



**Town of Surfside
Town Commission Meeting
AGENDA**

October 13, 2016

7 p.m.

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

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 Page 1 - 17

September 13, 2016 – First Budget Hearing Meeting Minutes

September 13, 2016 – Regular Town Commission Meeting Minutes

September 27, 2016 – Final Budget Hearing Meeting Minutes

B. Budget to Actual Summary as of July 31, 2016 – Guillermo Olmedillo, Town Manager Page 18 - 20

***C. Town Manager’s Report – Guillermo Olmedillo, Town Manager Page 21 - 32**

- 1. See Click Fix
- 2. Community Garden
- 3. Development Applications
- 4. Marriott Residence Inn
- 5. Code Compliance Cases
- 6. September 2016 Significant Incidents/Arrests
- 7. High Holiday Detail
- 8. Security Camera Monitors Installed at Town Hall South Exit Points
- 9. Police Chief for a Day
- 10. Police Events
- 11. Information Technology and TV Broadcasts

***D. Town Attorney's Report – Linda Miller, Town Attorney Page 33 - 37**

E. Committee Reports – Guillermo Olmedillo, Town Manager Page 38 - 69

- July 18, 2016 Parks and Recreation Committee Meeting Minutes
- August 1, 2016 Tourist Board Meeting Minutes
- August 15, 2016 Parks and Recreation Committee Minutes
- August 23, 2016 Ad Hoc Citizen Traffic Mitigation Advisory Committee Minutes
- August 25, 2016 Planning and Zoning Board Meeting Minutes
- September 21, 2016 Ad Hoc Citizen Traffic Mitigation Advisory Committee Final Report and Minutes

4. Ordinances

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

A. Second Reading Ordinances

1. Monument Signs– Sarah Sinatra Gould, AICP, Town Planner Page 70 - 74

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING"; SECTION 90-69. DEFINITIONS; AMENDING THE DEFINITION OF "AREA" OF A SIGN TO INCLUDE THE SUPPORTING STRUCTURE WITHIN THE MAXIMUM ALLOWABLE SIGN AREA; AMENDING THE DEFINITION OF "MONUMENT SIGN" TO ADD THAT THE BASE OF THE SIGN IS INDEPENDENT OF THE WALL, ENTRY FEATURE OR FENCE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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2. Pension Amendment Increasing Employee Contributions and Improving Benefits – Guillermo Olmedillo, Town Manager Page 75 - 84

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 2 OF THE CODE OF THE TOWN OF SURFSIDE REGARDING THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-171 OF THE TOWN CODE TO CREATE A DEFINITION OF THE TERM SENIOR MANAGEMENT EMPLOYEE; AMENDING SECTION 2-176(a)(4) OF THE TOWN CODE TO PROVIDE FOR SEVEN YEAR VESTING FOR THE TOWN ATTORNEY; AMENDING SECTION 2-176(c)(1) OF THE TOWN CODE TO INCREASE THE BENEFIT ACCRUAL RATE FOR GENERAL EMPLOYEES AND INCREASING THE BENEFIT CAP FROM 60% TO 68% OF FINAL AVERAGE COMPENSATION; AMENDING SECTION 2-176(c)(1) OF THE TOWN CODE TO INCREASE THE BENEFIT ACCRUAL RATE FOR SENIOR MANAGEMENT EMPLOYEES AND INCREASING THE BENEFIT CAP FROM 60% TO 80% OF FINAL AVERAGE COMPENSATION; AMENDING SECTION 2-180(a) OF THE TOWN CODE TO INCREASE IN THE GENERAL EMPLOYEE AND SENIOR MANAGEMENT EMPLOYEE PICK-UP PENSION CONTRIBUTION BY 2%; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

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

B. First Reading Ordinances

1. Amendment to Sec. 14-29 of the Code of the Town of Surfside – Guillermo Olmedillo, Town Manager Page 85 - 88

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS; SPECIFICALLY AMENDING SECTION 14-29. “PERMIT FEES” FOR CONSISTENT CALCULATION FOR COST OF CONSTRUCTION FOR PERMIT FEES AND TO REQUIRE AN AUDIT OF THE CONSTRUCTION COSTS AT THE CONCLUSION OF THE CONSTRUCTION; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

2. **Beach Furniture Ordinance – Guillermo Olmedillo, Town Manager Page 89 - 96**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE II “LOCAL BUSINESS TAX RECEIPT” OF CHAPTER 70 “TAXATION” AND SPECIFICALLY AMENDING “SECTION 70-41 “LOCAL BUSINESS TAX SCHEDULE” TO INCLUDE BEACH FURNITURE OPERATION; AMENDING CHAPTER 86 “WATERWAYS”; ARTICLE II, “PUBLIC BEACHES”, SPECIFICALLY AMENDING SECTION 86-26 “DEFINITIONS”; CREATING SECTION 86-30 “BEACH FURNITURE”; CREATING SECTION 86-31 “BEACH FURNITURE PERMIT”; CREATING SECTION 86-32 “INDEMNIFICATION AND INSURANCE”; CREATING SECTION 86-33 “VIOLATIONS, CIVIL FINES AND PENALTIES”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

5. **Resolutions and Proclamations**

(Set for approximately 8:15 p.m.) (Note: Depends upon length of Good and Welfare)

A. **Procurement of three (3) Ford Police Interceptor Vehicles – Guillermo Olmedillo, Town Manager Page 97 - 99**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$96,000 FROM THE FISCAL YEAR 2016/2017 GENERAL FUND MACHINERY AND EQUIPMENT ACCOUNT NUMBER 001-3000-521-6410 FOR THE PURCHASE OF THREE (3) FORD POLICE INTERCEPTOR VEHICLES; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

- B. Approve Resolution to purchase a 2016 Mack Truck with a Heil 25 yard rear load from the Florida Sheriff Bid – Guillermo Olmedillo, Town Manager Page 100 - 105**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$224,331.50 FROM THE FISCAL YEAR 2016/2017 SOLID WASTE FUND, MACHINERY AND EQUIPMENT ACCOUNT NO. 403-4000-534-6410; FOR THE PURCHASE OF A 2016 MACK TRUCK WITH A HEIL 25 YARD REAR LOADER; PIGGYBACKING OFF THE FLORIDA SHERIFF'S ASSOCIATION AND FLORIDA ASSOCIATION OF COUNTIES BID NO. 15-13-0904; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

- C. Amendment to Employment Agreement between Town and Town Manager, Guillermo Olmedillo – Guillermo Olmedillo, Town Manager Page 106 - 125**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN TOWN MANAGER, GUILLERMO OLMEDILLO, AND THE TOWN OF SURFSIDE; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT ON BEHALF OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

- D. Approval of Proposal for Parking Garage Architectural Schematics on the Abbott Parking Lot – Guillermo Olmedillo, Town Manager Page 126 - 132**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; APPROVING PROPOSAL NO. 1259-141203R FROM SYNALOVSKI ROMANIK SAYE, LLC FOR PARKING GARAGE SCHEMATIC DESIGN SERVICES FOR THE ABBOTT AVENUE PARKING LOT SITE; AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$25,000 FROM THE FISCAL YEAR 2016/2017 BUDGET; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2016/2017; APPROPRIATING THE AMOUNT OF \$25,000 FROM THE PARKING FUND RESERVES TO THE PROFESSIONAL SERVICES ACCOUNT NO. 402-9500-545-3110; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

7. Town Manager and Town Attorney Reports

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

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

8. Unfinished Business and New Business


9. Mayor, Commission and Staff Communications

A. Service Animals – Linda Miller, Town Attorney Page 133 - 135

B. Amendment to Chapter 54, Division 2 “Noise” – Guillermo Olmedillo, Town Manager Page 136 - 139

10. Adjournment

Respectfully submitted,



Guillermo Olmedillo
Town Manager

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.

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
FIRST BUDGET HEARING
TOWN HALL COMMISSION CHAMBERS
9293 HARDING AVENUE

SEPTEMBER 13, 2016
5:01 PM

MINUTES

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 5:04pm.

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Dietch, Commissioner Gielchinsky, and Commissioner Paul. Vice Mayor Cohen and Commissioner Karukin were absent.

C. Pledge of Allegiance

Chief David Allen led the Pledge of Allegiance.

Vice Mayor Cohen joined the meeting at 5:05 pm.

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

Town Manager Guillermo Olmedillo introduced the item and spoke about the millage rate and the 2016/2017 budget.

3. Fiscal Year 2016/2017 Millage Rate

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE TENTATIVE LEVYING OF A MILLAGE RATE AGAINST ALL TAXABLE REAL AND PERSONAL PROPERTY IN THE TOWN OF SURFSIDE, FLORIDA FOR THE FISCAL YEAR 2016/2017; AND REAFFIRMING SEPTEMBER 27, 2016 AS THE DATE OF ADOPTION OF THE FINAL MILLAGE RATE.

Town Clerk Sandra Novoa read the title of the resolution into the record.

Vice Mayor Cohen made a motion to approve. The motion received a second from Commissioner Paul. The motion carried 4-0 with Commissioner Karukin absent.

4. Public Comment

No public comments.

5. Fiscal Year 2016/2017 Annual Budget

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING AND ADOPTING THE FINAL ANNUAL BUDGET AND MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2016/2017; ATTACHING A SUMMARY COPY OF SAID BUDGET MARKED EXHIBIT “A”; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution into the record.

Vice Mayor Cohen made a motion to approve. The motion received a second from Commissioner Paul. The motion carried 4-0 with Commissioner Karukin absent.

6. Public Comment

No public comments.

7. Adjournment

There being no further business, Commission Gielchinsky made a motion to adjourn.

The motion received a second from Commissioner Paul. The meeting adjourned at 5:14 pm.

Respectfully submitted,

Accepted this ____ day of _____, 2016

Daniel Dietch, Mayor

Attest:

Sandra Novoa, MMC
Town Clerk



**Town of Surfside
Town Commission Meeting
MINUTES
September 13, 2016
7 p.m.**

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

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:04 p.m.

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Daniel Dietch, Vice Mayor Barry Cohen, Commissioner Tina Paul, Commissioner Michael Karukin and Commissioner Daniel Gielchinsky.

C. Pledge of Allegiance – Mr. Jake Rubin led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Paul suggested the community attend the first Friday evenings event hosted by the Tourist Board as it is very enjoyable. In Bay Harbor Islands, she attended the commemoration of September 11 honoring first responders which was a beautiful ceremony and recommends the Farmers Market which they have.

Commissioner Karukin reminded everyone that in November, Team Surfside will hold a walk for Alzheimer's.

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

Town Manager Olmedillo asked to add Item 9E Parking to the agenda(verbal)

Commissioner Gielchinsky made a motion to add Item 9E to the agenda. The motion received a second from Vice Mayor Cohen and all voted in favor.

F. Community Notes – Mayor Daniel Dietch

The Mayor thanked the Police Dept., Ann Findlay and volunteers for their efforts in the Town's Trap, Neuter and Release Program. He also recognized Lee Gottlieb and the volunteers from Wells Fargo Bank for their efforts in planting over 3,000 sea oats in the dune area. Mosquito control (Zika) information can be found on the town website and he urged the community to sign up for the Code Red System on the town website. The Mayor announced the upcoming community events which can be found in the Gazette and on the Town's website. Vice Mayor Cohen gave an update on the Tourist Board Meeting. Commissioner Karukin gave an update on the Traffic Mitigation AdHoc Committee.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

Commissioner Gielchinsky pulled Item 3D from the Town Attorney's Report, page 68 Item: Police Department. Commissioner Paul pulled 3A, pages 8, 9, 11, 15 and 16 from the Commission minutes.

Commissioner Paul made a motion to approve the consent agenda minus the pulled items. The motion received a second from Commissioner Gielchinsky and all voted in favor.

A. Minutes – Sandra Novoa, MMC, Town Clerk

July 12, 2016 Special Commission Meeting – Quasi Judicial Minutes
August 9, 2016 Regular Town Commission Meeting Minutes (Pulled by Commissioner Paul)

Commissioner Paul read into the record several corrections to the minutes.

B. Budget to Actual Summary as of June 30, 2016 – Guillermo Olmedillo, Town Manager

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

1. See Click Fix
2. Development Applications
3. Surf Club
4. Code Compliance Cases
5. Hawthorne Tot Lot
6. August 2016 Significant Incidents/Arrests
7. 91st and Abbott Avenue Parking Enforcement Detail
8. Uniform Crime Report January to June 2016
9. Police Events
10. Zika Event
11. Records Management
12. Information Technology and TV Broadcasts

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

Item pulled by Commissioner Gielchinsky. The Commissioner spoke about the red light camera ticket issue and enforcement.

E. Committee Reports – Guillermo Olmedillo, Town Manager

- May 19, 2016 Pension Board Minutes
- July 26, 2016 Ad-Hoc Citizens Traffic Advisory Committee Minutes
- August 25, 2016 Planning and Zoning Board Minutes

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

As a point of privilege Commissioner Karukin read Mason's Rules about minutes which generally say they should be about what is done and not what is said.

4. Ordinances

A. Second Reading Ordinances

- 1. Monument Signs**– Sarah Sinatra Gould, AICP, Town Planner *{Item to be deferred to October 13, 2016 at 7:00PM in the Commission Chambers}*

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING"; SECTION 90-69. DEFINITIONS; AMENDING THE DEFINITION OF "AREA" OF A SIGN TO INCLUDE THE SUPPORTING STRUCTURE WITHIN THE MAXIMUM ALLOWABLE SIGN AREA; AMENDING THE DEFINITION OF "MONUMENT SIGN" TO ADD THAT THE BASE OF THE SIGN IS INDEPENDENT OF THE WALL, ENTRY FEATURE OR FENCE; 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.

Commissioner Karukin made a motion to defer the item to October 31, 2016 at 7:00 p.m. in the Commission Chambers. The motion received a second from Commissioner Paul and all voted in favor.

