



**Town of Surfside  
Town Commission Meeting  
AGENDA**

**October 13, 2015**

**7 p.m.**

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

*Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.*

*Rule 6.05 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.*

*Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.*

*Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.*

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

**1. Opening**

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks – Mayor Daniel Dietch**
- E. Agenda and Order of Business Additions, deletions and linkages**
- F. Community Notes – Mayor Daniel Dietch**
- G. Miami Dade County Commissioner Sally Heyman – Mayor Daniel Dietch**
- H. Surfside Urban Gardeners – Dr. Freddy Chiche, President**

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

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

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

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

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

**September 8, 2015 – Regular Commission Meeting**

**September 21, 2015 – Final Budget Hearing**

**B. Budget to Actual Summary as of July 31, 2015 – Guillermo Olmedillo, Town Manager**

**\*C. Town Manager’s Report – Guillermo Olmedillo, Town Manager**

- **See Click Fix**
- **Parking Structure RFEI**
- **Ten Year Water Supply Plan**
- **Development Applications**
- **Code Compliance**
- **Police Department Events**
- **Information Technology & TV Broadcast**
- **Alley Way Improvement Project**
- **Community Garden**

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

**E. Committee Reports – Guillermo Olmedillo, Town Manager**

- July 30, 2015 Planning and Zoning Board Meeting Minutes
- August 3, 2015 Tourist Board Meeting Minutes
- August 17, 2015 Parks and Recreation Committee Meeting Minutes
- August 24, 2015 Coastal Issues Committee Meeting Minutes
- August 27, 2015 Planning and Zoning Board Meeting Minutes

- F. Approval to Accept the Florida Department of Transportation (FDOT) High Visibility Enforcement for Pedestrian and Bicycle Safety Grant for 2015-2016 – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACCEPTING THE FLORIDA DEPARTMENT OF TRANSPORTATION (“FDOT”) HIGH VISIBILITY ENFORCEMENT FOR PEDESTRIAN AND BICYCLE SAFETY GRANT IN THE AMOUNT OF \$17,325.00 FOR 2015-2016; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

- G. Accepting Florida Municipal Insurance Trust (FMIT) Matching Funds Safety Grant – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACCEPTING THE FLORIDA MUNICIPAL INSURANCE TRUST (“FMIT”) MATCHING FUNDS SAFETY GRANT IN THE AMOUNT OF \$1,800.00; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

- H. Accepting the Placemaking Micro-Grant – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACCEPTING THE PLACEMAKING MICRO-GRANT IN THE AMOUNT OF \$1,200.00 FROM MIAMI ASSOCIATION OF REALTORS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

- I. Mutual Aid Agreement between the City of Miami Police Department and the Town of Surfside Police Department – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACKNOWLEDGING THE COMBINED VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT BETWEEN THE CITY OF MIAMI, FLORIDA AND THE TOWN OF SURFSIDE, FLORIDA; AUTHORIZING THE TOWN MANAGER AND CHIEF OF POLICE TO EXECUTE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE MUTUAL AID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**J. Approval of Expenditure of Forfeiture Funds to Purchase a Work Utility Vehicle – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2015/2016 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$10,000.00 FROM THE FORFEITURE FUND FOR THE PURCHASE OF A WORK UTILITY VEHICLE; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

**K. Approval of Expenditure of Forfeiture Funds to Purchase a Speed Radar Display Trailer – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2015/2016 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$12,000.00 FROM THE FORFEITURE FUND FOR THE PURCHASE OF A SPEED RADAR DISPLAY TRAILER; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

**L. Expenditure of Forfeiture Funds for Fiscal Year 2015-2016 – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2015/2016 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$80,000.00 FROM THE FORFEITURE FUND TO SUPPORT CRIME PREVENTION INITIATIVES, COMMUNITY-BASED PROGRAMS AND LAW ENFORCEMENT EQUIPMENT; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

**M. Records Management Plan and Implementation Services – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE AGREEMENT WITH SML, INC. ATTACHED HERETO AS ATTACHMENT “A” FOR A COMPREHENSIVE RECORDS MANAGEMENT PLAN AND IMPLEMENTATION SERVICES; PROVIDING FOR IMPLEMENTATION AND AUTHORIZATION OF PAYMENT OF \$44,000.00 FROM ACCOUNT NO. 001-2400-519-3410; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.**



**N. Opposition of Any Proposal To Standardize Local Government Election Dates In Florida – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, OPPOSING ANY PROPOSAL IN THE FLORIDA STATE LEGISLATURE TO STANDARDIZE VARIOUS LOCAL GOVERNMENT ELECTION DATES IN FLORIDA; PROVIDING DIRECTION TO THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE GOVERNOR OF THE STATE OF FLORIDA, FLORIDA OFFICE OF SENATE PRESIDENT, SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES, FLORIDA OFFICE OF THE CLERK OF THE HOUSE, SENATOR GWEN MARGOLIS, REPRESENTATIVE JOSEPH GELLER, CHAIR AND MEMBERS OF THE MIAMI-DADE STATE LEGISLATIVE DELEGATION, FLORIDA LEAGUE OF CITIES AND THE MIAMI-DADE LEAGUE OF CITIES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**4. Ordinances**

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

**A. Second Reading Ordinances**

**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 FRONT AND STREET SIDE FAÇADES TO HAVE A WINDOW LOCATED ON EACH WALL PLANE AND A TOTAL OF 10% WALL OPENINGS PER ELEVATION FOR SINGLE FAMILY HOMES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**2. Corridor Analysis – Sarah Sinatra, Town Planner *[Linked to Item 9B]***

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 90 ZONING TO IMPLEMENT THE CORRIDOR ANALYSIS PROPOSALS FOR THE AREA BETWEEN COLLINS AND HARDING AVENUES FROM 94<sup>TH</sup> STREET TO 88<sup>TH</sup> STREET; AMENDING SECTION 90-2**

**“DEFINITIONS”; AMENDING SECTION 90-44 “MODIFICATIONS OF HEIGHT REGULATIONS”; AMENDING SECTION 90-44.2; AMENDING SECTION 90-45 –SETBACKS; AMENDING SECTION 90-50 “ARCHITECTURE AND ROOF DECKS”; AMENDING SECTION 90-50.1 “ARCHITECTURE”; AMENDING SECTION 90-51 “MAXIMUM FRONTAGE OF BUILDINGS”; AMENDING SECTION 90-61 “PAVING IN FRONT AND REAR YARDS IN H31 AND H40 DISTRICTS”; AMENDING SECTION 90-61.2; 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.**

- 3. Amendment to Section 90-51. Maximum Frontage of Buildings – Commissioner Michael Karukin**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 90 ZONING; AMENDING SECTION 90-51 MAXIMUM FRONTAGE OF BUILDINGS; SPECIFICALLY AMENDING SECTION 90-51.1 CONTINUOUS WALL FRONTAGE; 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.**

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

## **B. First Reading Ordinances**

- 1. Expanded Polystyrene Ordinance Phase 2 – Mayor Daniel Dietch**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE I OF CHAPTER 34 “ENVIRONMENT” AND SPECIFICALLY CREATING SECTION 34-10 “PROHIBITIONS REGARDING THE SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY FOOD SERVICE PROVIDERS AND STORES; EXEMPTIONS”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**2. Resort Tax Ordinance Amendment – Guillermo Olmedillo, Town Manager**

**AN ORDINANCE OF THE TOWN COMMISSION AND THE RESORT TAX BOARD OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 70 “TAXATION” AND SPECIFICALLY AMENDING SECTION 70-126 “POWER AND DUTIES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**3. Temporary Signs – Sarah Sinatra, Town Planner**

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VI “SIGNS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 90-69 “DEFINITIONS”; SPECIFICALLY AMENDING SECTION 90-74 “TEMPORARY SIGNS”, PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**5. Resolutions and Proclamations**

*(Set for approximately  N/A  p.m.) (Note: Depends upon length of Good and Welfare)*

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

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

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

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

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

**8. Unfinished Business and New Business**

- A. Appointment to the Design Review Board (Verbal) – Guillermo Olmedillo, Town Manager**

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

- A. Miami Dade County Historic Preservation – Guillermo Olmedillo, Town of Surfside**  
**B. Zoning in Progress – Corridor Analysis Ordinance Between Collins and Harding Avenue – Commissioner Michael Karukin [Linked to item 4A2]**

**10. Adjournment**

Respectfully submitted,



Guillermo Olmedillo  
Town Manager

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

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

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

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

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



**Town of Surfside  
Town Commission Meeting  
MINUTES**

**September 8, 2015  
7 p.m.**

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

**1. Opening**

**A. Call to Order**

Mayor Dietch called the meeting to order at 7:01 P.M.

**B. Roll Call of Members**

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Dietch, Commissioner Olchyk, Commissioner Karukin and Vice Mayor Tourgeman. Commissioner Cohen arrived at 7:05 PM.

**C. Pledge of Allegiance**

Police Chief Allen led the Pledge of Allegiance

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

Commissioner Karukin reminded all that the Alzheimer's car wash is on September 20<sup>th</sup> and the walk will be November 7<sup>th</sup>.

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

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

Mayor Dietch announced the upcoming community events which can be found in the Gazette and on the Town's website. The Mayor asked for a moment of silence as one of the city employees Lilliane Subirats passed away.

**G. Master Municipal Clerk (MMC) Plaque Presentation to Sandra Novoa, MMC – Florida Association of City Clerks (FACC) President-Elect Chevelle D. Nubin, MMC, City of Delray Beach**

President Elect Nubin spoke about the FACC and explained that the MMC degree has only been attained by 124 people out of 566 members in the State of Florida. Ms. Nubin told of the various committees Sandra Nova has served on as well as serving as President of the Miami-Dade County Municipal Clerks for two consecutive terms. She applauded Ms. Nova for achieving this very distinguished award. Ms. Nubin presented Ms. Nova with a plaque and MMC pin. With great emotion Ms. Nova thanked her children, mother, boyfriend, the members of the Town Commission and all who helped and encouraged her in this endeavor.

The Commission praised Sandra and thanked her for her hard work and service to the town of Surfside.

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

**3. Consent Agenda**

Mayor Dietch pulled item 1 (SeeClick Fix)

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

Pulled Item 1 – The Mayor asked they set performance standards to clarify how this really works as he has had some feedback from the community that they really don't understand the process. The Town Manager said they would work on it. The Commission had some suggestions for the Town Manager to consider.

Commissioner Olchyk made a motion to take Good and Welfare next. The motion received a second from Commissioner Karukin and all voted in favor.

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

**August 11, 2015 – Regular Commission Meeting**

**B. Budget to Actual Summary as of June 30, 2015** – Guillermo Olmedillo, Town Manager

**\*C. Town Manager's Report** – Guillermo Olmedillo, Town Manager

- See Click Fix
- Parking Structure RFEI
- Resort Tax Board Ordinance
- Ten Year Water Supply Plan
- Development Applications
- Code Compliance
- Enterprise Resource Planning (ERP)
- Public Safety Issues
- Police Department Events
- Information Technology & TV Broadcast
- Town-Owned Seawall Repair

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

**E. Committee Reports** – Guillermo Olmedillo, Town Manager

- May 6, 2015 Parks and Recreation Committee Meeting Minutes
- June 11, 2015 Pension Board Meeting Minutes

**F. After the Fact Approval to Increase the Parking Meter Rate from \$1.25 to \$1.50 Per Hour** – Guillermo Olmedillo, Town Manager

**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE (“TOWN”), FLORIDA, APPROVING AN AFTER THE FACT INCREASE OF THE PARKING METER RATE FROM \$1.25 TO 1.50 PER**



**HOUR FOR ALL TOWN PARKING SPACES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**4. Ordinances**

**A. Second Reading Ordinances**

**B. First Reading Ordinances**

**1. Structure Window Requirements – Guillermo Olmedillo, Town Manager**

**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 FRONT AND STREET SIDE FAÇADES TO HAVE A WINDOW LOCATED ON EACH WALL PLANE AND A TOTAL OF 10% WALL OPENINGS PER ELEVATION FOR SINGLE FAMILY HOMES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the ordinance.

Vice Mayor Tourgeman made a motion to accept. The motion received a second from and all voted in favor.

**2. Number of Stories – Sarah Sinatra, Town Planner**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 90 ZONING; SPECIFICALL AMENDING SECTION 90-43 MAXIMUM BUILDING HEIGHTS; 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.

Commissioner Karukin made a motion for discussion. The motion received a second from Commissioner Cohen. Town Manager Olmedillo explained the ordinance and that there was an inconsistency in the zoning code and the comprehensive plan and this ordinance brings them together. A representative from CGA gave further details for clarification.

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

Commissioner Karukin made a motion to take item 1G next. The motion received a second from Commissioner Olchyk and all voted in favor.

## **5. Resolutions and Proclamations**

- A. Employee Health Benefits Contract Renewal FY 15-16 – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE GROUP HEALTH AND VISION WITH UNITEDHEALTHCARE, DENTAL COVERAGE WITH GUARDIAN AND TERM LIFE INSURANCE, ACCIDENTAL DEATH, SHORT TERM DISABILILTY, AND LONG TERM DISABILITY WITH MUTUAL OF OMAHA; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the resolution. Human Resources Director, Yamileth Slate-McCloud gave a brief overview on the item.

Vice Mayor Tourgeman made a motion to accept. The motion received a second from Commissioner Cohen and all voted in favor.

- B. Employee Health Insurance Broker Services – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE CONTINUATION OF INSURANCE BROKER SERVICES WITH ADAMS BENEFIT, INC. TO BE THE INSURANCE BROKER FOR ALL OF THE TOWN'S SERVICES RELATED TO EMPLOYEE HEALTH, DISABILITY, LIFE, DENTAL, AND OTHER RELATED BENEFITS PROGRAMS; AUTHORIZING THE TOWN MANAGER TO ACCEPT THE PROPOSAL SUBMITTED BY**

**ADAMS BENEFITS, INC.; PROVIDING FOR AUTHORIZATION;  
PROVIDING FOR AN EFFECTIVE DATE.**

Chief David Allen read the title of the resolution. Resources Director, Yamileth Slate-McCloud gave a brief overview on the item and recommends the continuation with Adams Benefits, Inc.

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

**C. Beach Nourishment Resolution – Mayor Daniel Dietch**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, SUPPORTING THE DADE COUNTY BEACH EROSION CONTROL AND HURRICANE PROTECTION PROJECT, AND URGING MIAMI-DADE COUNTY, THE STATE OF FLORIDA, AND THE UNITED STATES ARMY CORPS OF ENGINEERS TO PROVIDE RECURRING APPROPRIATIONS TO ADVANCE BEACH RENOURISHMENT IN SURFSIDE AND MIAMI-DADE COUNTY ON OR AHEAD OF SCHEDULE; PROVIDING DIRECTION TO THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA CLERK OF THE HOUSE, GOVERNOR, SENATE PRESIDENT, HOUSE SPEAKER, CHAIR AND MEMBERS OF THE MIAMI-DADE STATE LEGISLATIVE DELEGATION, AND THE UNITED STATES ARMY CORPS OF ENGINEERS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the resolution. Mayor Dietch gave an update on the item.

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

**6. Good and Welfare**

The Mayor opened the meeting to public speakers.

Public Speakers:

-Lou Cohen said he was in favor of the Abbott parking lot and not to consider just the cost as he feels this is the best location.

-Lynn O’Halpin would like a proposal enforcing that all dog owners must have their dogs on a leash. She has been attacked and her dog has been attacked with resulted in severe injuries.

-Jeffrey Platt wished everyone of the Jewish community a Healthy and Happy New Year.

-Terry Cohen had concerns about a large gas generator in the setback of the house next to hers and there was no permit issued. She notified the city and they said it should not be there. It has been several months and nothing has been done.

-Dr. Marvin Shuster was concerned about boarded school buses speeding through the area. He said they when empty they speed through even faster. He has reported this to the police but it is not under control and fears there will be a terrible accident. He suggests more speed bumps.

-Pieter Bakker had serious concerns about his house on the south side of the new synagogue. He does not understand how only a 90 inch setback was allowed on a structure that is over 25,000 sq. ft. He quoted from the code which says the minimum should be 15 feet. He provided the Commission with a photo booklet and said he will be deprived of light, air and privacy. The three minute time limit was up and Mr. Bakker asked for a few more minutes to complete his statement.

Vice Mayor Tourgeman made a motion to grant Mr. Bakker two additional minutes. The motion received a second from Commissioner Karukin and all voted in favor.

-Clara Diaz-Leal Parker said in the evening the lights are always on at the Young Israel Synagogue and they are almost like stadium lights which shine into people's homes. She feels there must be some regulation for this and also mentioned exiting turns out of the synagogue. She agreed with Dr. Shuster and said many vehicles speed through the residential streets.

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

Commissioner Olchyk said she has been approached many times regarding dog problems and suggested they come to a Commission meeting and voice their concerns. Commissioner Olchyk said she has brought up this subject many times as well as picking up after their dogs and some residents had negative remarks when she voiced her feelings. She also acknowledged the speeding problem and said with all the new construction and businesses the town is growing and that comes with problems but people tell her they are loving it. It seemed like she was the only one who sees these problems and thanked the ladies who came forth this evening and voiced their concerns.

Mayor Dietch said there are laws on the books regarding dogs and unfortunately there are irresponsible people who let their dogs loose. He said he feels badly as to what happened to Ms. O'Halpin. In speaking to Chief Allen he said the best thing to do is call the police as soon as you seen a loose dog. He said we have a very responsible Police Department and they will respond. He also addressed the speeding problem. As to Young Israel all requirements will be met and checked by staff.

Town Manager Olmedillo said they are getting proposals for parking and the Abbott lot is being considered. Addressing Ms. Cohen he said unfortunately violators find ways to get around the laws and stall the resolution process. For the record he said after he speaks with Code Compliance Director Joe Damien he will send an email to Ms. Cohen with an update. Addressing speeding he said speed bumps are scheduled for installation. He addressed Mr. Bauker and said there were three instruments they will be reviewing to assure all conditions were met.

Mayor Dietch said for the record that the town has been advised by Shirley and Pieter Bakker that they are requesting that the decision of the August 27, 2015 Design and Review Board to place a fence instead of a wall between the two properties that the Commission reverse and nullify that approval and be placed on the regular Commission

Meeting of October 13, 2015. Town Attorney Miller said that will be a Quasi-Judicial Hearing.

Commissioner Cohen needed clarification as to which streets the County has designated as county roads. His understanding was the city has no jurisdiction in reducing speeds on county roads. Manager Olmedillo said they are in conversations with the County on this issue and speed limits are controlled by the County. However the city can provide a traffic study, which they have done, and the study has been approved. The issue of closing of the streets and installing sidewalks was discussed as this is a safety problem.

**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**

- A. Appointment to the Police Retirement Trust Fund per F.S. Ch. 185 (Verbal)** – Guillermo Olmedillo, Town Manager  
Manager Olmedillo said they had two applicants.

Vice Mayor Tourgeman made a motion to recommend Jimmy Bengio. The motion received a second from Commissioner Karukin and all voted in favor.

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

- A. Appointment to the Design Review Board (Verbal)** – Guillermo Olmedillo  
Manager Olmedillo read the credentials of an applicant for consideration. Commissioner Karukin said he was not prepared to make a decision and would like the opportunity to submit another applicant for consideration.

Commissioner Karukin made a motion to defer till next month. Passing the gavel, the Mayor seconded the motion. The motion passed 4/1 with Vice Mayor Tourgeman voting in opposition.

- B. Ad-Hoc Business District Improvement Committee** – Vice Mayor Tourgeman  
Vice Mayor Tourgeman presented the item.

Vice Mayor Tourgeman made a motion to approve. The motion died for a lack of a second.

**10. Adjournment**

The meeting adjourned at 8:39 p.m.

Respectfully submitted,

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

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

Attest:

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





**Town of Surfside**

**FINAL BUDGET HEARING  
TOWN HALL COMMISSION CHAMBERS  
9293 HARDING AVENUE**

**SEPTEMBER 21, 2014  
5:01 PM**

**MINUTES**

**1. Opening**

**A. Call to Order**

Mayor Dietch called the meeting to order at 5:02 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, Commissioner Cohen and Commissioner Karukin.

**C. Pledge of Allegiance**

Captain Yero led the Pledge of Allegiance

**2. Discussion Regarding Millage Rate and Budget – Guillermo Olmedillo, Town Manager**

Town Manager Olmedillo introduced the millage rate and the budget resolution to the Town Commission.

**3. Fiscal Year 2015/2016 Millage Rate**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF A MILLAGE RATE AGAINST ALL TAXABLE REAL AND PERSONAL PROPERTY IN THE TOWN OF SURFSIDE, FLORIDA FOR THE FISCAL YEAR 2015/2016; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Cohen made a motion to approve. The motion received a second from Commissioner Karukin. The motion carried 4-1 with Commissioner Olchyk voting against.

**4. Public Comment**

No public comments.

**5. Fiscal Year 2015/2016 Annual Budget**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND ADOPTING THE FINAL ANNUAL BUDGET AND MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2015/2016; ATTACHING A SUMMARY COPY OF SAID BUDGET MARKED EXHIBIT "A"; PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Cohen made a motion to approve. The motion received a second from Commissioner Karukin. The motion carried 4-1 with Commissioner Olchyk voting against.

**6. Public Comment**

No public comments.

**7. Adjournment**

The meeting adjourned at 5:09 p.m.

Respectfully submitted,

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

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

Attest:

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

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

AS OF

July 31, 2015

84% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 3

Agenda Date: October 13, 2015

| GOVERNMENTAL FUNDS                        | ACTUAL              | ANNUAL<br>BUDGETED | %<br>BUDGET |
|---|---------------------|--------------------|-------------|
| <b>GENERAL FUND</b>                       |                     |                    |             |
| REVENUE                                   | \$11,110,392        | \$13,497,669       | 82%         |
| EXPENDITURES                              | 10,840,633          | \$13,497,669       | 80%         |
| Net Change in Fund Balance                | 269,759             |                    |             |
| Fund Balance-September 30, 2014 (Audited) | 6,366,391 <b>A</b>  |                    |             |
| Fund Balance-July 31, 2015 (Reserves)     | <u>\$ 6,636,150</u> |                    |             |
| <b>RESORT TAX (TEDAC SHARE)</b>           |                     |                    |             |
| REVENUE                                   | \$ 468,914 <b>B</b> | \$635,465          | 74%         |
| EXPENDITURES                              | 293,617             | \$635,465          | 46%         |
| Net Change in Fund Balance                | 175,297             |                    |             |
| Fund Balance-September 30, 2014 (Audited) | 180,297             |                    |             |
| Fund Balance-July 31, 2015 (Reserves)     | <u>\$ 355,594</u>   |                    |             |
| <b>POLICE FORFEITURE/CONFISCATION</b>     |                     |                    |             |
| REVENUE                                   | \$ 28,690           | \$90,300           | 32%         |
| EXPENDITURES                              | 84,640              | \$90,300           | 94%         |
| Net Change in Fund Balance                | \$ (55,950)         |                    |             |
| Fund Balance-September 30, 2014 (Audited) | 159,626             |                    |             |
| Fund Balance-July 31, 2015 (Reserves)     | <u>\$ 103,676</u>   |                    |             |
| <b>TRANSPORTATION SURTAX</b>              |                     |                    |             |
| REVENUE                                   | \$ 173,147          | \$197,000          | 88%         |
| EXPENDITURES                              | 151,026             | \$197,000          | 77%         |
| Net Change in Fund Balance                | 22,121              |                    |             |
| Fund Balance-September 30, 2014 (Audited) | 396,740             |                    |             |
| Fund Balance-July 31, 2015 (Reserves)     | <u>\$ 418,861</u>   |                    |             |
| <b>CAPITAL PROJECTS</b>                   |                     |                    |             |
| REVENUE                                   | \$ 892,691          | \$1,890,101        | 47%         |
| EXPENDITURES                              | 1,551,922           | \$1,890,101        | 82%         |
| Net Change in Fund Balance                | (659,231)           |                    |             |
| Fund Balance-September 30, 2014 (Audited) | 849,445             |                    |             |
| Fund Balance-July 31, 2015 (Reserves)     | <u>\$ 190,214</u>   |                    |             |

**NOTES:**

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

A. Includes \$2,000,000 available for hurricane/emergencies. The balance of \$4,366,391 is unassigned fund balance (reserves).

B. Resort Tax Revenues for July 2015 are received in August 2015, the (Total collected through July 2015 is \$1,364,064)(\$468,914 is the TEDAC and \$895,150 is the General Fund).

**ENTERPRISE FUNDS**

| ACTUAL | ANNUAL BUDGETED | % BUDGET |
|--------|-----------------|----------|
|--------|-----------------|----------|

**WATER & SEWER**

|  |                |             |     |
|--|----------------|-------------|-----|
| REVENUE  | \$ 3,001,414   | \$3,996,160 | 75% |
| EXPENDITURES   | 2,610,762      | \$3,996,160 | 65% |
| Change in Net Position                                 | 390,652        |             |     |
| Unrestricted Net Position-September 30, 2014 (Audited) | (3,501,884)    |             |     |
| Restricted Net Position                                | 1,260,776      |             | C1  |
| Unrestricted Net Position-July 31, 2015 (Reserves)     | \$ (1,850,456) |             | C2  |

**MUNICIPAL PARKING**

|  |              |             |     |
|--|--------------|-------------|-----|
| REVENUE  | \$ 801,063   | \$1,062,878 | 75% |
| EXPENDITURES   | 790,849      | \$1,062,878 | 74% |
| Change in Net Position                                 | 10,214       |             |     |
| Unrestricted Net Position-September 30, 2014 (Audited) | 1,000,355    |             |     |
| Unrestricted Net Position-July 31, 2015 (Reserves)     | \$ 1,010,569 |             |     |

**SOLID WASTE**

|  |              |             |     |
|--|--------------|-------------|-----|
| REVENUE  | \$ 1,228,376 | \$1,505,640 | 82% |
| EXPENDITURES   | 1,085,813    | \$1,505,640 | 72% |
| Change in Net Position                                 | 142,563      |             |     |
| Unrestricted Net Position-September 30, 2014 (Audited) | 116,662      |             |     |
| Unrestricted Net Position-July 31, 2015 (Reserves)     | \$ 259,225   |             |     |

**STORMWATER**

|  |              |           |     |
|--|--------------|-----------|-----|
| REVENUE  | \$ 414,655   | \$838,267 | 49% |
| EXPENDITURES   | 544,838      | \$838,267 | 65% |
| Change in Net Position                                 | (130,183)    |           |     |
| Unrestricted Net Position-September 30, 2014 (Audited) | 3,838,412    |           |     |
| Restricted Net Position                                | 347,140      |           | C3  |
| Unrestricted Net Position-July 31, 2015 (Reserves)     | \$ 4,055,369 |           |     |

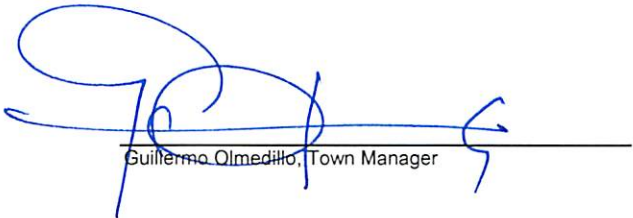
**NOTES:(con't)**

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 (\$1,850,456) is the result of a change in current net position as of July 2015 of \$390,652 net position as of September 30, 2014 of (\$3,501,884) 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  
**\*\*ATTACHMENT**

  
 Guillermo Olmedillo, Town Manager

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

**7/31/2015**

| FUND                  | 9/30/2012           | 9/30/2013           | 9/30/2014           | 7/31/2015            |
|-----------------------|---------------------|---------------------|---------------------|----------------------|
| General               | \$ 5,266,374        | \$ 5,304,042        | \$ 6,366,391        | \$ 6,636,150         |
| Resort Tax            | 171,496             | 94,497              | 180,297             | 355,594              |
| Police Forfeiture     | 122,272             | 138,143             | 159,626             | 103,676              |
| Transportation Surtax | 122,302             | 131,475             | 396,740             | 418,861              |
| Capital               | 132,783             | 255,263             | 849,445             | 190,214              |
| Water & Sewer         | (1,931,707)         | (5,261,333)         | (3,501,884)         | (1,850,456)          |
| Parking               | 1,258,325           | 1,066,574           | 1,000,355           | 1,010,569            |
| Solid Waste           | 228,437             | 227,274             | 116,662             | 259,225              |
| Stormwater            | 104,651             | 2,520,512           | 3,838,412           | 4,055,369            |
| <b>Total</b>          | <b>\$ 5,474,933</b> | <b>\$ 4,476,447</b> | <b>\$ 9,406,044</b> | <b>\$ 11,179,202</b> |



## **TOWN MANAGER'S REPORT OCTOBER 2015**

### **COMMUNITY PROGRAMS / INITIATIVES / ENHANCEMENTS**

1. See Click Fix -- Report attached.

#### **2. Parking Structure RFEI**

The Parking Structure Request for Expression of Interest (RFEI) was issued and advertised on August 3, 2015 with a closing date of September 25, 2015. The Town has received expressions of interest from seven different parties. A report will be presented to the Town Commission at the November 10, 2015 meeting.

