommendation:** Seeking Town Commission direction on the following:

- 1) Should the Town seek sponsorship of the benches?
- 2) Should there be a plaque attached to the benches or is there another suggestion?
- 3) What form of sponsorship should that entail? The price, length of time of sponsorship, what is permissible to state on a plaque, etc...
- 4) Should sponsorship be limited to downtown businesses?
- 5) Should the sponsorship opportunity be available to residents?
- 6) Should the Town buy additional benches and install where ever a business or resident desires in order to secure sponsorship? Pending ADA compliance assurance and FDOT approval.

  
TEDACS Director

  
Town Manager





## BENCH SPONSORSHIP AGREEMENT

THIS AGREEMENT (“Agreement”) is made and entered into as of the *[number]* day of *[name of month]*, *[designation of year]*, by and between the Town of Surfside (“Organizer”), a municipal corporation organized under the laws of the State of Florida, and *[Sponsor]* (“Sponsor”), a corporation organized under the laws of the State of *[name of state]*.

WHEREAS, Organizer has the exclusive right construct, affix, and maintain Benches in the Town of Surfside; and

WHEREAS, Sponsor has determined to provide financial support for the Bench in exchange for certain promotional rights to be provided by Organizer;

NOW, THEREFORE, in consideration of the mutual agreements and promises contained herein, the parties hereto agree as follows:

### 1. Official Status

Sponsor grants to Organizer the exclusive right during the Term of this Agreement to use Sponsor’s Trademarks as described herein in advertising and promoting Sponsor’s Products as defined herein.

### 2. Sponsorship Fee

In consideration of the full performance by Sponsor of all of its obligations hereunder and of all rights granted hereunder to Organizer, Sponsor shall pay to Organizer the total non-refundable sum of \$1,200.00, payable as follows:

\$1,200 on the date of application.

### 3. Trademarks

A. Sponsor’s trademarks, label designs, product identifications, artwork, and other symbols and devices associated with Sponsor Products (“Sponsor’s Trademarks”) are and shall remain Sponsor’s property and Sponsor shall take all steps reasonably necessary to protect such Sponsor’s Trademarks through federal U.S. registrations and foreign registrations as it deems desirable and through reasonable prosecution of infringements. Organizer is hereby authorized to use Sponsor’s Trademarks in advertising and promoting the initiative during the Organizer determined lifespan of the placed bench. The right to use Sponsor’s Trademarks is nonexclusive, nonassignable, and nontransferable. All uses by Organizer of Sponsor’s Trademarks shall inure solely to the benefit of Sponsor.

B. Sponsor shall not manufacture, sell, or license the manufacture and/or sale of any promotional or other merchandise that bears Organizer’s Trademarks without Organizer’s prior written consent. Organizer shall have the right to manufacture advertising that bears Sponsor’s Trademarks.

#### 4. Warranties

A. Sponsor represents and warrants the following:

- (i) It has the full right and legal authority to enter into and fully perform this Agreement in accordance with its terms without violating the rights of any other person.
- (ii) Sponsor's Trademarks do not infringe the trademarks or trade names or other rights of any other person.
- (iii) It has all government licenses, permits, or other authorizations necessary to sponsor the bench as contemplated under this Agreement.
- (iv) It will comply with all applicable laws, regulations, and ordinances pertaining to the promotion and conduct of the Event.

B. Organizer represents and warrants the following:

- (i) It has the full right and legal authority to enter into and fully perform this Agreement in accordance with its terms without violating the rights of any other person.
- (ii) Organizer's Trademarks do not infringe the trademarks or trade names of any other person.
- (iii) It has all government licenses, permits, or other authorization necessary to conduct its business.

#### 5. Indemnity

A. Each party will indemnify, defend, and hold harmless the other, its parent, subsidiary, and affiliated corporations and their respective directors, officers, employees, agents, successors, and assigns, from and against any and all claims, damages, liabilities, losses, government proceedings, and costs and expenses, including reasonable attorney fees and costs of suit, arising out of any alleged or actual breach of this Agreement or the inaccuracy of any warranty or representation made by it or any act or omission by it in the performance of this Agreement or the purposes hereof.