2. Construction Hours and Notice – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; AMENDING “CHAPTER 14 - BUILDINGS AND BUILDING REGULATIONS ARTICLE II. - BUILDING CODE”; SPECIFICALLY CREATING SECTION 14-32; “CONSTRUCTION SCHEDULE AND NOTICE”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Town Attorney Miller had a correction to the ordinance and requests that Section II, page 101, be stricken as it is redundant and appears on page 102.

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

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

B. First Reading Ordinances

1. Pension Amendment Increasing Employee Contributions and Improving Benefits – Guillermo Olmedillo, Town Manager

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 2 OF THE CODE OF THE TOWN OF SURFSIDE REGARDING THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-171 OF THE TOWN CODE TO CREATE A DEFINITION OF THE TERM SENIOR MANAGEMENT EMPLOYEE; AMENDING SECTION 2-176(a)(4) OF THE TOWN CODE TO PROVIDE FOR SEVEN YEAR VESTING FOR THE TOWN ATTORNEY; AMENDING SECTION 2-176(c)(1) OF THE TOWN CODE TO INCREASE THE BENEFIT ACCRUAL RATE FOR GENERAL EMPLOYEES AND INCREASING THE BENEFIT CAP FROM 60% TO 68% OF FINAL AVERAGE COMPENSATION; AMENDING SECTION 2-176(c)(1) OF THE TOWN CODE TO INCREASE THE BENEFIT ACCRUAL RATE FOR SENIOR MANAGEMENT EMPLOYEES AND INCREASING THE BENEFIT CAP FROM 60% TO 80% OF FINAL AVERAGE COMPENSATION; AMENDING SECTION 2-180(a) OF THE TOWN CODE TO INCREASE IN THE GENERAL EMPLOYEE AND SENIOR MANAGEMENT EMPLOYEE PICK-UP PENSION CONTRIBUTION BY 2%; PROVIDING FOR SEVERABILITY;

PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Town Manager Olmedillo presented the item. Adam Levinson gave details on the item and the benefits of it and said the bulk of the cost of this is paid by the employees. Mr. Levinson then answered some questions from Commission but said the actuary could be here for the second reading to further explain.

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

2. Architecturally Significant Buildings on H120 Zoned Lots – Commissioner Daniel Gielchinsky

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-2 “DEFINITIONS” AND 90-33 “ALTERATION OR ENLARGEMENT OF NONCONFORMING STRUCTURES” TO PERMIT ALTERNATIVES FOR THE REDEVELOPMENT OF EXISTING ARCHITECTURALLY SIGNIFICANT BUILDINGS IN THE H120 ZONING DISTRICT; 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.

Commissioner Gielchinsky presented the item. Attorney Graham Penn representing the applicant gave a power point presentation in support of the ordinance.

Commissioner Karukin made a motion for discussion. The motion received a second from Commissioner Paul. Commissioner Karukin (as full disclosure) said he had met with the attorney approximately 3 months ago. He would like to have input from the Planning and Zoning Board before he gives his support. Commissioner Paul also said she had met with the attorney before. She had some concerns and expressed her views and suggested redrafting the ordinance that would also benefit the town, as well as including other zones. Addressing Commissioner Paul’s concerns, Commissioner Gielchinsky gave further information on the item.

Public Speaker George Kousoulas gave his views on the item and suggested they not just look at this one building. He gave some suggestions on the ordinance.

The discussion on the ordinance was paused to go to Good and Welfare.

There was further discussion by the Commission. The Mayor suggested that the person who will certify the criteria be a licensed architect or qualified official who is knowledgeable in historic designation. Also, to have the applicant carry the financial burden with the money being put into an escrow account. He would like to see a balance as to what is good for the town and the applicant.

Commissioner Karukin made a motion to defer the ordinance to the Planning and Zoning Board. The motion received a second from Commissioner Paul. The motion carried 3/2 with Commissioner Gielchinsky and Vice Mayor Cohen voting in opposition.

As liaison to Planning and Zoning, Commissioner Gielchinsky requested the Town Attorney go through this evenings tape and send him a memo with the Mayor's suggestions.

5. Resolutions and Proclamations

A. Employee Health Benefits Contract Renewal for FY 2016-2017– Guillermo Olmedillo, Town Manager

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

Town Clerk Sandra Novoa read the title of the resolution.

Town Manager Olmedillo presented the item and Human Resources Director Yamileth McCloud provided the Commission with more details.

Commissioner Karukin asked, if at their own expense, members of the Commission could buy into the program as they are listed as employees. The insurance agent spoke and explained that one would have to work 30 hours per week or more and buying into the plan would not apply to them.

Commissioner Karukin made a motion to approve. Passing the gavel, the motion received a second from Mayor Dietch and all voted in favor.

B. Fraternal Order of Police Collective Bargaining Agreement - Guillermo Olmedillo, Town Manager

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA APPROVING AND RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF SURFSIDE AND THE FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE (“FOP”) DATED OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2019 ATTACHED HERETO AS ATTACHMENT “A”; DIRECTING THE TOWN MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

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

C. Resolution to Authorize the Engagement of Marcum, LLP for the Annual Audit of the Financial Statements – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE RENEWAL OPTION WITH MARCUM LLP FOR AUDITING SERVICES; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

Vice Mayor Cohen made a motion to approve. The motion received a second from Commissioner Paul and the motion carried 4/1 with Commissioner Karukin absent for the vote.

D. Resolution Declaring Principles of Inclusion – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA DECLARING PRINCIPLES OF INCLUSION FOR INDIVIDUALS WITH AUTISM AND OTHER SPECIAL NEEDS, AND URGING ACTION BY NATIONAL, STATE, AND LOCAL GOVERNMENTS, BUSINESSES, AND RESIDENTIAL COMMUNITIES CONSISTENT WITH THESE PRINCIPLES; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE NATIONAL LEAGUE OF CITIES, NATIONAL ASSOCIATION OF

COUNTIES, FLORIDA LEAGUE OF CITIES, FLORIDA ASSOCIATION OF COUNTIES, MIAMI-DADE COUNTY LEAGUE OF CITIES, MIAMI-DADE COUNTY, MIAMI-DADE PUBLIC SCHOOLS, AND MUNICIPALITIES IN MIAMI-DADE COUNTY; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

Mayor Dietch presented the resolution.

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

E. Zika Cooperation Urging Resolution – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA URGING MUNICIPALITIES IN MIAMI-DADE COUNTY TO CONTINUE COLLABORATION TO PROTECT THE PUBLIC AGAINST THE ZIKA VIRUS; URGING THE UNITED STATES CONGRESS, STATE OF FLORIDA AND MIAMI-DADE COUNTY TO ASSIST AND SUPPORT LOCAL GOVERNMENTS IN MIAMI-DADE COUNTY FLORIDA TO FUND, DEVELOP AND IMPLEMENT MITIGATION AND ERADICATION SOLUTIONS FOR THE ZIKA VIRUS; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO UNITED STATES SENATOR BILL NELSON, UNITED STATES SENATOR MARCO RUBIO, CONGRESSWOMAN DEBBIE WASSERMAN-SCHULTZ, FLORIDA SENATOR GWEN MARGOLIS, FLORIDA REPRESENTATIVE JOSEPH GELLER, EACH MEMBER OF THE MIAMI-DADE COUNTY COMMISSION AND EACH MAYOR OF MUNICIPALITIES IN MIAMI-DADE COUNTY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR APPROVAL AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

Mayor Dietch presented the resolution.

Commissioner Paul made a motion to discuss. The motion received a second from Commissioner Karukin.

Commissioner Paul suggests they add eco-friendly alternatives to the toxic spraying. The Mayor suggested that in the last line of the resolution they add environmentally preferable solutions for the eradication of the Zika virus.

Commissioner Paul made a motion to accept with the addition of the Mayor's language of using environmentally preferable solutions. The motion received a second from Commissioner Karukin and the motion carried 4/1 with Vice Mayor Cohen absent for the vote.

5. Good and Welfare

Mayor Dietch opened the meeting to Good and Welfare.

Public Speakers:

- George Kousoulas spoke about streetscape on Collins Avenue.
- John Shukeis also spoke about the streetscape project on Collins Avenue.
- Howard Weinberg had concerns about the issuance of code violations.
- Jeffrey Platt spoke about alcohol on the beach and also spoke about dogs on the beach.
- Deborah Cimadevilla spoke about parking in the residential area and items left on her property by construction workers.

Town Manager Olmedillo said they are looking into code enforcement on the issue Mr. Weinberg referred to.

Police Chief Allen addressed the issue of dogs on the beach as his department receives many calls on the issue. Service dog standards and abuse of the system were discussed.

Commissioner Karukin had concerns about the sidewalk issue on Collins Avenue and has asked they look further into this especially in the troubled areas.

Passing the gavel and based on feedback this evening, Mayor Dietch made a motion to refer to the Planning and Zoning Board that they look into the sidewalk issues on the Collins and Harding corridor. The motion received a second from Commissioner Karukin and all voted in favor.

The Mayor made a motion to direct the Town Attorney to review ADA laws as they relate to service animals on public spaces and coordinate with the Police Chief to assure we are current on our enforcement and we tighten up our regulations. The motion received a second from Commissioner Paul. The motion carried 3/2 with Vice Mayor Cohen and Commissioner Karukin voting in opposition.

No one else wishing to speak the Mayor closed Good and Welfare and resumed with Item 4B.2.

7. Town Manager and Town Attorney Reports

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

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

A. Single Family Home Historic Significance and Education Process – Commissioner Tina Paul

Commissioner Paul presented the item. She asked if she could represent the town at the next Historic Preservation Committee. She also suggested a flyer be sent to the community to better educate them on this item as not everyone could attend a workshop.

Commissioner Paul made a motion to allow her to speak on their behalf at the September 21, 2016 meeting of the Historic Preservation Board regarding a survey and their staff assist in designing a flyer to educate the community on historic preservation. Passing the gavel, the motion received a second from Mayor Dietch.

The Mayor opened public hearing.

-Public Speaker David Duchman spoke against having another government agency telling the town what structures are being designated as historic.

-Public Speaker George Kousoulas believes that although the Commission has different opinions they are all right in some of their views. He gave his views on the item.

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

After much discussion Commissioner Paul withdrew her motion.

Commissioner Paul made a motion to allow her and the Town Manager to go before the Historic Preservation Board to discuss the possibility of having a survey in the H30 A/B/C districts to determine historic value of homes and get assurance they would not designate any homes based on the survey. Passing the gavel, the motion received a second from Mayor Dietch. The motion failed 3/2 with Commissioner Karukin, Commissioner Gielchinsky and Vice Mayor Cohen voting in opposition.

Commissioner Paul made a motion to ask the Historic Preservation staff to produce a flyer to distribute within the town with their water bills to explain what historic preservation is about and in addition to hold a workshop.

Passing the gavel, the motion received a second from Mayor Dietch. The motion failed 3/2 with Commissioner Karukin, Commissioner Gielchinsky and Vice Mayor Cohen voting in opposition.

B. Board and Committee Appointments – Guillermo Olmedillo, Town Manager

Commissioner Gielchinsky presented background information and appointed Gregg Covin to the Design Review Board.

Commissioner Gielchinsky made a motion to accept the appointment. The motion received a second from Vice Mayor Cohen. The motion passed 4/1 with Commissioner Paul voting in opposition.

C. Beach Chair Management – Guillermo Olmedillo, Town Manager
Manager Olmedillo presented the item and is asking the Commission for further direction and presented his recommendations.

Commissioner Gielchinsky made a motion to approve the Town Manager's recommendations.

The motion received a second from Vice Mayor Cohen and all voted in favor.

Mayor Dietch believes we should focus on upland properties only. Commissioner Karukin concurs and said the money should come from the Tourist Board budget. There was further discussion from the Commission.

Commissioner Gielchinsky withdrew his previous motion and made a motion to approve the Town Manager's recommendation limited to the upland properties owners only. Mayor Dietch added a friendly amendment that there be access immediately east of the dunes for public safety as well as maintenance access and that there are individual beach management plans. Commissioner Gielchinsky accepted the friendly amendment except for the beach management plan. The beach management issue was discussed. The motion received a second from Vice Mayor Cohen and all voted in favor.

Mayor Dietch opened public hearing.

Public Speakers:

-Deborah Cimadevilla spoke on the beach chair and litter issues and presented some visuals.

-Marianne Meischied agrees with the motion but had some questions regarding concessions.

-John Suchecke had questions regarding the beach chair issue.

-Larisa Alonso agrees we should have upland only and there has to be a safety zone from the high water line. She also gave her views on beach chairs.

-Norma Parron spoke about imperium rights of homeowners who purchased ocean front view properties and was against rows of chairs being placed on the beach.

-Frederick Mark representing the Grand Beach Hotel spoke about the beach management plan.

- George Kousoulas is in agreement with the friendly amendment to the ordinance and spoke of the State law regarding upland property owner's rights and read a portion of the State law.

-Jeffery Platt would like no rows of beach chairs on the beach as well as alcohol being served.

-Elizabeth Cimadevilla gave her views on the beach chair problems and asked the Commission to weigh all matters and make the right decision.

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

Commissioner Paul made a motion to extend the meeting to 11:30 p.m. The motion received a second from Commissioner Gielchinsky and the motion carried 4/1 with Vice Mayor Cohen voting in opposition

Commissioner Paul read an email she received from a resident and shared a photo regarding beach chairs.

Commissioner Gielchinsky read a document provided by Deborah Cimadevilla. Commissioner Gielchinsky made a motion to direct the Town Attorney to draft a letter and send it to the developer advising them that there are no private beaches in Surfside. The motion received a second from Commissioner Karukin and all voted in favor.

D. Proper and Sufficient Information Dissemination - Guillermo Olmedillo, Town Manager (*Verbal*)

Manager Olmedillo presented the item. Commissioner Karukin suggested putting in the Gazette an article to attract residents to sign up for e-mail blasts.

E. Parking (added to agenda) – Guillermo Olmedillo, Town Manager (*verbal*) Manager Olmedillo gave an update on the item.

Commissioner Gielchinsky made a motion to direct the Town Manager to negotiate a scope and fees for the schematic design services to help us frame the solicitation for a parking structure. The motion received a second from Commissioner Karukin and all voted in favor.