#### **3. Community Garden Lease Renewal**

Per the agreement with the Town, Surfside Urban Gardeners has paid for their yearly rental of the Community Garden space in the amount of \$12.00 (\$1.00 per month). The non-profit has also supplied proof of their ongoing non-profit status. Presently the Town is awaiting proof of their renewed insurance. The President and Vice President remain Mr. Freddy Chiche and Ms. Dalia Blumstein respectively.

### **PLANNING, ZONING AND DEVELOPMENT**

#### **4. Development Applications**

- a) 8851 Harding Avenue – A site plan application for a 23 unit development has been submitted to the Town. Staff held a Development Review Meeting with the applicant in January. A resubmittal addressing staff comments has not been received.
- b) 8800 Collins Avenue – A site plan application for a 25 unit development has been submitted to the Town. Staff held a Development Review meeting with the applicant in March and June 2015 and a Development Impact Committee was held on July 22, 2015. Approximately 25 conditions were presented to the applicant and the project was reviewed and approved with conditions at the August 27, 2015 Planning and Zoning Board hearing.
- c) 9415 - 9421 Harding Avenue – A site plan application for a 145 square foot addition at the rear of the building abutting the alley has been submitted. Staff reviewed the application with the applicant and a Development Impact Committee meeting was held June 23, 2015. The applicant has indicated that they may no longer wish to proceed and has asked to stop any further reviews as this time.



- d) 9011 Collins Avenue – A site plan amendment application for the Surf Club has been received relating to elevation changes and interior breakdown of uses for the northwest building. The application is under review and a Development Review meeting has not been scheduled at this time.
- e) 9133 - 9149 Collins Avenue – A site plan application for the Surf Club II has been received and a Development Review meeting was held on September 4, 2015. The applicant received staff comments and will be required to resubmit revisions prior to scheduling of future meetings. The plans include restoring a 16 dwelling unit historic building (the Seaway Villas) and adding a 34 unit, 12 story building immediately north of the Surf Club I.

## **5. Alleyway Improvements**

Staff has observed overflowing trash containers throughout the alleys in the business district and is considering providing multiple banks of dumpsters in enclosures for the businesses. However, there is limited space, which may be due to illegal additions or parking that was never permitted. In order to start the conversation with the business district on upgrades to the alleys with dumpster enclosures, Staff will send out a letter to the property owners notifying them that violations have been observed in the alley and if their property is in violation, they can pull permits within 30 days of the letter without penalty. After 60 days, the Town will do a sweep of the alley and determine outstanding violations and proceed with code enforcement mechanisms. This will be the first step to improving the conditions within the alleys.

## **TOWN DEPARTMENTS**

### **Code Compliance**

#### **6. Code Compliance Cases Settled**

Code compliance cases settled via settlement agreements after compliance was attained:

Since March of 2012 approximately \$186,787 has been collected (or settled with monthly payment plans) for Code Compliance violation related civil penalties, after mitigation or negotiated settlement.

The following is a summary by Fiscal Year:

FY 11/12: 8 cases settled for a total of \$16,875

FY 12/13: 9 cases settled for a total of \$15,750

FY 13/14: 6 cases settled for a total of \$67,293

FY 14/15: To date, 26 cases settled for a total of \$86,869, and a pending settlement for \$40,000.

### **Parks and Recreation**

#### **7. Silver Sneakers Program**

The Parks and Recreation Department has started collaboration with Heathways Silver Sneakers Flex Program to present a Cardio and Strength exercise program for seniors. The program began October 6, 2015 and runs thru – May 27, 2016 at the Community Center.

## **8. National Bullying Prevention Awareness Month**

October 2015 is National Prevention Bullying Awareness Month. The Parks and Recreation Department along with Life Sports Fitness will be hosting weekly Anti Bullying events during our After School Program and this will culminate with a community event to be held at the Community Center on October 28, 2015 at 7:00 pm.

## **9. Grants - Parks and Recreation Department applied and received 3 grants:**

1. The Placemaking Micro-Grant through the Miami Association of Realtors in the amount of \$1,200 for playgroup equipment
2. Matching Safety Grant through the League of Cities in the amount \$600 towards safety training for staff.
3. Matching Property Liability Grant in the amount of \$1,200 towards improvements to playground

## **Police Department**

### **10. Public Safety Issues**

**High Holidays Detail:** The Surfside Police Department will increase police presence with assigned details for high visibility during the High Holidays (September and October) in the areas of The Shul 9540 Collins Avenue, Young Israel 9592 Harding Avenue, Hechal Shalom Sephardic Congregation 310 95th Street and Magen David Sephardic Congregation 9348 Harding Avenue. The enhanced patrols will be concentrated before and after services when congregants from the surrounding area and neighboring communities are walking to and from these locations. In addition, Bal Harbour and Bay Harbor Islands Police Departments will assign officers to the same area.

**Enforcement of Unleashed Dogs:** The Town of Surfside will be enforcing unleashed dog violations. According to section 10-28(c) of the Town Code, "All dogs shall be securely leashed when off their owners' property. An unleashed animal roaming at large shall be deemed a public nuisance, and its owner shall be in violation of this article. Any dog running at large shall be seized by any police officer of the Town or by agents of the County animal services and shall be impounded within the public dog pound as provided by county ordinance." The daily civil fine for a first offense is \$50 and a daily fine second/repeat offense is \$100.

### **11. Police Department Events**

- The 14<sup>th</sup> Surfside Citizens Police Academy is in progress. The CPA is September 8 – November 17, 2015 from 6:00 pm - 9:00 pm in the police training room. The classes include Patrol Procedures, Fire Rescue, Aviation, K-9, Crime Scene, Marine Patrol, Driving Range, Homicide Investigation, Legal and the Court System, and the Firearms Range.
- Women's Self-Defense Classes will be held at the Community Center, Thursday nights throughout the month of October from 6:15 to 8:15 pm.
- Neighborhood Resource Officer Hernandez will represent the Surfside Police Department at the 8<sup>th</sup> Annual North Miami Beach Police Department Domestic Violence Walkathon on October 3<sup>rd</sup> beginning at 4:00pm at the Gwen Margolis Amphitheater.

- Chief Allen will assist the North Bay Village Town Manager in the interviews for the selection of a new Police Chief for North Bay Village on October 7, 8 and 9, 2015 in the Surfside Commission Chambers.
- Community Outreach Specialists from the Department of Highway Safety and Motor Vehicles will have a mobile DMV on October 15 from 9:30 am -2:30 pm in the training room.
- The Police Department will host a community blood drive on October 15 from 1:00 pm – 4:00 pm. The blood mobile will be in the Town Hall lot.
- Miami Beach Police Chief Daniel Oates will honor Chief Allen at the Miami Beach Commission Meeting for special recognition on October 22, 2015 at MBPD.
- The monthly Bike with the Chief will be October 28, 2015 at Town Hall; Coffee with the Cops will be October 30, 2015 at Starbucks.
- Community Service Aide Danny Sanchez will oversee the Surfside/ Bal Harbour/ Bay Harbor Islands Police Explorer Program meeting on October 30 from 6:30 pm to 7:30 pm at Ruth K. Broad K-8 Center in Bay Harbor Islands.
- The Police Department will host Halloween Safety Night on October 31 at 92<sup>nd</sup> Street and Byron Avenue from 6:00 pm to 8:00 pm Surfside Police Officers will be distributing candy and glow sticks.

## **Projects Progress Updates**

### **12. Information Technology and TV Broadcasts**

IT has ordered a new battery backup for the server room at the Community Center. Additionally, IT is obtaining quotes for construction and installation of a conduit from Town Hall to the Community Center to enable the Community Center to connect directly to the Town network to improve speed. The upgrade for the Chamber room broadcast system will begin on October 1, 2015. Surveillance cameras are being installed in the Abbott parking lot.

### **13. Town-Owned Seawall Repair**

The Contractor has completed seawall construction and rip-rap installation at all sites; Site #1 (Surfside Park on Bay Drive; south of 96<sup>th</sup> Street), Site #2 (the street end at 95<sup>th</sup> Street), Site #3 (Froude Ave), Site #4 (Biscaya Dr.) and Site #5 (the street end at Carlyle Avenue). The Contractor is now working to complete the Town and CGA prepared punch list and restoration activities.

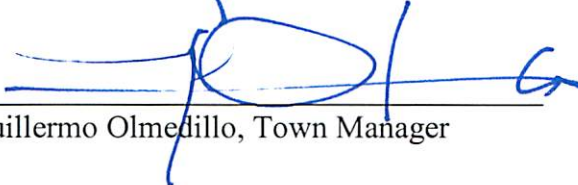
All of the sites have been cleaned up and replanted. 96<sup>th</sup> Street Park has been fully re-sodded and will be ready for the upcoming soccer season.

### **14. Traffic Circle**

The traffic circle on 95<sup>th</sup> and Byron has been reduced in size and new bulb outs have been installed on 95<sup>th</sup> in four locations. Two just north of the traffic circle on Byron and two further north midway

between 95<sup>th</sup> and 96<sup>th</sup> Street. This was approved by Commission as a calming device to slow traffic down through that area and to stop large trucks from turning there. Staff is monitoring. The Town Manager has ordered a landscape design for the circle.

Respectfully submitted:



Guillermo Olmedillo, Town Manager

# Town of Surfside, FL

SEE CLICK FIX

Between Sep 01, 2015 and Oct 30, 2015

16 issues were opened

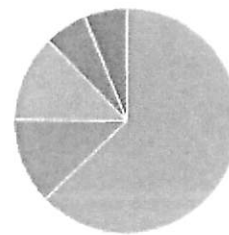
0 issues were acknowledged

21 issues were closed

The average time to acknowledge was 0.0 days.

The average time to close was 16.8 days.

Issues by Source



- iphone - 10
- widgets - 2
- mobile web - 2
- web - 1
- android - 1
- facebook - 0
- city initiated - 0

| SERVICE REQUEST TYPE             | OPENED | ACKNOWLEDGED | CLOSED | DAYS TO ACK. | DAYS TO CLOSE |
|----------------------------------|--------|--------------|--------|--------------|---------------|
| Other (PW)                       | 8      | 0            | 10     | 0.0          | 8.0           |
| Beach Issue                      | 3      | 0            | 7      | 0.0          | 38.2          |
| Police (Safety Concern)          | 3      | 0            | 3      | 0.0          | 2.0           |
| Code Compliance (Violation)      | 1      | 0            | 1      | 0.0          | 0.0           |
| Code Compliance (Safety Concern) | 1      | 0            | 0      | 0.0          | 0.0           |
| 96 Street Park (P & R)           | 0      | 0            | 0      | 0.0          | 0.0           |
| Community Center (P & R)         | 0      | 0            | 0      | 0.0          | 0.0           |
| Dog Stations (P & R)             | 0      | 0            | 0      | 0.0          | 0.0           |
| Drainage/Flooding (PW)           | 0      | 0            | 0      | 0.0          | 0.0           |
| Graffiti (PW)                    | 0      | 0            | 0      | 0.0          | 0.0           |
| Graffiti (in park) (P & R)       | 0      | 0            | 0      | 0.0          | 0.0           |
| Hawthorne Tot-Lot (P & R)        | 0      | 0            | 0      | 0.0          | 0.0           |
| Pothole (PW)                     | 0      | 0            | 0      | 0.0          | 0.0           |
| Solid Waste (Commercial) (PW)    | 0      | 0            | 0      | 0.0          | 0.0           |
| Solid Waste (Residential) (PW)   | 0      | 0            | 0      | 0.0          | 0.0           |
| Street lights (PW)               | 0      | 0            | 0      | 0.0          | 0.0           |
| Surfside Dog Park (P & R)        | 0      | 0            | 0      | 0.0          | 0.0           |
| Utilities (Water/Sewer) (PW)     | 0      | 0            | 0      | 0.0          | 0.0           |
| Veterans Park (P & R)            | 0      | 0            | 0      | 0.0          | 0.0           |

# Town of Surfside, FL

SEE CLICK FIX

Between Jan 01, 2008 and Sep 30, 2015

198 issues were opened

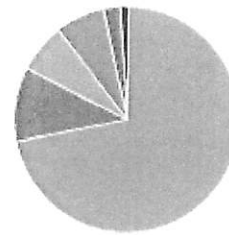
63 issues were acknowledged

171 issues were closed

The average time to acknowledge was 6.0 days.

The average time to close was 18.6 days.

Issues by Source




| SERVICE REQUEST TYPE             | OPENED | ACKNOWLEDGED | CLOSED | DAYS TO ACK. | DAYS TO CLOSE |
|----------------------------------|--------|--------------|--------|--------------|---------------|
| Other (PW)                       | 59     | 13           | 55     | 12.7         | 26.1          |
| Police (Safety Concern)          | 42     | 16           | 42     | 9.0          | 11.8          |
| Beach Issue                      | 19     | 2            | 19     | 0.8          | 32.9          |
| Street lights (PW)               | 16     | 11           | 3      | 1.4          | 16.9          |
| Code Compliance (Violation)      | 12     | 5            | 7      | 0.2          | 4.3           |
| 96 Street Park (P & R)           | 7      | 3            | 7      | 0.0          | 4.5           |
| Code Compliance (Safety Concern) | 10     | 2            | 5      | 2.1          | 32.6          |
| Surfside Dog Park (P & R)        | 6      | 5            | 6      | 0.0          | 1.4           |
| Utilities (Water/Sewer) (PW)     | 5      | 0            | 5      | 0.0          | 0.6           |
| Hawthorne Tot-Lot (P & R)        | 4      | 1            | 4      | 0.1          | 5.2           |
| Pothole (PW)                     | 4      | 1            | 4      | 0.0          | 5.6           |
| Drainage/Flooding (PW)           | 3      | 2            | 3      | 2.0          | 68.3          |
| Community Center (P & R)         | 3      | 1            | 3      | 0.0          | 0.1           |
| Graffiti (PW)                    | 3      | 1            | 3      | 39.7         | 25.2          |
| Dog Stations (P & R)             | 3      | 0            | 3      | 0.0          | 0.1           |
| Solid Waste (Residential) (PW)   | 2      | 0            | 2      | 0.0          | 2.6           |
| Graffiti (in park) (P & R)       | 0      | 0            | 0      | 0.0          | 0.0           |
| Solid Waste (Commercial) (PW)    | 0      | 0            | 0      | 0.0          | 0.0           |
| Veterans Park (P & R)            | 0      | 0            | 0      | 0.0          | 0.0           |





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

**TO:** Town Commission

**FROM:** Linda Miller, Town Attorney 

**CC:** Guillermo Olmedillo, Town Manager  
 Jane Graham, Assistant Town Attorney

**DATE:** October 13, 2015

**SUBJECT:** Office of the Town Attorney Report for October 13, 2015

---

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

September 16, 2015 – Coastal Issues Committee Meeting  
 September 17, 2015 – Tourist Board Meeting  
 September 21, 2015 – Second Budget Hearing  
 September 21, 2015 - Parks and Recreation Committee  
 September 24, 2015 – Planning and Zoning and Design Review Board Meeting  
 October 5, 2015 – Tourist Board Meeting  
 October 13, 2015 – Town Commission Meeting

**Ordinances for Second Reading:**

- Structure windows requirements

**Ordinances for First Reading:**

- Resort Tax
- Styrofoam
- Sign Code

**Resolutions prepared and reviewed:**

- Acknowledging the Combined Voluntary Cooperation and Operational Assistance Mutual Aid Agreement with City of Miami
- Accepting the Florida Municipal Insurance Trust Matching Funds Safety Grant Program
- Accepting the Placemaking Micro-Grant from the Miami Association of Realtors
- Accepting the Florida Department of Transportation High Visibility Enforcement for Pedestrian and Bicycle Safety Grant for 2015-2016
- Authorizing expenditure of forfeiture funds to purchase a speed radar display trailer
- Authorizing expenditure of forfeiture funds to purchase a work utility vehicle
- Authorizing expenditure of forfeiture funds to support crime prevention initiatives, community-based programs and law enforcement equipment
- Approving the agreement with SML, Inc. for a comprehensive records management plan and implementation services
- Opposing any proposal in the Florida state legislature to standardize various local government election dates in Florida

**Town Commission/Town Manager:**

- Research beach ownership, jurisdiction, and responsible parties
- Follow up with Florida Department of Environmental Protection (“FDEP”) regarding draft modified consent order with FDEP and Surf Club
- Follow up with Miami-Dade Historic Preservation Board for the September 16, 2015 Public Hearing to Determine Historic Designation of “Collins Avenue Historic District”
- Participated and provided counsel in meeting on phased development
- Conference with lobbyist and Florida League of Cities counsel on elections
- Research and interpret sign code

**Town Clerk:**

- Review of election laws and regulations in light of changes to November qualifying date
- Ballot Issues Deadlines for 2016 Countywide Elections
- Notice requirements
- Provided counsel on Rules of Procedure in Town Code
- Financial disclosure requirements for new members of advisory boards

**September 24, 2015 Planning and Zoning and Design Review Board:**

*Design Review Board Applications:*

- A. 901 - 89th Street - the applicant has modified their garage and is requesting an after the fact approval
- B. 9549 Carlyle Avenue - new two story single residence
- C. 700 - 88 Street - new single family house

*Planning and Zoning Board:*

- A. 10% wall opening ordinance

*Discussion Items:*

- A. Corridor Analysis update
- B. Single Family Home discussion
- C. Future Agenda Items

**Coastal Issues Committee:**

- Researched and presented on beach furniture ordinances in Florida municipalities and jurisdiction
- Provided counsel and research on draft beach chair ordinance
- Research residential vs. commercial use regulations
- Counsel on parliamentary procedure
- Conferenced with Florida League of Cities counsel on beach chair ordinances

**Building Department/Code Enforcement:**

- Ongoing review with Code Compliance regarding regulating beach furniture
- Follow up with Code Enforcement and Building Official for on-going settlement of cases
- Review of Code Procedures and preparation for Special Master proceedings
- Attended September 21, 2015 – National Exercise Program Climate Adaptation, Preparedness, and Resilience Exercise Seminar, FEMA with Building Official

**Finance Department:**

- Second final budget hearing and adoption of final millage rate for FY 2015/2016 and final budget

**Parks and Recreation:**

- Revised Life Sports Fitness Agreement
- Collaborate on beach concession management ideas and implementation

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

- Revised the Car Show Indemnification Agreement
- Research and analyze Florida law and Attorney General opinions on use of Resort Tax funds
- Revised the independent contract agreement

**Public Works:**

- Review and research solid waste recycling contracts

**Police Department:**

- Follow-up review of conditions in approved development resolutions related to traffic
- ATS conference call and follow-up on red light camera procedure
- Review for preparation of Pay By Phone Agreement

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

1. On June 28, 2014, Claimant alleges while walking in the east alley behind 9577 Harding Avenue she fell through a broken storm grate and sustained severe lacerations to her right leg. FMIT is investigating this claim.
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 and the Town has filed a response.
3. Pieter Bakker v. 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 Renewed Motion to Dismiss Third Amended Petition For Writ Of Certiorari. The Court has not yet ruled on the Town's Renewed Motion to Dismiss.

4. Parker, et. al. v. American Traffic Solutions, et. al.: United States District Court for the Southern District of Florida Civil Action No. 1:14-CV-24010. This is a class action case brought by plaintiffs who have received red light traffic violations against vendors who contract with municipalities and counties for red-light camera services (American Traffic Solutions “ATS”, “Xerox State and Local Solutions “Xerox”, and Gatso) along with 69 municipalities and counties. The complaint alleges that the local government defendants have improperly outsourced to the vendors their legislatively granted authority to issue traffic citations and unlawfully delegated to the vendor defendants the authority to determine whether a traffic violation has occurred. The Town and other Defendants filed a Motion to Dismiss. The Court dismissed the federal claims, however, did not dismiss the claims for unjust enrichment, declaratory and injunctive relief. The Court has stayed the case during the pendency of an appeal by the Local Government Defendants.
5. Henderson v. Police Officer Carrasquillo and Police Officer Fernandez. On May 12, 2015 a complaint was served stating that on December 11, 2010, Mr. Henderson was arrested for Battery on a Law Enforcement Officer, Disorderly Conduct and Resisting Arrest Without Violence. The complaint alleges malicious prosecution against the Officers. Discovery is ongoing.

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



**TOWN OF SURFSIDE  
PLANNING AND ZONING BOARD  
AND  
DESIGN REVIEW BOARD MEETING**

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

**JULY 30, 2015  
7:00 PM**

**MINUTES**

**DESIGN REVIEW BOARD**

**1. CALL TO ORDER**

Chair Lindsay Lecour called the meeting to order at 7:01 pm.

**2. ROLL CALL**

Recording Clerk Frantza Duval called the roll with the following members present: Chair Lindsay Lecour, Vice Chair Jacob Kligman, Board Member Jorge Gutierrez, Board Member Jessica Weiss, Board Member Moisha Rubenstein, and Board Member Peter Glynn. Board Member Armando Castellanos was absent.

Liaison, Commissioner Cohen entered at 7:11 p.m.

**3. APPROVAL OF MINUTES: MAY 28, 2015**

Board Member Rubenstein made a motion to approve. The motion received a second from Vice Chair Kligman and all voted in favor with Board Member Armando Castellanos absent.

**4. DESIGN REVIEW BOARD APPLICATIONS:**

*{Items 4-A thru 4-H are from the June 25, 2015 Planning and Zoning and Design Review Board meeting which was cancelled due to a lack of quorum}*

**A. Request of the Owner of Property located at 9525 Carlyle Avenue**

The applicant is requesting to build a two story addition.

Town Planner Sarah Sinatra presented the item.

Board Member Weiss made a motion to approve. The motion received a second from Board Member Gutierrez and all voted in favor with Board Member Castellanos absent.

**B. Request of the Owner of Property located at 1025 88 Street**

The applicant is requesting to build a fence around the property.

Town Planner Sarah Sinatra presented the item. Landscape designer Kelly Crawford spoke in support of the item and gave more details on the fence.

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

**C. Request of the Owner of Property located at 9180 Emerson Avenue**

The applicant is requesting to convert a garage.

Town Planner Sarah Sinatra presented the item.

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

**D. Request of the Owner of Property located at 9457 Harding Avenue**

The applicant is requesting to install a new sign.

Town Planner Sarah Sinatra presented the item. Board Member Jessica Weiss recused herself as this being her store.

Board Member Rubenstein made a motion to approve. The motion received a second from Vice Chair Kligman and all voted in favor with Board Member Castellanos absent and Board Member Weiss recused.

**E. Request of the Owner of Property located at 9540 Harding Avenue**

The applicant is requesting to install a new sign.

Town Planner Sarah Sinatra presented the item. Lighting contractor Cesar Sanchez gave details on the sign.

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

**F. Request of the Owner of Property located at 901 88 Street**

The applicant is requesting to build a new single family residence.

Town Planner Sarah Sinatra presented the item. The architect Jorge Estevanez spoke on the design of the home. The only comment from Board Member Gutierrez was he felt the design was very plain.

Vice Chair Kligman a motion to approve. The motion received a second from Board Member Rubenstein and all voted in favor with Board Member Castellanos absent.

**G. Request of the Owner of Property located at 700 88 Street**

The applicant is requesting to build a new single family residence.

Town Planner Sarah Sinatra presented the item. The architect was not present to address some of the questions the Board had. Chair Lecour asked the Board to keep the materials related to the item so they would not have to be printed out again. Chair Lecour also asked for a context rendering for the next meeting.

Board Member Weiss made a motion to defer the item. The motion received a second from Vice Chair Kligman and all voted in favor with Board Member Castellanos absent.

**H. Request of the Owner of Property located at 9181 Abbott Avenue**

The applicant is requesting to build a new single family residence.

Town Planner Sarah Sinatra presented the item. The architect Armando Cusido gave more details on the design of the house. Coloring of the house was discussed.

Board Member Glynn a motion to approve with the following condition:

1. Provide actual colors on rendering.

The motion received a second from Board Member Gutierrez and all voted in favor with Board Member Castellanos absent.

**I. Request of the Owner of Property located at 9373 Abbott Avenue**

The applicant is requesting to build an addition.

Town Planner Sarah Sinatra presented the item. Vice Chair Kligman recused himself as he was once a contractor for this job. The architect Pablo Cuerchicoff spoke on the item.

Board Member Gutierrez made a motion to approve with the following condition:

1. Landscaping shall be provided at the base of the driveway.

The motion received a second from Board Member Rubenstein and all voted in favor with Board Member Castellanos absent and Vice Chair Kligman recused.

**J. Request of the Owner of Property located at 9549 Byron Avenue**

The applicant is requesting to convert a garage.

Town Planner Sarah Sinatra presented the item.

Board Member Rubenstein a motion to approve with the following condition:

1. Landscaping shall be provided at the base of the driveway.

The motion received a second from Board Member Gutierrez and all voted in favor with Board Member Castellanos absent.



**K. Request of the Owner of Property located at 1413 Biscaya Drive**

The applicant is requesting to build a new single family residence.

Town Planner Sarah Sinatra presented the item and is recommending denial as the code requirement for the second floor setback is not met. Architect Ralph Choeff gave his background experience and spoke on the item. He gave a visual presentation of the design of the house. There was some discussion between the Board and Mr. Choeff. The Board did think the design was beautiful but the scale did not meet the code.

Board Member Glynn made a motion to deny the request. The motion received a second from Board Member Gutierrez and all voted in favor with Board Member Castellanos absent.

**L. Request of the Owner of the Property located at 9364 Bay Drive**

The applicant is requesting to build a fence.

Town Planner Sarah Sinatra presented the item. Building Official Ross Prieto spoke on the code regarding fences and property line. The installer of the fence also spoke on the item.

Board Member Gutierrez a motion to approve with the following condition:

1. The foundation of the fence shall not exceed the property line.

The motion received a second from Board Member Rubenstein and all voted in favor with Board Member Castellanos absent.

**M. Request of the Owner of the Property located at 9537 Harding Avenue**

The applicant is requesting to install a permanent sign.

Town Planner Sarah Sinatra presented the item.

Board Member Rubenstein made a motion to approve with the following condition:

1. The façade behind the sign shall be painted and repaired.

The motion received a second from Board Member Gutierrez and all voted in favor with Board Member Castellanos absent.