B. Each party will give the other prompt written notice of any claim or suit possibly coming within the purview of any indemnity set forth in this Agreement. Upon the written request of an indemnitee, the indemnitor will assume the defense of any such claim, demand, action, or proceeding. The indemnitee shall also have the right to provide its own defense at its own expense, provided the indemnitee shall not settle any claim without the indemnitor's consent unless it is willing to release the indemnitor from its obligation of indemnity hereunder. Termination of this Agreement shall not affect the continuing obligation of each of the parties under this section 8.



## 6. Insurance

Each party hereunder shall obtain and maintain at its own expense, during the term of this Agreement a standard Comprehensive General Liability Policy written by a United States insurance company, which policy shall: (I) specifically cover such party's incidental contractual obligations; (ii) provide standard product liability protection; and (iii) list the other as a named insured. Such insurance shall be in a form reasonably acceptable to counsel for the other and shall require the insurer to give the other at least *[number of days]* days' prior written notice of any modification or cancellation. Each party shall provide the other with such evidence of coverage as may be reasonably acceptable to the other within ninety (90) days following the execution of this Agreement.

## 7. Term and Termination

A. This Agreement shall become effective on the date first above written and shall expire on the date determined by the Organizer.

B. Without prejudice to any other rights or remedies that Organizer may have, Organizer may terminate this Agreement immediately by delivery of notice to Sponsor at any time if any of the following events shall occur:

(i) Sponsor shall (a) make an assignment for the benefit of creditors; (b) be adjudicated bankrupt; (c) file a voluntary petition in bankruptcy or a voluntary petition or an answer seeking reorganization, arrangement, readjustment of its debts, or for any other relief under Title 11 of the United States Code or any successor or other federal or state insolvency law (Bankruptcy Law); (d) have filed against it an involuntary petition in bankruptcy or seeking reorganization, arrangement, or readjustment of its debts or for any other relief under any Bankruptcy Law, which petition is not discharged within *[number of days]* days; or (v) shall apply for or permit the appointment of a receiver or trustee for its assets;

(ii) Sponsor shall default under any provision of this Agreement and shall have failed to cure such default within thirty (30) days after it received written notice of such default from Organizer; or

(iii) Any of the representations or warranties made by Sponsor in this Agreement shall prove to be untrue or inaccurate in any material respect.

## 8. Miscellaneous

### 8.1. Arbitration

The parties agree that any dispute between them arising out of, based on or relating to this Agreement shall be resolved exclusively by arbitration conducted in accordance with the Commercial Rules then in effect of the American Arbitration Association. Such arbitration shall be held in the Town Hall in Surfside, FL. Judgment upon the award rendered shall be final and nonappealable and may be entered in any court having jurisdiction. Each party shall bear its own expenses arising out of any such

proceeding, except that the fees and costs of any arbitrator(s) shall be borne equally by the parties. Notwithstanding the obligations set forth in this paragraph, each party shall be permitted to seek equitable relief from a court having jurisdiction to prevent the unauthorized use or misuse of their respective Trademarks.

### ***8.2. Confidentiality***

The parties hereto agree to maintain in confidence the terms and conditions of this Agreement except to the extent that a proposed disclosure of any specific terms or conditions hereof by either party is authorized in advance by the other party or pursuant to Florida Sunshine Act, Fla. Stat. Chapter 286.

### ***8.3. No Joint Venture or Partnership***

This Agreement shall not be deemed to create a joint venture, partnership, principal-agent, employer-employee, or similar relationship between Organizer and Sponsor.

### ***8.4. Invalidity***

The determination that any provision of this Agreement is invalid or unenforceable shall not invalidate this Agreement, all of said provisions being inserted conditionally on their being considered legally valid, and this Agreement shall be construed and performed in all respects as if such invalid or unenforceable provisions were omitted.