10. Adjournment

The meeting adjourned at 11:25 p.m.

Respectfully submitted,

Accepted this ____ day of _____, 2016

Daniel Dietch, Mayor

Attest:

Sandra Novoa, MMC
Town Clerk



**Town of Surfside
FINAL BUDGET HEARING
TOWN HALL COMMISSION CHAMBERS
9293 HARDING AVENUE**

**SEPTEMBER 27, 2016
5:01 PM**

MINUTES

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 5:02 pm.

B. Roll Call of Members

Tow Clerk Sandra Novoa called the roll with the following members present: Mayor Dietch, Commissioner Gielchinsky, Commissioner Karukin and Commissioner Paul. Vice Mayor Cohen was absent.

C. Pledge of Allegiance

Captain Yero led the Pledge of Allegiance

Vice Mayor Cohen arrived at 5:05pm.

2. Discussion Regarding Millage Rate and Budget – Guillermo Olmedillo, Town Manager
Town Manager Olmedillo introduced the item.

3. Fiscal Year 2016/2017 Millage Rate

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, 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 2016/2017; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution into the record.

After some discussion Vice Mayor Cohen made a motion to lower the millage rate from 5.0293 to 5.0144. The motion received a second from Commissioner Paul. Then motion carried 5-0.

4. Public Comment

No public comments.

5. Fiscal Year 2016/2017 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 2016/2017; ATTACHING A SUMMARY COPY OF SAID BUDGET MARKED ATTACHMENT "A"; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution into the record

Commissioner Karukin made motion to approve. The motion received a second from Commissioner Paul. The motion carried 5-0.

6. Public Comment

Barbara Cohen spoke about the budget process.

7. Adjournment

There being no further business, Commission Gielchinsky made a motion to adjourn. The motion received a second from Vice Mayor Cohen. The meeting adjourned at 5:14 pm.

Respectfully submitted,

Accepted this ____ day of _____, 2016

Daniel Dietch, Mayor

Attest:

Sandra Novoa, MMC
Town Clerk

**TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2015/2016**

AS OF

July 31, 2016

83% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 3

Agenda Date: October 11, 2016

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET
GENERAL FUND			
REVENUE	\$12,022,622	\$12,781,002	94%
EXPENDITURES	9,995,686	\$12,781,002	78%
Net Change in Fund Balance	2,026,936		
Fund Balance-September 30, 2015 (Audited)	5,905,726		
Fund Balance-July 31, 2016 (Reserves)	<u>\$ 7,932,662</u>		
RESORT TAX (TEDAC SHARE)			
REVENUE	\$ 489,173	\$661,870	74%
EXPENDITURES	395,732	\$661,870	60%
Net Change in Fund Balance	93,441		
Fund Balance-September 30, 2015 (Audited)	339,396		
Fund Balance-July 31, 2016 (Reserves)	<u>\$ 432,837</u>		
POLICE FORFEITURE/CONFISCATION			
REVENUE	\$ 37,222	\$80,000	47%
EXPENDITURES	37,272	\$80,000	47%
Net Change in Fund Balance	\$ (50)		
Fund Balance-September 30, 2015 (Audited)	113,431		
Fund Balance-July 31, 2016 (Reserves)	<u>\$ 113,381</u>		
TRANSPORTATION SURTAX			
REVENUE	\$ 188,104	\$366,769	51%
EXPENDITURES	250,883	\$366,769	68%
Net Change in Fund Balance	(62,779)		
Fund Balance-September 30, 2015 (Audited)	440,662		
Fund Balance-July 31, 2016 (Reserves)	<u>\$ 377,883</u>		
CAPITAL PROJECTS			
REVENUE	\$ 160,423	\$619,146	26%
EXPENDITURES	171,499	\$619,146	28%
Net Change in Fund Balance	(11,076)		
Fund Balance-September 30, 2015 (Audited)	182,903		
Fund Balance-June 30, 2016 (Reserves)	<u>\$ 171,827</u>		

NOTES:

* Many revenues for July 2016 are received in subsequent months (timing difference) and are recorded on a cash basis in the month received.

A. Includes \$2,000,000 available for hurricane/emergencies. Includes \$183,442 of Prepaid Expenses. The balance of \$3,722,284 is unassigned fund balance (reserves).

B. Resort Tax Revenues total collected through July 2016 is \$1,407,849 (\$489,173 is the TEDAC and \$918,676 is the General Fund).

ENTERPRISE FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET
WATER & SEWER			
REVENUE	\$ 2,484,639	\$3,098,177	80%
EXPENDITURES	2,030,886	\$3,098,177	66%
Change in Net Position	453,753		
Unrestricted Net Position-September 30, 2015 (Audited)	(2,705,871)		
Restricted Net Position	1,765,319 C1		
Unrestricted Net Position-July 31, 2016 (Reserves)	<u>\$ (486,799) C2</u>		
MUNICIPAL PARKING			
REVENUE	\$ 990,002	\$1,083,476	91%
EXPENDITURES	818,115	\$1,083,476	76%
Change in Net Position	171,887		
Unrestricted Net Position-September 30, 2015 (Audited)	1,089,165		
Unrestricted Net Position-July 31, 2016 (Reserves)	<u>\$ 1,261,052</u>		
SOLID WASTE			
REVENUE	\$ 1,467,194	\$1,882,434	78%
EXPENDITURES	1,418,100	\$1,882,434	75%
Change in Net Position	49,094		
Unrestricted Net Position-September 30, 2015 (Audited)	340,391		
Unrestricted Net Position-July 31, 2016 (Reserves)	<u>\$ 389,485</u>		
STORMWATER			
REVENUE	\$ 421,015	\$678,848	62%
EXPENDITURES	350,639	\$678,848	52%
Change in Net Position	70,376		
Unrestricted Net Position-September 30, 2015 (Audited)	4,051,768		
Restricted Net Position	347,140 C3		
Unrestricted Net Position-July 31, 2016 (Reserves)	<u>\$ 4,469,284</u>		

NOTES:(con't)

C1. The Restricted Net Position of \$1,765,319 includes \$1,522,319 for renewal and replacement, and \$243,000 for State Revolving Loan reserves.

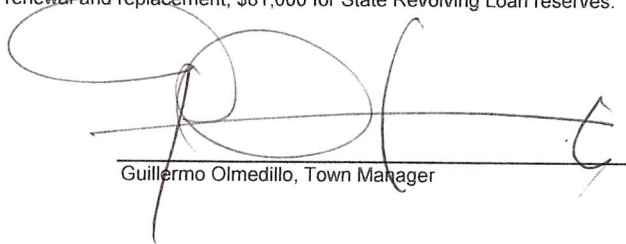
C2. The reserves balance of (\$486,799) is the result of a change in current net position as of July 2016 of \$453,753 net position as of September 30, 2015 of (\$2,705,871) includes Restricted Net Position of \$1,765,319.

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)
7/31/2016

FUND	9/30/2013	9/30/2014	9/30/2015	7/31/2016
General	\$ 5,304,042	\$ 6,366,391	\$ 5,905,726	\$ 7,932,662
Resort Tax	94,497	180,297	339,396	432,837
Police Forfeiture	138,143	159,626	113,431	113,381
Transportation Surtax	131,475	396,740	440,662	377,883
Capital	255,263	849,445	182,903	171,827
Water & Sewer	(5,261,333)	(3,501,884)	(2,705,871)	(486,799)
Parking	1,066,574	1,000,355	1,089,165	1,261,052
Solid Waste	227,274	116,662	340,391	389,485
Stormwater	2,520,512	3,838,412	4,051,768	4,469,284
Total	\$ 4,476,447	\$ 9,406,044	\$ 9,757,571	\$ 14,661,612



TOWN MANAGER'S REPORT OCTOBER 2016

COMMUNITY PROGRAMS / INITIATIVES / ENHANCEMENTS

1. See Click Fix -- Report attached.
2. Community Garden Non-Profit Annual Review – Report attached.

PLANNING, ZONING AND DEVELOPMENT

3. Development Application Status

8955 Collins – A site plan application for a 16 unit, 12 story condominium has been received. A Development Review meeting was held on June 20, 2016. A second Development Review meeting was held on July 27, 2016. A DIC meeting was held September 1, 2016. The Planning and Zoning Board meeting has been scheduled for October 27, 2016.

TOWN DEPARTMENTS

Building Department

4. Marriott Residence Inn

The Marriott Residence Inn was issued their CO on October 3, 2016.

Code Compliance

5. Code Compliance Cases

A. Code Violation Cases – As of September 30, 2016, the total number of active, open cases being managed is 151; of these cases, 100 cases are still under investigation and are working towards compliance; 30 are in the Special Master hearing queue; 3 cases are in post-Special Magistrate action status, and 18 cases have been liened and remain unpaid. Properties with unpaid liens are sent letters on a quarterly basis.

B. Harding Avenue Commercial Property Maintenance Cases – between March 22 and April 4, 2016, the Code Compliance Division opened thirty (30) commercial property maintenance violations relating to the Harding Avenue businesses. Of these cases, 29 violations have been closed by compliance, and 1 case is still open but working towards compliance by the property owner and their tenant.

C. Collected Civil Penalty Fines - unresolved Code Compliance cases accrue fines until the code violation is resolved. After the violation is abated, then the property owners are notified to remit the fine amount due. In many cases, the fine amount is either paid, resolved via a settlement agreement, or referred to the

Town's Special Master for a hearing and ruling on the fine amount due. The following is a summary by fiscal year of the fine amounts collected:

FY 15/16: 152 cases have submitted payments totaling \$137,282 (through September 30, 2016)
FY 14/15: 26 cases paid/settled for a total of \$86,869
FY 13/14: 6 cases paid/settled for a total of \$67,293
FY 12/13: 9 cases paid/settled for a total of \$15,750
FY 11/12: 8 cases paid/settled for a total of \$16,875

Police Department

6. September 2016 Significant Incidents/Arrests

- Trespass with a Weapon Warrant Arrest - 9/02/2016: 9400 block of Collins Avenue. The subject was arrested.
- Lewd and Lascivious Battery on a minor - 9/17/2016: 8801 Collins Avenue. The subject was arrested.
- Fraud/Narcotics - 9/21/2016: 9516 Harding Avenue (Flannigan's Restaurant). The subject was arrested.
- Aggravated Assault - 9/22/2016: 9400 block of Collins Avenue. The subject was arrested.

7. High Holidays Detail

The Surfside Police Department will increase police presence with assigned details for high visibility during the High Holidays 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 areas.

2016 High Holiday Patrol Detail For Prayer Services and Holiday Meals

Evening/Night time: 18:00 - 03:00 Hours

Sunday: October 2 (Rosh Hashana)
Monday: October 3 (Rosh Hashana)
Tuesday: October 11 (Yom Kippur)
Sunday: October 16 (Sukkot)
Monday: October 17 (Sukkot)
Friday: October 21 (Sukkot)
Sunday: October 23 (Sukkot)
Monday: October 24 (Sukkot)

Day Time: 09:00 -15:00 Hours

Monday: October 3 (Rosh Hashana)
Tuesday: October 4 (Rosh Hashana)
Wednesday: October 12 (Yom Kippur)
Monday: October 17 (Sukkot)
Tuesday: October 18 (Sukkot)
Monday: October 24 (Sukkot)
Tuesday: October 25 (Sukkot)

8. Security Camera Monitors Installed at Town Hall South Exit Points

Security camera monitors have been installed and are operational at the interior of both south exit doors of Town Hall that lead to the rear parking lot. There are four (4) cameras being displayed that

provide coverage of the rear lots and areas surrounding the exit doors. These monitors were implemented to enhance security for all employees by allowing them to see what is on the other side of the door before exiting.

9. Police Chief for a Day

Law enforcement department heads throughout South Florida made dreams come true for a young person in their community during National Community Policing Week October 3-7, 2016. This initiative enhances the efforts to build trust and strong bonds with the youth of the community.

For one day, the participants did not think about the barriers that he/she faces in their life or within their community but, instead, focused on the possibilities and opportunities they can reach in life by seeing it with their own eyes as they accompany, for a day, one of the leaders of their community.

Chief Allen participated in the Chief for a Day program. Two Surfside residents, Trey and Logan Brennan shadowed Chief Allen on October 3, 2016 from 10:00 a.m. to 2:00 p.m.

10. Police Events

- The 15th Citizens Police Academy class began on September 8, 2016 and will conclude on November 17, 2016 with a graduation ceremony. The October classes include Marine Patrol, K-9, Fundamentals of Law and the Driving Range.
- The Bal Harbour PD, Bay Harbor Islands PD, North Bay Village PD, Sunny Isles Beach PD and the Surfside PD hosted a leadership training with guest lecturer Sergeant first class, U.S. Army Special Forces Greg Stube on October 5, 2016.
- The Monthly Crime Stoppers' Board of Directors meeting was on October 5, 2016. NRO Hernandez attended.
- The Surfside Police Department hosted a community blood drive on October 13, 2016.
- The Surfside Police Department will host a Mobile Department of Motor Vehicles event for residents to apply for and renew their driver's licenses on October 19, 2016 from 9:30 a.m. to 2:30 p.m. in the Commission Chambers.
- The Prescription Drug Drop Off Day is October 22, 2016 from 10:00 a.m. to 2:00 p.m. in the Town Hall Lobby. Dina Goldstein will manage this event.
- The North Miami Beach Police Department will host its 9th Annual Domestic Violence Walk on October 22, 2016 beginning at 9:00 a.m. An officer will be assigned to attend.
- Surfside PD, Sunny Isles Beach PD, Bay Harbour Islands PD and Bal Harbour PD will host a Shred a Thon and DEA Drug Take Back on October 22, 2016 at Bill Bird Marina (Haulover Park) from 10:00 a.m. to 2:00 p.m. An officer will be assigned to attend.
- The Aventura Marketing Council / World-Class Chamber of Commerce and Aventura Hospital and Medical Center will host its annual "Salute to Law Enforcement" Breakfast Meeting on Wednesday, October 26, 2016 7:30 a.m. – 9 a.m. at the Newport Beachside Hotel. Captain Julio Yero will attend.
- The monthly Bike with the Chief is October 26, 2016 at Town Hall at 5:00 p.m.
- Coffee with the Cops is October 28, 2016 at Starbucks at 10:00 a.m.
- The Halloween Block Party is on October 31, 2016 on 92nd Street and Byron Avenue from 6:00 p.m. to 8:00 p.m. police officers and civilian staff will give out candy and glow necklaces.