**N. Request of the Owner of the Property located at 9453 Harding Avenue**

The applicant is requesting to install a permanent sign.

Town Planner Sarah Sinatra presented the item. There was a question about the awning and its color. The installer Daniel Tarrab spoke on the item and said the awning was there and he only installs sign.

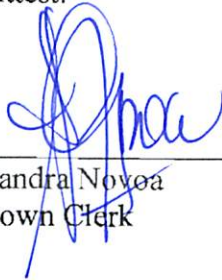
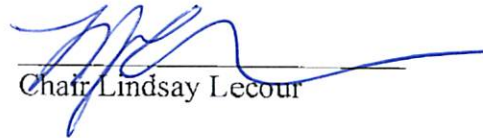
Board Member Rubenstein made a motion to approve. The motion received a second from Board Member Gutierrez and all voted in favor with Board Member Castellanos absent.

5. ADJOURNMENT.

There being no further business to come before the Design Review Board the meeting adjourned at 8:19 p.m.

Accepted this 27<sup>th</sup> day of August, 2015

Attest:

  
\_\_\_\_\_  
Sandra Novoa  
Town Clerk  
\_\_\_\_\_  
Chair Lindsay Lecour

**PLANNING AND ZONING BOARD**  
**MINUTES**  
**JULY 30, 2015**  
**7:00 PM**

1. **CALL TO ORDER**

Chair Lindsay Lecour called the meeting to order at 8:19 pm.

2. **ROLL CALL**

Recording Clerk Frantza Duval called the roll with the following members present: Chair Lindsay Lecour, Vice Chair Jacob Kligman, Board Member Moisha Rubenstein and, Board Member Peter Glynn. Board Member Armando Castellanos was absent.

3. **APPROVAL OF MINUTES: MAY 28, 2015**

Vice Chair Kligman made a motion to approve. The motion received a second from Board Member Rubenstein and all voted in favor with Board Member Armando Castellanos absent.

Town Attorney Miller asked if color palette can be added to the discussion items.

Board Member Rubenstein made a motion to add the item. The motion received a second from Board Member Glynn and all voted in favor with Board Member Armando Castellanos absent.

#### 4. ORDINANCES:

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 90 ZONING; AMENDING SECTION 90-51 MAXIMUM FRONTAGE OF BUILDINGS; SPECIFICALLY AMENDING SECTION 90-51.1 CONTINUOUS WALL FRONTAGE; 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.**

Recording Clerk Frantza Duval read the title of the ordinance.

Town Planner Sinatra presented the item.

Public speaker Neison Kasdin said his comments will overlap this ordinance and the next one and to make note of it. There was some discussion as to reading the second ordinance into the record and comments and discussion for both can be heard. Town Attorney Miller said the ordinances should be discussed as separate items. Mr. Kasdin is representing the owners of property on the west side of Collins Ave and 93<sup>rd</sup> St. block. He understands the concept behind the ordinance and thinks it is a good idea. However, he feels this ordinance as written will create unexpected consequences as the means are excessive. He further explained why he thought so and gave his views on massing and safety issues. He presented a revision to the ordinance which he asks to be considered along with the next ordinance.

Public speaker Bernard Fort-Brescia from an architect firm spoke and presented some visual concepts and expanded on Mr. Kasdin's comments.

Commissioner Michael Karukin speaking on behalf of himself and not the Commission, said his goal was to get something on the books now and work out some of the logistics later. He encourages the Board to pass this ordinance now so we can at least have some control over the length of a building.

Public Speaker Rick Superstein who owns property on Collins and Harding spoke of some of the problems he is facing with the ordinance.

Public Speaker George Kousoulas said the remarks from Mr. Kasdin were refreshing and should be considered. He also poses the question as to what kind of town or city do you want for the future as your decisions today will decide that.

Board Member Glynn would like this ordinance to pass as Surfside to him is air and light. He believes we have to slow things down and put something on the records and then come back and modify it. Board Member Rubenstein agrees that we should slow things down but also feels we should do it correctly the first time. Vice Chair Kligman agrees with Board Member Rubenstein to do it right the first time. The Board had more discussion and various opinions on the item.

Board Member Glynn made a motion to recommend to the Commission. The motion received a second from Board Member Rubenstein and the motion passed 3-1 with Vice Chair Kligman voting in opposition and with Board Member Castellanos absent.

After the reading of the second ordinance and much discussion Board Member Rubenstein made a motion to reconsider the first ordinance. The motion received a second from Board Member Glynn and all voted in favor.

Vice Chair Kligman made a motion not to recommend to the Commission. The motion received a second from Board Member Rubenstein and all voted in favor with Board Member Castellanos absent.

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 90 ZONING TO IMPLEMENT THE CORRIDOR ANALYSIS PROPOSALS FOR THE AREA BETWEEN COLLINS AND HARDING AVENUES FROM 94<sup>TH</sup> STREET TO 88<sup>TH</sup> STREET; AMENDING SECTION 90-2 "DEFINITIONS", AMENDING SECTION 90-44 "MODIFICATIONS OF HEIGHT REGULATIONS"; AMENDING SECTION 90-44.2; AMENDING SECTION 90-45-SETBACKS; AMENDING SECTIONS 90-50 "ARCHITECTURE AND ROOF DECKS"; AMENDING SECTION 90-50.1 "ARCHITECTURE"; AMENDING SECTION 90-51 "MAXIMUM FRONTAGE OF BUILDINGS"; AMENDING SECTION 90-61 "PAVING IN FRONT AND REAR YARDS IN H31 AND H40 DISTRICTS" AMENDING SECTION 90-61.2; 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.**

Recording Clerk Frantza Duval read the title of the ordinance.

Town Planner Sinatra presented the item and spoke about the buildings designated as "historic." She said if that area were to be zoned as a separate district they would not be part of this ordinance.

Public Speaker Neison Kasdin gave his views on the ordinance and what he felt was wrong with it. He agreed with the members of the Board who said this should be done correctly the first time. He presented two changes in the ordinance for the Board to consider. Overall he feels the ordinance is well thought out but one area needs to be revisited as well as the first ordinance.

Mr. Fort-Brescia also spoke on the item and presented his views which he feels needs some revision. There was a lot of discussion on this item regarding safety issues and the pasco. Various design ideas such as a courtyard were suggested.

Commissioner Michael Karukin speaking on behalf of himself and not the Commission, was happy that the first ordinance was passed and said good ideas on the second ordinance were presented and perhaps the ordinance should be deferred so the Board has the opportunity to consider it.

Chair Lecour said she was not entirely happy with the first ordinance and the pasco even though she voted for it and she would like to have the first vote reconsidered. Speaking as a resident and not the Vice Mayor, Eli Tourgeman asked the Board to revisit the first ordinance and consider the points made on this ordinance.

It was mentioned there was a zoning in progress on building length and corridor analysis.

Vice Chair Kligman made a motion to defer the corridor analysis ordinance and revisit the courtyard and building length at the next meeting. The motion received a second from Board Member Rubenstein and all voted in favor with Board Member Castellanos absent.

Board Member Rubenstein made a motion to reconsider the first ordinance. The motion received a second from Board Member Glynn and all voted in favor.

Liaison, Commissioner Cohen exited at 10:11 p.m.

## **5. DISCUSSION ITEMS:**

### **A. Update on Parking**

Town Planner Sinatra gave an update on parking lots.

### **B. Future Agenda Items**

Glynn asked each Board member to prioritize what they would like to see happen before the next election.

### **C. Joint Meeting**

### **D. Suggested meeting dates for November and December**

**1. November 19, 2015**

**2. December 17, 2015**

### **\*E. Color Palette (added to agenda)**

Town Planner Sinatra gave an update on the language which will be used regarding the color palette. Attorney Miller said this was already approved by the Board but was now going to second reading to the Commission. There is no fee or permit involved but is a guideline. Building Official Prieto reminded the Board there are costs involved in recording, registering and staff time in maintaining this record.

Eli Tourgeman said there should be a fee as there are costs involving the process of record keeping. He strongly believes there should be a color palette.

There was discussion as to whether there should be a permit and supports a minimum fee.

## **6. ADJOURNMENT**

There being no further business to come before the Planning and Zoning Board the meeting adjourned at 10:29 p.m.

Accepted this 27<sup>th</sup> day of August, 2015

  
Chair Lindsay Lecour

Attest:

  
Sandra Novoa  
Town Clerk



**Town of Surfside  
Tourist Board  
MINUTES  
August 3, 2015  
6:30 p.m.**

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

**1. Opening**

**A. Call to Order**

The meeting was called to order by Chair Michelle Kligman at 6:30pm

**B. Roll Call of Tourist Board Members**

All of the Board members were present except Joel Baum (see after #5). A quorum was established.

**Also in attendance:** Barbara McLaughlin, resident, Harald Bindeus, Grand Beach Hotel, Jane Graham, Assistant Town Attorney, Frantza Duval, Recording Clerk, Nissa Benjamin Recording Clerk, Duncan Tavares, TEDACS Director.

Chair Michelle Kligman welcomed new member Sean McKeen to the Board.

**2. Election of Vice Chair**

Sandra Argow made a motion to nominate Barbara Cohen for Vice-Chair. Receiving no second the motion failed.

Chair Michelle Kligman made a motion to nominate Sean McKeen; Sandra Argow seconded the motion. The motion passed.

**3. Acceptance of May 4, 2015 Joint Meeting of the Town Commission and Tourist Board Minutes**

Barbara Cohen made a motion to accept the May 4, 2015 Joint Meeting of the Town Commission and Tourist Board Minutes; Vice Chair Sean McKeen seconded the motion. The motion passed unanimously

**4. Approval of June 1, 2015 Meeting Minutes**

Barbara Cohen made a motion to approve the June 1, 2015 Tourist Board Minutes with amendments; Vice Chair Sean McKeen seconded the motion. The motion passed unanimously

**5. Approval of July 8, 2015 Meeting Minutes**

Barbara Cohen made a motion to approve the July 8, 2015 Tourist Board Minutes with amendments; Sandra Argow seconded the motion. The motion passed unanimously

Joel Baum entered the meeting at 6:34pm.

6. **A/R – Resort Tax Collection** ~ Barbara Cohen update on meeting with Town Manager, Finance Director and Code Compliance Director.

Director Duncan Tavares provided the update on the meeting held with Barbara Cohen and Town Administration. Town Administration believes that the process for collection and compliance is still working. He also provided an overview of the collection process to Vice Chair Sean McKeen, the newest member of the Board and advised that businesses are on an annual audit rotation. Chair Michelle Kligman inquired about the total amount due from delinquent businesses. Barbara Cohen advised that it is difficult to assess as the merchant has yet to submit anything identifying their earnings for the months in question. The Finance Department would consider shortening the compliance process to three months. Vice-Mayor Tourgeman advised that it is not an expense to the business and stringent policies need to be enforced for non-payment. Barbara Cohen feels that there should be a stronger way of enforcing and would like to see a copy of the letter the Town sends out to the merchants. She would also like to see what processes are being used for enforcement in Miami Beach and Bal Harbour.

7. **A/P**

Duncan Tavares provided the Board with an overview of accounts payable. The Board is in agreement with receiving A/P notifications every month.

8. **Lunch With The Locals Update** ~ Sandra Argow

Sandra Argow advised that her original idea has now become “Good Morning Surfside.” She proposes that the event be held Saturday morning in the Fish Bowl from 9-10:30am. It would include a welcoming committee of the Mayor or a Town Commissioner, Residents, a Tourist Board member, hotel representatives, and hotel guests. Coffee and pastries would be served as refreshments. Vice Chair Sean McKeen stated that it would be a better return on investment to conduct FAMS (group of travel agents, tour operators and travel writers) to tour the Town and hotels with a meet and greet at one of the restaurants. The goal is to bring awareness of the Town and to create business for the Town. Sandra Argow likes the Vice Chair’s idea, but advised that her idea is for people who are currently staying in Town and wanted information on what to do while visiting. Director Duncan Tavares explained that the budget (marketing) plan outline, and adopted Five Year Tourism Strategic Plan, already provides for FAMS and is waiting coordination from Town hotels to implement. He will meet with the other departments that may be effected by the “Good Morning Surfside” event so that a true cost of the proposal can be provided to the Board.

Sandra Argow made a motion for the Director to investigate the feasibility and the budget for “Good Morning Surfside” and re-submit the idea to the Board at the next meeting; Barbara Cohen seconded the motion. The motion passed unanimously.

9. **Car Show / Toy Drive / Food Trucks Update** ~ Nissa Benjamin, Marketing & Special Project Coordinator

Director Duncan Tavares provided an overview of the Classic Auto Show event:  
Sunday, December 13, 2015  
11:00am -3:00pm



Entire 94<sup>th</sup> St. Parking Lot  
Cobra Joe Productions  
Professionally Judged  
Top 10 awards & fan choice award (provided by Cobra Joe)  
Food trucks/DJ  
Bounce House (Pending Space)

Two ways in which this event will collect toys for the Town of Surfside Holiday Toy Drive:

- Car entrants will qualify for a \$10 entrance fee if they bring an unwrapped toy to the event.
- Attendees will vote for the fan choice award by giving an unwrapped toy at the registration booth. One toy equals one vote in the competition.

The total estimated cost for an event like this is approximately \$10,000. This includes:

- Car Show organizer
- DJ
- Photographer/videographer
- Décor
- Collateral
- Giveaways
- Lighting
- Advertising
- Promotion
- Surfside Circle VIP Section
- Seating

Vice-Mayor Tourgeman made a correction on the name and advised that it isn't an auto show it's a classic car show.

- 10. Haute Living** ~ April Donelson, Vice-President of National Accounts with Haute Living. Haute Living is a full-service media company operating online and in print. They generate over 300,000 visitors online and have over a million followers on social media. Haute Living operates in four major US markets: Miami, New York, LA, and San Francisco. In Miami, 35,000 copies are printed every other month. Haute Living targets extremely high net worth consumers. April Donelson suggested promoting the Town in print and online by partnering with The Surf Club Four Seasons as suggested by Director Duncan Tavares. The click rates and the google analytic results show an open rate of 12% - a very good statistic for the medium. Vice-Mayor Tourgeman advised that he doesn't feel that the Board should go down this particular avenue as there are other magazines available. April Donelson advised that the Board can approve a 6 month plan for a cost of \$9-12,000. Director Duncan Tavares said that he would only advise supporting this measure if The Surf Club Four Seasons commits to a cooperative venture. He will be meeting with them at the end of the month and will bring this item back to the Board if

the hotel is interested. Vice Chair Sean McKeen stated that Surfside should be advertised and focused on as a destination and that it is time to look at hiring an appropriate firm as recommended by the Director and outlined in the adopted Five Year Tourism Strategic Plan. Barbara Cohen recommended that Haute Living should be looked at for future consideration and as a partnership with the hotel.

**11. The Welcome Channel ~ Katherine McAninch**

The item was deferred for next month.

**12. Third Thursdays 2016 ~ Duncan Tavares, Director**

The Director presented the 2016 Third Thursday event theme: "Music through the Decades":

January – Sock Hop

February - 60s Era

March- Disco Era

April- 80s Era

Barbara Cohen made a motion to approve the theme for 2016 Third Thursdays; Sandra Argow seconded the motion. The motion passed unanimously.

**13. Event Hotline ~ Duncan Tavares, Director**

The Director advised that since the Board does not have signature events every week, it was difficult to produce a recording for the office phone with just this focus. He advised that the recording would need to include all town events and activities and that there is a cost associated with this. Someone on staff must be assigned to record the message daily (outside of one's normal work schedule) or an outside source be hired to do the recording. The Town Administration advised that the expense would need to be covered by the Board as this is an unbudgeted item. Vice-Mayor Tourgeman advised that this item has not made it to the Town Commission. Director Duncan Tavares advised that this item is viewed as an administrative decision under the Town Manager's authority.

**14. Other Business**

Barbara Cohen thanked the Director for the new bus schedules outlining the connectivity of the Surf-Bal-Bay buses. Sandra Argow would like to see a copy of the bus schedule placed in the Gazette on a more frequent basis.

Director Duncan Tavares will speak to the Grand Beach regarding the discount(s) for Surfside residents.

Vice-Mayor Tourgeman would like a Surfside Day at Gulfstream Race Track. Chair Michelle Kligman would like more information provided by the Director on this.

- 15. Next Tourist Board Meeting ~ MONDAY SEPTEMBER 14, 2015 at 6:30pm**  
- *Date Change: one week later due to the Labor Day Holiday on the 7<sup>th</sup>.*

**16. Public Comment**

Sandra Argow announced her upcoming mobile device and computer course for adults and seniors set for October 6-29, 2015 (Tues/Thurs) 10-11:30am in the Community Center.

**17. Adjournment**

Joel Baum made a motion to adjourn the meeting; Sandra Argow seconded the motion. The motion passed unanimously. The meeting ended at 8:09pm.

  
SEAN MCKEEN  
VICE CHAIR  
9/17/15



## TOWN OF SURFSIDE

MUNICIPAL BUILDING  
9293 HARDING AVENUE  
SURFSIDE, FLORIDA 33154-3009

### PARKS AND RECREATION ADVISORY COMMITTEE MEETING

Monday August 17, 2015

7:00 pm

Surfside Community Center

9301 Collins Avenue

### MINUTES

1. Roll Call of Committee Members

Retta Logan called the meeting to order at 7:00pm.

**Also in attendance:** Stacie Barrett, Parks and Recreation Supervisor, Alberto Aguirre, Shlomo Danzinger, Jane Graham, Assistant Town Attorney, Martha Olchyk, Liaison, Frantza Duval Recording Clerk,

Tim Milian, Veronica Lupinacci, Eliana Salzhauer are absent with regrets.

2. Approval of minutes from 5/26/15

Shlomo Danzinger made a motion to approve the May 26, 2015 minutes; Alberto Aguirre seconded the motion. The motion passed unanimously. The minutes were approved.

3. Seawall repairs and 96<sup>th</sup> street park

Stacie advised that seawall repairs have been completed. All material from construction were removed on August 14, 2015. Parks and Recreation are working with Luke to sod the field due to damage and heavy construction traffic. The field will be ready for the start of soccer season. Parks and Recreation is also working with the contractor for any additional repairs. At the present moment only the field will be closed.

Marta inquired if all of the seawall work was checked for completion and accuracy.

Stacie advised that the Public Works Department was to oversee the project and that she would need to check with the Joseph Kroll, the Public Works Director regarding this item.

4. Update on Soccer

Parks and Recreation have brought back the girls soccer team on a trial basis one day a week. Staff is prepared to take up to 25 participants. There will also be two teams scheduled to play advance placement level soccer in Sunny Isles. It's a more disciplined group for soccer. The Town's Parks and Recreation staff have meet with staff from

Sunny Isles to review the guidelines. Practice will be held on Tuesday, Wednesday, and Thursdays with an additional hour & half of practice time.

5. Fall Programming update

Stacie advised that programming for the fall has begun. There have been new adult programs added such as: Electronic Class with Sandra Argow and Silver Sneakers (discounted senior program).

Marta inquired about the cost for the Silver Sneakers program. Stacie advised that the cost is determined based on the instructors, but the fee is nominal. Town staff doesn't want to release a fee schedule until Silver Sneakers guarantee all of their instructors.

Parks and Recreation has been speaking to the after-school vendor and they are completely sold out for the new school year. They are completely booked at 50 kids with a waitlist already started.

Marta advised that many events on Friday night (i.e. Halloween) excludes a group of people. She suggested that the Town takes into consideration those who can't participate on Friday events.

Martha advised that some of the plays at the Actor's Playhouse are not really worthwhile. There's not much of a variety. Marta suggested that Town look into Gables Stage and Aventura. Stacie advised that some of the other places offer variety, but cost plays a part in the selection. Stacie can look into the other options such as Gold Star. Stacie can also have staff call an AARP representative to see if there is anything they can offer for seniors.

6. 4<sup>th</sup> of July Recap

Stacie advised that the event was successful this year. There were over 1200 participants this year. The giveaways were very popular which included the backpacks and the towels. Parks and Recreation sold out the towels and have a few backpacks available for purchase. There was nothing but positive feedback. Marta inquired about the total cost spent for the Fourth of July. Stacie advised that she would get with Tim for the information.

7. Community Input

None.

8. Meeting Adjournment

Shlomo Danzinger made a motion to adjourn the meeting, Alberto Aguirre seconded the motion. The motion passed unanimously. The meeting ended at 7:19pm.

Accepted this 21 day of Sept, 2015

Retha Logan  
Member (Print)

Signature

Attest:  
Frantza Duval  
Frantza Duval  
Recording Clerk



## Town of Surfside

### Coastal Issues Committee

August 24, 2015; 6:15 p.m.

Surfside Community Center - 9301 Collins Ave, Surfside, FL 33154

### MINUTES

#### 1. Call to Order

Town Manager Guillermo Olmedillo called the meeting to order at 6:18 p.m.

#### 2. Introductions

Town Manager Olmedillo introduced the Coastal Issues Committee Members, selected by the Town Commission, in alphabetical order: Larisa Alonso; David Carmona; Lou Cohen; Daniel Gielchinsky and Bertha Goldenberg.

Town Manager Olmedillo introduced members of the Town Commission and Town staff: Daniel Dietch, Mayor; Vice Mayor, Eli Tourgeman; Joe Damien, Code Compliance; Jane Graham, Assistant Town Attorney; Duncan Tavares, TEDACS Director; Ross Prieto, Building Official and Nissa Benjamin, Recording Clerk.

#### 3. Election of Officers

##### A. Roll Call of Members

Town Manager Olmedillo called the roll with the following Committee Members present: Larisa Alonso, David Carmona, Lou Cohen, Daniel Gielchinsky, and Bertha Goldenberg.

##### B. Election of Officers

Town Manager Olmedillo presented the roll of officers, in accordance with 2007 Resolution 2007-1792, and the Committee required reports: Monthly, Annual, and at the Conclusion of the Committee.

Assistant Town Attorney Graham read the requirements for Officers, per Section. 2-202, Presiding Office, which under this case that will be the Chair. She stated that the Vice-Chair serves in the Chair's absence. She also read Rule 7.05 Decorum and the power of the Chair to establish time limits for speakers.

Committee Member Alonso made a motion to nominate herself for Chair of the Committee and presented her qualifications. The motion received a second from Committee Member Gielchinsky. The motion carried 4-1 with Committee Member Lou Cohen voting in opposition.

Passing the gavel, the Chair asked for nominations for Vice-Chair. Committee Member Gielchinsky made a motion to nominate himself for Vice-Chair and presented his qualifications.

The motion received a second from Committee Member Carmona. The motion carried 4-1 with Committee Member Cohen voting in opposition.

Committee Member Goldenberg made a motion to nominate herself for Secretary. The motion received a second from Committee Member Gielchinsky. The motion carried 5-0.

#### **4. Purpose and Goals of the Committee**

##### **A. Town Commission Establishing Coastal Issues Committee**

Assistant Town Attorney Graham presented the mandate and issues of the Coastal Issues Committee. She stated the Committee is a continued Committee.

##### **B. Overview of Beach Ownership and Responsible Parties**

Assistant Town Attorney Graham presented the local, state, and federal jurisdiction over the beach. Committee Member Gielchinsky thanked the Town Attorney for her services and praised her qualifications.

The Town Building Official, referring to the map and glossary provided, reviewed the definition of various applicable terms, such as Mean High Water, Edge of Vegetation, Erosion Control Line, Bulkhead, and Coastal Construction Control Line.

#### **5. Rules of Procedure**

Assistant Town Attorney Graham explained that the Committee will follow the same rules as the Town Commission. Everything is conducted by the Chair, the majority of the Committee shall constitute a quorum, 3 out of the 5 members are needed for a quorum. In case of a failure to maintain a quorum, the presiding officer or clerk can adjourn the meeting. Attendance requirements are codified. The Liaison to the Committee is Mayor Dietch. Each Committee member was briefed on financial disclosure. Every Committee member has to file financial disclosure next July. Meetings are recorded. The Secretary takes meeting minutes and the public is allowed to make public comments. The Chair decides how long the public may speak. The rule of procedure has specific requirements on the public participation.

Town Manager Olmedillo explained that the role of staff is to provide support, not to give direction. The decisions and motions have to come from the Committee. Every comment must be made through the Chair. The role of the Liaison is to be a resource to the Committee. All Commissioners may attend meetings and make comments. Commissioners can make comments as a members of the public.

Chair Alonso asked if there is a time certain to end meetings. Assistant Town Attorney Graham stated no meeting shall extend past 11:00 pm, unless voted by the Committee.

Chair Alonso asked about the location of the meeting. Town Manager Olmedillo responded that the first meeting was set-up by the Administration and they suggested the present location for accessibility.

Passing the gavel Chair Alonso made a motion to move the meeting to the Town Hall Chambers. The motion died for lack of second.



Town Manager Olmedillo explained that committees meet once a month. Administration can communicate to the Committee on the best day for everyone, and that agendas can be coordinated at these meetings.

Passing the gavel the Chair made a motion to meet once a month on the 1<sup>st</sup> or 3<sup>rd</sup> Tuesday. The motion died for lack of the second.

Various days were discussed for the next meeting. Vice Chair Gielchinsky made a motion to have the next meeting on September 16, 2015, at 7:00 pm, in the Community Center. The motion received a second by Committee Member Cohen. Motion carried 5-0.

#### **6. Beach Chairs – First Issue as Directed by the Town Commission**

Town Manager Olmedillo explained that as directed by the Town Commission, Staff presented a draft ordinance for first reading. The ordinance tries to determine where no obstruction should be at the beach, for emergency vehicles to move to, twenty feet clear from the dune and twenty feet from the Mean High Water Line. In addition, areas where a street ends need to be clear from chairs. One of the principles is that the beach is a public beach and everyone should have access to it. The Ordinance requires permits for condominium and hotels, not for the other residents. Also, they want to establish liability, the town doesn't want any liability for the furniture, which should be for service providers like the hotels. They want the chairs to go through hotels. The Ordinance went for first reading. Options that were presented at the Commission Meeting are presented in the package for the Committee. The impact to the Town is to provide enforcement, the estimated staff impact is \$45,000.

Passing the gavel, Chair Alonso made a motion to open item 5a for discussion. Motion seconded by Committee Member Gielchinsky. The motion carried 5-0.

Committee Member Cohen stated that any developer that comes to Surfside needs to be aware they cannot get everything they want, need setbacks. He suggested that not 100% of the beach front be used for beach furniture, need to have limited amount (like 70%), and provided specific example for the placement of chairs. Chairs on the beach need to be removed at night and placed on the ground of the building. No beverages and no food on the beach, and no food or drink preparation on the beach. Need to clean the beach at the end of the day. He said there needs to be a maximum number of chairs. He gave the example of a 200 feet property having 58 chairs.

Committee Member Gielchinsky made comments about the definition of vendors. He stated that it seems that only beach front properties can get permits. You can have an owner of a hotel who is not on the beach, the property owner should be responsible for the chairs. He wanted to ask the Mayor for his point of view. Whether only beach properties can get permits. Mayor Dietch stated that he was not at the Commission meeting when Marriott was approved, but from reading the minutes, his recollection of what the Commission considered is that there is an expectation that beach access will be provided. It is the Commission's expectation that the Marriott should have beach access.

Committee Member Gielchinsky asked Assistant Town Attorney Graham the legality of allowing beach front owners to have that kind of permit. She wants to do more research and will provide information at the next meeting.

Committee Member Goldenberg stated that we need to set limits on commercial properties, like percentage, and that will allow other residents to share the beach property. Condos could have a percentage limit and that will allow for access to others.

Mayor Dietch stated that the concept is similar to side walk chairs on restaurants, the notion of the right to certain amount of chairs and the rest on demand. The hospitality industry needs to meet the initial demand and the rest on demand.