### ***8.5. Notices***

All notices required or permitted to be made under this Agreement shall be in writing and shall be deemed to have been duly given when delivered or sent by prepaid certified or registered mail:

If to Sponsor, to:  
[address]

If to Organizer, to:

Town Hall

9293Harding Ave.

Surfside, FL 33154

or such other address as either party may designate in writing to the other party for this purpose.

### ***8.6. Governing Law***

This Agreement is subject to and shall be construed in accordance with the laws of the State of Florida, the Town of Surfside, and Sponsor consents to jurisdiction in the state and federal courts



located in the State of Florida and hereby waives personal service.

**8.7. Nonassignment**

Neither party shall assign this Agreement without the prior written approval of the other party, except that Sponsor may assign this Agreement to any entity which acquires substantially all of its assets.

**8.8. Complete Agreement**

This Agreement represents the entire agreement between the parties and supersedes all other agreements, if any, express or implied, whether written or oral. Organizer has made and makes no representations of any kind except those specifically set forth herein.

**8.9. Binding Agreement**

This Agreement shall be binding on the parties, their successors, and assigns.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

Organizer

\_\_\_\_\_ *[Name of authorized representative]*  
*[Title of office]*

Sponsor

\_\_\_\_\_ *[Name of authorized representative]*  
*[Title of office]*



 **DRAFT**

**TOWN OF SURFSIDE  
HARDING AVENUE  
BUSINESS DISTRICT  
BENCH SPONSORSHIP FORM**

The Town of Surfside is offering the opportunity to sponsor a bench for our Harding Avenue Business District.

Currently eight benches are available for sponsorship. To take part in this unique opportunity please complete and mail this form and payment to:

The Town of Surfside  
Tourist Bureau  
Town of Surfside  
9293 Harding Avenue  
Surfside, FL 33154

Please make the payment (check) payable to:

Town of Surfside

A non-refundable sponsorship of \$1200.00 per bench is required and a separate sponsorship agreement is needed for each bench sponsored.

**Every effort will be made to accommodate location requests and to ensure the longevity of the benches. However, the placement and lifespan of the benches are to be determined and managed by the Town. The Town will act, at its sole discretion, in what it considers to be in the best interest of the Town.**

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**PLEASE PRINT  
(Use Black or Blue Ink ONLY)**

**Sponsor or Business Name For Bench Recognition Plaque:**

\_\_\_\_\_

**Sponsor Information:**

**First Name:** \_\_\_\_\_ **Last Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_



**DRAFT**

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contact Number: \_\_\_\_\_

Email: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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*Internal Use Only:*

Amount Paid: \_\_\_\_\_

Check #: \_\_\_\_\_

Bench#: \_\_\_\_\_

Staff initials: \_\_\_\_\_



## Town of Surfside Commission Communication

**Agenda Item:** # 9F

**Agenda Date:** January 13, 2015

**Subject:** Town Commission Approved Sand Action

**Background:** The following actions were approved by the Town Commission to address concerns about the excavated sand from the Surf Club that was placed on the beach.

- Authorized the implementation of the Sand Project Action Plan
- Authorized the creation of a Community Monitoring Committee
- Engaged the services of Gordon Thompson, Consultant, CB&I Environmental & Infrastructure, Inc.
- Engaged the services of Dr. Christopher Teaf, Director of Toxicology, Hazardous Substance & Waste Management Research, Inc.
- Engaged the services of Terracon, Consulting Engineers and Scientists
- Engaged the services of LandScience, Environmental Consultants and Engineers
- Engaged the services of the Cunningham Group, Inc.
- Engaged the services of Coastal & Environmental Consultants, Inc.
- Directed Town Attorney to draft ordinance that would regulate beach sand quality

**Analysis:** The Town has diligently responded to the concerns of residents regarding the color, texture, compatibility and arsenic levels of the excavated sand from the Surf Club and has engaged the services of the above listed professionals. The sand meets Florida Department of Environmental Protection (FDEP) beach sand compatibility standards and the chemical analysis indicated an arsenic level consistent with naturally occurring levels for the beach. In his report, Dr. Teaf stated that observed arsenic concentrations represented no significant human health risks.