PROJECTS PROGRESS UPDATES

11. Information Technology and TV Broadcasts

- IT ordered one Surface Pro 4 for Tourist Board Dept. to be set up mid-October; and is obtaining pricing for one APC for the Server room.
- IT is working with the Town's camera subcontractor, Triad, to upgrade three existing cameras and adding two additional cameras. One camera was installed at the front desk; another camera will be installed in the gym in mid-October.
- IT is renewing the maintenance support agreements on three of the Town's servers.

Respectfully submitted:



Guillermo Olmedillo, Town Manager

Town of Surfside, FL

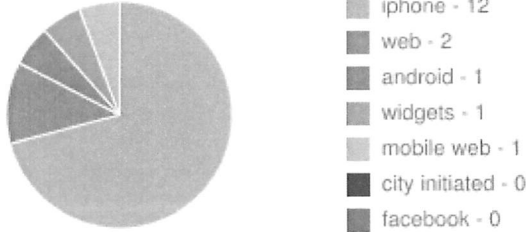
Between Sep 01, 2016 and Sep 27, 2016

18 issues were opened

20 issues were closed

The average time to close was 7.3 days.

Issues by Source



SERVICE REQUEST TYPE	OPENED	CLOSED	DAYS TO CLOSE
Other	7	6	3.7
Parking Issue	4	3	1.1
Beach Issue	1	3	5.4
Code Compliance (Safety Concern)	1	5	12.6
Construction Issues	2	2	13.9
Code Compliance (Violation)	2	1	12.8
Dog Stations (P & R)	1	0	0.0
96 Street Park (P & R)	0	0	0.0
Barking Dog	0	0	0.0
Beach Patrol	0	0	0.0
Community Center (P & R)	0	0	0.0
Dead Animal	0	0	0.0
Drainage/Flooding (PW)	0	0	0.0
Graffiti (in park) (P & R)	0	0	0.0
Graffiti (PW)	0	0	0.0
Hawthorne Tot-Lot (P & R)	0	0	0.0
Police (Safety Concern)	0	0	0.0
Pothole (PW)	0	0	0.0
Solid Waste (Commercial) (PW)	0	0	0.0
Solid Waste (Residential) (PW)	0	0	0.0

Street lights (PW)	0	0	0.0
Surfside Dog Park (P & R)	0	0	0.0
Utilities (Water/Sewer) (PW)	0	0	0.0
Veterans Park (P & R)	0	0	0.0

Town of Surfside, FL

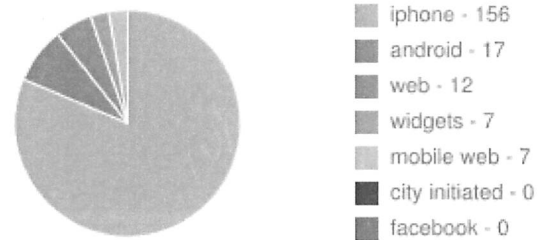
Between Jan 01, 2016 and Sep 27, 2016

199 issues were opened

221 issues were closed

The average time to close was 42.5 days.

Issues by Source




SERVICE REQUEST TYPE	OPENED	CLOSED	DAYS TO CLOSE
Other	48	46	12.5
Beach Issue	33	33	3.6
Parking Issue	32	31	1.7
Code Compliance (Violation)	18	25	72.6
Code Compliance (Safety Concern)	15	20	80.5
Street lights (PW)	9	19	255.9
Barking Dog	8	10	19.7
Police (Safety Concern)	6	7	1.5
Construction Issues	8	8	7.7
Drainage/Flooding (PW)	7	7	2.6
Utilities (Water/Sewer) (PW)	4	4	1.0
Dog Stations (P & R)	3	3	21.8
Beach Patrol	2	2	0.0
Surfside Dog Park (P & R)	2	2	0.1
96 Street Park (P & R)	1	1	0.0
Dead Animal	1	1	0.1
Solid Waste (Commercial) (PW)	1	1	0.1
Solid Waste (Residential) (PW)	1	1	7.9
Community Center (P & R)	0	0	0.0

Graffiti (in park) (P & R)	0	0	0.0
Graffiti (PW)	0	0	0.0
Hawthorne Tot-Lot (P & R)	0	0	0.0
Pothole (PW)	0	0	0.0
Veterans Park (P & R)	0	0	0.0



Memorandum

To: Town Manager
From: Duncan Tavares, TEDACS Director 
Date: 9/20/2016
Re: Community Garden Non-Profit Annual Renewal

Please note the Surfside Community Garden non-profit "Surfside Urban Gardeners" has met the following requirements to renew their annual agreement as of October 1, 2016:

- 1) Remitted payment in the amount of \$12 (\$1 per month).
- 2) Proof of their non-profit status.
- 3) Certificate of Liability Insurance.

Mr. Freddy Chiche remains the President and Ms. Dalia Blumstein remains as Vice President.
President: Mr. Freddy Chiche of the organization.

This Memorandum satisfies the requirement of notification as outlined in the Town's agreement with the non-profit.

WELLS FARGO BANK

1001

SURFSIDE 9401 HARDING AVE SURFSIDE, FL 33164

DATE

08/29/2015

63-751/631

PAY TO THE ORDER OF

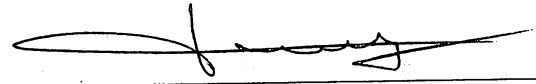
TOWN of Surfside

\$12.00

Twelve Dollars

DOLLARS

SURFSIDE URBAN GARDENERS, INC
FREDDY F CHICHE
9508 ABBOTT AVE
SURFSIDE FL 33154-2503



⑆063107513⑆8149881438⑈1001

2016 FLORIDA NOT FOR PROFIT CORPORATION AMENDED ANNUAL REPORT

DOCUMENT# N11000007554

Entity Name: SURFSIDE URBAN GARDENERS, INC.

Current Principal Place of Business:

9341 COLLINS AVENUE .
APT 307
SURFSIDE, FL 33154

Current Mailing Address:

9341 COLLINS AVENUE .
APT 307
SURFSIDE, FL 33154 US

FEI Number: 45-2906097

Certificate of Status Desired: Yes

Name and Address of Current Registered Agent:

PRESIDENT
9341 COLLINS AVENUE# #307
SURFSIDE, FL 33154 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: FREDDY CHICHE

03/30/2016

Electronic Signature of Registered Agent

Date

Officer/Director Detail :

Title PRESIDENT
Name CHICHE, FREDDY
Address 9341 COLLINS AVENUE
 APT 307
City-State-Zip: SURFSIDE FL 33154

Title VP
Name BRONSTEIN, DALIA
Address 8926 HAWTHORNE AVENUE
City-State-Zip: SURFSIDE FL 33154

Title TREASURER
Name CARIGLIO, MICHAEL
Address 9056 BYRON AV
City-State-Zip: SURFSIDE FL 33154

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 617, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: CHICHE FREDDY

PRESIDENT

03/30/2016

Electronic Signature of Signing Officer/Director Detail

Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08/18/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).


PRODUCER Synergy Insurance Group 7771 W Oakland Park Blvd #122 Sunrise, FL 33351	CONTACT NAME: PHONE (A/C, No, Ext): (954) 792-3660 FAX (A/C, No): (954) 791-8019 E-MAIL ADDRESS: info@freedominsurancefl.com	
	INSURER(S) AFFORDING COVERAGE NAIC #	
INSURED Surfside Urban Gardeners, Inc 9341 Collins Avenue #307 Surfside FL 33154-	INSURER A : Covington Specialty Insurance Company	
	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR			VBA337045-01	10/29/2015	10/29/2016	EACH OCCURRENCE	\$ 1,000,000.00
			DAMAGE TO RENTED PREMISES (Ea occurrence)				\$ 100,000.00	
			MED EXP (Any one person)				\$ 5,000.00	
			PERSONAL & ADV INJURY				\$ 1,000,000.00	
			GENERAL AGGREGATE				\$ 2,000,000.00	
			PRODUCTS - COMP/OP AGG				\$ 1,000,000.00	
			OTHER:				\$	
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER	
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER Town of Surfside 9293 Harding Avenue Surfside, FL 33154	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 


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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, 2016

SUBJECT: Office of the Town Attorney Report for October 13, 2016

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

September 20, 2016 – Ad Hoc Citizen Traffic Mitigation Advisory Committee Meeting

September 21, 2016 – Special Master Hearing

September 27, 2016 – Second Budget Hearing

September 28, 2016 – Parks and Recreation Committee Meeting

September 29, 2016 – Sustainability Subcommittee of the Planning and Zoning Board Meeting

September 29, 2016 – Design Review Board and Planning and Zoning Board Meeting

October 10, 2016 – Tourist Board Meeting

October 13, 2016 – Town Commission Meeting

Ordinances for Second Reading:

- Sign Modification
- Amendments to pension plan

Ordinances for First Reading:

- Building permit fees
- Beach furniture

Resolutions prepared and reviewed:

- Adopting the final levying of a millage rate for the Fiscal Year 2016/2017
- Adopting Final Budget Fiscal Year 2016/2017
- 2016 Mack Truck
- Three police vehicles
- Approving Proposal No. 1259-141203R from Synamovski Romanik Saye, LLC For Parking Garage Schematic Design Services for the Abbott Avenue Parking Lot Site
- Amendment to Town Manager's Employment Agreement

Town Commission/Town Manager:

- Prepared Letter to ASRR Suzer 8955 LLC regarding advertisement about beach
- Briefed new member of Design Review Group on Sunshine Law, Public Records, and Ethics and Conflict of Interest
- Review zoning and land use and referendum requirements for Town owned parking lots
- Discussed with Miami-Dade Historic Preservation staff and county attorney the proposed architecturally significant ordinance
- Research and prepare beach furniture ordinance
- Research law on service animals
- Review Town Code for noise ordinance amendments
- Reviewed Florida Department of Environmental Protection Notice of Emergency Rule 62-4.161
- Review SB 1094 (2015)

Town Clerk:

- Reviewed public records statutes and cases
- Public Records Management implementation

September 29, 2016 Planning and Zoning and Design Review Board:

Design Review Board Applications:

- A. 9532 Carlyle Avenue - a second story addition to the existing single-family residence

B. 9000 Bay Drive - a four foot high picket style fence

C. 9454 Harding Avenue - an illuminated channel lettering sign for a new retail shop, Levinsky Roasting, Nuts & Dried Fruits

Discussion Item: Architectural Significant Buildings on H120 Zoned Lots

Planning and Zoning Board:

Ordinance: Monument Sign

Discussion Items:

1. Carport Canopy
2. Requiring Notice of Demolition of Houses
3. Workforce housing update
4. Construction hours update
5. Roof Pitch & Height
6. Future Agenda Items

Building Department/Code Enforcement:

- Review noise ordinance for consistency with construction hours ordinance
- Review Florida State of Emergency Executive Order No. 16-149 and applicability of Section 252.363, Fla. Stat.

Tourist Bureau/Downtown Vision Advisory Board/Tourist Board:

- Prepare Resolution for parking garage
- Reviewed E-City Services website agreement
- Reviewed agreement for social media and public records
- Review proposal from Zambelli Fireworks for New Year's Eve celebration

Finance Department:

- Prepare Resolution adopting the final levying of a millage rate for the Fiscal Year 2016/2017
- Prepare Resolution adopting Final Budget Fiscal Year 2016/2017

Public Works:

- Review lease agreement for seawall staging area

Police Department:

- Review Emergency procedures for Zika virus and Hurricane Matthew preparedness
- Prepare for review of Parking Pay Station 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. The EEOC sent notification to Mr. Deleon of the right to institute a civil action under Title VII of the Civil Rights of 1964, as amended, 42 U.S.C. 2000e, et seq.
3. Claimant alleges a false arrest on June 1, 2014. FMIT is investigating this claim.
4. 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 a Third Amended Petition for Writ of Certiorari. The Town and Young Israel have filed a response to the Third Amended Petition for Writ of Certiorari and a request for Oral Argument. Mr. Bakker has filed a reply. The Town and Young Israel have filed a request for Oral Argument.
5. 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 stayed the case during the pendency of an appeal and heard oral argument on June 14, 2016. The Eleventh Circuit dismissed the appeal for lack of jurisdiction on August 31, 2016. Defendants filed a motion for rehearing and motion for rehearing en banc in the Eleventh Circuit which is pending.

6. 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:

- September 15, 2016 – 4th Annual Civility and Professionalism Summit, 11th Circuit Professionalism
- Continued monitoring of new case law and legislation from Federal, State and County.



TOWN OF SURFSIDE

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

PARKS AND RECREATION ADVISORY COMMITTEE MEETING

Monday July 18, 2016
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: Shlomo Danzinger, Tim Milian, Parks and Recreation Director, Tina Paul, Liaison, Jeffrey Platt, Mitchell Gottlieb, Victor May, Resident

Eliana Salzhauer was absent with regrets.

2. Approval of Minutes from June 20, 2016 Meeting

Jeffrey Platt made a motion to approve the June 20, 2016 minutes; Mitchell Gottlieb seconded the motion. The motion passed unanimously. The minutes were approved.

3. Brick for Alberto Aguirre

Tim provided a brief history on Alberto's tenure with the Committee. It was recommended that a brick be purchased and placed at the community center in his memory. Alberto's wife has come in to look at the brick and make her recommendation on what would be placed on the brick and its location. Jeffrey Platt inquired about the cost of the brick, in which Tim stated the cost was roughly \$40.00.

Committee members walked outside to view location of the brick

Tim advised that the forms for brick dedications are available online.