Committee Member Cohen said the public can place their chairs where they want, but business should be on demand, something needs to be worked out for business off the beach with those on the beach. He sees what is happening now that not all chairs are being used.

Committee Member Gielchinsky, asked how the Town is going to enforce the on demand concept.

Town Manager Olmedillo suggested Joe Damien share his experience on managing concessions on Miami Beach. Mr. Damien explained that hotels had agreements with the State and how the management works. He suggested to allow flexibility to the Town Management. He suggested to take baby steps and come up with reasonable numbers for property owners. Instead of using a hard number, start with a number and allow it to increase. Miami Beach had a beach front manager and two administrative staff (for 7 miles of beach).

Town Manager Olmedillo stated that it is an issue of balance. The Committee is an advisory board and the Commission is going to have to make the decision.

Committee Member Carmona stated that the definition of “vendor” needs to be narrowed. The concept of balance is important. People that come to our Town want to experience our beaches. Hotels should be limited with certain amount, or provide chairs that guests can take to the beach. Condos not on the beach may want to have access. Balance is important but priority needs to be given to residents of the Town.

Chair Alonso asked for a projector for a presentation, but it was not available. She stated that the Town needs to define the vision for Surfside and to protect the beach for the residents. She surveyed the use of the chairs on the beach. She works in the hotel industry and on any given day, hotels put chairs out covering the entire frontage of the property. What ends up happening is that public gets squashed on what is left. Hotels are seasonal, so the numbers now are low. She presented the results of her survey (Majestic had 22% of the chairs not used). Need to consider these concessions. She asked if there are other examples of beach communities that allow properties across the street to have rights to the chairs on the beach.

Assistant Town Attorney Graham explained that Sunny Isles Beach has definition of vendors. There are ordinances across the State that don't especially mention chairs but have a “leave no trace ordinance” which apply to beach front property owners.

Chair Alonso asked a specific question on the tax.

Assistant Town Attorney Graham explained that is a yearly tax, modeled after restaurant and cafes.

Chair Alonso asked if it gives specific time for set-up for chairs.

Town Manager Olmedillo stated that parks are open from sunrise to sunset, using the same concept.

Chair Alonso there is no access ... by the Town specific definition of them, no measurements.

Joe Damien stated that the benefit of that is that it gives management a lot of discretion of what has to be.

Chair Alonso stated that the site plan is not specifically defined and storage is not defined.

Committee Member Cohen stated that our beach is not wide, we have to determine the placement of the chairs, to be a minimum of x number of feet from the mean high tide, cannot limit the beach use, need setbacks.

Town Manager Olmedillo explained that the Ordinance went as draft for first reading and the Committee needs to provide the recommendation back to the Commission for first reading.

Chair Alonso stated that we have some questions the Attorney needs to answer.

Committee Member Gielchinsky asked, in reference to setback distances, how much width is needed for two cars?

Town Manager Olmedillo responded that in building regulations, a fire truck needs 12 feet and for street travel, 12 feet is needed for each lane, so for two lanes need 24 feet.

Committee Member Gielchinsky asked if staff has surveyed where the chairs go at night.

Joe Damien responded that in Miami Beach they are allowed to remain on the beach by the dunes, orderly and organized. Sunny Isles also allows them. There was discussion about bringing chairs back and forth, which can impact the dunes.

Chair Alonso asked if there are any issues with wildlife.

Assistant Town Attorney Graham stated that the Ordinance includes that, in Sec 86.30.

Committee Member Cohen stated that it needs to consider maintenance of the beach, if you leave all chairs out will they be able to maintain the beach.

Committee Member Goldenberg stated that the set-backs need to consider the chairs stored at the beach by the vegetation, so need to add to the set-back distance, to provide access.

Town Manager Olmedillo stated that we have enough recommendations on how all these ideas can be put together to keep the Town whole.

Passing the gavel the Chair made a motion to move item 7 before item 6 and 8. The motion received a second by Committee Member Carmona. Motion carried 5-0

Public Speakers:

-Tina Paul, condo owner, said Surfside is a neighborhood beach and people take their own chairs to the beaches. She stated that hotels should have chairs for hotel guests to take to the beach, like the residents do. If you have too many chairs on the beach there is no place for residents, let them have their own area, as needed. Keep the public beach for the residents. We just need the right balance.

-Judy Martinez said she has worked in beach property management and hotels, managing chairs, umbrellas, and cabanas. She is very concerned, when she moved here this was a pristine area and now it has changed. Our shore is very thin, before development should have done something to restore the beach. When Sandy came, the shore disappeared, we are not thinking about hurricane season where chairs will be stored.

-Serge Gasc said that the best will be to take the chairs out, limit the number of chairs. He agrees with having a percentage limit. The density is not a big deal, the chairs should not be ugly and storage should be on their property. The people that live on the other side of the beach should be able to place their chair on the beach. Should not have commercial activity on the beach, add restrictions on the maximum number of chairs and bringing chairs back to hotel.

-George Kousoulas, handed out furniture placement guidelines. He agrees with Committee Member Cohen and stated we should geometrically limit the extend of chairs. The idea of balance is important. People will not seat between two chairs. There is not enough sand for everyone. He created a two tier system, hotels have hospitality and will have the right to fee. Condos don't need to be as needed basis. Hotels could put a line of chairs and then add successive lines as demand increases. Need to tailor the seating area with the width of the beach.

Committee Member Carmona made a motion to extend George Kousoulas' public comments another 3 minutes. The motion was seconded by Committee Member Goldenberg. Motion carried 3-2 with Committee Members Cohen and Gielchinsky voting in opposition.

-George Kousoulas continued his presentation of chair placement based on his handout of 100 and 60 foot beaches.

-Joel Simmonds, representing the Grand Beach Hotel, stated they are for sensible regulation, would like to have regulation in place and work with us, they can live with the Ordinance, but taking the chairs out of the beach will be problematic and will cause damage. They cover them at night and stack them nicely. He said that what he heard is extreme, why restrict the hotel? There is plenty of room for everyone. There is no "us and them." There are safety and public health concerns, so there is access for everyone, including our guests. If you go too far, it is discrimination. Please allow us to set the chairs in a sensible way.

-Deborah Cimadevilla said that we have this amassing beach available to all, traditionally we paid high taxes for accessibility to the beach and we have being welcome to. She requested to have the meeting at Town Hall. The Ordinance should be considered as starting from scratch, should have a quiet non-commercial beach for all. Need to have a vision, because our town is in great demand, many new developments. Preserve our quality of life. People that don't have beach front property need to have as needed basis for all.

-Jeffrey Platt thanked each Committee member for applying for the Committee, which is important to do for the future of our gem, our backyard. In the next 20 years will have high end developments on the beach. Every condo will want chairs and other amenities. The residents that live here will be pushed to the back of the community. Chairs should be behind the lifeguard chair. No alcohol on the beach, why allow entities to have alcohol on the beach. Folding chairs for everyone. He provided pictures of beaches in Turkey. In every resort they have beach chairs in every square inch, it is crazy. He doesn't want to have people serving alcohol behind where he sits.

-Pamela Mishkin was called, but she was not present.

-William Woyrowsky said the regulations should be reasonable, the beach is a public beach. We are here to protect the public, you have commercial entities, we cannot restrict them from using the beach. We don't want discrimination to use the beach, need to be reasonable, there is no boundary as to what the permit includes, if anybody can be a vendor, need to be sensible and see what will work. You are discriminating us from using a public beach.

-Norma Parron, president of Mirage Condo Association, said she heard earlier that Marriott was granted presumption of having chairs on the beach. She wants to know where that is written. She has presumption of keeping her beach the way it is. She researched an over 300-room hotel, which includes two beach chairs plus umbrella per room, included in the daily beach resort fee. That will be 600 chairs per their advertising. People across Collins should not have chairs on the beach. All these

buildings will be coming down and are they going to have presumption that they will have chairs on the beach? Must have rules to accommodate people coming and the people that are already here.

- Joanna Stevens. She has seen the changes and encouraged the Committee to maintain the integrity of Surfside; we need to have the vision, she also goes to Grand Beach Hotel, but she lives in small area of the beach. She doesn't know how someone got permit to hold a wedding on the beach and the Manatee people were told to move because of the wedding.

Town Manager Olmedillo asked Committee Chair Alonso if she wanted to go back to discussion items. He said the Chair needs to make the decision as to how to proceed, and what the next step is. The Commission is not expecting them to come back in one meeting. Town Manager Olmedillo will check when the Town Commission expects the Committee to provide its recommendations.

## **7. Discussion items**

There was a discussion about drafting of recommendations.

Committee Member Cohen stated that we should not jump into something else until we finish with this item, stick to this for now. Committee Member Cohen made a motion to defer items 6a, 6b, 6c by two meetings. The motion died for lack of a second.

Town Manager Olmedillo reviewed the items under Agenda item 6, mentioned the Overview of the Town of Surfside Sustainability Initiatives. He also mentioned some events that are happening now. Last week there was a presentation by the Federal Government, which is included in the Agenda packet starting on page 26. On August 25, 2015 there will be a Public Meeting at the Miami Beach Commission Chambers, from 6:30 pm-8:30 pm, and he recommended those that could make it, to attend.

Chair Alonso stated that these are not really discussion items, they are included for information. Item 8, Climate Change, is also provided for information

Committee Member Gielchinsky asked about other municipalities that have adopted ordinances, what legal challenges have occurred. He also discussed the options for the Marriott Hotel.

Committee Member Goldenberg asked the term of applications and fees.

Assistant Town Attorney Graham explained that the permit fee is one-time fee and on top of that we have an annual fee, based on number of chairs, similar to restaurants and cafes.

Committee Member Carmona stated that people visiting the Town have as much right to the beach as we do. The question is whether they are going to have a chair or not. People that are coming are public citizens.

Committee Member Gielchinsky stated that we are here dealing with the law and need to understand the law. He asked for presentation on jurisdictional limits. We need to know what the rule of the law is.

Assistant Town Attorney Graham said that Sunny Isles has percentage restriction, they have in their Ordinance a broad clause. The Town will setup guidelines, by the Administration. Miami Beach has something similar but not codified in ordinance.

Joe Damien said Miami Beach has rules and regulations which have changed through the years based on demand. He recommended to keep it fluid, based on demands on the beach.

Chair Alonso requested a presentation on how beaches are governed in other areas.

Assistant Town Attorney Graham said that, based on her research other ordinances had not been challenged in court. She will check further. Ordinances for beach furniture are fairly recent.

Town Manager Olmedillo reminded the Committee that the Secretary is keeping notes, and they can be typed and distributed. Committee Members will be getting a packet before the next meeting. He also stated that the Committee can place any items on the Agenda and the Town Manager's Office will be the point of connection. Committee Members can suggest agenda items and send to the Town Manager or add them at the meeting.

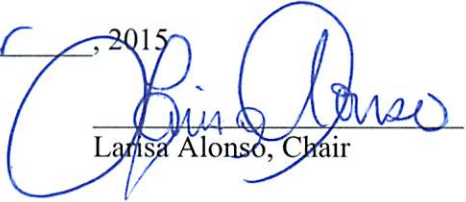
Committee Member Gielchinsky made a motion to adjourn the meeting. The motion received a second by Committee Member Cohen and all voted in favor.

**8. Adjournment**

The meeting adjourned at 9:22 p.m.

Respectfully submitted,

Accepted this 16<sup>th</sup> day of September, 2015

  
Larisa Alonso, Chair

Attest:

  
Bertha Goldenberg, Secretary



**TOWN OF SURFSIDE  
PLANNING AND ZONING BOARD  
AND  
DESIGN REVIEW BOARD MEETING**

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

**AUGUST 27, 2015  
7:00 PM**

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**MINUTES**

**DESIGN REVIEW BOARD**

**1. CALL TO ORDER**

Chair Lindsay Lecour called the meeting to order at 7:02 pm.

**2. ROLL CALL**

Town Clerk Sandra Novoa called the roll with the following members present: Chair Lindsay Lecour, Vice Chair Jacob Kligman, Board Member Jorge Gutierrez, Board Member Peter Glynn and Board Member Armando Castellanos. Board Member Moisha Rubenstein was absent. Liaison, Commissioner Cohen was absent.

**3. APPROVAL OF MINUTES: **JULY 30, 2015****

Board Member Gutierrez made a motion to approve. The motion received a second from Board Member Castellanos and all voted in favor with Board Member Rubenstein absent.

**4. DESIGN REVIEW BOARD APPLICATIONS:**

**A. Request of the Owner of Property located at 9016 Froude Avenue**

The applicant is requesting to replace her existing roof with a shingle roof.

Town Planner Sarah Sinatra presented the item with a power point view of the home.

The Board discussed the roof material vs. tile roofing and the costs as well as the code now in place. Building Official Ross Prieto gave more information on the item. The



applicant spoke and explained it would be a hardship for her to procure a tile roof over the shingle.

Board Member Castellanos made a motion to grant an exception to the code in this case and approve the installation of the shingle roof. The motion received a second from Board Member Gutierrez and all voted in favor with Board Member Rubenstein absent.

**B. Request of the Owner of Property located at 700-88 Street**

The applicant is requesting to build a new single family house.

The item was deferred. Chair Lecour asked that they bring an elevation rendering and indicate if a second house is going up on the adjacent property.

**C. Request of the Owner of Property located at 1413 Biscaya Drive**

The applicant is requesting to build a new single family house.

Town Planner Sarah Sinatra presented the item.

Board Member Castellanos made a motion to approve. The motion received a second from Board Member Gutierrez and all voted in favor with Board Member Rubenstein absent.

**D. Request of the Owner of Property located at 8851 Dickens Avenue**

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

Town Planner Sarah Sinatra presented the item.

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

**E. Request of the Owner of Property located at 325-88 Street**

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

Town Planner Sarah Sinatra presented the item with some graphics.

Board Member Glynn made a motion to approve with the following condition:

Landscaping shall be installed at the base of the wall.

The motion received a second from Board Member Castellanos and all voted in favor with Board Member Rubenstein absent.

**F. Request of the Tenant of Property located at 9477 Harding Avenue**

The applicant is requesting to install a new permanent sign.

Town Planner Sarah Sinatra presented the item. There was discussion as to the façade and the overall size of the sign.

Board Member Glynn made a motion to approve with the following condition:

Overall panel shall be included as the sign and therefore shall not exceed 35 square feet.

The motion received a second from Board Member Castellanos and all voted in favor with Board Member Rubenstein absent.



**G. Request of the Tenant of Property located at 9476 Harding Avenue**

The applicant is requesting to install a new permanent sign.

Town Planner Sarah Sinatra presented the item.

Board Member Gutierrez made a motion to approve with the following condition:

The overall sign shall not exceed 25 square feet.

The motion received a second from Vice Chair Kligman and all voted in favor with Board Member Rubenstein absent.

**H. Request of the Owner of Property located at 9449 Collins Avenue**

The applicant is requesting to modify the balconies on the east side of the property.

Town Planner Sarah Sinatra presented the item. Board Member Gutierrez had some questions and the architect gave further details on the item. Board Member Glynn made mention that once approval is given for a design the work is sometimes done differently and there should be a penalty.

Board Member Glynn made a motion to approve. The motion received a second from Board Member Gutierrez and all voted in favor with Board Member Rubenstein absent.

**I. Request of the Owner of Property located at 9580 Abbott Avenue**

The applicant is requesting to build a PVC fence along the south end of the property.

Town Planner Sarah Sinatra presented the item. Neighbor to the property, Pieter Bauker said he would have preferred a concrete wall and asked why this could not be considered. The architect spoke and explained the difficulties of installing a concrete wall. The Board had questions and discussed different materials of a fence, color and noise buffering. Mr. Price representing the applicant gave more details and why they did not go with a concrete fence. The Board was not entirely happy with a fence instead of a wall and thought it could be looked into further but also noted that under the current resolution they could not force the installation of a concrete wall over other materials such as pvc or wood.

Board Member Gutierrez made a motion to approve with the following condition:

The neighboring property to the south shall have a choice of the color of the fence and proposed landscaping material.

The motion received a second from Board Member Glynn and carried 4/1 with Chair Lecour in opposition and with Board Member Rubenstein absent.

## **5. QUASI-JUDICIAL APPLICATIONS:**

### **A. 8800 COLLINS AVENUE AKA 8809 HARDING AVENUE**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, PLANNING AND ZONING BOARD, RECOMMENDING APPROVAL OF A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE, TO PERMIT 25 DWELLING UNITS WITH 50 PARKING SPACES WITH AN ADDRESS OF 201, 203, 205, 207, 209, 215 – 88TH STREET AND 8809 HARDING AVENUE, SURFSIDE, FLORIDA, AS SUBMITTED BY 8809 HARDING DEVELOPMENT, LLC; SUBJECT TO CERTAIN CONDITIONS WHICH SHALL BE INCLUDED IN A RECORDED COVENANT RUNNING WITH THE LAND, AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.**

Chair Lecour read the process and Assistant Town Attorney Town Graham asked the Board if anyone had ex-parte communications with the Applicant or any objector to which all answered no.

Town Clerk Sandra Novoa confirmed that compliance with advertising notice requirements have been met. Members of the public who wished to speak were then sworn in.

Town Planner Sarah Sinatra presented the item and said 27 conditions are proposed and they are recommending approval. The applicant representative, Carlie Koschal gave an overview of the proposed project. She went over some of the conditions some of which the applicant had an issue with and would like the Board to review them.

Chair Lecour opened the public hearing:

Public Speakers:

- Nicole Gitzen had concerns about the noise, dust and construction impact issues that will affect her neighboring tenants.

-Jim Kovacs asked where exactly the entrance to the building would be and the architect responded and said the pedestrian entrance will be on 88<sup>th</sup> Street.

-Mihaj Radulescu had a question as to how they plan on dealing with traffic during the construction period.

No one else wishing to speak Chair Lecour closed the public hearing.

Ms. Koschal addressed the concerns of Ms. Gitzen and said they will adhere to all code requirements and the project would take about 18 months.

There was much discussion about the loss of parking spaces during construction and parking spaces in general with the addition of more apartments. Town Manager Olmedillo gave more insight on the parking issue. Eli Tourgeman applauds the Board for bringing up parking as it is a problem in the town. He feels even though it meets code, two spaces per unit are not enough and many condo residents are having serious problems. Board Member Gutierrez would like emergency exits and safety issues looked at more carefully. He also had questions about elevation of pool depth and setbacks. Setbacks and landscaping to cover vents was also discussed and be part of the conditions set.

Board Member Gutierrez made a motion to recommend to the Planning and Zoning Committee with the conditions set forth by staff and the following Board conditions:

1. Landscaping to cover vent and transformers
2. Add 1 inch setback (interior)
3. Emergency exit – check safety

The motion received a second from Vice Chair Kligman and all voted in favor with Board Member Rubenstein absent.

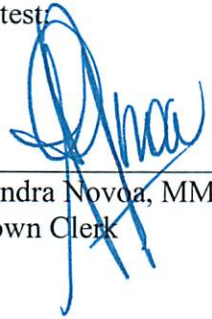
**6. ADJOURNMENT.**

There being no further business to come before the Design Review Board the meeting adjourned at 9:33p.m.

Accepted this 24<sup>th</sup> day of September, 2015

  
Chair Lindsay Lecour

Attest:

  
Sandra Novoa, MMC  
Town Clerk

**PLANNING AND ZONING BOARD**  
**MINUTES**  
**AUGUST 27, 2015**  
**7:00 PM**

**1. CALL TO ORDER**

Chair Lindsay Lecour called the meeting to order at 9:33 pm.

**2. ROLL CALL**

Town Clerk Sandra Novoa called the roll with the following members present: Chair Lindsay Lecour, Vice Chair Jacob Kligman, Board Member Peter Glynn and Board Member Armando Castellanos. Board Member Moisha Rubenstein was absent. Liaison, Commissioner Cohen was absent.

**3. APPROVAL OF MINUTES: JULY 30, 2015**

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

**4. QUASI-JUDICIAL APPLICATIONS:**

**A. 8800 COLLINS AVENUE AKA 8809 HARDING AVENUE**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, PLANNING AND ZONING BOARD, RECOMMENDING APPROVAL OF A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE, TO PERMIT 25 DWELLING UNITS WITH 50 PARKING SPACES WITH AN ADDRESS OF 201, 203, 205, 207, 209, 215 – 88TH STREET AND 8809 HARDING AVENUE, SURFSIDE, FLORIDA, AS SUBMITTED BY 8809 HARDING DEVELOPMENT, LLC; SUBJECT TO CERTAIN CONDITIONS WHICH SHALL BE INCLUDED IN A RECORDED COVENANT RUNNING WITH THE LAND, AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.**

Town Manager Olmedillo had a concern about one of the conditions Ms. Koshal brought up regarding proportionality at the DRB meeting and suggested we defer this item. He feels we need more analysis if the applicant is not in agreement with the condition. Special Land Council Nancy Stroud clarified the Manager's request. Ms. Koshal requested that this not be deferred but give some consideration to their concerns and come to a mutual agreement. A colleague of Ms. Koshal spoke and said for the record they would concede that the proportionality the city presented is roughly accurate and the town does not need to hire a consultant for further analysis and we do not need to defer this hearing. He questions if there is a rationale nexus to have to pay for beach access on a project that is already being funded or considered by the city and feels the fee is unfair. Manager Olmedillo explained that the town does not have impact fees and that is why developers have been paying these fees.

Chair Lecour opened the public hearings.

Chair Lecour asked for the Boards views and Board Member Castellanos said they agreed to these fees before and now are questioning them. He feels we either defer the item for further study or the applicant agrees to the fees. Vice Chair Kligman agrees with the Town Manager and Board Member Glynn feels we should defer. The applicant responded and agreed to the conditions as stated and does not want the item deferred.

Town Planner said there was a clerical error under item 20 of the resolution regarding parking meters as the amount should read \$52,560 and not \$5,560.

Chair Lecour closed the public hearings.

Ms. Koshal asked for clarification as to a time frame regarding the loss of parking spaces and cleaning of the tennis courts, what they will be responsible to pay. Manager Olmedillo responded and said we can adjust the actual use of the spaces. To be clear, if the construction activity even though they are not using the spaces prevents people from parking and that will be assessed. Board Member Glynn said when construction begins and there is dust the applicant will be responsible for the fee of cleaning the tennis courts.

Board Member Castellanos made a motion to recommend to the Commission with staff conditions from the Design and Review Board and the following conditions:

1. Provide landscaping to conceal the exhaust vents.
2. Provide landscaping around the FDC equipment.
3. Provide an additional 1 foot setback on the interior setback.
4. Complete an auto turn analysis on the loading zone to confirm compliance.
5. Confirm the stairwell exit space is adequate on the north side of the building.
6. Provide a physical delineation for the 10 setback on the roof top decks.
7. Confirm compliance with the maximum height requirements.
8. Clarify that the parking contribution will only be applicable for the loss of metered spaces during construction.
9. Clarify that the tennis lots are to be cleaned during the time it is being impacted by the construction

The motion received a second from Board Member Glynn and all voted in favor with Board Member Rubenstein absent.

## **5. DISCUSSION ITEMS:**

### **A. Corridor Analysis**

Town Planner Sarah Sinatra gave a visual update on the H30 location. After speaking with the architect it was decided to go with a courtyard and not a breezeway and presented a couple of recommendations. Neisen Kasdin representing the applicant thanked the Board and Town Planner for their consideration. He brought up the issue of public access to the courtyards which may be a safety issue for the residents. Town Planner Sinatra said the courtyards should be private. Mr. Kasdin also brought up the 17 ft separation between

buildings. Architect Bernardo Fort-Brescia gave a more detailed view of the project design.

Board Member Glynn would like a 30 ft separation between buildings and does not agree with only 17 ft. He would like to see 30x30 ft courtyard rather than breezeway. Greenery was also discussed as well as proportional width and depth. After much discussion, Town Planner will come back with the final project.

**B. Future Agenda Items**

- Parking
- Consider changing zoning in Biscaya
- Single family homes (priority)

**C. Roof Pitch**

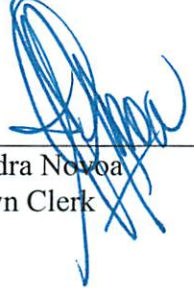
**6. ADJOURNMENT.**

There being no further business to come before the Planning and Zoning Board the meeting adjourned at 10:42 p.m.

Accepted this 24<sup>th</sup> day of September, 2015

  
Chair Lindsay Lecour

Attest:

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





## Town of Surfside Commission Communication

**Agenda Item #** 3F

**Agenda Date:** October 13, 2015

**Subject:** Approval to Accept the Florida Department of Transportation (FDOT) High Visibility Enforcement for Pedestrian and Bicycle Safety Grant for 2015-2016

**Background:** Traffic Crashes involving pedestrians and bicyclists are more likely to result in fatal or serious injuries than any other types of crashes, and the financial impacts and suffering caused by these crashes are significant. To mitigate these types of Traffic Crashes, the Surfside Police Department sought grant funding to perform proactive details and public outreach to target the unsafe behaviors and actions of all road users including motorists, pedestrians, and bicyclists. FDOT has made grant funding available for law enforcement agencies to conduct High Visibility Enforcement operations for pedestrian and bicyclist safety.

**Analysis:** The Surfside Police Department has incurred the highest levels of pedestrian/bicycle involved traffic crashes on Harding Avenue between 94<sup>th</sup> Street and 96<sup>th</sup> Street, and on Collins Avenue between 94<sup>th</sup> Street and 96<sup>th</sup> Street. These locations contain the Town's business district, high occupancy residential dwellings, and religious institutions. The Department researched and determined that the FDOT High Visibility Enforcement for Pedestrian and Bicycle Safety Grant for 2015-2016, would assist in our traffic crash mitigation initiatives and allow for overtime funding to perform these initiatives. The Department is eligible to receive \$17,325.00 for the time period of grant acceptance to May 2016. The Department would initiate one detail per week for a 3.5 hour time frame with two officers to target the grant's objectives.

**Budget Impact:** No negative impact on budget as overtime is funded by the FDOT grant.

**Staff Impact:** N/A

**Recommendation:** Staff recommends a motion to approve a resolution to authorize acceptance of the FDOT High Visibility Enforcement for Pedestrian and Bicycle Safety Grant for 2015-2016.

David Allen, Chief of Police

Guillermo Olmedillo, Town Manager

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

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACCEPTING THE FLORIDA DEPARTMENT OF TRANSPORTATION (“FDOT”) HIGH VISIBILITY ENFORCEMENT FOR PEDESTRIAN AND BICYCLE SAFETY GRANT IN THE AMOUNT OF \$17,325.00 FOR 2015-2016; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, traffic crashes involving pedestrians and bicyclists are more likely to result in fatal or serious injuries than any other types of crashes, and the financial impacts and suffering caused by these crashes are significant; and

**WHEREAS**, to mitigate these types of traffic crashes, the Surfside Police Department sought grant funding to perform proactive details and public outreach to target the unsafe behaviors and actions of all road users including motorists, pedestrians, and bicyclists; and

**WHEREAS**, Florida Department of Transportation (“FDOT”) has made grant funding available for law enforcement agencies to conduct High Visibility Enforcement operations for pedestrian and bicyclist safety; and

**WHEREAS**, the Surfside Police Department has incurred the highest levels of pedestrian/bicycle involved traffic crashes on Harding Avenue between 94<sup>th</sup> Street and 96<sup>th</sup> Street, and on Collins Avenue between 94<sup>th</sup> Street and 96<sup>th</sup> Street because these locations contain the Town’s business district, high occupancy residential dwellings, and religious institutions; and

**WHEREAS**, the Surfside Police Department researched and determined that the FDOT High Visibility Enforcement for Pedestrian and Bicycle Safety Grant in the amount of \$17,325.00 for 2015-2016 would assist in traffic crash mitigation initiatives and allow for overtime funding to perform these initiatives; and

**WHEREAS**, the Surfside Police Department is eligible to receive \$17,325.00 for the time period of grant acceptance to May 2016; and

**WHEREAS**, it is in the best interest of the Town to accept the FDOT High Visibility Enforcement for Pedestrian and Bicycle Safety Grant for 2015-2016.