Miami-Dade County began grading and sifting the beach sand on January 5th and should complete their work in six weeks.

**Budget Impact:** \$81,000

**Staff Impact:** Staff has dedicated countless hours in meetings with contractors, County and State agencies, and the Sand Committee.

**Recommendation:** No further action be taken. This was one of four options identified by FDEP and will keep critically needed sand on the beach to counteract continuing erosion.

Town Manager





**Town of Surfside  
Town Commission Meeting  
January 13, 2015  
7:00pm**

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

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 9G  
**Subject:** Styrofoam/Expanded Polystyrene Policy  
**Submitted By:** Daniel Dietch, Mayor

**Objective:** Direct the Town Attorney to draft an ordinance that regulates the use of Styrofoam in Surfside.

**Background:** On June 10, 2014, the Town Commission provided policy direction to develop and implement comprehensive environmental stewardship policies and procedures, including prohibitions on the use of Styrofoam. Through this policy direction and past related actions, Surfside is gaining a reputation for proactive sustainability leadership.

**Consideration:** Styrofoam contributes to litter on Surfside's streets, beaches and public areas. It contains toxic substances that leach into food and drink. Styrofoam is not biodegradable in a human being's lifetime and recycling is not widely available.

Styrofoam litter presents risks to Surfside's nesting sea turtles and shorebird communities. Styrofoam is a common pollutant that fragments into smaller pieces that are ingested by marine life and other wildlife. Pollution from Styrofoam litter has wide-ranging environmental implications, including

contributing to a large gyre in North Atlantic Ocean known as the North Atlantic Garbage Patch, composed of marine debris.

Over 70 municipalities across the United States have enacted ordinances that regulate the use of Styrofoam. Among these are large metropolitan areas such as Washington D.C., San Francisco, Seattle, and smaller communities like Laguna Beach and Malibu in California.

Municipalities in Florida have the jurisdiction and ability to promulgate Styrofoam regulations. There are three municipalities in Miami-Dade County - Miami Beach, Key Biscayne, and Bal Harbour that currently regulate Styrofoam. These ordinances prohibit Styrofoam on beaches and parks, and restrict its use for municipal facilities, municipal contractors and vendors and private businesses to varying degrees. (See *Attachment 1* for a comparison of the ordinances.)

As this is an opportunity expand upon prior Commission policy and enhance our sustainability focus to be good environment stewards, I am seeking your support to proceed with regulating Styrofoam in Surfside. I am suggesting a phased approach, starting with regulating Styrofoam use in municipal buildings and facilities, and the beach. In the second phase, regulations for businesses can be considered. The ordinance could be placed in the Town's Code under Chapter 34, Environment, Art. V, Litter. The anticipated cost to develop and implement a Styrofoam ordinance in Surfside would be negligible, and would be related to costs for public education and compliance monitoring.

**Attachment 1**  
**Comparison of Miami-Dade Municipality Styrofoam Ordinances**

<b>Municipality</b>	<b>Beaches/Parks</b>	<b>Municipal Facilities, Contractors and Special Event Permittees</b>	<b>Businesses: Restaurants/Food Service</b>
<b>Miami Beach</b>	<p>Yes</p> <p><b>Violation:</b> \$50, \$100, \$500 for 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> offenses.</p>	<p>Yes, in municipal facilities and on municipal property, with exceptions for prepackaged foods and for contracts/vendors prior to effective date of ordinance.</p> <p><b>Violation:</b> grounds for default of contract/ agreement.</p>	<p>Restrictions for sidewalk cafes</p> <p><b>Violation:</b> increasing fines for successive circumstances plus suspension of permit for 5<sup>th</sup> or more violation.</p>
<b>Key Biscayne</b>	<p>Yes</p> <p><b>Violation:</b> Not specified but general provision of up to \$500 and up to 60 days imprisonment.</p>	<p>Yes, in municipal facilities and municipal property, with exception for - foods and for contracts/vendors prior to effective date of ordinance.</p> <p><b>Violation:</b> grounds for default of contract/agreement.</p>	<p>No</p>
<b>Bal Harbour</b>	<p>Only for beaches and only for "an expanded polystyrene container," as defined by the ordinance.</p> <p><b>Violation:</b> Not specified but general penalty provision of up to \$500 and up to 60 days imprisonment.</p>	<p>Yes, with exception for prepackaged foods and for contracts/vendors prior to effective date of ordinance</p> <p><b>Violation:</b> Grounds for default of contract/agreement.</p>	<p>Yes, applies to any business located in the municipality that provides service or delivery of any beverage or food item.</p> <p><b>Violation:</b> Not specified but general penalty provision of up to \$500 and up to 60 days imprisonment.</p>