4. Higher Education Scholarship update

Tim provided overview of higher education scholarship selection. Tim advised Nicole wasn't able to make the presentation, but sent a thank you note to the Committee.

5. 4th of July recap

Tim advised that it's one of the largest attendance with over 1,000 people coming through the door. The beach was also packed. The attendance was fantastic. The fireworks displays, which is always done by hand was also amazing. Tim advised that the cost is split between Parks and Recreation (\$8,000) and the Tourist Board (\$4,000). Jeffrey advised that next year, due to the demographics (new hotel properties), Parks and

Recreation's budget for fireworks should be smaller and the Tourist Board's portion should be larger. It was stated that the Tourist Board can only contribute a certain percentage to the fireworks show. Tim advised that if there's a motion made he can reach out to Duncan about increasing the amount of money contributed for fireworks. Jeffrey advised that he knows that Bal Harbour has a large budget for fireworks, so is there any chance to merge both cities funds to have a larger fireworks show.

6. Summer Camp Update

Tim advised that they are mid-way through camp and of the kids attending 95% are Surfside residents. The teen camp is at its largest with 31 teens. Overall there are 131 kids in camp. Tim advised that he's averaging about 100 kids per day.

7. Hawthorne Tot Lot Renovation Update

Tim advised that the main apparatus is beyond repair. Tim is presenting the renovation to the Town Commission in August with an estimated expected budget of \$459,000. The total project cost would be \$125,000 to include a new fence with aluminum poles/bar, borders, equipment, centerpiece, sand area, mulch, water fountain, self-charging picnic table. The target date for completion is roughly in October, if the Commission approves the renovation at their August meeting. Victor May would prefer rubber matting for the park and Tim advised that the mats tend to get hot during the summer months and there have been recommendations by both residents and committee members to go with natural playground mulch.

8. Community Input

Victor May thanked the staff about the making the adjustments on the path leading to the beach and the mats in the restrooms at the community center. He also advised he has noticed that a lot of people taking pictures of the lifeguard stand, but nothing about the stand is identifiable as or says Surfside. He suggested building a new and contemporary lifeguard stand to include Town logo or something that references the Town. Jeffrey Platt made a recommendation to add another lifeguard stand on the beach and Tim advised that it's not necessarily easy. In adding the stand you would need to add more than one stand and they have to be at least approximately 100 yards per lifeguard stand and must follow beach lifeguard guidelines.

9. Meeting Adjournment

Mitchell Gottlieb made a motion to adjourn the meeting, Shlomo Danzinger seconded the motion. The motion passed unanimously. The meeting ended at 7:52pm.

Accepted this 28 day of Sept., 2016

Retta Logan

Member (Print)

[Signature]
Signature

Attest:

[Signature]
Frantza Duval
Recording Clerk



**Town of Surfside
Tourist Board
MINUTES**

August 1, 2016 5:30 p.m.

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

Opening

A. Call to Order.

The meeting was called to order by Chair Barbara Cohen at 5:35pm.

B. Roll Call of Tourist Board Members.

All of the Board members were present at the time of roll call with the exception of Secretary Marianne Meiseheid. A quorum was established.

Secretary Marianne Meiseheid, who was not physically present at the meeting, requested to participate via telephone conference. Director Duncan Tavares prefaced by stating that in allowing Secretary Marianne Meiseheid to participate in the meeting via conference call may cause issues with regard to the audio for future public records use especially with regard to the online video recording of the meeting. He also stated that in order for Secretary Marianne Meiseheid to participate and vote in the meeting, the present Board members would need to take a vote to allow her to participate.

Terry Cohen made a motion to let Secretary Marianne Meiseheid participate via conference call; Jennifer Zawid seconded the motion. The motion passed unanimously.

1. July 11, 2016 Tourist Board Meeting Minutes.

Jennifer Zawid made a motion to approve the July 11, 2016 Tourist Board Minutes; Jessica Weiss seconded the motion. The motion passed unanimously

2. A/R (Resort Tax).

Director Duncan Tavares presented the Account Receivables Resort Tax information. Chair Barbara Cohen advised that the letters were not issued in a timely manner. Director Duncan Tavares advised that he could speak to Finance about the delay of the letters being sent out.

Terry Cohen made a motion for Director Duncan Tavares to inquire with the Finance Department about the timely notifications being sent to the delinquent business owners. Vice Chair Jessica Weiss seconded the motion. The motion passed unanimously.

3. Jacober Creative Update

Director Duncan Tavares presented Louisa Jimenez from Jacober Creative who presented an update on the four month marketing campaign. The marketing mission is to support hotel partners by driving guest bookings, promote tourism to the Town, and promote patronage of the downtown business. Jacober Creative worked with Greater Miami Convention & Visitors Bureau (GMCVB) to determine who the Town is trying to reach. She advised that there are plans to continue with the simplysurfside hashtag and incorporating the surfsidespecial hashtag. Director Duncan Tavares thanked the hotel partners for accommodating the photo shoot. Terry Cohen inquired about the “f” in surfside. She feels that it cannot be read easily. Overall she is happy with the presentation. She also inquired about the hashtag “Surfsidespecial” and she sees it as something that is generally used by restaurants and feels like another tag should be used. She also inquired about printing rights with the models. Luisa Jimenez advised that there is a four year licensing agreement which covers national, digital, and print but not video. It would be at the Town’s discretion to release the images to the hotel partners etc.

The Board was unanimously in favor of the direction the marketing campaign is going.

4. Board Member Initiatives & Ideas Continued from June 6.

Director Duncan Tavares presented Board Member Initiatives and Ideas that were not discussed at the previous meeting and identified the newly added items. He advised that the kayak launching dock was added to the list and that this item would fall under the Parks and Recreation Department. Jennifer Zawid inquired about receiving documentation specifying for that which Resort Tax can and cannot be used. Jane Graham, Assistant Town Attorney, advised that the information would be broad and not specific. Terry Cohen advised that the Town should look at other locations for the launching dock. Vice Mayor Cohen advised that insurance could be huge. He advised that building an entrance in the 96th Street Park will take away space from this greatly utilized park. Director Duncan Tavares suggested that the Board appoint one member to attend a Parks and Recreation meeting to voice the suggestions of the Board. Chair Barbara Cohen and Vice Chair Jessica Weiss suggested tabling this item until discussions with the Parks and Recreation Department is completed. Director Duncan Tavares will speak to the Parks and Recreation Director to see where this item falls on their five year capital plan list. This list was previously provided to the Board. Another initiative that was presented was a family concert at the beach with fireworks on the Fourth of July, Christmas/Hanukkah, and/or News Year’s Eve. Chair Barbara Cohen advised that the New Year’s Eve fireworks was a tradition in the past and should be brought back. Director Duncan Tavares advised that any of these items can be done, but it requires staffing and other departments. He recommends hiring an event company to host these events. Secretary Marianne Meisheid advised that she would love to see the New Year’s Eve fireworks return to Town. Chair Barbara Cohen voiced her concerns regarding the cost of fireworks. Director Duncan Tavares advised that the New Year’s Eve fireworks idea would need to be brought before the Parks and Recreation Committee.

Terry Cohen made a motion for Director Duncan Tavares to speak to Parks and Recreation for a fireworks display with music at 9pm on New Year's Eve; Vice Chair Jessica Weiss seconded the motion. The motion passed unanimously.

Director Duncan Tavares advised that he would look into other options if the Community Center is not available.

Dinner en blanc: Director Duncan Tavares advised that this event is possible, but he again recommends hiring an events company to put it together due to the lack of staffing. Vice Chair Jennifer Weiss likes the idea, but feels it almost similar to First Friday. Terry Cohen wanted to speak on this item as she was not happy with the overall feel of First Fridays.

The classic car show was brought before the Board and Director Duncan Tavares explained the set up for last year's show. He advised that it can be done again, but with different dates. Secretary Marianne Meischheid provided her feedback on last year's event and stated that it was enjoyable. George Kousoulas, resident, advised that years ago the car show was held actually on Harding Avenue, which allows people to view cars while also visiting downtown merchants. Director Duncan Tavares explained that going that route would require permits for lane closures from the Florida Department of Transportation and that it was highly unlikely that the permit would be issued due to Harding Avenue being a state highway. He also advised that the Town's Police Department would not support this idea from a safety perspective.

Jennifer Zawid mentioned an art festival. Director Duncan Tavares advised that it is difficult to set up for this type of event as people are more familiar with Art Basel or Coconut Grove Arts Festival and there is a lot of competition for these types of events.

Vice Chair Jessica Weiss suggested a farmers market. Director Duncan Tavares advised that the original issue was the weather. The feedback from the vendors was that the residents did not support the market and many residence said that the commodities were too expensive.

Terry Cohen suggested a family concert at the beach.

Director Duncan Tavares again recommended that the Board hire an event company on a retainer for all of these ideas. Terry Cohen feels that if this happens then RFQs/RFPs are needed no matter what the code allows. Director Duncan Tavares reminded the Board that their objective is to focus on more tourism related events as opposed to those that would solely benefit the residents.

Jennifer Zawid made a motion to open up the floor for discussion purposes on the First Friday event; Terry Cohen seconded the motion.

The roll was called for discussion purposes:

Vice Chair Jessica Weiss – no

Jennifer Zawid – yes
Terry Cohen - yes
Vice Chair Barbara Cohen – no
Secretary Marianne Meischeid – unable to hear the motion due to the phone connection.

Jennifer Zawid stated that if First Fridays is important to Secretary Marianne Meischeid it is important that she physically be present to discuss the item, since the members aren't able to comprehend Secretary Marianne Meischeid and that she is unable to hear the Board due to the phone connection. Jennifer Zawid would also like to give First Friday another chance, so she withdrew her motion. The motion died.

- 5. Tourism Questionnaire / GMCVB Assistance ~ Director Duncan Tavares**
He advised that he negotiated with the Greater Miami Convention & Visitors Bureau (GMCVB) to issue a survey at no charge for a full calendar year from the visitor perspective only. He asked that the Board review the questions in the questionnaire received from the GMCVB for discussion at the next meeting. He requested that the Board come to the next meeting with suggestions for the Surfside specific questionnaire.

6. Other Business.

- Ordering of Tourist Board Member Shirts Update:
Director Duncan Tavares advised that he is still working with Board members to get these shirts ordered.
- Tours of Surfside Hotels Update:
Director Duncan Tavares is still waiting on feedback from the Board. He recommended having the tours before one of the monthly meetings.

- 7. Next Tourist Board Meeting: Monday September 12, 2016 at 5:30pm.**
Prior to the meeting please review the Sister Cities information emailed to you.

8. Public Comment.

Resident, George Kousoulas inquired if Tourist dollars can be used to cover debt.

Vice Chair Jessica Weiss suggested that the Board come up with a list of priorities that the Board would like to see and from there the Town Attorney's office can advise whether or not Tourist Board dollars can be used for such initiatives.

Jennifer Zawid made a motion to get a list of Farmers Market vendors interested in bringing a market back to Town; Terry Cohen seconded the motion. The motion passed unanimously.

Chair Barbara Cohen recommended bringing the Community Center second story back for discussion and feels that the Board/Commission should start discussing this item now.

Vice-Mayor Barry Cohen suggested that the Board be looking to invest funds into advertising and marketing.

Terry Cohen recommended that the Board have RFQs from at least three vendors. Director Duncan Tavares discussed the provisions outlined in the Town's procurement policies and reminded the Board that these are adhered to and that there are checks and balances throughout the system.

Director Duncan Tavares stated that the Board does follow best practices and abides by the procurement policies. Secretary Marianne Meischeid suggested that the Board initiate good business practices by requesting three RFQs/RFPs for everything. Director Duncan Tavares and Assistant Attorney Jane Graham advised that according to Town ordinances the Town abides by the legal approved practices and that the code allows for exemptions. Terry Cohen does not feel that the Board follows RFQ/RFP policies and that the code should be changed.

9. Adjournment.

Jennifer Zawid made a motion to adjourn the meeting; Vice Chair Jessica Weiss seconded the motion. The motion passed unanimously. The meeting ended at 7:40pm.

Vice Chair Jessica Weiss exited at 7:40pm.

As Public Comment was not addressed and there was a member of the Public who wanted to speak, Terry Cohen made a motion to re-open the meeting for public comment at 7:40pm; Jennifer Zawid seconded the motion. The motion passed unanimously.

Victor May, resident, suggested 89th Street for a canoe launch. He also suggested not cancelling First Fridays as it helps the community. He also advised that he supports fireworks on New Year's Eve.

Jennifer Zawid made a motion to re-adjourn the meeting; Terry Cohen seconded the motion.

Chair Barbara Cohen requested a rollcall for adjournment:

Jennifer Zawid - Yes

Terry Cohen - Yes

Chair Barbara Cohen - Yes


Secretary Marianne Meischeid - Yes

The motion passed unanimously. The meeting ended at 7:44pm.

Accepted this 12 day of September, 2016

BARBARA COHEN
Member (Print)

Barbara Cohen
Signature

Attest:


Frantza Duval
Recording Clerk



TOWN OF SURFSIDE

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

PARKS AND RECREATION ADVISORY COMMITTEE MEETING

Monday August 15, 2016

7:00 pm

Surfside Community Center
9301 Collins Avenue

MINUTES

1. Roll Call of Committee Members

Retta Logan called the meeting to order at 7:23pm.

Also in attendance: Shlomo Danzinger, Eliana Salzhauer, Tim Milian, Parks and Recreation Director, Tina Paul, Liaison, Jane Graham, Assistant Town Attorney, Frantza Duval, Recording Clerk, Victor May, Resident

Jeffrey Platt and Mitchell Gottlieb are absent with regrets.

2. Approval of Minutes from July 18, 2016 Meeting

Due to a lack of members the minutes were tabled for the September 2016 meeting.

3. Hawthorne Tot Lot Renovation Update

Tim advised that the submission to move forward with the Hawthorne Tot Lot Renovation was presented to the Town Commission based on the five year capital. It was approved unanimously. Tim advised that the equipment was ordered on August 10, 2016. The process will take 6-8 weeks, which includes permitting, engineering, and ordering of the equipment. Thereafter it will take an additional 12-14 days for demolition and installation. The park will be closed when they're ready for demolition. Tim is looking at a mid-October completion.