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



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

**Section 2. Authorization.** The Town Commission authorizes the Town Manager or designee to accept the FDOT High Visibility Enforcement for Pedestrian and Bicycle Safety Grant in the amount of \$17,325.00 for 2015-2016.

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

**PASSED AND ADOPTED** this \_\_\_\_\_ day of October 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 Item #** 3G

**Agenda Date:** October 13, 2015

**Subject:** Accepting Florida Municipal Insurance Trust (FMIT) Matching Funds Safety Grant

**Objective:** To accept the matching funds safety grant money for the Workers' compensation and property liability categories.

**Background:** The Parks and Recreation Department has applied and received a Matching Safety Grant through the Florida Municipal Insurance Trust Matching Funds Safety Grant Program in the amount of \$1,800.

**Analysis:** The grant is to include funds towards the replacement of an outdated playground structure at the Hawthorne Tot Lot. In addition, the workers' compensation portion of the money will be used towards the training of employees in the Parks and Recreation Department on the State level.

**Budget Impact:** The grant program is a matching safety grant program, totaling \$1,800. The breakdown of the grant money is \$600 towards the Workers' Compensation category and \$1,200 towards the Property Liability category. Therefore, at least \$600 of the Parks and Recreation current operating training budget would have to be utilized and at least \$1,200 from the Parks and Recreation operating budget has to be utilized towards replacing the outdated playground structure at Hawthorne Tot Lot.

**Recommendation:** It is recommended that the Town Commission approve the awarded amount of \$1,800 from the Florida Municipal Insurance (FMIT) matching funds safety grant program.

Department Head

Town Manager



# Florida League of Cities

Public Risk Services

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## Risk Control

PO Box 530065  
Orlando, FL 32853-0065  
800-445-6248  
407-425-9142  
Suncom 344-9378  
Fax 407-425-9378

Health Claims  
PO Box 538140  
Orlando, FL 32853-8140  
800-756-3042  
407-245-0725  
Suncom 344-0725  
Fax 407-425-9378

WC Claims  
PO Box 538135  
Orlando, FL 32853-8135  
800-756-3042  
407-245-0725  
Suncom 344-0725  
Fax 407-425-9378

Property/Liability Claims  
PO Box 538135  
Orlando, FL 32853-8135  
800-756-3042  
407-245-0725  
Suncom 344-0725  
Fax 407-425-9378

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August 24, 2015

Town of Surfside  
Attn: Sandra Novoa  
9293 Harding Avenue  
Surfside, FL 33154

Dear Ms. Novoa:

Thank you for your FMIT Safety Grant Application submission.

The Florida Municipal Insurance Trust is pleased to announce that the Town of Surfside's Safety Grant Applications have been reviewed and approved in the amount of \$1800. Please submit invoices listed in the application so the check can be ordered.

Please let me know if you have any questions.

Thank you for your continued commitment to safety education and culture.

Sincerely,

Scott J. Blaser, CSP  
Director, Risk Control

SB/ac

FLC Risk Control services are intended solely to identify and assess reasonable risks within the Member's insured property. However, FLC Risk Control does not warrant or guarantee the safety of any property or condition within the Member's property and cannot guarantee additional risks will not result in loss following a Risk Control assessment. Improvements or corrections to the Member's property are solely its responsibility. Accordingly, Member acknowledges neither FLC, its employees nor its agents shall be liable for losses related to any risk assessment provided.

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

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACCEPTING THE FLORIDA MUNICIPAL INSURANCE TRUST (“FMIT”) MATCHING FUNDS SAFETY GRANT IN THE AMOUNT OF \$1,800.00; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Parks and Recreation Department has applied and received a Matching Safety Grant through the Florida Municipal Insurance Trust Matching Funds Safety Grant Program in the amount of \$1,800; and

**WHEREAS**, the grant will be utilized to replace an outdated playground structure at the Hawthorne Tot Lot and towards the training of employees in the Parks and Recreation Department; and

**WHEREAS**, it is in the best interest of the Town to accept the Florida Municipal Insurance Trust Matching Funds Safety Grant in the amount of \$1,800.00.

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

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

**Section 2. Authorization.** The Town Commission authorizes the Town Manager or designee to accept the Florida Municipal Insurance Trust Matching Funds Safety Grant in the amount of \$1,800.

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

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

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

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

**FINAL VOTE ON ADOPTION**

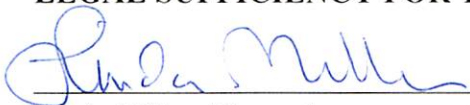
Commissioner Barry Cohen \_\_\_\_\_  
Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Eli Tourgeman \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

\_\_\_\_\_  
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 Item #** 3H

**Agenda Date:** October 13, 2015

**Subject:** Accepting the Placemaking Micro-Grant

**Objective:** To accept the Placemaking Micro-Grant money awarded to the Town of Surfside

**Background:** The Parks and Recreation Department has applied and received a Placemaking Micro-Grant through the Miami Association of Realtors.

**Analysis:** The grant is to include funds towards the replacement of an outdated playground structure at the Hawthorne Tot Lot.

**Budget Impact:** The Parks and Recreation Department is looking to replace an outdated playground structure at the Hawthorne Tot-Lot. Accepting the grant money will not have a budgetary impact. If the Town does not move forward with the replacement of the structure, the grant money would not be dispensed to the Town.

**Recommendation:** It is recommended that the Town Commission approve the awarded amount of the Placemaking Micro-grant of \$1,200 from the Miami Association of Realtors.

Department Head

Town Manager

## Stacie N. Barrett

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**From:** Ana Maria Rodriguez <ana@miamire.com>  
**Sent:** Wednesday, September 02, 2015 4:26 PM  
**To:** Stacie N. Barrett  
**Cc:** Danielle Blake; Teresa Kinney  
**Subject:** Placemaking Micro-Grant Follow Up- Town of Surfside

Dear Stacie,

It is my pleasure to let you know that your Placemaking Micro-grant application has been approved for \$1,200 for the tot lot replacement project.

You will receive the funding via a check from Miami Association of REALTORS®. However, there are new changes in 2015 for all of the REALTOR® Party grants whereby Associations will need to submit to National Association of Realtors® acceptable forms of proof of money spent, which include:

- an invoice from a vendor
- a signed contract with a consultant/speaker
- receipts for items purchased
- cancelled checks

Once this has been completed, Miami Association of REALTORS® will submit to our national association, and then we will send the check for \$1,200 to Town of Surfside.

After the project has been implemented you will need to send an “after” photo of the space and a brief report of what happened with the space (i.e. use/visits by the community; media coverage; unveiling event; other community projects, etc.) within three months of the project’s implementation.

We will use the photos and report to evaluate the Placemaking program and grant as well as to encourage other Realtor® associations to initiate a Placemaking activity in their community.

Please let me know if you have any questions, and congratulations again.

Thank you,

**Ana Maria Rodriguez, MSL**  
Vice President of Government Affairs  
Direct (305) 468-7017 | Cell (305) 773-4355 | Fax (305) 468-7018 | [ana@miamire.com](mailto:ana@miamire.com)

**MIAMI Association of REALTORS®**  
700 S. Royal Poinciana Blvd. Suite 400 Miami, FL 33166  
Main (305) 468-7000 | Fax (305) 468-7030 or 7070  
[Miami HQ](#) | [Coral Gables](#) | [Northwestern Dade](#) | Broward: [DCOTA](#) | [Sawgrass](#)  
[www.Miamire.com](http://www.Miamire.com)

**MIAMI Association of REALTORS®... We Are MIAMI Real Estate**



**please consider the environment before printing this e-mail**

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

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACCEPTING THE PLACEMAKING MICRO-GRANT IN THE AMOUNT OF \$1,200.00 FROM MIAMI ASSOCIATION OF REALTORS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Parks and Recreation Department has applied and received a Placemaking Micro-Grant from the Miami Association of Realtors; and

**WHEREAS**, the Placemaking Micro-Grant will be utilized towards the replacement of an outdated playground structure at the Hawthorne Tot Lot; and

**WHEREAS**, it is in the best interest of the Town to accept the Placemaking Micro-Grant of \$1,200 from the Miami Association of Realtors.

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

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

**Section 2. Authorization.** The Town Commission authorizes the Town Manager or designee to accept the Placemaking Micro-Grant in the amount of \$1,200.00 from the Miami Association of Realtors.

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

**PASSED AND ADOPTED** this \_\_\_\_\_ day of October 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          | _____ |



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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:**



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Linda Miller, Town Attorney



# Town of Surfside Commission Communication

**Agenda Item #** 3I

**Agenda Date:** October 13, 2015

**Subject:** Mutual Aid Agreement between the City of Miami Police Department and the Town of Surfside Police Department

**Objective:** It is the responsibility of the City of Miami and the Town of Surfside to ensure the public safety of their citizens by providing adequate levels of police to address any foreseeable routine or emergency situation; and because of existing and continuing possibility of the occurrence of law enforcement problems and other natural or manmade conditions which are likely to be, beyond the control of the services, personnel, equipment or facilities of the participating police departments; these municipalities have the authority to enter into a Mutual Aid Agreement in order to adequately address any and all of these conditions, to protect the public peace and safety, and to preserve the lives and property of the people of the municipalities.

**Background:** The Mutual Aid Agreement specifies the policies and procedures for joint operations and activities of the City of Miami Police Department and the Town of Surfside Police Department. The Agreement will be in effect from the date of signing to September 1, 2020.

**Analysis:** The Surfside Police Department requires approval and authorization to enter into the new Mutual Aid Agreement at the request of the Miami Police Department.

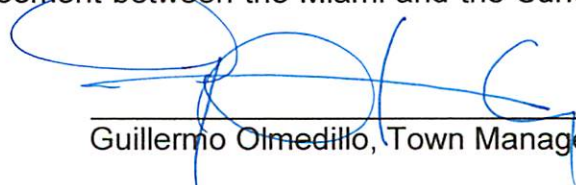
**Budget Impact:** N/A

**Growth Impact:** N/A

**Staff Impact:** N/A

**Recommendation:** It is recommended that the Surfside Town Commission approve the resolution authorizing the Mutual Aid Agreement between the Miami and the Surfside Police Departments.

  
\_\_\_\_\_  
David Allen, Chief of Police

  
\_\_\_\_\_  
Guillermo Olmedillo, Town Manager

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

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACKNOWLEDGING THE COMBINED VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT BETWEEN THE CITY OF MIAMI, FLORIDA AND THE TOWN OF SURFSIDE, FLORIDA; AUTHORIZING THE TOWN MANAGER AND CHIEF OF POLICE TO EXECUTE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE MUTUAL AID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, law enforcement agencies can only benefit when they work in close cooperation with each other and in partnership with each other; and

**WHEREAS**, it is the responsibility of City of Miami and the Town of Surfside to ensure the public safety of their citizens by providing adequate levels of police services to address any foreseeable routine or emergency situations; and

**WHEREAS**, there is an existing and continuing possibility of the occurrence of natural and man-made conditions or emergencies and other major law enforcement problems, including those that cross jurisdictional lines, that will require to coordinate law enforcement efforts to ensure that preparations of the Town will be adequate to deal with such activity, protect the public and safety, and preserve the lives and property of the Town residents; and

**WHEREAS**, in order to ensure that law enforcement agencies are prepared to competently address any and all conditions as they arise to protect the public peace and safety of Miami-Dade County residents, it is in the best interest of the community and law enforcement for the City of Miami and the Town of Surfside to engage in mutual aid.

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

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

**Section 2. Authorization and Approval.** The Town Commission authorizes and approves the Town Manager and Chief of Police to execute and implement the Combined Voluntary Cooperation and Operational Assistance Mutual Aid Agreement between the City of Miami, Florida and the Town of Surfside, Florida (Attachment "A").

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

**PASSED AND ADOPTED** this \_\_\_\_\_ day of October 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

**COMBINED VOLUNTARY COOPERATION AND  
OPERATIONAL ASSISTANCE  
MUTUAL AID AGREEMENT  
BETWEEN  
THE CITY OF MIAMI, FLORIDA AND  
THE TOWN OF SURFSIDE, FLORIDA**

This Voluntary Cooperation and Operational Assistance Mutual Aid Agreement is made as of this \_\_\_\_ day of September, 2015, by and between the CITY OF MIAMI, FLORIDA, a Florida municipal corporation, having its principal office at 3500 Pan American Drive, Miami, Florida 33133, and the TOWN OF SURFSIDE, FLORIDA, a Florida municipal corporation having its principal office at 9293 Harding Avenue, Surfside, Florida 33154, and states as follows:

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

**WHEREAS**, there is an existing and continuing possibility of the occurrence of law enforcement problems and other natural and man-made conditions which are, or are likely to be, beyond the control of the services, personnel, equipment, or facilities of the City of Miami Police Department or the Town of Surfside Police Department; and

**WHEREAS**, the City of Miami and the Town of Surfside are so located in relation to each other that it is in the best interest and advantage of each to receive and extend mutual aid in the form of law enforcement services and resources to adequately respond to:

- (1) Continuing, multi-jurisdictional criminal activity, so as to protect the public peace and safety, and preserve the lives and property of the people; and

- (2) Intensive situations including, but not limited to, natural or manmade disasters or emergencies as defined under Section 252.34, Florida Statutes; and
- (3) Joint provision of certain law enforcement services specified herein and allowed pursuant to Florida Statute 166.0495; and

**WHEREAS**, the City of Miami and the Town of Surfside have the authority under The Mutual Aid Act, Chapter 23, Part I, Florida Statutes, to enter into a combined mutual aid agreement for law enforcement services which:

- (1) Permits voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines; and
- (2) Provides for rendering of assistance in a law enforcement emergency.

**NOW, THEREFORE, BE IT KNOWN**, that the City of Miami, a political subdivision of the State of Florida, and the Town of Surfside, a political subdivision of the State of Florida, in consideration for mutual promises to render valuable aid in times of necessity, do hereby agree to fully and faithfully abide by and be bound by the following terms and conditions.

**SECTION I: PROVISIONS FOR VOLUNTARY COOPERATION**

Each of the aforesaid law enforcement agencies hereby approve and enter into this agreement whereby each of the agencies may provide voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines. The nature of the law enforcement assistance to be rendered shall include but not be limited to:

- a. Concurrent law enforcement jurisdiction in and throughout the territorial limits of the City of Miami and the Town of Surfside for arrests, made pursuant to the laws of arrest, for felonies and misdemeanors, including arrestable traffic offenses, which spontaneously take place in the presence of the arresting officer, at such times as the arresting officer is traveling from place to place on official business outside of his or her jurisdiction, for

example, to or from court, or at any time when the officer is within the territorial limits of his or her jurisdiction.

- b. Concurrent law enforcement jurisdiction in and throughout the territorial limits of the City of Miami and the Town of Surfside for arrests, made pursuant to the laws of arrest, of persons identified as a result of investigations of any offense constituting a felony or any act of Domestic Violence as defined in Section 741.28, Florida Statutes, when such offense occurred in the municipality employing the arresting officer.
- c. Concurrent law enforcement jurisdiction in and upon the jurisdictional waters of the City of Miami and the Town of Surfside for arrests, made pursuant to the laws of arrest, for felonies and misdemeanors and boating infractions.
- d. Participating in exigent situations, without the need for a formal request, including, but not limited to, area searches for wanted subjects, perimeters, crimes in progress, escaped prisoners, traffic stops near municipal boundaries, requests for assistance when no available local units are nearby, calls indicating a crime or incident has occurred in which a citizen may likely be injured and the assisting municipality is closer to the area than the officer receiving the call.
- e. Concurrent law enforcement jurisdiction in and throughout the territorial limits of the City of Miami and the Town of Surfside for investigations of homicides, sex offenses, robberies, assaults, batteries, burglaries, larcenies, gambling, motor vehicle thefts, drug violations pursuant to Chapter 893, Florida Statutes, and inter-agency task forces and/or joint investigations.

Prior to any officer taking enforcement action pursuant to paragraphs (a) through (e) above, the officer shall notify the jurisdiction in which the action will be taken, unless exigent circumstances prevent such prior notification, in which case notification shall be made as soon after the action as practicable. If the agency having normal jurisdiction responds to the scene the assisting agency's officer may turn the situation over to them and offer any assistance requested including, but not limited to, a follow-up written report documenting the event and the actions taken.

These provisions are not intended to grant general authority to conduct investigations, serve warrants and/or subpoenas or to respond without request to emergencies already being addressed by the agency of normal jurisdiction, but is intended to address critical, life-threatening or public safety situations, prevent bodily injury to citizens, or secure apprehension of criminals whom the law enforcement officer may encounter.

## **SECTION II: PROVISIONS FOR OPERATIONAL ASSISTANCE**

The aforesaid law enforcement agencies hereby approve and enter into this agreement whereby each of the agencies may request and render law enforcement assistance to the other to include, but not necessarily be limited to dealing with, the following:

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



11. Major events, e.g., sporting events, concerts, parades, fairs, festivals, and conventions.
12. Security and escort duties for dignitaries.
13. Incidents requiring utilization of specialized units; e.g., underwater recovery, marine patrol, aircraft, canine, motorcycle, bicycle, mounted, SWAT, bomb, crime scene and police information.
14. Emergency situations in which one agency cannot perform its functional objective.
15. Joint training in areas of mutual need.
16. Joint multi-jurisdictional marine interdiction operations.
17. Off-duty special events.
18. DUI Checkpoints.

### **SECTION III: PROCEDURE FOR REQUESTING OPERATIONAL ASSISTANCE**

1. Mutual aid requested or rendered will be approved by the Chief of Police, or designee. The Chief of Police, or designee, of the agency whose assistance is sought shall evaluate the situation and the agency's available resources, consult with his/her supervisors, if necessary, and will respond in a manner he/she deems appropriate.

2. The Chief of Police in whose jurisdiction assistance is being rendered may determine who is authorized to lend assistance in his/her jurisdiction, for how long such assistance is authorized, and for what purpose such authority is granted. This authority may be granted either verbally or in writing as the particular situation dictates.

3. Specific reporting instructions for personnel rendering mutual aid will be included in the request for mutual aid. In the absence of such reporting instructions, personnel will report to the ranking on-duty supervisor on the scene.

4. Communications instructions should be included in each request for mutual aid and each agency's communications centers will maintain radio contact with each other until the mutual aid situation has ended.

5. Incidents requiring mass processing of arrestees, transporting prisoners, and operating temporary detention facilities will be handled per established procedures of the requesting agency or Chief of Police involved.

## **SECTION IV: COMMAND AND SUPERVISORY RESPONSIBILITY**

### **a. COMMAND:**

The personnel and equipment that are assigned by the assisting Chief of Police shall be under the immediate command of a supervising officer designated by the assisting Chief of Police. Such supervising officer shall be under the direct supervision and command of the Chief of Police or his/her designee of the agency requesting assistance.

### **b. CONFLICTS:**

Whenever an officer is rendering assistance pursuant to this agreement, the officer shall abide by and be subject to the rules and regulations, personnel policies, general orders, and standard operating procedures of his/her own employer. If any such rule, regulation, personnel policy, general order or standing operating procedure is contradicted, contravened or otherwise in conflict with a direct order of a superior officer of the requesting agency, then such rule, regulation, policy, general order or procedure shall control and shall supersede the direct order.

### **c. HANDLING COMPLAINTS:**

Whenever there is cause to believe that a complaint has arisen as a result of a cooperative effort as it may pertain to this agreement, the Chief of Police or his/her designee of the agency employing the officer who is the subject of the complaint shall be responsible for the investigation of the complaint. The Chief of Police or designee of the requesting agency should ascertain at a minimum:

1. The identity of the complainant;
2. An address where the complaining party can be contacted;
3. The specific allegation; and
4. The identity of the employees accused without regard as to agency affiliation.

If it is determined during the investigation of a complaint that the accused is an employee of the assisting agency, the above information, with all pertinent documentation gathered during the receipt and processing of the complaint, shall be forwarded without delay to the agency for administrative review. The requesting agency may conduct a review of the complaint to determine if any factual basis for the complaint exists and/or whether any of the employees of the requesting agency violated any of their agency's policies or procedures.

#### **SECTION V: LIABILITY**

Each party engaging in any mutual cooperation and assistance, pursuant to this agreement, agrees to assume responsibility for the acts, omissions or conduct of such party's own employees while engaged in rendering such aid pursuant to this agreement, subject to the provisions of Section 768.28, Florida Statutes, where applicable.

#### **SECTION VI: POWERS, PRIVILEGES, IMMUNITIES AND COSTS**

a. Employees of the City of Miami and the Town of Surfside when actually engaging in mutual cooperation and assistance outside of their normal jurisdictional limits but inside this State, under the terms of this agreement, shall, pursuant to the provisions of Section 23.127(1), Fla. Stat. (as amended), have the same powers, duties, rights, privileges and immunities as if the employee was performing duties inside the employee's political subdivision in which normally employed.

b. Each party agrees to furnish necessary personnel equipment, resources and facilities and to render services to each other party to this agreement as set forth above; provided, however, that no party shall be required to deplete unreasonably its own personnel, equipment, resources, facilities, and services in furnishing such mutual aid.

c. The political subdivision that furnishes equipment pursuant to this agreement must bear the cost of loss or damage to that equipment and must pay any expense incurred in the operation and maintenance of that equipment.

d. The political subdivision furnishing aid pursuant to this agreement shall compensate its employees during the time of the rendering of aid and shall defray (provide for the payment of) the actual travel and maintenance expenses of its employees while they are rendering aid, including any amounts paid or due for compensation for personal injury or death while its employees are rendering aid.

e. The privileges and immunities from liability, exemption from laws, ordinances and rules, and pension, insurance, relief, disability, workers' compensation, salary, death, and other benefits that apply to the activity of an employee of an agency when performing the employee's duties within the territorial limits of the employee's agency apply to the employee to the same degree, manner, and extent while engaged in the performance of the employee's duties extraterritorially under the provisions of this mutual aid agreement. This section applies to paid, volunteer, reserve and auxiliary employees.

f. Nothing herein shall prevent the requesting agency from requesting supplemental appropriations from the governing authority having budgeting jurisdiction to reimburse the assisting agency for any actual costs or expenses incurred by the assisting agency performing hereunder.

#### **SECTION VII: FORFEITURES**

It is recognized that during the course of the operation of this agreement, property subject to forfeiture under Sections 932.701- 932.707, Florida Statutes, known as the "Florida Contraband Forfeiture Act," may be seized. The property shall be seized, forfeited, and equitably distributed among the participating agencies in proportion to the amount of investigation and participation performed by each agency pursuant of the provisions of the "Florida Contraband Forfeiture Act."

#### **SECTION VIII: INSURANCE**

Each political subdivision shall provide, upon request, satisfactory proof of liability insurance by one or more of the means specified in Section 768.28, Florida Statutes, in an

amount which is, in the judgment of the governing body of that political subdivision, at least adequate to cover the risk to which that party may be exposed. Should the insurance coverage, however provided, of any party be canceled or undergo material change, that party shall notify all parties to this agreement of such change within ten (10) days of receipt of the notice or actual knowledge of such change.

**SECTION IX: EFFECTIVE DATE**

This agreement shall take effect upon execution and approval by the hereinafter named officials and shall continue in full force and effect until September 1, 2020. Under no circumstances may this agreement be renewed, amended or extended except in writing.

**SECTION X: CANCELLATION**

Either party may cancel its participation in this agreement upon delivery of written notice to the other political subdivision.

**IN WITNESS WHEREOF**, the parties hereto cause to these presents to be signed on the date first written above.

AGREED AND ACKNOWLEDGED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
GUILLERMO OLMEDILLO  
Town Manager  
Town of Surfside  
Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
SANDRA NOVOA  
Town Clerk  
Town of Surfside

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
LINDA MILLER  
Town Attorney

\_\_\_\_\_  
DAVID ALLEN  
Chief of Police  
Town of Surfside

\_\_\_\_\_  
DANIEL J. ALFONSO  
City Manager  
City of Miami  
Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
TODD B. HANNON  
City Clerk  
City of Miami

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
VICTORIA MÉNDEZ  
City Attorney

\_\_\_\_\_  
RODOLFO LLANES  
Chief of Police  
City of Miami

APPROVED AS TO INSURANCE  
REQUIREMENTS:

\_\_\_\_\_  
ANN-MARIE SHARPE  
Risk Management Director  
City of Miami, Florida



## Town of Surfside Commission Communication

**Agenda Item #** 3J

**Agenda Date:** October 13, 2015

**Subject:** Approval of Expenditure of Forfeiture Funds to Purchase a Work Utility Vehicle

**Background:** This vehicle will be used to patrol the residential neighborhoods, business district and the beach. This vehicle is highly visible and promotes high visibility and is an effective crime deterrent.

**Analysis:** Staff has reviewed several types of work utility vehicles. Under the State Contract, the cost is \$10,000. The purchase is a justifiable use of State Law Enforcement Trust Funds. The funding for this item has been approved in the Fiscal Year 15/16 budget.

**Budget Impact:** \$10,000 from the Forfeiture Fund.

**Staff Impact:** N/A

**Recommendation:** Staff recommends a motion to approve a resolution to authorize the expenditure of \$10,000 from the Forfeiture Fund to purchase the work utility vehicle.

David Allen, Chief of Police

Guillermo Olmedillo, Town Manager

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

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2015/2016 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$10,000.00 FROM THE FORFEITURE FUND FOR THE PURCHASE OF A WORK UTILITY VEHICLE; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 881(e)(3) of Title 21, United States Code and Florida Statutes Section 932.7055, define the purposes and procedures for the appropriation and expenditure of funds from the Police Confiscation Fund; and

**WHEREAS**, the work utility vehicle is highly visible and promotes high visibility and is an effective crime deterrent; and

**WHEREAS**, this vehicle will be used to patrol the residential neighborhoods, business district and the beach; and

**WHEREAS**, necessary funds are available in the Police Confiscation Fund - State of Florida and Federal Asset Forfeiture Program – to purchase a work utility vehicle.

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

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

**Section 2. Confiscation Fund Expenditures.** Based on the attached Certificate of the Police Chief (see Exhibit “A”), the Town Commission hereby authorizes and approves the Fiscal Year 2015/2016 Police Confiscation Fund expenditure in the amount of \$10,000.00 from the Forfeiture Fund for the purchase of a work utility vehicle.

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

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

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

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



**FINAL VOTE ON ADOPTION**

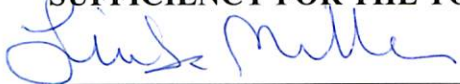
Commissioner Barry Cohen \_\_\_\_\_  
Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Eli Tourgeman \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

\_\_\_\_\_  
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

**EXHIBIT "A"**

**CERTIFICATE OF CHIEF OF POLICE**

I, **DAVID E. ALLEN**, Chief of Police of the Town of Surfside, do hereby certify the expenditures for \$10,000.00 from the Town of Surfside Confiscation Fund, for the 2015/2016 Fiscal Year budget complies with provisions Section 881(e)(3) of Title 21, United States Code and Florida Statute Section 932.7055.

**Dated:** \_\_\_\_\_

\_\_\_\_\_  
David E. Allen  
Chief of Police



## Town of Surfside Commission Communication

**Agenda Item #** 3K

**Agenda Date:** October 13, 2015

**Subject:** Approval of Expenditure of Forfeiture Funds to Purchase a Speed Radar Display Trailer

**Background:** This item will assist us with our ongoing traffic mitigation plans to address traffic and public safety concerns in the community. It will also relieve police personnel from certain traffic duties to concentrate on calls for police service and to deter crime. The trailer can conduct speed and volume surveys as well.