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

**TO:** Elected Officials

**FROM:** Linda Miller, Town Attorney *LM*  
 Jane Graham, Assistant Town Attorney *JG*

**Cc:** Guillermo Olmedillo, Town Manager  
 John DiCenso, Assisting the Town Manager

**DATE:** January 13, 2015

**SUBJECT:** Beach Sand Quality Regulations

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To safeguard public health and safety, the Town Commission directed the Town Manager on October 14, 2014 to develop Surfside-specific regulations to address the physical and chemical characteristics of sand placed on the beach as part of coastal development projects, and oversight of developers for coastal development projects. This memorandum provides information on the authority and recommended framework to develop the ordinance.

**Background:** In June 2014, the Community Monitoring Committee (Committee) was formed as a resource to the Town Administration to address issues and concerns relating to sand transfer projects. The Committee provided an opportunity for the community to be involved in an educational initiative pertaining to beach management and beach opportunities going forward. One of the remaining issues identified by the Committee was the need to prepare enhanced regulations for Surfside that reflect lessons learned with regard to chemical testing and public notice and engagement.<sup>i</sup> In the September 2014 Final Report, the Committee recommended the formation of a Beach Management Committee which would review Land Development Regulations to include more stringent local standards regarding grain size, color, sand bleaching, if necessary, prior to placement, inspection of sifting operations; testing requirements (Phase 1 and Phase 2); and capping amount of excavation east of Coastal Construction Control Line.<sup>ii</sup> The Committee enlisted several independent subject matter experts to discuss and recommend testing protocols and other beach sand quality criteria.

**Authority for Coastal Management:** The State of Florida recognizes beach erosion as a serious menace to the economy and general welfare of the people of the State. It is a necessary governmental responsibility to properly manage Florida's beaches, and provide for beach restoration and nourishment



projects to restore critically eroded beaches.<sup>iii</sup> Regulation authority for beach management and coastal construction rests with the State of Florida, and is administered by the Florida Department of Environmental Protection (FDEP) and by lease and management agreements with Miami-Dade County.

**Coastal Construction:** Beach front developers must submit a Coastal Construction Control Line (CCCL) permit to FDEP for review prior to excavation or construction. If developers excavate sand east of the CCCL (which is located approximately midway between Collins Avenue and the ocean), the sand must be placed on site and/or on the beach, unless specifically authorized otherwise by the FDEP.<sup>iv</sup> The Town of Surfside has the authority to make setbacks, building codes and zoning codes stricter than the State’s requirements.<sup>v</sup> See **Attachment 1** and **Map 1** for an explanation of the different boundary lines of coastal management in Surfside.