4. Summer Camp Recap

Tim advised that they are currently in extended camp, which has approximately 50 kids along with the special needs camp. All camps were almost filled to capacity. The total number of kids participating in this year's summer camp is 150.

5. Fall Programing

Tim advised that 96th Street park will be closed on Wednesday, August 17 at noon for mosquito spraying.

Tim advised of the following programs that will be available in the fall:

-Gymnastic (Ages 3-12)

- Soccer (Ages 4-12)

- Teen Scene (Ages 12-14)
- Girl Soccer (Ages 6-12)

Tim mentioned the following program that will be pending:

- Toddler Hip-Hop
- Ballet
- Mommy & Me

Tim mentioned the following adult programs available for the fall:

- Zumba
- Yoga
- Pilate

Tim mentioned the following senior programs available for the fall:

- Aqua Zumba
- Zumba gold
- Silver sneakers
- Classical movies with Stan
- Getting to know your electronics with Sandra Argow
- Senior Trips (Starting October)
- Fun Bunch

Tim advised that the Parks Department is looking into running flag football in conjunction with Miami Shores. He'll keep the Board informed.

Eliana inquired about self-defense for kids and Tim advised that he would look into it.

The next fall event is October 28, which is the Haunted Park.

6. Community Input

Victor May inquired about adult entertainment classes such as Salsa, Rumba, etc... and Tim advised that there has to be a need for the class. If people aren't interested then classes won't be created.

Eliana advised that she has a scheduling conflict for the September/October Parks and Recreation meeting. She would like to have the meeting moved to another day.

Tim suggested moving the meeting to September 21 & October 26

Tim advised that he will speak to Jeffrey and Mitch.

Shlomo Danzinger made a motion for Tim to check with Jeffrey and Mitch to change the meeting September meeting date to September 14; Eliana Salzhauer seconded the motion. The motion passed unanimously.

Eliana Salzhauer made a motion to change the dates of the September and October meeting to September 14 & October 26 subject to Jeffrey Platt's and Mitchell Gottlieb's decision; Shlomo Danzinger seconded the motion. The motion passed unanimously.

7. Meeting Adjournment

Shlomo Danzinger made a motion to adjourn the meeting, Eliana Salzhauer seconded the motion. The motion passed unanimously. The meeting ended at 7:55pm.

Accepted this 28 day of Sept, 2016

Kella Logan
Member (Print)

[Signature]
Signature

Attest:

[Signature]
Franza Duval
Recording Clerk



TOWN OF SURFSIDE

Ad Hoc Citizen Traffic Mitigation Advisory Committee
Organizational Meeting
August 23, 2016 – 5:00 pm
Town Hall – Commission Chambers
9293 Collins Ave, Surfside FL

Meeting Minutes

Traffic Mitigation Advisory Committee

Clara Diaz-Leal (**Chair**) - Present
Sandra Argow (**Vice-Chair**) - Present
Juan Borges (**Secretary**) - Present
Deborah Cimadevilla - Present
Ken Arnold - Present
Commission Liaison: Michael Karukin - Present

[**Chair**] called the meeting to order at 5:00 PM.

1. **Introduction of Committee Members and Staff**
- 2.

Roll call was called, and all committee members were present.

Besides committee members, the following town staff was also present:

Town Manager Guillermo Olmedillo [TM]
Police Chief Allen [CA]
Police Captain Yeros [CY]
Linda Miller (Town Attorney) [TA]
Commissioner Michael Karukin [MK]
Eric Commeski, Traffic Engineer, CGA [CGA]

3. **Approval of July 26, 2016 Meeting Minutes.**

Motion was passed to defer approval of last month's committee meeting minutes till the end of this meeting.

Last month's committee meeting minutes were unanimously passed at end of meeting.

4. **Action Items:**

a. Evaluate Sidewalk Options

Discussion was had by the committee concerning whether or not there was a need for sidewalks. Some of the points raised during the discussions are included below as well as the committee's motion.

[TM] In all the town's meetings prior to this committee meeting, there have been no decisions on whether to have sidewalks or not in the residential sections of town. Options include paths verses hard sidewalks, turf block, asphalt or painted surfaces.

At planning and zoning there has been talk of putting in sidewalks but discussion has not got very far. This committee is being asked to recommend whether or not to place sidewalks in the residential community, and what type, so that the commission can cost it out.

[Chr] Asked if this is part of the east to west walking corridor.

[DC] Does this relate to traffic issues?

[TM] Sidewalk should be discussed as it relates to safety.

[Chr] Do we want sidewalks?

[MK] Scope of this committee is to focus on traffic related issues

Some committee members expressed interest in a walking/jogging path around perimeter of town.

[DC] **[MOTION]:** Not to discuss sidewalks since it is not part of this committee's scope.

[Motion passed 5-0]

b. Develop Town Wide Traffic Model

Discussion was had by the committee concerning whether or not there was a need for the town to develop a town-wide traffic model. There are still some recommendations of the 2012 study that have not been implemented by the town. Some of the points raised during the discussions are included below as well as the committee's motions.

[Chr] Considered this a broad topic.

[TM] Stated that at one time the town was considering conducting a new traffic model because of traffic intrusion into the town's residential area.

[MK] The committee should identify the hot spots in town.

[JB] The FDOT should be a part of this effort since the impacts are mainly on, and due to the state's road system.

[Motion] The committee motioned to recommend to the commission the implementation of the 2012 Traffic Study's recommendations (found on page 68 of the study) that have not been implemented to date (traffic circles).

[Motion did not pass 1 - 4]

[Motion] The committee motioned to recommend to the commission that they perform a simulation of the hot spots, and their effect on the residential areas west of Harding Avenue with the cooperation of FDOT.

[Motion passed 5 - 0]

[Victor May – Public Speaker] Mr. May addressed the committee about construction in the town, and their impact on traffic. He suggested that developers should be required to agree to: 1- limit number of construction projects being built at the same time, 2- have developers commit to the amount of time it will take them to complete their projects, and 3- fine those developers that go beyond the committed time it will take them to complete their project.

[JB] Developers/contractors should not be using primary streets for staging, unless as last resort.

[Motion] Recommend that the commission require developers/contractors to stage construction on property, and when needed borrow portion of side street as second option before being allowed them to close lanes on Collins, Harding or other major roads for staging.

[Motion passed 5 - 0]

c. Discussion on Community Gating (Special Taxing District)

Discussion was had by the committee concerning whether or not to recommend to the commission to consider gating the town west of Harding Avenue. Some of the points raised during the discussions are included below as well as the committee's motions.

[CHR] Committee is not familiar with the costs or the number of gates needed to gate the town west of Harding.

[TM] There's currently a petition being passed around. If 51% of the people say "aye" it goes to the commission for a resolution. If passed by town commission it is sent to the county for election and approval.

[MK] There is a 39 step process to setting up a special taxing district.

[TM] Gating the district can be done two ways: 1) as an open district and 2) by privatizing the district streets.

An open district will not stop (deter) the public from coming through the district, they must be allowed in after id checks.

If we privatized the streets – only residents within the district can enter, but those residents within the gated district become responsible for everything inside district, and there can be a loss of public funding for improvements/maintenance within the district.

[MOTION]: Recommend the commission put the gating of the town on the back burner, and not to make it a priority.

[Motion passed 4-1]

5. **Next Meeting:** Tuesday, September 20, 2016 – 6:00 pm

6. **Adjournment**

Meeting was adjourned at 7:30 PM.

Accepted this 20th day of September, 2016



Committee Chair

Attest:



Committee Secretary



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

AUGUST 25, 2016

7:00 PM

**Town Hall Commission Chambers – 9293 Harding Ave., 2nd Floor
Surfside, Florida 33154**

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 Judith Frankel, Board Member Brian Roller, Board Member Richard Iacobacci, Board Member Jorge Gutierrez and Board Member Peter Glynn. Commissioner Daniel Gielchinsky attended as liaison.

3. APPROVAL OF MINUTES: July 18, 2016

Board Member Gutierrez made a motion to approve. The motion received a second from Board Member Roller and all voted in favor. Liaison Gielchinsky gave an update on the Commission level some of which was sea level rise impact fees and historic preservation.

4. DESIGN REVIEW BOARD APPLICATIONS:

A. Request of the Owner of Property located at 725 93rd Street.

The property is located at 725 93rd Street, within the H30B zoning district. The applicant was heard by the Design Review Board on March 31, 2016 when they were proposing to convert a screen patio to a garage, construct a driveway, convert the existing storage room/garage façade and add a second story addition above the proposed garage in an existing single family residence. The applicant has modified the scope of the project and eliminated the second story addition. The proposed project includes a one story addition, remodel and a relocation of the garage.

Town Planner Sarah Sinatra presented the item and staff is recommending approval with a condition.

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

1. The curb cut of the driveway do not exceed 18 feet in width.

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

B. Request of the Owner of Property located at 1355 Biscaya Drive.

The applicant is proposing to renovate the front façade of the existing home. The renovations include adding metal louvers and decorative columns.

Town Planner Sarah Sinatra presented the item. Board Member Gutierrez said he preferred seeing the louvers. The applicant's representative spoke and said there would be louvers.

Board Member Gutierrez made a motion to approve with the louvers. The motion received a second from Board Member Roller and all voted in favor.

C. Request of the Owner of Property located at 9381 Abbott Avenue.

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

Town Planner Sarah Sinatra presented the item and is recommending approval with conditions. The applicant spoke about the conversion as the Board wanted to be sure it could not be used as an additional dwelling but was part of the interior of the house.

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

1. Landscaping to be the full span of the converted garage.

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

D. Request of the Tenant of Property located at 9573 Harding Avenue.

The applicant is requesting an illuminated cut PVC lettering sign for a new retail shop Gourmet Temptations. The proposed signage includes black lettering, illuminated purple bars and a ½ inch offset of the sign. The applicant is also proposing a new black awning.

Town Planner Sarah Sinatra presented the item and is recommending approval with conditions. The applicant spoke about the item and answered questions from the Board.

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

1. Check trade name of establishment to include "Paris."
2. No electrical equipment shall be visible.

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

E. Request of the Tenant of Property located at 9531 Harding Avenue.

The applicant is requesting a reverse channel LED lettering sign for Razzledazzle Barbershop. The proposed signage includes black lettering and a ½ inch offset.

Town Planner Sarah Sinatra presented the item and is recommending approval. The applicant spoke about the item and answered questions from the Board.

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

1. No switches exposed on the sign.
2. Façade needs to be re-stucco.

The motion received a second from Board Member Roller and all voted in favor.

F. Request of the Tenant of Property located at 9532 Carlyle Avenue.

The applicant is proposing the construction of a second story addition with a roof top deck to the existing single-family residence.

Town Planner Sarah Sinatra presented the item. The architect spoke and gave a visual presentation. There was discussion regarding roof top decks and privacy of neighbors. Town Planner Sinatra read the code regarding roof decks. She said when she originally read the plan it was clear to her that this had a third story and struck it. She also read the code regarding setbacks of decks. After further discussion the Board felt it needed more information and an updated design.

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

5. QUASI-JUDICIAL APPLICATION:

9133 COLLINS AVENUE AND 9149 COLLINS 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 THE DEVELOPMENT OF PROPERTY LOCATED ON THE EAST SIDE OF COLLINS AVENUE WITH THE ADDRESSES OF 9133 COLLINS AVENUE AND 9149 COLLINS AVENUE FOR 54 CONDOMINIUM UNITS WITH CONDITIONS OF APPROVAL; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution. Chair Lecour wanted to point out that the Town Attorney has noted a typo in the resolution as number 4 appears twice and will be remedied.

Chair Lecour read the process and rulings of a quasi-judicial hearing.

Town Clerk Novoa confirmed that compliance with advertising notice requirements have been met. Attorney Miller asked the Board if anyone had ex-parte communications with the Applicant or any objector. All answered no. Town Clerk Nova swore in the people who wished to speak on the item.

Town Planner presented the item and staff is recommending approval with conditions. Neisen Kasden representing the applicant gave more details and an overview of the item. He said they are working with the town and had some red line items he wanted read into the record. He also pointed out that the setbacks are being significantly exceeded.

Kobi Karp, architect, presented visuals of the project and provided details. Mr. Kasden provided the Board with the red line items and read into the record the revisions he would like made. One being that under Number 2, regarding the historic plaque they wish the aesthetics be left up to the developer and as to the location that will be done with cooperation of the town. The language in number 6 needs to be tweaked as he feels as long as there is an active building permit a bond is not needed. Other items mentioned were Numbers 7 and 8 will leave as is accept for the last sentence requiring bond requirements. In Numbers 17, 18 and 19 regarding the parking plan they feel their construction workers should be able to park in the town. Number 21 regarding change of ownership they will comply until the condominium is turned over Number 22 dealing with hard pack easement they would comply with the provisions of the code not the language in the resolution. Number 25 deals with water and sewer fees he said the town is responsible for the infrastructure for them to connect to and would like a credit if repairs are needed. Number 26 they are asking for an extra 30 days to present a construction schedule.

Town Manager Olmedillo said they are agreeable to Number 2 and have no issues with Number 6. Regarding Number 7, it is part of code and also mentioned Number 8. He saw no issues with Number, 17, 18, and 19. Under Number 21 he feels this is a legal issue and there will be many owners when the condominiums are sold. Under Number 22 he would like the Town Attorney to look at the language. He had concerns about Number 25 he said they can work together on that issue.

(Liaison Gielchinsky left at 9:40 p.m.)

Chair Lecour opened the public hearing.

Public Speakers:

-Denyse Fowley spoke about impact and said they are eliminating units but asked if they are increasing the number of bedrooms and are the units larger. The architect responded and said there will be larger units but the number of people living there should be the same. She also spoke about community centers, emergency services, etc. which are staying the same and yet we are having more people and impact fees. She then spoke on behalf of her neighbor Pamela O'Hagan who could not attend this evening and she wanted to bring up the issue of affordable housing and if it was included in this property. Chair Lecour said she did not think that affordable housing was part of this project and wanted to clarify that she did not say it should be at the last meeting.