**Analysis:** Staff has reviewed several types of trailers. Under the State Contract, the cost is \$12,000. The purchase is a justifiable use of State Law Enforcement Trust Funds. The funding for this item has been approved in the Fiscal Year 15/16 budget.

**Budget Impact:** \$12,000 from the Forfeiture Fund.

**Staff Impact:** N/A

**Recommendation:** Staff recommends a motion to approve a resolution to authorize the expenditure of \$12,000 from the Forfeiture Fund to purchase the Speed Radar Display Trailer.

David Allen, Chief of Police

Guillermo Olmedillo, Town Manager

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

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2015/2016 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$12,000.00 FROM THE FORFEITURE FUND FOR THE PURCHASE OF A SPEED RADAR DISPLAY TRAILER; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 881(e)(3) of Title 21, United States Code and Florida Statutes Section 932.7055, define the purposes and procedures for the appropriation and expenditure of funds from the Police Confiscation Fund; and

**WHEREAS**, a speed radar display trailer will assist the Surfside Police Department with ongoing traffic mitigation plans to address traffic and public safety concerns in the community; and

**WHEREAS**, a speed radar display trailer will also relieve police personnel from certain traffic duties to concentrate on calls for police service and to deter crime.

**WHEREAS**, necessary funds are available in the Police Confiscation Fund - State of Florida and Federal Asset Forfeiture Program – to purchase a speed radar display trailer.

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

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

**Section 2. Confiscation Fund Expenditures.** Based on the attached Certificate of the Police Chief (see Exhibit “A”), the Town Commission hereby authorizes and approves the Fiscal Year 2015/2016 Police Confiscation Fund expenditure in the amount of \$12,000.00 from the Forfeiture Fund for the purchase of a speed radar display trailer.

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

**PASSED AND ADOPTED** this \_\_\_\_\_ day of October 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

**EXHIBIT "A"**

**CERTIFICATE OF CHIEF OF POLICE**

**I, DAVID E. ALLEN, Chief of Police of the Town of Surfside,** do hereby certify the expenditures for \$12,000.00 from the Town of Surfside Confiscation Fund, for the 2015/2016 Fiscal Year budget complies with provisions Section 881(e)(3) of Title 21, United States Code and Florida Statute Section 932.7055.

**Dated:** \_\_\_\_\_

\_\_\_\_\_  
David E. Allen  
Chief of Police



# Town of Surfside Commission Communication

**Agenda Item #** 3L

**Agenda Date:** October 13, 2015

**Subject:** Expenditure of Forfeiture Funds for Fiscal Year 2015-2016

**Objective:** To utilize forfeiture funds to support crime prevention initiatives, community-based programs, and law enforcement equipment for use by law enforcement personnel that supports law enforcement activities.

**Background:** Forfeiture funds may be used for law enforcement purposes only including supporting community policing activities, law enforcement training, law enforcement operations, law enforcement equipment, crime awareness programs, and community-based initiatives. Although the expenditures have been authorized in the budget, the Town Commission must also approve a specific resolution.

**Analysis:**

1. The Police Department conducts promotional activities, crime prevention initiatives, programs, and training and distributes crime prevention material and miscellaneous supplies for children, residents and businesses throughout the year. The training and programs and materials include the Citizens Police Academy, monthly crime prevention workshops, school career days, Police Explorer Program, Teen Summer Police Camp, Seniors in Surfside program, Holiday Toy Drive, Reserve Police Officers Program, residential and commercial security surveys, victim awareness seminars, Citizens Patrol, Bike with the Chief, Eye on Surfside neighborhood watch signage, Halloween Safety Night, self-defense classes, crime mapping and alerting system. Also included is the expense for the annual mandated federal audit. Projected cost \$10,000.
2. The patrol mobile laptop program allows officers to electronically complete their reports and conduct criminal and driver license checks on the road. The project includes the cost for the lease of the laptops, the software, and the air cards. Projected cost \$28,000.
3. The Police Department also purchases special police equipment throughout the fiscal year. This equipment may include weapons, weapon accessories, ammunition,



simunition, leased vehicles, body armor, telecommunication undercover cellular phones, electronic surveillance, office supplies, fitness and training. Projected cost \$20,000.

4. Speed Radar Display Trailer and Work Utility Vehicle for a total cost of \$22,000.

**Budget Impact:**

The total projected expenditure from forfeiture fund is \$80,000. The forfeiture fund balance is \$143,994.57 in the state fund and \$187,221.73 in the federal fund as of September 30, 2015.

**Staff Impact:** N/A

**Recommendation:** It is recommended that the Surfside Town Commission approve the resolution to utilize \$80,000 from forfeiture funds to support crime prevention initiatives and materials, community-based programs and events, the patrol mobile laptop project, law enforcement special equipment, and preparation for annual Department of Justice audit.



David Allen  
Chief of Police



Guillermo Olmedillo  
Town Manager



**RESOLUTION NO. 15 – \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2015/2016 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$80,000.00 FROM THE FORFEITURE FUND TO SUPPORT CRIME PREVENTION INITIATIVES, COMMUNITY-BASED PROGRAMS AND LAW ENFORCEMENT EQUIPMENT; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 881(e)(3) of Title 21, United States Code and Florida Statutes Section 932.7055, define the purposes and procedures for the appropriation and expenditure of funds from the Police Confiscation Fund; and

**WHEREAS**, the Chief of Police of the Town of Surfside has determined that the appropriation and expenditure of funds is necessary to support crime prevention initiatives, community-based programs, and law enforcement equipment for use by law enforcement personnel that supports law enforcement activities; and

**WHEREAS**, the total expenditure from forfeiture funds is \$80,000.00 for the following items: (1) \$10,000.00 for promotional activities, crime prevention initiatives, programs, and training and distributes crime prevention material and miscellaneous supplies for children, residents and businesses throughout the year. The training and programs and materials include the Citizens Police Academy, monthly crime prevention workshops, school career days, Police Explorer Program, Teen Summer Police Camp, Seniors in Surfside program, Holiday Toy Drive, Reserve Police Officers Program, residential and commercial security surveys, victim awareness seminars, Citizens Patrol, Bike with the Chief, Eye on Surfside neighborhood watch signage, Halloween Safety Night, self-defense classes, crime mapping and alerting system. Also included is the expense for the annual mandated federal audit; (2) \$28,000.00 for patrol mobile program that includes laptop program lease, software and air card; (3) \$20,000.00 for law enforcement equipment (weapons, weapon accessories, ammunition, simunition, leased vehicles, body armor, telecommunication undercover cellular phones, electronic surveillance, office supplies, fitness and training); and (4) \$22,000 for speed radar display trailer and work utility vehicle.

**WHEREAS**, such funds are available in the Police Confiscation Fund State of Florida and Federal Asset Forfeiture Program.

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

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

**Section 2. Confiscation Fund Expenditures and Authorization and Approval.**

Based on the attached Certificate of the Police Chief, the Town Commission hereby authorizes and approves the Police Confiscation Fund expenditures for the Fiscal Year 2015/2016 in the amount of \$80,000.00 to support crime prevention initiatives, community-based programs, and law enforcement equipment for use by law enforcement personnel that supports law enforcement activities as set forth in Attachment "A."

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

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ October 2015.

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

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

**FINAL VOTE ON ADOPTION**


|                              |       |
|------------------------------|-------|
| Commissioner Berry Cohen     | _____ |
| Commissioner Michael Karukin | _____ |
| Commissioner Marta Olchyk    | _____ |
| Vice Mayor Eli Tourgeman     | _____ |
| Mayor Daniel Dietch          | _____ |

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

**ATTEST:**

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

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

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

**ATTACHMENT "A"**  
**CERTIFICATE OF CHIEF OF POLICE**

**I, DAVID E. ALLEN, Chief of Police of the Town of Surfside**, do hereby certify the expenditures for \$80,000.00.00 from the Town of Surfside Confiscation Fund for the 2015/2016 Fiscal Year budget complies with provisions Section 881(e)(3) of Title 21, United States Code and Florida Statute Section 932.7055:

- (1) \$10,000.00 for promotional activities, crime prevention initiatives, programs, and training and distributes crime prevention material and miscellaneous supplies for children, residents and businesses throughout the year;
- (2) \$28,000.00 for patrol mobile program that includes laptop program lease, software and air card;
- (3) \$20,000.00 for law enforcement equipment (weapons, weapon accessories, ammunition, simunition, leased vehicles, body armor, telecommunication undercover cellular phones, electronic surveillance, office supplies, fitness and training);
- (4) \$22,000 for speed radar display trailer and work utility vehicle.

**Dated:** \_\_\_\_\_

\_\_\_\_\_  
**David E. Allen**  
**Chief of Police**



# Town of Surfside Commission Communication

**Agenda Item #** 3M

**Agenda Date:** October 13, 2015

**Subject:** Records Management Plan and Implementation Services

**Background:** Florida Public Records Law, as codified in Chapter 119, Florida Statutes (F.S.), provides in part a clear mandate for public agencies to manage public records in a professional manner. "Public Records" means all documents, paper, letter, maps, books, tapes, photographs, films, sound recording or other material, regardless of physical form or characteristics or means of transmission. The Town of Surfside has been working towards properly disposing of records that are no longer required according to the applicable per Florida Statutes. However, this is not the only task that the Records Custodian of the Town has to accomplish when it comes to public records. The Records Custodian must manage access to both active and inactive records in an accurate and timely fashion.

**Analysis:** The primary goal of SML, Inc. is to provide the Town with a comprehensive records program that will help us achieve the followings:

1. Retention and disposition of records in accordance with all state and federal requirements;
2. Management access of both active and inactive records in an accurate and timely fashion (to include a filing *system* and consideration of imaging potential);
3. Retention of all records under secure conditions, preventing unauthorized access by unauthorized parties;
4. Protection of all records from physical calamity and decay;
5. Provision for the timely destruction of records at the end of their retention period in a secure manner;
6. Conversion of long term retention records to an appropriate preservation device;
7. Provision for disaster recovery, vital records protection; and
8. Achievement of these goals in the most cost-efficient manner available.

The plan will describe in detail steps to be taken to achieve all eight goals described above. Which includes:



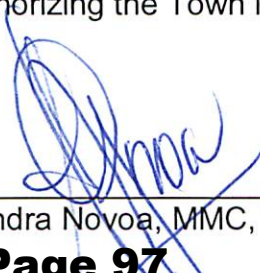
1. A comprehensive, systematic, legally sufficient Records Management Plan of roughly 500 pages in length which includes indexed published material supporting recommendations. One hard copy and one digital copy.
2. A detailed implementation narrative.
3. An executive summary.
4. Bid specifications for implementation as indicated.
5. A dispositioning procedure for all Public Records in accordance with Chapter 1B-24, F.A.C.
6. A filing system matrix together with an automated file code tracking system and/or boxed record index, word searchable, written to Microsoft Access using an alpha numeric mnemonic arrangement of 3 letters and 3 numbers linked to a 60 character name field.
7. An automated, word searchable index matrix for high density, boxed records.
8. A user friendly definition of Public Records, Public Documents, Precursors, working papers, drafts and intermediate files in accordance with Florida Statutes, Supreme Court Opinions, Attorney General Opinions, Administrative Codes and our working experience for hardcopy and digital media data sets.
9. Detail a scheduling and dispositioning and imaging options to include destruction, microfilm and digital imaging in accordance with Rule 1B-26, F.A.C.
10. Organization structure recommendations related to record operations.
11. A review of current records management procedures and comment and/or draft recommended record procedures and policies.
12. Analysis of off-site storage requirements for either in house or commercial solutions.
13. Identification of vital records and recommend action for the protection and disaster recovery strategies.
14. An email policy and craft an automated, legally sufficient solution.
15. A Disposition List for all Town Public Records in accordance with Chapter 1B-24, F.A.C. based on a record series title inventory.
16. A training manual to be used by personnel with record responsibilities.
17. Relevant data and narrative explanations.
18. Recommendations for all aspects of records management.
19. A list of references and published sources used during preparation.
20. A one day (six hour) training outline.
21. A management presentation after delivery of the Plan narrative and after sufficient time for management to review findings.
22. If desired, consultant will conduct the six hour training on a site provided by the Town at a mutually agreed time.

Except for clerical functions and some data collection SML, Inc. will perform all related project activity. All data analysis and recommendations will be SML, Inc. responsibility.

**Budget Impact:** During the 2015/2016 budget process \$44,000 was allocated and approved for this project.

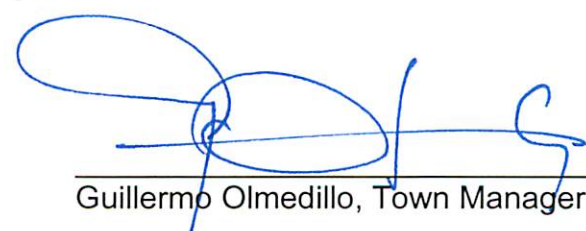
**Staff Impact:** Department Heads' meeting(s) with SML, Inc. and Town Clerk's office time to coordinate and implement.

**Recommendation:** It is recommended that the Town Commission approve the resolution authorizing the Town Manager to sign the agreement with SML, Inc.




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Sandra Novoa, MMC, Town Clerk




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Guillermo Olmedillo, Town Manager

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

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE AGREEMENT WITH SML, INC. ATTACHED HERETO AS ATTACHMENT "A" FOR A COMPREHENSIVE RECORDS MANAGEMENT PLAN AND IMPLEMENTATION SERVICES; PROVIDING FOR IMPLEMENTATION AND AUTHORIZATION OF PAYMENT OF \$44,000.00 FROM ACCOUNT NO. 001-2400-519-3410; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Fiscal Year 2015/2016 budget appropriated forty-four thousand dollars (\$44,000.00) for a comprehensive records management plan and implementation; and

**WHEREAS**, Section 3-13(6) of the Surfside Town Code provides that services from a sole source may be exempted from the bidding requirements of the Town upon the filing of a written request by a department head to the Town Manager outlining the conditions and circumstances involved, after conducting a good faith review of available sources; and

**WHEREAS**, the Town Commission affirms the expenditure of forty-four thousand dollars (\$44,000.00) from the Fiscal Year 2015/2016 budget, Account No. 001-2400-519-3410, for a comprehensive records management plan and implementation and authorizes the Town Manager and/or his designee to execute the attached Agreement (See Attachment "A"); and

**WHEREAS**, the Town Commission has determined that it is in the best interests of the Town to enter into the Agreement attached hereto as Attachment "A" with SML, Inc. for a comprehensive records management plan and implementation.

**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. Approval and Authorization of Fund Expenditure.** The Agreement, attached hereto as Attachment "A" between the Town and SML, Inc. is hereby approved. The Town Manager and/or his designee is authorized to expend \$44,000.00 for a comprehensive records management plan and implementation services from Account No. 001-2400-519-3410 - Town Clerk Department - to implement the terms and conditions of the Agreement.

**Section 3. Implementation and Authorization.** The Town Manager and/or his designee is hereby authorized to take all action necessary to implement this Resolution and the Agreement in accordance with the terms, conditions and purposes of this Resolution and the Agreement.

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

**PASSED AND ADOPTED** this \_\_\_\_\_ day of October 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

**PROFESSIONAL SERVICES AGREEMENT**

This Agreement is entered into this \_\_\_\_\_ day of October, 2015, by and between the Town of Surfside, Florida ("TOWN") and Steve M. Lewis, Inc., (d/b/a SML, Inc.) ("CONSULTANT") and

**RECITALS:**

A. TOWN is in need of a comprehensive Records Management Plan together with a Disposition List and requires certain technical support services to include a written plan, written procedures, implementation specifications, staff training and materials.

B. CONSULTANT possesses all necessary qualifications and expertise to perform the Services.

C. TOWN wishes to engage the services of the CONSULTANT and CONSULTANT wishes to perform the services for the TOWN in the amount of forty-four thousand dollars (\$44,000) under the terms and conditions set forth herein, and as detailed in Consultant's Scope of Services dated September 29, 2015 and attached herein as Schedule One.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, CONSULTANT and TOWN agree as follows:

**TERMS:**

1. **RECITALS:** The recitals are true and correct and are hereby incorporated into and made a part of the Agreement.
2. **TERM:** The term of this Agreement shall commence on the date hereof and for a period not to exceed one year.

**TERMINATION OF CONTRACT**

A. **TERMINATION WITHOUT CAUSE** – This AGREEMENT may be terminated by TOWN for any reason or no reason upon ten (10) calendar days written notice to CONSULTANT. In the event of such termination, CONSULTANT shall be entitled to receive compensation for any work completed pursuant to this AGREEMENT to the satisfaction of TOWN up through the date of termination. Under no circumstances shall TOWN make payment for services that have not been performed.



- B. **TERMINATION WITH CAUSE** – This AGREEMENT may be terminated by either party upon five (5) calendar days’ written notice to the other should such other party fail substantially to perform in accordance with its material terms through no fault of the party initiating the termination. In the event CONSULTANT abandons this AGREEMENT or causes it to be terminated by TOWN, CONSULTANT shall indemnify TOWN against loss pertaining to this termination, including, but not limited to, reasonable costs incurred in transition to a replacement CONSULTANT.
  
- C. **TERMINATION INSOLVENCY/TRANSFER OF OWNERSHIP** – This AGREEMENT may be terminated by the TOWN upon five (5) calendar days’ written notice if there is a change of more than 50% of the ownership of the CONSULTANT. CONSULTANT shall notify Town Manager at least ten (10) business days before any such change in ownership of CONSULTANT. The TOWN also reserves the right to terminate the remaining services to be performed in the event the CONSULTANT is placed either in voluntary or involuntary bankruptcy or makes any assignment for the benefit of creditors.
  
- D. Upon termination, CONSULTANT shall turn over to TOWN all finished or unfinished work product, documents, data, studies, surveys, sketches, plans and reports in its possession. It shall also reasonably assist the TOWN and any replacement CONSULTANT in the transition.

3. **QUALIFICATION:** CONSULTANT represents and warrants to the TOWN he possesses all qualifications and expertise required for the performance of the Services as outlined in the attached “Schdule One Scope of Services” and all personnel assigned to perform the Services are and shall be, at all times during the term hereof, fully qualified and trained to perform the tasks assigned to each.

4. **COMPENSATION:** The amount of compensation payable by the TOWN to the CONSULTANT shall be as detailed in Consultant’s Scope of Services dated September 29, 2015 and attached herein as Schedule One.

5. **COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS:** CONSULTANT understands this Agreement is subject to certain laws and regulations, including laws pertaining to public records, conflict of interest, record keeping, etc. The TOWN and CONSULTANT agree to comply with and observe all applicable federal, state and local laws, rules, regulations, codes and ordinances, as they may be amended from time to time.

6. **NON DISCRIMINATION:** CONSULTANT represents and warrants to the TOWN Consultant does not and will not engage in discriminatory practices and there shall be no discrimination in connection with CONSULTANT’S performance under this

Agreement on account of race, color, sex, religion, age, handicap, marital status or national origin.

7. ASSIGNMENT: This Agreement shall not be assigned by CONSULTANT, in whole or in part, without the prior written consent of the TOWN, which may be withheld or conditioned, at the TOWN'S sole discretion.

8. CONSULTANT'S INSURANCE: The CONSULTANT will maintain throughout this AGREEMENT the following insurance:

A. Worker's Compensation – Statutory – in compliance with the Compensation law of the State of Florida. In addition, the CONSULTANT shall obtain Employers' Liability Insurance with limits of not less than:

- Five Hundred Thousand (\$500,000.00) Dollars Bodily Injury by Accident
- Five Hundred Thousand (\$500,000.00) Dollars Bodily Injury by Disease, Policy Limits
- Five Hundred Thousand (\$500,000.00) Dollars Bodily Injury by Disease, each employee

B. Commercial General Liability including but not limited to bodily injury, property damage, contractual liability, products and completed operations (without limitation) and no more restrictive than ISO form CG 20 37 (07 04) shall be in an amount acceptable to the Town of Surfside but not less than One Million (\$1,000,000.00) Dollars Combined Single Limit per occurrence and Two Million (\$2,000,000.00) Dollars aggregate. The coverage must include:

- Commercial Form
- Premises/Operations
- Products/Completed Operations
- Independent Consultants (if any part of the Work is to be subcontracted)
- Broad Form Property Damage
- Personal Injury

C. Business Automobile Liability Insurance with a minimum limit of liability of One Million (\$1,000,000.00) Dollars each occurrence covering all worked performed under this contract. This insurance shall include for bodily injury and property damage the following coverage:

- Owned automobiles
- Hired automobiles
- Non-owned automobiles
- Location of operation shall be "All Locations"

D. Professional Liability/Errors & Omissions Insurance with minimum limits not less than One Million (\$1,000,000.00) Dollars for professional services

rendered in accordance with this contract. The CONSULTANT shall maintain such insurance for at least two (2) years from the termination of this contract and during this two (2) year period the CONSULTANT shall use his best efforts to ensure there is no change of the retroactive date on this insurance coverage. If there is a change that reduces or restricts the coverage carried during the contract, the CONSULTANT shall notify Town Risk Management within thirty (30) days of the change.

E. Certificates of Insurance shall be filed and maintained throughout the life of any resulting Agreement with the Town of Surfside evidencing the minimum limits of the insurance cited above prior to commencement of work. All insurance certificates shall be received by Town Clerk before CONSULTANT will be allowed to commence or continue work (all insurance carriers must have their corresponding AM Best carrier ID listed on the COI). All policies shall provide that they may not be terminated or modified without the insurer providing the Town of Surfside at least thirty (30) days of advance notice. Additionally, the CONSULTANT shall immediately notify the TOWN of any cancellation of such insurance. The Town of Surfside reserves the right to review, at any time, coverage, form, and amount of insurance.

9. INDEMNIFICATION: to protect, defend, indemnify, save and hold harmless The Town of Surfside, all Departments, Agencies, Boards and Commissions, its officers, agents, servants and employees, including volunteers, from and against any and all claims, demands, expense and liability arising out of injury or death to any person or the damage, loss of destruction of any property which may occur or in any way grow out of any act or omission of the CONSULTANT, its agents, servants, and employees, or any and all costs, expense and/or attorney fees incurred by the TOWN as a result of any claim, demands, and/or causes of action except of those claims, demands, and/or causes of action arising out of the negligence of The Town of Surfside, all Departments, Agencies, Boards and Commissions, its officers, agents, servants and employees. Nothing in this indemnification is intended to act as a waiver of the TOWN'S sovereign immunity rights, including those provided under section 768.28, Florida Statutes. This indemnification shall survive the expiration or termination of this Agreement.

10. LIMITATION OF LIABILITY: CONSULTANT's services shall be governed by the negligence standard for professional services, measured as of the time those services are performed. This Provision takes precedence over any conflicting Provision of this Agreement or any document incorporated into it or referenced by it. This limitation of liability will apply whether CONSULTANT'S liability arises under breach of contract or warranty; tort; including negligence; strict liability; statutory liability; or any other cause of action, and shall include CONSULTANT's officers, affiliated corporations, employees, and subcontractors.

11. MISCELLANEOUS: This Agreement constitutes the entire agreement of the parties with respect to the subject matter hereof and supersedes all prior agreements, written or

oral, between the parties to this Agreement. This Agreement shall be binding upon and inure to the benefit of, and be enforceable by, the parties and their respective legal representatives, successors and assigns. CONSULTANT may not assign its rights or obligations hereunder without the prior written consent to TOWN. No waiver by the parties of any default or breach of any term, condition, or covenant of this Agreement shall be deemed to be a waiver of any other breach of the same or any other term, condition or covenant contained herein. This Agreement shall be deemed to have been mutually drafted by the parties. Therefore, neither this Agreement nor any section hereof or amendment hereto shall be construed against any party due to the fact that the Agreement or any section hereof or amendment hereto may have been primarily drafted by said party. If any provision of this Agreement, or the applications of such provision to any person or circumstance, shall be held invalid the remainder of this Agreement or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. Should any litigation be commenced between the parties thereto, the party prevailing in such litigation shall be entitled, in addition to such other relief as may be granted, to its costs and a reasonable sum for attorney's fees in such litigation and any appeal thereof or in bankruptcy proceedings. Venue in any litigation shall lie exclusively in Miami-Dade County, Florida. THE PARTIES HERETO WAIVE ALL RIGHT TO TRIAL BY JURY IN ANY ACTION, SUIT, OR PROCEEDING BROUGHT TO RESOLVE ANY DISPUTE, WHETHER IN CONTRACT, TORT OR OTHERWISE ARISING OUT OF, CONNECTED WITH, RELATED TO, OR INCIDENTAL TO THIS AGREEMENT.

IN WITNESS WHEREOF, the parties, intending to be legally bound, hereby have executed this Agreement as of the date set forth.

The undersigned executed this AGREEMENT on the \_\_\_\_ day of \_\_\_\_\_, 2015.

*Remainder of this page intentionally left blank*

**TOWN OF SURFSIDE**  
**A Florida Municipal Corporation**

**By:** \_\_\_\_\_  
Guillermo Olmedillo  
Town Manager  
Town of Surfside  
9293 Harding Avenue  
Surfside, Florida 33154  
Miami-Dade: (305) 861-4863

**By:** \_\_\_\_\_  
Steve M. Lewis, President and CEO/Consultant  
**SML, Inc.**  
Post Office Box 484  
Vero Beach, Florida 32961

**Attest:**

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

**Approved As To Form And  
Legal Sufficiency:**

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

*(Schedule One)*

SCOPE OF SERVICES

For

The Town of Surfside, Florida

*September 29, 2015*

By

 **SML, INC.**  
Information Analysis, Design, Planning and Training  
Post Office Box 484  
Vero Beach, Florida 32961  
Cell: 813.205.2850  
[stevemlewis@msn.com](mailto:stevemlewis@msn.com)  
[www.smlinfo.net](http://www.smlinfo.net)

For the Records Management Plan:

1. A comprehensive, systematic, legally sufficient Records Management Plan of roughly 500 pages in length which includes indexed published material supporting recommendations. One hard copy and one digital copy.
2. A detailed implementation narrative.
3. An executive summary.
4. Bid specifications for implementation as indicated.
5. A dispositioning procedure for all Public Records in accordance with Rule Chapter 1B-24, F.A.C.
6. A filing system matrix together with an automated file code tracking system and/or boxed record index, word searchable, written to Microsoft Access using an alpha numeric mnemonic arrangement of 3 letters and 3 numbers linked to a 60 character name field.
7. An automated, word searchable index matrix for high density, boxed records.
8. A user friendly definition of Public Records, Public Documents, Precursors, working papers, drafts and intermediate files in accordance with Florida Statutes, Supreme Court Opinions, Attorney General Opinions, Administrative Codes and our working experience for hardcopy and digital media data sets.

9. Detail scheduling and dispositioning and imaging options to include destruction, microfilm and digital imaging in accordance with Rule 1B-26, F.A.C.
10. Organization structure recommendations related to record operations.
11. A review of current records management procedures and comment and/or draft recommended record procedures and policies.
12. Analyze off site storage requirements for either in house or commercial solutions.
13. Identification of vital records and recommend protection and disaster recovery strategies.
14. An email policy and craft an automated, legally sufficient solution.
15. A Disposition List for all Town Public Records in accordance with Rule Chapter 1B-24, F.A.C. based on a record series title inventory.
16. A training manual to be used by personnel with record responsibilities.
17. Relevant data and narrative explanations.
18. Recommendations for all aspects of records management.
19. A list of references and published sources used during preparation.
20. A one day (six hour) training outline.
21. A management presentation after delivery of the Plan narrative and after sufficient time for management to review findings.
22. If desired, consultant will conduct the six hour training on a site provided by the Town at a mutually agreeable time.