**Sand Quality Requirements:** No municipality or county has legislated recommendations for chemical testing and physical characteristics of sand analogous to those discussed by the Committee. FDEP requires that certain criteria be met for the physical quality of sand placed on beaches as part of coastal construction projects.<sup>vi</sup> There is some precedent for municipal regulations that are supplemental to FDEP sand quality requirements. Walton County in Florida’s Panhandle established white sand protection areas, which ban red clay and other prohibited materials that discolor, darken or stain the natural white sands of Walton County beaches.<sup>vii</sup> Walton County exempts “beach and dune restoration projects conducted by Walton County” from its requirements, as long as the projects are approved by Walton County’s Board of County Commissioners before they commence.<sup>viii</sup> Miami-Dade County also has sand color criteria that exceed FDEP requirements.<sup>ix</sup>

**Outline of Proposed Ordinance:** Beach Sand Quality regulations can be created in Chapter 34 “Environment” and amended in Chapter 14, “Building” to include:

- §34-2. –Beach Sand Quality statement of purpose
- §34-3. –Definitions
- §34-3. –Testing protocols for the chemical composition of excavated sand seaward of the Coastal Construction Control Line
- §34-4. –Physical composition of excavated sand seaward of the Coastal Construction Control Line
- §34-6. –Charges for consulting services for beach sand quality testing
- §34.7. –Lack of Compliance
- §34.8. –Exclusions
- §14.28. –Issuance of building permits

**Recommendation:** Direct staff to prepare an ordinance for first reading for the February 10, 2015 Agenda including a presentation of regulations for future coastal development and nourishment opportunities. Regulations will address physical characteristics and chemical contamination of sand excavated east of the CCCL and will focus on safeguarding public health and safety. The Town should take into consideration the compatibility of draft regulations with future beach nourishment and restoration projects.

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<sup>i</sup> Charter, Sand Project Community Monitoring Committee, June 2014.

<sup>ii</sup> Final Report, Sand Project Community Monitoring Committee, September 11, 2014

<sup>iii</sup> FLA. STAT. §161.088.

<sup>iv</sup> Miami Dade County Beaches, “Beach Quality Sand, Types, Origins, and Characteristics”. Miami-Dade County Dept. Regulatory & Economic Resources Division of Environmental Resources Management. (6) Sandy material excavated seaward of the control line or 50-foot setback shall be maintained on site seaward of the control line or 50-foot setback and be placed in the immediate area of construction unless otherwise specifically authorized by the Department. FLA. ADMIN CODE ANN. 62B-33.005(6), F.A.C.

<sup>v</sup> FLA. STAT. §161.053(3) (2014), FLA. STAT. §161.053(4)(b) (2014). See also GLA and Assoc. v. City of Boca Raton, 855 So.2d 278 (2003). (State law expressly requires deference to such local setback requirements), Town of Indialantic v. McNulty, 400 So.2d 1227 (1981). (The Town of Indialantic’s zoning ordinance was upheld that required “all buildings must be set back not less than 25 feet from the bluff line or not less than 50 feet from the mean high water line along the Atlantic Ocean, whichever is greater.)

<sup>vi</sup> FDEP defines beach quality sand as sand which is similar to the native beach sand in both coloration and grain size and is free of construction debris, rocks, clay, or other foreign matter, and it shall be obtained from a source landward of the coastal construction control line; and shall be free of coarse gravel or cobbles. FLA. ADMIN CODE ANN. 62b-33.002(8) (2014). FDEP requires that only beach compatible sand shall be placed on the beach, meaning material that maintains the general character and functionality of the material occurring on the beach and in the adjacent dune and coastal system, pursuant to FLA. ADMIN CODE ANN. 62-41.007(1)(j) (2014). More specifically, beach compatible fill shall be predominately of carbonate, quartz or similar material with a particle size distribution ranging between 0.062mm and 4.76mm (classified as sand by either the Unified Soils or the Wentworth classification), shall be similar in color and grain size distribution (sand grain frequency, mean and median grain size and sorting coefficient) to the material in the existing coastal system at the disposal site and shall not contain: 1. Greater than 5 percent, by weight, silt, clay or colloids passing the #230 sieve 2. Greater than 5 percent, by weight, fine gravel retained on the #4 sieve 3. Coarse gravel, cobbles or material retained on the 3/4 inch sieve in a percentage or size greater than found on the native beach; 4. Construction debris, toxic material or other foreign matter; and 5. Not result in cementation of the beach. FLA. ADMIN CODE ANN 62B-41.007(j) (2014).