-Deborah Cimadevilla (was sworn in before she spoke) talked about construction workers and parking in residential areas. There has been a big problem in her area with construction workers parking in the area. She feels there is also a lot of litter and also makes the neighborhood unsafe and fines should be increased to more than \$50.

Mr. Kasden spoke regarding the parking issue and said their workers should not be parking in residential areas and they will work with the town to try to resolve that. He does not feel revoking a building permit for parking issues is fair.

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

Regarding the design, Board Member Gutierrez complimented the architect and thought it was very nice. The Board was in agreement and had a few suggestions and the architect answered some questions from the Board.

Regarding the applicant's changes to the resolution on Number 19 parking, Board Member Iacobbaci was in disagreement with the change suggested and said there are problems when workers park in the city and especially in residential areas and some home owners were allowing workers to park in their driveway for a fee. He believes the developer should have strict regulations regarding parking. He also said the fines should be \$1,000 and an offender receiving a fine three times should be terminated from the project. Mr. Kasden said they can add language that residents cannot lease out parking for construction workers. He also said the first time someone parks in a space they should not, they will be terminated. The amount of the fine was discussed and the Board felt \$50 was not sufficient. Board Member Roller said there could be an issue in identifying whose car is parked. He said the contractor should come up with a plan to be able to identify the cars, better enforcement and the fine being much higher than \$50. The revised parking policy would be across the board for all developers not just this one. Board Member Roller thought it would be acceptable to have workers park in the town if they park on construction sites the developer owns. Chair Lecour suggested to amend the resolution to keep in the statement no parking in the city but construction workers can park only on the properties of the developer. Board Member Glynn was in agreement the fine should be as high as \$500. The Town Manager explained the difference from a parking ticket which is put on a car and a fine which would be given to the developer.

Chair Lecour said they will recommend to the Commission to increase the fine from \$50 to \$500, add a clause of not being able to rent or lease spaces from Surfside residents (Town Attorney will look into this), and this policy be applicable to all construction sites.

Regarding the historic plaque, Vice Chair Frankel said the Historic Board would probably want to have a say on this but she suggested something small with name and date. Chair Lecour suggested the language be "up to the applicant subject to approval by the Historic Preservation Board."

The Board is asking for more publication of their hotline website which would apply to all developer's construction sites.

Board Member Glynn had comments regarding water and sewage and feels the cost of repairs to the infrastructure should be split rather than having the developer fix it and then get credit. He suggested it may be more cost effective for the city to put it out to bid instead of writing a blank check but that may delay the project. Building Official Prieto said the line the city is providing is functioning and not crumbled or damaged. Town Manager Olmedillo said the Building Official said we have the infrastructure to serve the developer and if that can be confirmed then we do not need the revision the applicant is requesting. If something should occur, then the city will put it out to bid.

Town Attorney Miller responded to number 22 regarding easement. The applicant wanted it clear that this is a separate project. The applicant wants to have further conversations with the city on this and they will comply with the code but rather not have an easement at all. The Board feels strongly that they provide an easement. Board Member Glynn said he would never approve it unless he sees a bike path or walking path for the public in the plan. The applicant said they are not legally bound to do this and Board Member Glynn said we can put this on hold and change the code as there must be walking paths for the public. The applicant brought up the placing

and storage of beach chairs which they are having issues with and feels it is not fair. They are in agreement to discuss this with the city and not have this process here as they received information late.

Manager Olmedillo asked the Town Attorney when she received the red line and her response was tonight. Manager Olmedillo said if they wanted something to be reviewed it should have been presented sooner as the Manager said he had to look it over at this meeting. Chair Lecour agreed with the Manager but said they are trying to accommodate the applicant but is firm on the easement and walking paths and said the Town Attorney and applicant should have further discussions to come to an agreement.

On the conditions Kobi Karp said the rendering was not correct and they are following the drawing on page 8403.

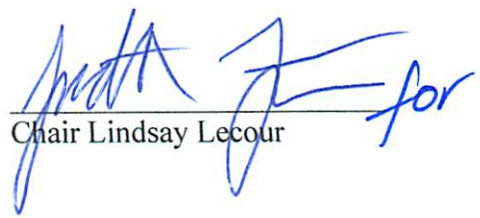
In summation Chair Lecour made the following recommendations: Number 2 - Subject to Historic Preservation Board approval; Number 9 - they would like the website url to be advertised to the residents and this would be applicable to all construction sites; Number 18 – the applicant shall provide evidence of a construction parking plan for the provision of off town street parking with the exception of parking on applicant’s property; Number 19- raising the penalty from \$50 to \$500 per parking ticket and adding a provision that construction workers cannot lease parking spaces from residents and that policy will be applicable to all construction sites; Number 22 – regarding hard pack is subject to further review with Town Manager, Town Attorney and caveat that the Board strongly wants to maintain public access to the hard pack; Number 25 – regarding water/sewer we agreed that the town go out and bid the work or the applicant does it and we split the credit.

Board Member Gutierrez made a motion to forward the recommendations to the Planning and Zoning Board. The motion received a second from Board Member Glynn and all voted in favor.

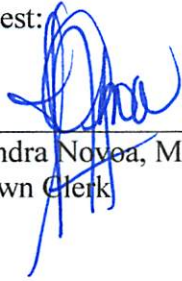
5. ADJOURNMENT.

There being no further business to come before the Design Review Board the meeting adjourned at 9:57 p.m.

Accepted this 29th day of September, 2016


Chair Lindsay Lecour

Attest:



Sandra Novea, MMC
Town Clerk

PLANNING AND ZONING BOARD

MINUTES

August 25, 2016

7:00 PM

1. CALL TO ORDER

Chair Lindsay Lecour called the meeting to order at 9:58 pm.

2. ROLL CALL

Town Clerk Sandra Novoa called the roll with the following members present: Chair Lindsay Lecour, Vice Chair Judith Frankel, Board Member Brian Roller, Board Member Richard Iacobacci, and Board Member Peter Glynn.

3. APPROVAL OF MINUTES: July 18, 2016

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

4. QUASI-JUDICIAL APPLICATION:

A. 9133 COLLINS AVENUE AND 9149 COLLINS 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 THE DEVELOPMENT OF PROPERTY LOCATED ON THE EAST SIDE OF COLLINS AVENUE WITH THE ADDRESSES OF 9133 COLLINS AVENUE AND 9149 COLLINS AVENUE FOR 54 CONDOMINIUM UNITS WITH CONDITIONS OF APPROVAL; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Sandra Nova read the title of the resolution.

Chair Lecour reminded everyone that the rules and process of a Quasi-Judicial hearing stated in the Design Review Board Meeting apply here also.

Chair Lecour asked if anyone wishing to speak to please stand and be sworn in. There were no public speakers who had not spoken at the previous meeting. No one wishing to speak Chair Lecour closed the public hearing.

Board Member Iacobacci made a motion to forward to the Town Commission with the recommendations approved by the Review Design Board.

B. SIGN MODIFICATION

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING"; SECTION 90-69. DEFINITIONS; AMENDING THE DEFINITION OF "AREA" OF A SIGN TO INCLUDE THE SUPPORTING STRUCTURE WITHIN THE MAXIMUM ALLOWABLE SIGN AREA; AMENDING THE DEFINITION OF "MONUMENT SIGN" TO ADD THAT THE BASE OF THE SIGN IS INDEPENDENT OF THE WALL, ENTRY FEATURE OR FENCE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Sandra Nova read the title of the ordinance.

Town Planner Sarah Sinatra presented the item.

The Board would like some clarifying language and the Town Planner will work on it.

Board Member Glynn made a motion to defer the item. The motion received a second from Board Member Roller and all voted in favor.

6. DISCUSSION ITEMS:

1. Future Agenda Items
2. Sustainability Subcommittee Verbal Report from Planning and Zoning Board Member, Peter Glynn
3. Impact fees

The receiving of materials late, such as this evening, was discussed and how to deal with that issue and there should be a clear policy on that.


6. ADJOURNMENT

There being no further business to come before the Planning and Zoning Board the meeting adjourned at 10:11 p.m.

Accepted this 29th day of September, 2016


Chair Lindsay Lecour

Attest


Sandra Nova, MMC
Town Clerk



TOWN OF SURFSIDE

Ad Hoc Citizen Traffic Mitigation Advisory Committee

Organizational Meeting

September 20, 2016 – 6:00 pm

Town Hall – Commission Chambers

9293 Collins Ave, Surfside FL

Minutes of the Meeting

Traffic Mitigation Advisory Committee

Clara Diaz-Leal, Chair - present

Sandra Argow, Vice Chair - present

Juan Borges, Secretary - present

Deborah Cimadevilla, Committee Member - present

Ken Arnold, Committee Member - present

Commission Liaison: Michael Karukin – present

Town Staff Present:

Town Manager Guillermo Olmedillo

Police Chief Allen

Police Captain Yeros

Linda Miller (Town Attorney)

Commissioner Michael Karukin

Joseph Kroll (Public Works)

Eric Commeski, CGA (Town Consultant)

1. Call to Order

Meeting was called to order at 6:07 pm.

2. Approval of August 23, 2016 Meeting Minutes

Meeting Minutes for August 23, 2016 were approved.

3. Action Items:

A. Committee Motions (recommendations to the Town Commission)

i. Motion:

The Committee motioned to recommend to the Commission that they consider leaving the installation of new stop signs throughout the Town up to the police department on an as needed basis, with emphasis on intersections with line of sight issues.

[Motion passed 5 - 0]

ii. Motion:

The Committee motioned to recommend to the Commission that they consider adding a centerline curb diverter on 95th Street between Abbott and Byron Avenues.

[Motion passed 4 - 1]

iii. Motion:

The Committee motioned to recommend to the Commission that they consider that any traffic mitigation plan include streetscape improvements in the built environment where applicable.

[Motion passed 4 - 1]

iv. Motion:

The Committee motioned to recommend to the Commission that they consider removing the “No Turn on Red” sign on the west side of 93rd Street and Harding Avenue.

[Motion passed 5-0]

v. Motion:

The Committee motioned to recommend to the Commission that they consider adding a speed bump on Abbott Avenue between 91st Street and 92nd Street.

[Motion passed 5-0]

vi. Motion:

The Committee motioned to recommend to the Commission that they consider requesting FDOT to remove the “No U-Turn” sign on the 96th Street east-bound lane at the traffic light for the entrance to the Bal Harbor Shops parking lot.

[Motion passed 4 - 1]

vii. Motion:

The Committee motioned to recommend to the Commission that they consider requesting to FDOT that all pedestrian crossings across Harding and Collins Avenues (for both intersections with and without traffic lights) be striped as follows:

1. Collins pedestrian street crossings be striped on south-side of road only.

2. Harding pedestrian street crossings be striped on north-side of road only.

[Motion passed 5 - 0]

B. Final recommendations to the Town Commission

- i. Committee reviewed all motions for recommendation to be included in the final report to the Commission.

ii. Motion:

The Committee motioned to allow Secretary Borges to finalized and submit to the Town, the Committee's final report without any further review by the Committee members.

[Motion passed 4 - 1]

4. Public Comment

No one from the public, resident of the Town or otherwise was present at tonight's meeting.

5. Adjournment

Meeting was adjourned at 8:01 pm.

Town of Surfside
AD HOC Citizen Traffic Advisory Committee

Committee Report

Committee Members:

Clara Diaz-Leal, Chair
Sandra Argow, Vice Chair
Juan Borges, Secretary
Deborah Cimadevilla, Committee Member
Ken Arnold, Committee Member
Commission Liaison: Michael Karukin

Date:
September 22, 2016

Introduction:

On June 14th, 2016 the Town of Surfside (Commission) established by Resolution 2379, the Town of Surfside AD HOC Citizen Traffic Advisory Committee (Committee). The Committee was to exist for a duration of three months and hold three meetings during that period. The Committee, as required consisted of five members and held meetings on July 26, August 23 and September 20, 2016.

The purpose of this Committee was to study, review and provide recommendations to the Commission of traffic issues throughout the Town for the Commission to consider implementing. The Committee by motion, has prepared the following fifteen recommendations for the Commission to consider:

Recommendation 1:

The Committee motioned to recommend to the Commission that they add stop bar reflectors at 90th Street and Froude Avenue.

[Motion Passed 4-0]

Recommendation 2:

The Committee motioned to recommend to the Commission that they open 94th Street and Abbott Avenue to west bound traffic.

[Motion Passed 3-1]

Recommendation 3:

The Committee motioned to recommend to the Commission that they consider leaving the streets between Collins and Harding Avenue open to east and west bound traffic as they currently exist.

[Motion Passed 3-1]

Recommendation 4:

The Committee motioned to recommend to the Commission that they request FDOT to investigate creating a crosswalk across Harding Avenue on the north side of 90th Street, with traffic beacons on Harding Avenue.

[Motion Passed 4-0]

Recommendation 5:

The Committee motioned not to discuss city-wide sidewalk issues since it is not a part of this Committee's scope.

[Motion passed 5-0]

Recommendation 6:

The Committee motioned to recommend to the Commission that they perform a simulation of the “hot spots” in the Town and their effect on the residential areas west of Harding Avenue with the cooperation of FDOT.

[Motion passed 5 - 0]

Recommendation 7:

The Committee motioned to recommend that the Commission require developers/contractors to stage construction on property, and when needed borrow portions of side streets as a second option before the developers/contractors are allowed to close lanes on Collins, Harding or other major roads for staging.

[Motion passed 5 - 0]

Recommendation 8:

The Committee motioned to recommend that the Commission put the gating of the town on the back burner, and not to make it a priority.

[Motion passed 4-1]

Recommendation 9:

The Committee motioned to recommend to the Commission that they consider leaving the installation of new stop signs throughout the Town up to the police department on an as needed basis, with emphasis on intersections with line of sight issues.

[Motion passed 5 - 0]

Recommendation 10:

The Committee motioned to recommend to the Commission that they consider adding a centerline curb diverter on 95th Street between Abbott and Byron Avenues.