**TOTAL PROJECT FEE FOR ITEMS 1 THROUGH 22:**                    **\$24,000.00**  
including all travel and related expenses.

For the Implementation Services:

23. Consultant and/or Consultant's fully qualified staff, on site in the Town of Surfside implementing Town approved recommendations of the Records Management Plan. These implementation services do not include off-site storage fees for any media, imaging fees, file supplies for file conversion, record destruction, containers or the purchase of software. These services are limited to labor and expertise.

**TOTAL PROJECT FEE FOR ITEM 23:**    **\$20,000.00**

\$2,000.00 per eight hour day including all travel and related expenses for 10 days.



**TOWN OF SURFSIDE  
Commission Communication**

**Agenda Item # 3N**

**Agenda Date: October 13, 2015**

**From: Guillermo Olmedillo, Town Manager  
Linda Miller, Town Attorney  
Sandra Novoa, MMC, Town Clerk**

**Subject: Opposition Of Any Proposal To Standardize Local Government Election Dates In Florida**

**Background:** Florida law grants municipalities the flexibility to set the date of municipal elections. Surfside Charter Article VI sets forth requirements for nominations and elections for municipal elections, pursuant to Charter Section 97 and Section 105. The Florida League of Cities received a legislative proposal from Representative Matt Caldwell, Chair of House State Affairs Committee. The legislative proposal will erode home rule powers of municipalities by standardizing various local government election dates in Florida and will have a direct impact on municipal and local referenda elections.

**Analysis:** Representative Caldwell's proposal preempts the flexibility currently enjoyed by municipalities to set their own elections according to local needs. In addition, the proposal changes the length of the term of office. Dates of elections will likely require municipal Charter amendments in Surfside, which will require an additional referenda election. Consolidating elections may have a negative effect on voter turnout and the non-partisan nature of municipal elections. It has the possibility of creating a longer ballot and therefore increase the possibility of "under voting," the practice in which a voter does not fill out all questions on a ballot. Changes in the timing of elections may disrupt qualifying periods for local elections. The proposal's changes may lead to more expensive election operations and potential logistic problems in allowing elections to run smoothly.

**Recommendation:** Town Administration recommends that the Town Commission approve the attached Resolution which opposes any proposal in the Florida State Legislature to standardize various local government election dates in Florida as it will erode home rule powers for municipalities and will pose legal, financial and logistic challenges for the Town of Surfside.



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

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, OPPOSING ANY PROPOSAL IN THE FLORIDA STATE LEGISLATURE TO STANDARDIZE VARIOUS LOCAL GOVERNMENT ELECTION DATES IN FLORIDA; PROVIDING DIRECTION TO THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE GOVERNOR OF THE STATE OF FLORIDA, FLORIDA OFFICE OF SENATE PRESIDENT, SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES, FLORIDA OFFICE OF THE CLERK OF THE HOUSE, SENATOR GWEN MARGOLIS, REPRESENTATIVE JOSEPH GELLER, CHAIR AND MEMBERS OF THE MIAMI-DADE STATE LEGISLATIVE DELEGATION, FLORIDA LEAGUE OF CITIES AND THE MIAMI-DADE LEAGUE OF CITIES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida law grants municipalities in Florida the flexibility to set the date of municipal elections pursuant to Fl. Stat. §101.75, Fl. Stat. §100.3605, and Fl. Stat. §97.0115; and

**WHEREAS**, Surfside Charter Article VI sets forth requirements for nominations and elections for municipal elections, pursuant to Charter Section 97 and Section 105; and

**WHEREAS**, Surfside Charter Section 97 requires that the regular election for the choice of members of the Town Commission shall be held on the third Tuesday in March of each even numbered calendar year; and

**WHEREAS**, the Florida League of Cities received a legislative proposal from Representative Matt Caldwell, Chair of House State Affairs Committee which erodes home rule powers of municipalities by standardizing various local government election dates in Florida and will have a direct impact on municipal and local referenda elections; and

**WHEREAS**, the legislative proposal, currently not in bill form, is likely to be considered during the upcoming 2016 Legislative Session; and

**WHEREAS**, the Florida League of Cities opposes this legislative proposal as it preempts the flexibility currently enjoyed by municipalities to set their own elections according to local needs; and

**WHEREAS**, changes to the length of term of office and dates of elections will likely require municipal Charter amendments in Surfside, which will require an additional referenda election; and

**WHEREAS**, consolidating various elections for local office into a general election has the possibility to create a longer ballot and therefore increase the possibility of “under voting,” the practice in which a voter does not fill out all questions on a ballot; and

**WHEREAS**, consolidating elections may have a negative effect on voter turnout and the non-partisan nature of municipal elections; and

**WHEREAS**, requiring the Town of Surfside to wait to approve operational functions that need voter approval from a municipal election held only on odd numbered years may delay the efficiency of government; and

**WHEREAS**, changes in the timing of elections may change and disrupt qualifying periods for local elections; and

**WHEREAS**, consolidating local election dates in Florida may lead to long lines, more expensive election operations, and potential logistic problems in allowing elections to run smoothly.

**NOW, THEREFORE, BE IT RESOLVED BY 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. Opposition of proposals to standardize local government election dates in Florida.** The Town of Surfside Town Commission opposes any proposal in the Florida State Legislature to standardize various local government election dates in Florida, as it will erode home rule powers for municipalities and will pose legal, financial, and logistic challenges for the Town of Surfside.

**Section 3. Direction to Town Clerk.** The Town Clerk is hereby directed to transmit a copy of this Resolution to the Governor of the State of Florida, Florida Office of Senate President, Speaker of the Florida House of Representatives, Florida Office of the Clerk of the House, Senator Gwen Margolis, Representative Joseph Geller, Chair and Members of the Miami-Dade State Legislative Delegation, Florida League of Cities and the Miami-Dade League of Cities.

**Section 4. Implementation.** The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

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

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

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

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

**FINAL VOTE ON ADOPTION**

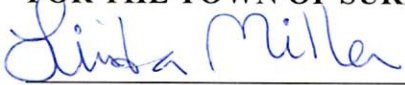
|                              |       |
|------------------------------|-------|
| Commissioner Barry Cohen     | _____ |
| Commissioner Michael Karukin | _____ |
| Commissioner Marta Olchyk    | _____ |
| Vice Mayor Eli Tourgeman     | _____ |
| Mayor Daniel Dietch          | _____ |

\_\_\_\_\_  
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 #** 4A1  
**Agenda Date:** September 8, 2015  
**Subject:** 10% windows for each story  
**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background:** The Town's zoning code provides a requirement for 10% windows per elevation as well as per story for a single family home. Because the calculation is a cumulative percentage per elevation of the structure, there could be walls that do not have windows. There was recently a home constructed that met the 10% wall opening requirement, however, there are two large blank walls at the front of the structure. The proposed change will require a front or street side façade to have a window located on each wall plane and a total of 10% wall openings per elevation.

### **Analysis:**

*Sec. 90-50. Architecture and roof decks.*

*90-50.1 Architecture.*

*(1) The architectural design of proposed main buildings shall create a unique elevation compared to the main buildings of the adjacent two homes on each side of the subject property on the same side of street. If the adjacent lot is vacant then the next adjacent lot shall be utilized. A unique elevation shall be created through the modulation of at least three of the following architectural features:*

- a. Length, width and massing of the structure;*
- b. Number of stories;*
- c. Facade materials;*
- d. Porches and other similar articulation of the front facade;*
- e. Number and location of doors and windows; and*
- f. Roof style and pitch.*

*(2) All elevations for new structures and multi-story additions (additions greater than 15 feet in height) shall provide for a minimum of ten-percent wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades per story. The front and street side façades shall also provide a window on each wall plane.*

**Budget Impact:** N/A

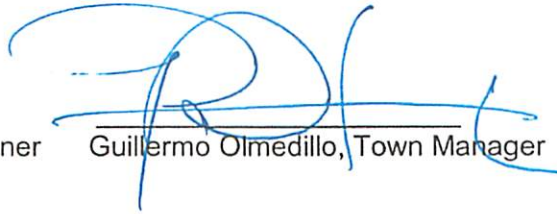
**Growth Impact:** N/A

**Staff Impact:** N/A

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



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



\_\_\_\_\_  
Guillermo Olmedillo, Town Manager

**ORDINANCE NO. 15 – \_\_\_\_\_**

**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 FRONT AND STREET SIDE FAÇADES TO HAVE A WINDOW LOCATED ON EACH WALL PLANE AND A TOTAL OF 10% WALL OPENINGS PER ELEVATION FOR SINGLE FAMILY HOMES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside (“Town”) proposes to amend its Code of Ordinances to require front and street side façades to have a window located on each wall plane and a total of 10% wall openings per elevation; and

**WHEREAS**, the Town’s zoning code provides a requirement for 10% windows per elevation as well as per story for a single family home; and

**WHEREAS**, the calculation is a cumulative percentage per elevation of the structure, therefore meaning pursuant to Code, there could be walls that do not have windows; and

**WHEREAS**, the Town Commission has a desire to amend its Code of Ordinances to require front and street side façades to have a window located on each wall plane of a single family home; and

**WHEREAS**, the Town Commission held its first public hearing on September 8, 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, held its hearing on the proposed amendments on September 24, 2015 with due public notice and input; and

**WHEREAS**, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on October 13, 2015; and

**WHEREAS**, the Town Commission hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

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

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

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

**Sec. 90-50. Architecture and roof decks.**

\* \* \*

**90-50.1 Architecture.**

(1) The architectural design of proposed main buildings shall create a unique elevation compared to the main buildings of the adjacent two homes on each side of the subject property on the same side of street. If the adjacent lot is vacant then the next adjacent lot shall be utilized. A unique elevation shall be created through the modulation of at least three of the following architectural features:

- a. Length, width and massing of the structure;
- b. Number of stories;
- c. Facade materials;
- d. Porches and other similar articulation of the front facade;
- e. Number and location of doors and windows; and
- f. Roof style and pitch.

(2) All elevations for new structures and multi-story additions (additions greater than 15 feet in height) shall provide for a minimum of ten-percent wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades per story. The front and street side façade shall also provide a window on each wall plane.

\* \* \*

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

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

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

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

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


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

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

**ATTEST:**

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

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

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

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

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

**VOTE ON ADOPTION:**

Commissioner Barry R. Cohen      yes \_\_\_\_ no \_\_\_\_

Commissioner Michael Karukin      yes \_\_\_\_ no \_\_\_\_

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

Vice Mayor Eli Tourgeman      yes \_\_\_\_ no \_\_\_\_

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





## Town of Surfside Commission Communication

**Agenda #:** 4A2  
**Agenda Date:** October 13, 2015  
**Subject:** Corridor Analysis  
**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background:** 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.

Staff has worked since December to prepare language, in conjunction with the public and the Planning and Zoning Board that provides limitations on building lengths and requires additional articulation for buildings.

**Analysis:** Major changes include:

- Designating Collins Avenue and Harding Avenue as the front of the property for setback purposes.
- Requiring an additional 5 foot setback on the upper facade
- Require additional articulations for facades facing Collins Avenue and Harding Avenue.
- Requiring a greater setback for mechanical and architectural features that exceed the maximum height limitations on buildings.
- Requiring courtyards at intervals to provide breaks in the building. The dimensions of the courtyards will be 30 feet long by 20 feet deep.

**Budget Impact:** \$55,000 was provided. Numerous workshops, meeting, 3-D renderings, aggregation studies, graphics and code writing has been included.

**Growth Impact:** The adoption of this ordinance provides greater articulation of buildings by requiring courtyards.

**Staff Impact:** N/A

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



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



\_\_\_\_\_  
Guillermo Olmedillo, Town Manager

**ORDINANCE NO. 15 - \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 90 ZONING TO IMPLEMENT THE CORRIDOR ANALYSIS PROPOSALS FOR THE AREA BETWEEN COLLINS AND HARDING AVENUES FROM 94<sup>TH</sup> STREET TO 88<sup>TH</sup> STREET; AMENDING SECTION 90-2 "DEFINITIONS"; AMENDING SECTION 90-44 "MODIFICATIONS OF HEIGHT REGULATIONS"; AMENDING SECTION 90-44.2; AMENDING SECTION 90-45 -SETBACKS; AMENDING SECTION 90-50 "ARCHITECTURE AND ROOF DECKS"; AMENDING SECTION 90-50.1 "ARCHITECTURE"; AMENDING SECTION 90-51 "MAXIMUM FRONTAGE OF BUILDINGS"; AMENDING SECTION 90-61 "PAVING IN FRONT AND REAR YARDS IN H31 AND H40 DISTRICTS"; AMENDING SECTION 90-61.2; 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.**

**WHEREAS**, at the September 30, 2013 Joint Planning and Zoning and Town Commission meeting, there was a discussion about the need for further regulation of building lengths and building articulation along the corridor described as the area being between Collins and Harding Avenues from 94<sup>th</sup> Street to 88<sup>th</sup> Street; and

**WHEREAS**, based on the high interest in redevelopment of this corridor, and in an effort to stay ahead of the new construction anticipated in the corridor, there was interest from both the Town Commission and the Planning and Zoning Board to develop criteria to help guide future development into the desired development pattern, hereinafter the "Corridor Analysis"; and

**WHEREAS**, Town staff, in conjunction with the Planning and Zoning Board and public input have provided proposed limitations on building lengths and requirements for additional articulation for buildings; and

**WHEREAS**, the Town Commission has adopted 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 duly noticed public hearing on the proposed corridor regulations on July 14, 2015 and recommended approval of the proposed amendments to the Code of Ordinances, having complied with the notice requirements of the Florida Statutes; and

**WHEREAS**, the Planning and Zoning Board, as the Local Planning Agency for the Town, held its hearing on the proposed amendments to the Code of Ordinances on July 30, 2015; and

**WHEREAS**, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on September 8, 2015 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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

**Section 2. Code Amendment.** Chapter 90 of the code of the Town of Surfside, Florida is hereby amended as follows:

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

\*\*\*

*Collins and Harding Avenue Corridor: An area encompassing the properties between Collins Avenue and Harding Avenue, from 94th Street to 88th Street.*

\*\*\*

*Paseo: An uncovered, space between two buildings open on two sides, where one of the openings shall face and be accessible from a primary facade. All paseos shall provide a minimum 30% landscaping, shall not be enclosed by walls or fences, shall be accessible at all times, shall provide security lighting, and shall be lined by accessible, habitable spaces, and facades facing any paseo shall provide a minimum 30% transparency in the form of openings.*

**Sec. 90-44. - Modifications of height regulations.**

\*\*\*

**90-44.2** Mechanical equipment rooms, including elevator shafts, and stair access ways may be allowed to exceed the maximum height limitations, not to exceed the limitations listed above, provided they shall be of a high architectural quality integral to the design of the building. In the H30C and H40 Districts, any element over 4 feet in height where a minimum 4-foot parapet is provided shall be set back 13 feet from the facade wall plane; otherwise they shall be set back a minimum of 22 feet from the facade wall plane.

**90-45. - Setbacks.**

\*\*\*

(b) Setbacks

(1) Required Setbacks—Tables: The following tables shall be utilized for structures in the H30C, H40, H120, and SD-B40 zoning districts.

| <b>H30C</b>  | <b>Minimum Setback (Feet)</b>  |
|--|--|
| Primary frontage   | 20 FT  |
| <u>Collins and Harding Avenue Corridor, Harding Avenue frontage</u>                              | <u>20 FT</u>   |
| <u>Interior side Collins and Harding Avenue Corridor</u>   | <u>6 FT Minimum or 10% of the total interior frontage up to 15 FT, whichever is greater</u>                        |
| Interior side  | 5 FT   |
| Rear   | 10 FT  |
| Secondary frontage (Corner only)   | 10 FT  |
| Interior side setbacks for lots over 50 feet in width  | 10% of the frontage  |
| Interior side setbacks for lots over 50 feet in width <u>Collins and Harding Avenue Corridor</u> | <u>6 FT Minimum or 10% of the total interior frontage up to 15 FT, whichever is greater</u>                        |
|  | 10% of the frontage  |
| <b>H40 - Less than or equal to 50 ft in width</b>  | <b>Minimum Setback (Feet)</b>  |
| Primary frontage   | 20 FT  |
| <u>Collins Avenue and Harding Avenue Corridor frontage</u>                                       | <u>20 FT; 25 FT setback for any portions above 30 FT, except on structures in districts designated as historic</u> |
|  | 5 FT   |
| Interior side  | <u>6 FT Minimum or 10% of the total interior frontage up to 15 FT, whichever is greater</u>                        |
| <u>Interior side, Collins and Harding Avenue</u>   |  |

Corridor

Rear 10 FT

Secondary frontage (Corner only) 10 FT

**H40 - Wider than 50 ft**

**Minimum Setback (Feet)**

Primary Frontage 20 FT

Collins Avenue and Harding Avenue Corridor frontage 20 FT; 25 FT setback for any portions above 30 FT, except on structures in districts designated as historic

Interior side 7 FT

Interior side, Collins Avenue and Harding Corridor Minimum or 10% of the total interior frontage up to 15 FT, whichever is greater

Rear 10 FT

Secondary frontage (Corner only) 10 FT

**H120**

**Minimum Setback (Feet)**

Primary frontage 40 FT

Side 10% of the lot frontage, no less than 10 feet

Rear 30 FT

Secondary frontage (Corner only) 10% of the lot frontage, no less than 20 feet

**SD-B40**

**Maximum Setback (Feet)**

|                                  |      |
|----------------------------------|------|
| Primary frontage                 | 0 FT |
| Interior side                    | 0 FT |
| Rear                             | 0 FT |
| Secondary frontage (Corner only) | 0 FT |

| CF                               | Maximum Setback (Feet) |
|----------------------------------|------------------------|
| Primary frontage                 | 20 FT                  |
| Interior side                    | 10 FT                  |
| Rear                             | 20 FT                  |
| Secondary frontage (Corner only) | 15 FT                  |

**Sec. 90-50. - Architecture and roof decks.**

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**90-50.1 Architecture.**

**(1) Elevation and Facade Articulation Variations**

**a.** The architectural design of proposed main buildings shall create a unique elevation compared to the main buildings of the adjacent two ~~homes~~ buildings on each side of the subject property on the same side of street. If the adjacent lot is vacant then the next adjacent lot shall be utilized. A unique elevation shall be created through the modulation of at least three of the following architectural features:

- 1.** Length, width and massing of the structure;
- 2.** Number of stories;
- 3.** Facade materials;
- 4.** Porches and other similar articulation of the front facade;
- 5.** Number and location of doors and windows; and
- 6.** Roof style and pitch.

**(2) In the H30C, H40 and H120 Districts: when more than one (1) building is provided, buildings shall be designed in such a way that they are not monotonous.**

**Sec. 90-51. - Maximum frontage of buildings and facade articulations.**

90-51.1 Continuous wall frontage ~~frontages shall not exceed 270 feet and~~ be articulated as follows:

(1) H30C: Building wall frontages which exceed 75 feet shall provide a paseo as a separation between building frontages. Paseos shall have a 12-foot minimum width for properties with a total frontage that does not exceed 200 feet, measured along the property line; otherwise, paseos shall have a minimum 17-foot minimum width separating the buildings. For every 50 feet, a minimum three-foot change in wall plane.

(2) H40: Building wall frontages which exceed 150 feet shall provide a paseo as a separation between building frontages. Paseos shall have a 12-foot minimum width for properties with a total frontage that does not exceed 200 feet, measured along the property line. For properties with a total frontage exceeding 200 feet, paseos shall have a minimum 17-foot minimum width separating the buildings. For every seventy five (75) feet, a minimum six-foot change in wall plane.

(3) H120: (3) ~~Shall be limited to a For every 100 feet a minimum six-foot change in wall planes. The change shall be either vertical or horizontal. maximum of 270 feet~~ of continuous wall frontage in is limited to a building platform no greater than 30 feet in height. This platform may contain habitable and non-habitable spaces. For every 100 feet, a minimum six-foot change in wall planes shall be required. The change shall be either vertical or horizontal. Buildings are permitted above the 30 foot high platform and shall be subject to the following:

- a) A tower above the platform shall provide a continuous wall plane no greater than 150 feet in length with a minimum six-foot vertical or horizontal change in wall plane.
- b) The distance between more than one tower located on a platform shall be a minimum of 40 feet.
- c) If a platform is provided, the side setbacks of any tower shall be a minimum of 20 feet from the setback of the platform.

(4) Structured parking garages: see section 90-49.4.

(5) Buildings within a district designated as a historic district per Miami-Dade County shall be excluded from these requirements.

**90-51.2 Building facades facing any public right-of-way.**

(1) Building facades facing any public right-of-way shall be designed in such a way as to minimize the continuity of the wall plane as provided herein; however buildings within a district designated as a historic district per Miami-Dade County shall be exempted from the following requirements.

a. For H30C and H40 Districts, facades shall provide all of the following:

1. For every 50 feet, a minimum of two-foot change in plane offset shall be provided;
2. Facades shall have a 5-foot minimum offset change in wall plane for no less than 30% of the cumulative facade's area. These offsets shall be evenly distributed throughout the facade, provided each recessed area does not exceed 500 square feet of wall plane area.



3. Facades shall be permitted to have a maximum of 15 foot continuous uninterrupted roof or parapet lines. Roof or parapet lines shall vary by providing a minimum of two foot vertical changes.

**Sec. 90-61. - Paving in front and rear yards in H30 and H40 districts.**

\*\*\*

**90-61.2** Curb cuts for properties fronting on Collins Avenue, Harding Avenue and every east-west street in between Collins Avenue and Harding Avenue, excluding H30B district properties.

(a) No curb cut shall be located within five feet of a side or rear lot line. For corner lots, no curb cut shall be located within 25 feet of the intersection of the front and secondary frontage lot lines.

(b) One-way driveway connections (curb cuts) shall not exceed 12 feet in width. Two-way driveway connections (curb cuts) shall not exceed 24 feet in width.

(c) Except where expressly provided otherwise, driveway connections (curb cuts) on east-west streets shall be as far away from intersections as practicable.

(d) If a property fronts on Collins Avenue, Harding Avenue and two east-west streets, for purposes of the foregoing table, it shall be deemed to front on Collins Avenue, Harding Avenue and one east-west street.

(e) The maximum number and location of curb cuts that may be provided for a property shall be determined in accordance with the following table, provided that there shall be no more than one vehicular curb cut or vehicular access per building provided on any lot wider than 90 feet or with an aggregated frontage exceeding 90 feet. All curb cuts on Harding Avenue and Collins Avenue are subject to review and approval by the Florida Department of Transportation.

**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 relettered 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 upon adoption on second reading.

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

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

**ATTEST:**

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

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



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

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

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

**VOTE ON ADOPTION:**

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



## TOWN OF SURFSIDE

### **Revised** Commission Communication

**Agenda Item # 4A3**

**From: Commissioner Michael Karukin**

**Agenda Date: October 13, 2015**

**Subject: Amendment to Section 90-51. Maximum frontage of buildings**

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**For your consideration:**

This item is a request to reduce maximum continuous wall frontage from 270 feet to 150 feet in H30C and H40 zones that fall within the Moderate High Density Residential area as defined in the Future Land Use Section of the Comprehensive Plan policy 1.1 (see Attachment "A" map FLU-7).

**Background:**

Up until 2008, the maximum wall frontage varied depending on zone from 50 feet to 150 feet.

After 2008, that restriction was removed, essentially permitting wall frontage to be based on the length of a city block (e.g., 600 feet less the setbacks).

In 2012, a request to reinstate a maximum continuous wall frontage of 150 feet was not approved.

As a compromise, on January 15, 2013, the Town Commission adopted Ordinance No. 13-1597 approving a limit of 270 feet, which at the time seemed reasonable and avoided other complications.

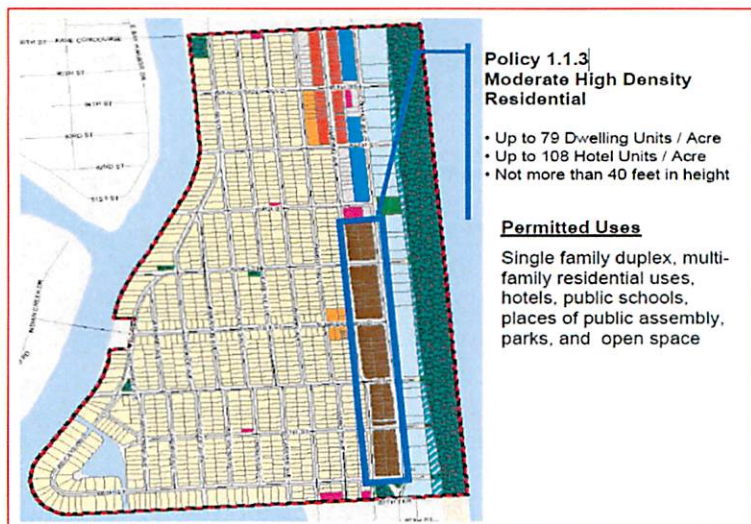
On September 9, 2014, the Town Commission adopted Ordinance No. 14-1625A to provide greater separation between building towers by limiting the height of a 270 foot long platform to 30 feet and limit towers to 150 feet in length.

Now that those regulations were applied to a number of new projects, 270 feet maximum continuous wall frontage still creates a massing effect that is out of scale and character for these zoning districts.

Therefore, to reduce the massing effect created by a 270 foot maximum continuous wall frontage, I ask the Town Commission to reduce that number to 150 feet.

With permitted densities, and the likelihood of east west property aggregations, if this item is not passed, I believe there is a risk of more large scale buildings in the Moderate High Density Residential area. This is the “corridor” of Collins to Harding from 93<sup>rd</sup> to 88<sup>th</sup> street.

A map of the affected area and a tracked changes version of the current code are provided below to show where the reduction would apply (e.g., H30C, H40). Land use is not affected by this proposal.



The proposed revisions to the Code are as follows:

**Sec. 90-51. - Maximum frontage of buildings.**

**Tracked changes version of impacted code.**

90-51.1 Continuous wall frontage shall ~~not exceed 270 feet and~~ be articulated as follows:

- (1) *H30C*: Shall not exceed 150 feet. For every 50 feet, a minimum three-foot change in wall plane.
- (2) *H40*: Shall not exceed 150 feet. For every seventy-five (75) feet, a minimum six-foot change in wall plane.
- (3) *H120*: Shall be limited to a ~~For every 100 feet, a minimum six-foot change in wall planes. The change shall be either vertical or horizontal. The maximum of 270 feet of continuous wall frontage in is limited to a~~ building platform no greater than 30 feet in height. This platform may

contain habitable and non-habitable spaces. For every 100 feet, a minimum six-foot change in wall planes shall be required. The change shall be either vertical or horizontal. Buildings are permitted above the 30 foot high platform and shall be subject to the following:

a) A tower above the platform shall provide a continuous wall plane no greater than 150 feet in length with a minimum six-foot vertical or horizontal change in wall plane.

b) The distance between more than one tower located on a platform shall be a minimum of 40 feet.

c) If a platform is provided, the side setbacks of any tower shall be a minimum of 20 feet from the setback of the platform.

(4) Structured parking garages: see section 90-49.4

**RECOMMENDATION:** Town Commission approve the attached Ordinance amending Section 90-51.1 to provide further limitations on the maximum continuous wall frontage.