<sup>vii</sup> Walton County Code, 4.07.01. Walton County Code, 4.07.03.

<sup>viii</sup> Walton County Code 4.07.08.

<sup>ix</sup> Miami-Dade County also has sand color specifications that go beyond FDEP’s requirements, yet not as stringent as Walton County’s. Sand color shall be similar to the existing beach. Based on the Munsell Soil Color Chart, color must be within the range: HUE of: 2.5 YR, 5 YR, 7.5 YR, 10 YR, 2.5 Y, 5 Y, CHROMA of: 1, 2, or 3, and VALUE of: 6, 7, or 8. This color specification eliminates strongly colored or dark sand. (email from Steve Blair, Miami Dade County, 12/22/2014).

Glossary

**Coastal construction control lines (CCCL):** The portion of the beach-dune system which is subject to severe fluctuations based on a 100-year storm surge, storm waves, or other predictable weather conditions. These lines are determined from a comprehensive engineering study and topographic survey which shows the establishment of such control lines is necessary for protection of upland properties and the control of beach erosion. FDEP issues permits which authorize the excavation and placement of sand seaward of the CCCL.

**Bulkhead:** A structure or vertical partition designed primarily to retain or prevent slumping of the upland soil mass. A bulkhead may also provide a level of protection against erosion by wave or current action.

**Dune:** A mound, bluff or ridge of loose sediment, usually sand-sized sediment, lying upland of the beach and deposited by any natural or artificial mechanism, which may be bare or covered with vegetation and is subject to fluctuations in configuration and location.

**Erosion control line:** The line which represents the landward extent of the claims of the state in its capacity as sovereign titleholder of the submerged bottoms and shores of the Atlantic Ocean, the Gulf of Mexico, and the bays, lagoons and other tidal reaches thereof on the date of the recording of the survey as authorized by Florida law. No structure shall be erected seaward of the erosion control line except structures required for the prevention of erosion.

**Frontal dune:** The first natural or manmade mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity, and configuration to offer protective value.

**Mean high water:** The average height of the high waters over a 19-year period. For shorter periods of observation, "mean high water" means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value. The mean high water line is the intersection of the tidal plane of mean high water with the shore. Beaches below the mean high water line are held by the state in trust for all the people, and the sale and private use of these lands may be authorized by law but only when not contrary to the public interest.

**Primary dune:** A significant dune which has sufficient alongshore continuity to offer protective value to upland property. The primary dune may be separated from the frontal dune by an interdunal trough; however, the primary dune may be considered the frontal dune if located immediately landward of the beach.

**Seasonal high-water line:** the line formed by the intersection of the rising shore and the elevation of 150 percent of the local mean tidal range above local mean high water.

**Significant dune:** A dune which has sufficient height and configuration or vegetation to offer protective value.





# MAP 1 Town of Surfside



SOURCE DATA:  
SURVEY OF THE  
TOWN OF SURFSIDE  
2-03-2012  
PER MIAMI-DADE

Surfside beach location of the  
CCCL, eastern property lines,  
erosion control line,  
edge of vegetation,  
seasonal high water and  
mean high water lines  
Aerial Photos 2013

Calvin, Giordano & Associates, Inc.  
PROFESSIONAL SOLUTIONS

GIS Produced and monitored by the USGS  
Coastal Services Laboratory  
NOAA





# Memorandum

**To:** Town Commission

**From:** Duncan Tavares, TEDACS Director

**Date:** 1/6/2015

**Re:** Seeking Town Commission commitment to a date for a Joint Meeting of the  
Town Commission and Tourist Board

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In a continuing effort to set this meeting to address proposed changes to the Resort Tax Ordinance as well as Tourist Board policies, procedures, ethics, governance etc., the following are recommended meeting dates:

- 1) Monday March 9 at 7pm
- 2) Monday April 6 at 7pm
- 3) Monday May 4 at 7pm

Please advise on your available.

Thank you.