**ORDINANCE NO. 15 - \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 90 ZONING; AMENDING SECTION 90-51 MAXIMUM FRONTAGE OF BUILDINGS; SPECIFICALLY AMENDING SECTION 90-51.1 CONTINUOUS WALL FRONTAGE; 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.**

**WHEREAS**, up until 2008, the maximum wall frontage varied depending on the zoning designation from 50 feet to 150 feet; and

**WHEREAS**, in 2012, the Town Commission began the process of discussing limits to maximum continuous wall frontage; and

**WHEREAS**, on January 15, 2013, the Town Commission adopted Ordinance No. 13-1597 and approved limits for maximum continuous wall frontage; and

**WHEREAS**, on September 9, 2014, the Town Commission adopted Ordinance No. 14-1625A which states as follows:

90-51.1 Continuous wall frontage shall not exceed 270 feet and be articulated as follows:

- (1) *H30C*: For every 50 feet, a minimum three-foot change in wall plane.
- (2) *H40*: For every seventy-five (75) feet, a minimum six-foot change in wall plane.
- (3) *H120*: For every 100 feet, a minimum six-foot change in wall planes. The change shall be either vertical or horizontal. The maximum 270 foot continuous wall frontage is limited to a building platform no greater than 30 feet in height. This platform may contain habitable and non-habitable spaces. Buildings are permitted above the 30 foot high platform subject to the following:
  - a) A tower above the platform shall provide a continuous wall plane no greater than 150 feet in length with a minimum six-foot vertical or horizontal change in wall plane.

- b) The distance between more than one tower located on a platform shall be a minimum of 40 feet.
  - c) If a platform is provided, the side setbacks of any tower shall be a minimum of 20 feet from the setback of the platform.
- (4) Structured parking garages: see section 90-49.4

**WHEREAS**, the Town Commission has adopted 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 which now includes limiting building length; and

**WHEREAS**, the Town Commission held its first duly noticed public hearing on these regulations on June 9, 2015 and recommended approval of the proposed amendments to the Code of Ordinances, having complied with the notice requirements by the Florida Statutes; and

**WHEREAS**, the Planning and Zoning Board, as the Local Planning Agency for the Town, held its hearing on the proposed amendments to the Code of Ordinances on July 30, 2015 and recommended denial; and

**WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on October 13, 2015 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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

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

**Sec. 90-51. - Maximum frontage of buildings.**

90-51.1 Continuous wall frontage shall ~~not exceed 270 feet and~~ be articulated as follows:

- (1) *H30C*: Shall not exceed 150 feet. For every 50 feet, a minimum three-foot change in wall plane.
- (2) *H40*: Shall not exceed 150 feet. For every seventy-five (75) feet, a minimum six-foot change in wall plane.
- (3) *H120*: Shall be limited to a ~~For every 100 feet, a minimum six-foot change in wall planes. The change shall be either vertical or horizontal. The maximum of 270 feet of continuous wall frontage in is limited to a~~ building platform no greater than 30 feet in height. This platform may contain habitable and non-habitable spaces. For every 100 feet, a

minimum six-foot change in wall planes shall be required. The change shall be either vertical or horizontal. Buildings are permitted above the 30 foot high platform and shall be subject to the following:

- a) A tower above the platform shall provide a continuous wall plane no greater than 150 feet in length with a minimum six-foot vertical or horizontal change in wall plane.
  - b) The distance between more than one tower located on a platform shall be a minimum of 40 feet.
  - c) If a platform is provided, the side setbacks of any tower shall be a minimum of 20 feet from the setback of the platform.
- (4) Structured parking garages: see section 90-49.4

**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 relettered 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 upon adoption on second reading.

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

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

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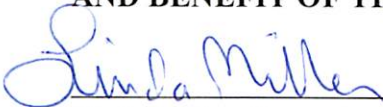
Daniel Dietch, Mayor



**ATTEST:**

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

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

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

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

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

**VOTE ON ADOPTION:**

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



## TOWN OF SURFSIDE COMMISSION COMMUNICATION

**Agenda #:** 4B1

**Agenda Date:** October 13, 2015

**Subject:** Expanded Polystyrene Ordinance Phase 2

**Objective:** For the Town Commission to approve the ordinance on first reading to regulate the use of expanded polystyrene (Styrofoam) for food service providers 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.

On January 13, 2015, the Town Commission directed staff to regulate Styrofoam use through a phased approach, starting with regulating use in municipal buildings and facilities and in public areas.

On March 10, 2015, the Town Commission passed the first phase of Styrofoam regulations, starting with regulating use in municipal buildings and facilities, and in public areas.

This proposed ordinance is the second phase of Styrofoam regulations, which will require food service providers and stores to not sell, use, offer for sale or use, or provide food in Styrofoam food service articles.

**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 populations. 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

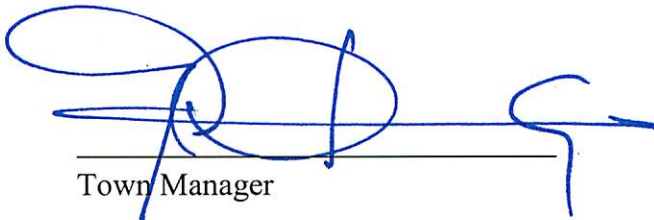
implications, including contributing to a large gyre in North Atlantic Ocean known as the North Atlantic Garbage Patch, composed of marine debris.

Over 70 municipalities across the United States have enacted ordinances that regulate the use of Styrofoam. Several municipalities in Miami-Dade County regulate Styrofoam, including Miami Beach, Key Biscayne, and Bal Harbour. Miami Beach recently amended their code to regulate the use of Styrofoam for food service providers.

Staff will use the Gazette, Channel 77 and e-blast for the public education component. In addition, the Tourist Board will be engaged to assist in the outreach. Staff will also explore the possibility of using this initiative to reactivate the Downtown Vision Advisory Committee. Lastly, staff will engage the Surfside Business Association to assist with the education and outreach activities, if the leadership is agreeable.

**Budget Impact:** Through the use of existing communication channels and organizations, the budget impact for the education and outreach activities is estimated at \$2000. Because enforcement of the ordinance, if approved, would not commence until June 2016, the budget impact for compliance monitoring will be limited during the current fiscal year.

**Recommendation:** To approve the ordinance on first reading to regulate the use of expanded polystyrene (Styrofoam) for food service providers in Surfside, Florida.



Town Manager

**ORDINANCE NO. 15 – \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE I OF CHAPTER 34 “ENVIRONMENT” AND SPECIFICALLY CREATING SECTION 34-10 “PROHIBITIONS REGARDING THE SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY FOOD SERVICE PROVIDERS AND STORES; EXEMPTIONS”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside declares that it is in the interest of the public health, safety and welfare of its residents and visitors to reduce litter and pollutants on the lands and in the waters of the Town; and

**WHEREAS**, expanded polystyrene, a petroleum by-product commonly known as Styrofoam, is neither readily recyclable nor biodegradable and takes hundreds to thousands of years or more to degrade in the environment; and

**WHEREAS**, due to the physical properties of expanded polystyrene, the United States Environmental Protection Agency states “that such materials can also have serious impacts on human health, wildlife, the aquatic environment and the economy”; and

**WHEREAS**, expanded polystyrene litter presents risks to Surfside’s nesting sea turtles and shorebird populations; and

**WHEREAS**, expanded polystyrene contributes to litter on Surfside’s streets, beaches and public areas and contains toxic substances that leach into food and drink; and

**WHEREAS**, on January 13, 2015, the Town Commission directed staff to regulate expanded polystyrene use through a phased approach; and

**WHEREAS**, on March 10, 2015, the Town Commission passed the first phase of expanded polystyrene regulations, starting with regulating use in municipal buildings and facilities, and in public areas; and

**WHEREAS**, the Town’s goal is to replace expanded polystyrene food service articles with reusable, recyclable, or compostable alternatives within the Town; and

**WHEREAS**, the Town encourages the use of unbleached, non-coated, recycled-content paper food service articles and other fiber-based food service articles as the most environmentally preferable alternatives to single-use, disposable food service articles when the use of reusable food ware is not feasible; and

**WHEREAS**, the anticipated cost to develop and implement an expanded polystyrene ordinance in Surfside will be related to costs for Code Enforcement, public education and compliance monitoring; and

**WHEREAS**, the Town Commission held its first public hearing on October 13, 2015; and

**WHEREAS**, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on November 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 to create Section 34-10 to read as follows:

**Section 34-10. Prohibitions regarding the sale or use of expanded polystyrene food service articles by food service providers and stores; exemptions.**

(a) Definitions.

Expanded polystyrene food service articles means plates, bowls, cups, containers, lids, trays, coolers, ice chests, and all similar articles that consist of expanded polystyrene

Food service provider means a person or entity that provides food directly to the consumer, regardless of whether such food is provided free of charge or sold, or whether consumption occurs on or off of a premises, or whether the food is provided from a pushcart, stand, or vehicle. Food service providers shall include, but are not limited to, chain food service providers, restaurants, fast food restaurants, cafes, sidewalk cafes, delicatessens, coffee shops, grocery stores, markets, supermarkets, drug stores, pharmacies, bakeries, caterers, gas stations, vending trucks or carts, and cafeterias.

Polystyrene means a thermoplastic polymer or copolymer comprised of at least 80 percent styrene or para-methylstyrene by weight.

Store means a retail or wholesale establishment other than a food service provider.

(b) Food service providers and stores shall not sell, use, offer for sale or use, or provide food in expanded polystyrene food service articles. This article shall not apply to:

(i) Expanded polystyrene food service articles used for prepackaged food that have been filled and sealed prior to receipt by the food service provider or store;

(ii) Expanded polystyrene food service articles used to store raw meat, pork, fish, seafood, or poultry sold from a butcher case or similar refrigerated retail display

or storage case; and

(iii) The school district, and county, state, and federal governmental entities.

(c) Enforcement; penalties.

(i) The Town shall engage in public education efforts to inform food service providers and stores of the provisions of this article and to provide assistance with identifying alternatives to expanded polystyrene food service articles.

(ii) Beginning June 1, 2016, the Code Compliance department shall enforce the provisions in this article.

(iii) The fine amounts are set forth in the schedule of fines adopted by resolution.

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

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

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

**Section 6. Effective Date.** This Ordinance shall be effective upon final adoption on second reading.

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


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

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

**ATTEST:**

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

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

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

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

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

**VOTE ON ADOPTION:**

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





## Town of Surfside Commission Communication

**Agenda Item #** 4B2

**Agenda Date:** October 13, 2015

**Subject:** Resort Tax Ordinance Amendment

**Background:** At the May 4, 2014 joint meeting of the Town Commission and Tourist Board, the Administration was directed to return to the Tourist Board to address the proposed amendments and then return to the Town Commission. On June 1, 2015 the proposed amendments were brought back before the Tourist Board. Only the change to Sec 70-126 (6) was approved by the Tourist Board by a vote of 4:0 at that meeting:

**Sec. 70-126. Power and duties.**

The board shall have the following enumerated powers and duties.

(6) To create a formalized Budget Plan with staff in consultation with the Town Manager Designee and to submit an annual report the Budget Plan to the town commission Town Manager every May-year as part of the budgetary process.

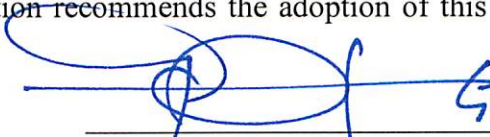
**Analysis:** Only this amendment can be adopted by the Town Commission due to the voting record of the Tourist Board at the June 1, 2015 meeting on the proposed amendments. A vote of four fifths (4/5) is required by the Town Commission for this amendment to be adopted.

**Budget Impact:** None.

**Staff Impact:** None.

**Recommendation:** The Administration recommends the adoption of this amendment to the Resort Tax Ordinance.

  
Durcan Tavares  
TEDACS Director

  
Guillermo Olmedillo  
Town Manager



**ORDINANCE NO. 15 - \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION AND THE RESORT TAX BOARD OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 70 "TAXATION" AND SPECIFICALLY AMENDING SECTION 70-126 "POWER AND DUTIES" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Resort Tax Statute Section 8, Ch. 67-930, Laws of Florida provides:

"no ordinance or measure abolishing any authority or commission, as herein described, which may be created pursuant to this act, or curtailing, limiting or changing the powers of such authority or commission, or reducing or enlarging the number of its members, or reducing the percentage of funds to be administered or expended by said authority or commission, shall be valid unless such ordinance or measure so providing, shall first be approved by the electorate in a referendum election, unless such ordinance or measure is adopted by a four fifths (4/5) vote of the authority plus a five sevenths (5/7) vote of the council"; and

**WHEREAS**, the Five Year Tourism Strategic Plan resulted in a review of the existing Code where areas needing additional clarification and guidelines were identified; and

**WHEREAS**, the Resort Tax Board held its first public hearing on June 1, 2015 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

**WHEREAS**, the Town Commission held its first public hearing on October 13, 2015 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

**WHEREAS**, the Resort Tax Board has conducted a second duly noticed public hearing on these regulations as required by law on November 2, 2015 and further finds the proposed change to the Code necessary and in the best interest of the community; and

**WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on December 8, 2015 and further finds the proposed change to the Code necessary and in the best interest of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION AND RESORT TAX BOARD OF THE TOWN OF SURFSIDE, FLORIDA:**

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

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

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**Sec. 70-126. Power and duties.**

The board shall have the following enumerated powers and duties.

- (1) To adopt and/or amend procedures as it related to publicity, advertising, promotional events, tourist board activities.
- (2) To expend resort tax funds collected pursuant to Chapter 70 of the Town Code. Specifically, those amounts allocated by the commission during their annual budgetary process, the minimum being 34 percent of the resort tax collected, to advertising promotion and special events as part of the tourist bureau budget.
- (3) To employ or retain an advertising and/or public relations consultant and/or firm as it relates to specific tourist board activities. The tourist board shall designate a member to assist the town manager, upon request, in the process of selecting a director for the department.
- (4) To authorize placement of advertising in various media.
- (5) To organize special events for the promotion of Surfside as a tourist destination.
- (6) To create a formalized Budget Plan with staff in consultation with the Town Manager Designee and to submit an annual report the Budget Plan to the town commission ~~an annual report~~ Town Manager every ~~May~~ year as part of the budgetary process.

**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 Resort Tax Board, 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 upon adoption on second reading.

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

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


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

\_\_\_\_\_  
Michelle Kligman, Chair, Resort Tax Board

**ATTEST:**

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

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

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

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

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

**Vote by the Town Commission:**

|                              |           |          |
|------------------------------|-----------|----------|
| 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 _____ |

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

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

**Vote by the Resort Tax Board:**

|                        |           |          |
|------------------------|-----------|----------|
| Member Joel Baum       | yes _____ | no _____ |
| Member Barbara Cohen   | yes _____ | no _____ |
| Member Jessica Levison | yes _____ | no _____ |
| Vice Chair Sean McKeen | yes _____ | no _____ |
| Chair Michelle Kligman | yes _____ | no _____ |



## Town of Surfside Commission Communication

**Agenda #:** 4B3  
**Agenda Date:** October 13, 2015  
**Subject:** Temporary Signs  
**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background:** Section 166.0425, *Florida Statutes* provides that municipal sign ordinances shall not conflict with any applicable state or federal laws. The recently issued opinion of Reed v. Town of Gilbert, Ariz., 135 S. Ct. 2218 (2015) by the United States Supreme Court struck down an ordinance in the Town of Gilbert, Arizona as unconstitutional based on distinctions it made between temporary signs. Surfside Town Administration has determined that revisions to the Surfside sign code are advisable to update the code to be in compliance with Reed vs. Town of Gilbert. Town Administration plans to update the sign code in a phased approach, and the first phase will update "Temporary Signs" under Sec. 90-74.

**Analysis:** Currently, the code divides temporary signs into different categories based on content (ex. real estate signs, political signs and construction signs). Due to the recent U.S. Supreme Court ruling on temporary signs, the Town must modify the code to treat the content all of these signs the same.

Under today's code, one property could have a political sign, real estate sign and construction sign. The proposed requirements will continue allowing three temporary signs without dictating content. The proposed size for temporary signs is three square feet, which is consistent with the existing size of both real estate and political signs.

**Budget Impact:** None  
**Growth Impact:** None  
**Staff Impact:** None

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

Sarah Sinatra Gould, AICP, Town Planner

Guillermo Olmedillo, Town Manager

**ORDINANCE NO. 15 - \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VI “SIGNS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 90-69 “DEFINITIONS”; SPECIFICALLY AMENDING SECTION 90-74 “TEMPORARY SIGNS”, PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside (the “Town”) revised and replaced its sign code in its entirety by Ordinance No. 14-1624; and

**WHEREAS**, Section 166.0425, *Florida Statutes* provides that municipal sign ordinances shall not conflict with any applicable state or federal laws; and

**WHEREAS**, the recently issued opinion of Reed v. Town of Gilbert, Ariz., 135 S. Ct. 2218 (2015) by the United States Supreme Court struck down an ordinance in the Town of Gilbert, Arizona as unconstitutional based on distinctions it made between temporary signs; and

**WHEREAS**, the Town has determined that revisions to the Town sign code are advisable to update the code to be in compliance with the recent United States Supreme Court decision of Reed vs. Town of Gilbert; and

**WHEREAS**, the Town is in the process of updating the sign code in a phased approach, and the first phase updates “Temporary Signs” under Sec. 90-74; and

**WHEREAS**, the Town Commission held its first public hearing on these regulations on October 13, 2015; and

**WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the revisions to the sign code for consistency with the Town’s Comprehensive Plan at a duly noticed hearing on October 29, 2015 and recommended approval; and

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

**WHEREAS**, the Town Commission hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

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

**Section 1. Recitals.** Each of the above stated recitals is true and correct and the recitals are incorporated herein by this reference.

**Section 2. Code Amendment.** The Code of Ordinances of the Town of Surfside, Section Sec. 90-69 is hereby amended as follows:

**Sec. 90-69. - Definitions.**

~~*Construction sign:* A temporary sign identifying those engaged in construction or remodeling on a building site, including the developer, contractor, subcontractor, architect, engineer or artisans involved in the project.~~

\*\*\*

~~*Political sign:* Any sign which indicates the name, cause or affiliation of anyone seeking public office or which references a ballot issue~~

\*\*\*

~~*Real estate sign:* A temporary sign erected by the owner or agent indicating property which is for rent, sale or lease, including signs pointing to a property which is open for inspection by a potential purchaser (open house sign) or a sign indicating "shown by appointment only" or "sold."~~

\*\*\*

~~*Temporary sign:* A sign which is allowed for a limited amount of time such as a special event banner sign, construction sign, political sign or real estate sign or which pertains to a particular event or occurrence, or which is not designed or intended to be placed permanently.~~

**Section 3. Code Amendment.** The Code of Ordinances of the Town of Surfside, Section Sec. 90-74 is hereby amended as follows:

**Sec. 90-74. - Temporary signs.**

~~(a) *Real estate sign.*~~

~~(1) *SD-B40 district.* One professionally lettered real estate sign shall be permitted per building frontage. The maximum sign area shall be three square feet. The sign shall be mounted flat against the building wall or a minimum of 12 inches from a window, and shall not project above the eave line of the building.~~

~~(2) *All other zoning districts.* One professionally lettered real estate sign shall be permitted per street frontage. The sign shall be wall mounted flat against the building wall or securely fastened to a wood or metal freestanding stake or post of sufficient strength. The maximum sign panel area shall be 18 inches by 24 inches. A maximum of two riders shall be permitted to attach above or below the main sign panel not to exceed six inches by 24 inches per rider for in-ground signs. The maximum sign height for in-ground signs including support frame shall not exceed 42 inches from the ground to the~~

~~top of the sign. Such sign shall be located outside of any sight visibility triangle. No portion of the sign shall extend across the property line.~~

~~(3) All real estate signs shall be black and white and may include a trademarked logo or symbol.~~

~~(4) Sign shall be constructed of rigid, weather proof materials.~~

~~(5) Sign shall not be lighted or illuminated in any manner.~~

~~(6) Sign shall be removed within seven days of a lot, building, residence or tenant space being leased, rented or sold.~~

~~(b) Political sign.~~

~~(1a) SD-B40 district. Three One professionally lettered political temporary signs, excluding banners, shall be permitted per building frontage. The maximum sign area shall be three square feet per sign. The sign shall be mounted flat against the building wall or a minimum of 12 inches from a window, and shall not project above the eave line of the building.~~

~~(2b) All other zoning districts. Three One professionally lettered temporary political signs shall be permitted per street frontage. The sign shall be wall mounted flat against the building wall or securely fastened to a wood or metal freestanding stake or post of sufficient strength. The maximum sign area shall be three square feet per sign. Sign face shall be constructed of metal, plastic, wood, pressed wood or cardboard. The maximum sign height for in-ground signs including support frame shall not exceed 42 inches from the ground to the top of the sign. Such sign shall be located outside of any sight visibility triangle. No portion of the sign shall extend across the property line.~~

~~(3c) Signs shall be not be erected more than 90 days prior to the subject election date or ballot vote event or occurrence and shall be removed no later than seven days after the event or occurrence subject election date or ballot vote.~~

~~(4d) Signs shall not be lighted or illuminated in any manner.~~

~~(5e) It shall be unlawful for any person to paste, glue, print, paint, affix, or attach by any means whatsoever to the surface of any public street, right-of-way, easement, sidewalk, curb, or to any property of any governmental body or public utility, any political temporary sign, poster, placard, or sticker designed or intended to advocate or oppose any ballot issue or the nomination or election of any candidate.~~

~~(c) Construction sign.~~

~~(1) One professionally lettered construction sign shall be permitted per site or development subject to the issuance of a building permit for the project. Such sign shall be removed immediately if the building permit for the project expires and construction has not commenced, and/or the permit is not renewed.~~

~~(2) Sign content is limited to the following:~~

~~a. Project name.~~

~~b. Parties involved in construction and financing.~~

~~c. Contact information such as phone number, email address or website.~~

~~d. Unit prices not to exceed ten percent of the total sign area. Numbers shall not exceed six inches in height.~~

~~(3) Maximum sign area is 16 square feet.~~

~~(4) Sign may be freestanding affixed to posts, a flat wall sign, or mounted to a construction fence. Freestanding signs shall be a minimum of ten feet from the property line and shall be a maximum of five feet in height from the ground to the top of the sign. Wall signs shall not extend above the floor of the second story, parapet wall, or eave line of the building.~~

~~(5) Rigid weatherproof board is required.~~

~~(6) Such sign must be removed within 72 hours of the issuance of a certificate of occupancy.~~

(d-f) Temporary window sign.

(1) Temporary window signs of any nature may be attached to glass window or doors, or mounted within 12 inches of a glass window or door.

(2) One temporary sign shall be permitted per window.

(3) Sign may not be displayed more than 60 calendar days.

(4) The total area for temporary signs shall not exceed 20 percent of the glass window they are facing unless otherwise provided in this subsection.

~~(5) Temporary signs pertaining to a going out of business sale or everything must go clearance event shall be permitted to be displayed within a window for a period not to exceed 90 calendar days.~~

~~(6) A temporary sign not exceeding one square foot may be affixed to any window or glass door stating special hours or closing days due to holidays, or bona fide business or personal emergencies. There shall not be more than one such sign per window or door. Sign shall not be maintained for more than 14 calendar days.~~

~~(75) Signs not in excess of six square inches, listing merchandise price, may be attached to items displayed in display windows.~~

~~(86) Temporary signs which are removed and redisplayed within 30 calendar days of removal shall be deemed in violation of this subsection. Signs under Section 90-74(f)(5) listing price not exceeding six square inches shall be exempt from this requirement.~~

(e.g) Special event Temporary Banner sign.

(1) One professionally lettered temporary banner per building frontage or window in SD-B40 advertising a grand opening associated with a commercial building or business enterprise is permitted.

~~(2) Permitted content shall be limited to "Grand Opening," "Coming Soon," "Now Open" or "Under New Management" and the date and time of the event where applicable.~~

~~(32) No banner shall exceed 32 square feet or five percent of the building façade that faces a public street, whichever is less.~~

~~(43) Banners may only be displayed within 60 calendar days from the date an occupational license is issued.~~

~~(54) No banner shall be displayed for more than 30 consecutive calendar days.~~

~~(65) Banner shall not include changeable copy.~~

~~(76) Banner shall be made of durable materials such as canvas or vinyl. Non-durable material such as butcher-type paper is not permitted.~~



(87) Banner shall be securely attached to a supporting structure such as a street frontage wall and capable of withstanding continuous wind without deflections or rotations that would cause deformation or damage.

(98) No banner shall be attached to a roof structure or above the eave line of the building.

**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 upon final adoption on second reading.

**PASSED and ADOPTED** on First Reading the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

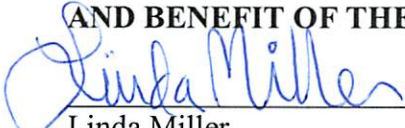
**PASSED and ADOPTED** on Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

**ATTEST:**

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

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

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

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

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

VOTE ON ADOPTION:

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



## Town of Surfside Commission Communication

**Agenda #** 9A  
**Agenda Date:** October 13, 2015  
**Subject:** Miami-Dade County Historic Preservation

**Background:** On August 11, 2015, the Town Commission authorized staff to research options for incentives within the parameters of the Town code. Typically, incentives include bonuses for height, density or floor area ratio, which are all governed by the Town's Charter which does not allow for increases. Therefore, the options for incentives are very limited. The following are available options based on the Town's code:

1. Reductions of setbacks, lot coverage, lot area, lot width, lot depth, open space, screening and landscaping.
2. Reduction of off-street parking and loading requirements.

### Staff recommendation:

Based on both the limited options for incentives and the small number of properties designed historic in Town, staff does not recommend preparing an ordinance including incentives. Instead, a variance could be considered on a case by case basis if a hardship arises on a property due to a historic structure.

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Planning Director

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Town Manager



**TOWN OF SURFSIDE  
DISCUSSION ITEM**

**Agenda Item:** # 9B

**Agenda Date:** October 13, 2015

**From:** Commissioner Michael Karukin

**Subject:** Zoning in Progress – Corridor Analysis Ordinance  
Between Collins and Harding Avenues

On July 14, 2015, the Town Commission passed first reading of the ordinance on building lengths and building articulation along the corridor described as the area being between Collins and Harding Avenues from 94<sup>th</sup> Street to 88<sup>th</sup> Street, hereinafter the “Corridor Analysis Ordinance.” The Town Commission directed the Town Clerk to publish a notice of zoning in progress as provided in Section 90-6 “Zoning in Progress.” Sec. 90-6(3) further provides that the hold on the processing of development applications pending before the Town shall commence upon the date that the notice of zoning in progress is published in a newspaper of general circulation. The notice was published in the Miami Herald on July 18, 2015. Sec. 90-6(3) states zoning in progress shall continue in effect for a period from the date of notice until the subject change, with or without amendments, shall have been approved or disapproved by the Town Commission or for a period of three months, whichever is sooner. The current zoning in progress expires on October 18, 2015.

On July 30, 2015, the Planning and Zoning Board heard the ordinance and after hearing public comment voted to defer the ordinance and directed the Town Planner to return to the Board with further information on courtyards within the ordinance. The ordinance is scheduled to be heard by the Planning and Zoning Board at the October 29, 2015 meeting.

The Town Commission deferred second reading of the ordinance to the October 13, 2015 Town Commission meeting. Since the Planning and Zoning Board has not heard the ordinance, the Town Commission must consider a deferral for second reading of the ordinance until the November 10, 2015 Town Commission meeting.

**Recommendation:** The Town has made substantial progress towards this zoning change and requires additional time to finalize the “Corridor Analysis Ordinance.” It is recommended that the Town Commission direct the Town Clerk to publish an additional notice of zoning in

progress as provided in Section 90-6 “Zoning in Progress” of the Code of Ordinances, in order to apply a hold on the processing of pending development applications that are submitted to the Town after the date of the publication of the notice.