[Motion passed 4 - 1]

Recommendation 11:

The Committee motioned to recommend to the Commission that they consider that any traffic mitigation plan include streetscape improvements in the built environment where applicable.

[Motion passed 4 - 1]

Recommendation 12:

The Committee motioned to recommend to the Commission that they consider removing the “No Turn on Red” sign on the west side of 93rd Street and Harding Avenue.

[Motion passed 5-0]

Recommendation 13:

The Committee motioned to recommend to the Commission that they consider adding a speed bump on Abbott Avenue between 91st Street and 92nd Street.

[Motion passed 5-0]

Recommendation 14:

The Committee motioned to recommend to the Commission that they consider requesting FDOT to remove the “No U-Turn” sign on the 96th Street east-bound lane at the traffic light for the entrance to the Bal Harbor Shops parking lot.

[Motion passed 4 - 1]

Recommendation 15:

The Committee motioned to recommend to the Commission that they consider requesting to FDOT that all pedestrian crossings across Harding and Collins Avenues (for both intersections with and without traffic lights) be striped as follows:

- a. Collins pedestrian street crossings be striped on south-side of road only.
- b. Harding pedestrian street crossings be striped on north-side of road only.

[Motion passed 5 - 0]

If you should require any additional information, please do not hesitate to contact me.

Respectfully Submitted
On behalf of the Committee;

Juan A. Borges
Secretary
AD HOC Citizen Traffic Advisory Committee



Town of Surfside Commission Communication

Agenda #: 4A1
Agenda Date: July 12, 2016 / October 13, 2016
Subject: Sign Area Definition Change
From: Sarah Sinatra Gould, AICP, Town Planner

Background: Numerous applicants have presented signs that exclude the supporting structure from the sign area. The Planning and Zoning Board has requested supporting structures be included within the maximum allowable sign area. Therefore, the definition of sign area should be modified.

The Planning and Zoning Board has also questioned the definition of a monument sign and the ability to connect the sign to a wall or other feature so that it is not a standalone structure. The definition of a monument sign should also be amended. The proposed changes are as follows:

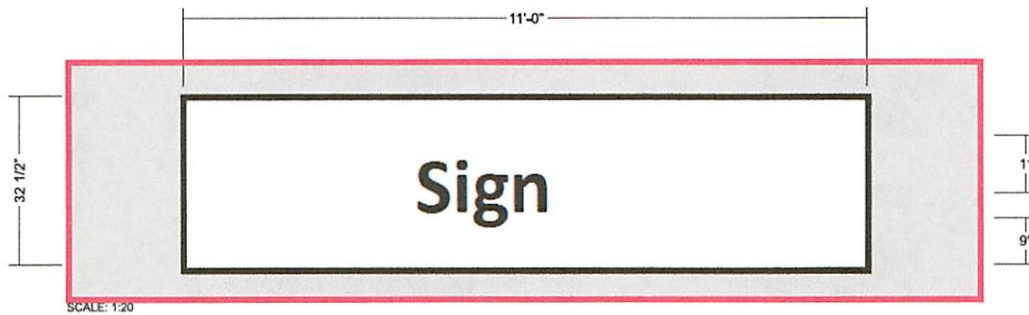
Analysis: Sec. 90-69. - Definitions.

Area: The entire perimeter of a sign which encloses visually communicative copy such as letters, symbols, or logos, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

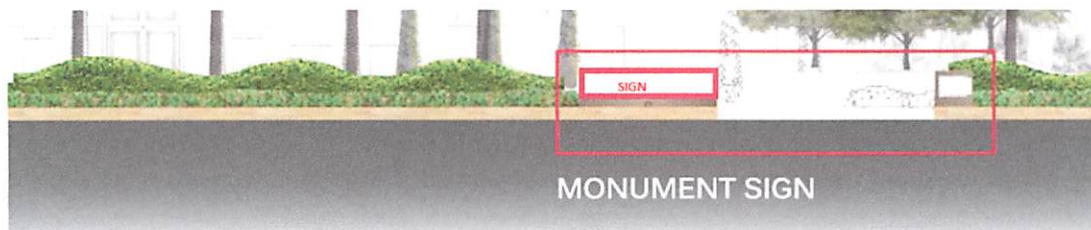
Monument sign: A free-standing sign generally having a low profile where the base of the sign structure is on the ground independent of the building, wall, entry feature or fence, but does not include a pole sign.

The following are images of what the Planning and Zoning Board wants modified. The image below represents how the code is interpreted currently.

Area definition modification explanation: The gray box is the supporting structure and the white box is the sign. Currently, the code permits the applicant to exclude the structure from the calculation of sign area. The Planning and Zoning Board would like to remove that exclusion and require an applicant to count that area as part of the overall maximum sign area square footage.



Monument sign definition modification explanation: In this scenario, the signage is part of an overall knee wall that is incorporated as an entry feature. The Planning and Zoning Board would like to clarify that monument signage shall be stand alone, independent of a building, wall, entry feature or fence.



Staff Recommendation: Staff recommends approval by the Town Commission on first reading.

Sarah Sinatra Gould, AICP, Town Planner

Guillermo Olmedillo, Town Manager

ORDINANCE NO. 16 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”; SECTION 90-69. DEFINITIONS; AMENDING THE DEFINITION OF “AREA” OF A SIGN TO INCLUDE THE SUPPORTING STRUCTURE WITHIN THE MAXIMUM ALLOWABLE SIGN AREA; AMENDING THE DEFINITION OF “MONUMENT SIGN” TO ADD THAT THE BASE OF THE SIGN IS INDEPENDENT OF THE WALL, ENTRY FEATURE OR FENCE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board has requested the definition of the “area” of a sign pursuant to Article VI of Chapter 90 of the Town of Surfside Zoning Code to be amended to include supporting structures within the maximum allowable sign area; and

WHEREAS, the Planning and Zoning Board has requested the definition of a “monument sign” pursuant to Article VI of Chapter 90 of the Town of Surfside Zoning Code to be amended to add that the base of the sign is independent of the wall, entry feature or fence; and

WHEREAS, the Town Commission held its first public hearing on July 12, 2016 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 29, 2016 with due public notice and input and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on October 13, 2016.

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. 90-69. - Definitions.

Area: The entire perimeter of a sign which encloses visually communicative copy such as letters, symbols, or logos, including the advertising surface and any framing, trim, or molding ~~but not~~ including the supporting structure.

Entry feature: An architectural feature that identifies a residential or hotel building. Such architectural features may include columns, trellises, ornaments, metalwork, light fixtures and similar decorative elements to enhance the attractiveness of the structure and shall be consistent with the architecture of the primary structure. A sign shall be permitted and the size of that sign is limited to the area within a continuous perimeter enclosing the letters, symbols or logos.

Monument sign: A free-standing sign generally having a low profile where the base of the sign structure is on the ground independent of the building, wall or fence, but does not include a pole sign.

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 adoption on second reading.

PASSED and ADOPTED on first reading this ____ day of _____, 2016.

PASSED and ADOPTED on second reading this ____ day of _____, 2016.

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION

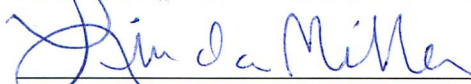
Commissioner Daniel Gielchinsky _____
Commissioner Michael Karukin _____
Commissioner Tina Paul _____
Vice Mayor Barry Cohen _____
Mayor Daniel Dietch _____

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



**Town of Surfside
Commission Communication**

Agenda Item: 4A2

Agenda Date: September 13, 2016 / October 13, 2016

Subject: Pension Amendment Increasing Employee Contributions and Improving Benefits

Background: See attached Memo submitted by the Town Manager and Pension Plan General Counsel along with supporting Ordinance.



Guillermo Olmedillo, Town Manager



A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS
ATTORNEYS AT LAW

Agenda Date: September 13, 2016 / October 13, 2016

Subject: Pension Amendment increasing employee contributions and improving benefits

Background: The Retirement Plan for Employees of the Town of Surfside (the "Pension Plan") is one of approximately 490 municipal defined benefit pension plans in Florida. The Pension Plan was created in 1960 and is deemed to be well funded by the Pension Plan's actuary.

General employees contribute 5% or 6% of pensionable earnings to the Pension Plan. The benefit accrual rate ("multiplier") is 2.0% per year for the grandfathered employee who contributes 5%. The multiplier is 2.5% per year for employees who contribute 6%.

Currently, benefits are capped for general employees at 60% of average final compensation. This 60% cap is among the lowest in Florida among governmental defined benefit plans.

The Board of Trustees of the Pension Plan has recommended increasing employee contributions to improve the Pension Plan. The employee contribution rate would increase to 7% for the grandfathered employee currently contributing 5% with a corresponding increase in the multiplier from 2.00% to 2.65% for future service. The employee contribution would increase to 8% for employees currently contributing 6% with a corresponding increase in the multiplier from 2.5% to 2.8% for future service. The proposed benefit cap would increase from 60% to 68% of average final compensation.

Employees were individually surveyed and approved the proposed increase in their member contribution.

In addition, for the senior management class, the Board has recommended a second tier senior management benefit for the positions of Town Manager, Town Attorney, Town Clerk, Building and Zoning Director, Code Compliance Director, Finance Director, Human Resources Director, Parks and Recreation Director, Public Works Director, Tourism, Economic Development and Community Services Director. The senior management multiplier would increase from 2.5% to 3.0% for future service with an 80% cap.

Two Charter Officers, the Town Manager and Town Attorney, are permitted to opt out of the Plan. Participation is mandatory for all other full time employees. The Board has proposed to

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www.robertdklausner.com



lower the Pension Plan's ten year vesting requirement to seven year vesting for the Town Attorney. Currently, seven year vesting only applies to the Town Manager, but not the Town Attorney (even though both are Charter Officers).

The amendment would apply effective October 1, 2016, consistent with the Pension Plan's fiscal year.

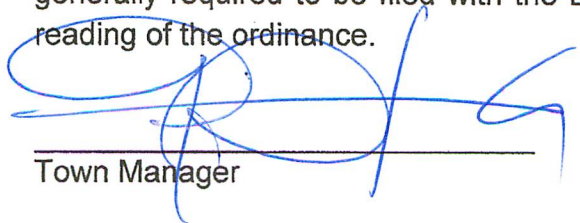
Analysis: Staff agrees with the proposed ordinance which will be useful to improve recruitment and retention of Town employees. The ordinance has been studied by staff, the Pension Plan's actuary, and recommended by the members of the Pension Board.

Budget Impact: The required actuarial impact statement from the Pension Plan's actuary is attached. The proposed amendment would increase the Town's new annual contribution by \$905 per year for thirty years. The results of the attached actuarial study are copied below:

	Incremental Cost in Net Town Annual Required Contribution	Incremental Cost in Employee Annual Contribution
Proposed Amendment for General Employees	(\$4,828) (0.2%) of payroll	\$43,050 1.4% of payroll
Proposed Amendment for Senior Management Employees	\$4,483 0.1% of payroll	\$19,376 0.6% of payroll
Proposed Amendment for Town Attorney	\$1,250 0% of payroll	\$0 0% of payroll
Combined Effect	\$905 0% of payroll	\$62,426 2% of payroll

Staff Impact: All general employees would be required to increase their employee contributions by 2% in exchange for the improved benefit structure. Employee contributions are deducted biweekly on a tax deferred basis.

Recommendation: The Pension Board recommends the ordinance amendment be approved, which requires two readings of the ordinance. Copies of the ordinance upon passage at first reading along with the signed and dated Actuarial Impact Statement are generally required to be filed with the Division of Retirement in Tallahassee prior to second reading of the ordinance.



Town Manager



Robert D. Klausner, Esq.
General Counsel
Retirement Plan for
Employees of the Town of
Surfside

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 2 OF THE CODE OF THE TOWN OF SURFSIDE REGARDING THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-171 OF THE TOWN CODE TO CREATE A DEFINITION OF THE TERM SENIOR MANAGEMENT EMPLOYEE; AMENDING SECTION 2-176(a)(4) OF THE TOWN CODE TO PROVIDE FOR SEVEN YEAR VESTING FOR THE TOWN ATTORNEY; AMENDING SECTION 2-176(c)(1) OF THE TOWN CODE TO INCREASE THE BENEFIT ACCRUAL RATE FOR GENERAL EMPLOYEES AND INCREASING THE BENEFIT CAP FROM 60% TO 68% OF FINAL AVERAGE COMPENSATION; AMENDING SECTION 2-176(c)(1) OF THE TOWN CODE TO INCREASE THE BENEFIT ACCRUAL RATE FOR SENIOR MANAGEMENT EMPLOYEES AND INCREASING THE BENEFIT CAP FROM 60% TO 80% OF FINAL AVERAGE COMPENSATION; AMENDING SECTION 2-180(a) OF THE TOWN CODE TO INCREASE IN THE GENERAL EMPLOYEE AND SENIOR MANAGEMENT EMPLOYEE PICK-UP PENSION CONTRIBUTION BY 2%; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside sponsors a defined benefit retirement plan for employees of the Town of Surfside ("Retirement Plan"); and

WHEREAS, the Board of Trustees of the Retirement Plan has recommended increasing the employee contribution to purchase a higher pension benefit; and

WHEREAS, general employees currently contribute either 5% or 6% of pensionable earnings; and

WHEREAS the actuary for the Board of Trustees has determined that increasing the general employee member contribution from 6% to 8% would provide a 2.8% multiplier. For the employee contributing at the 5% rate, increasing the employee member contribution to 7% would provide a 2.65% multiplier; and

WHEREAS, the Retirement Plan does not currently contain a higher tier benefit for Senior Management Employees; and

WHEREAS, the Board of Trustees has recommended increasing the multiplier and benefit cap for Senior Management Employee; and

WHEREAS, the actuary for the Board of Trustees has determined the financial effect of increasing the Senior Management Employee contribution from 6% to 8% and the multiplier from 2.5% to 3%; and

WHEREAS, the current Town Code provides for the Town Manager to be deemed fully vested at the attainment of age 64 and the completion of 7 years of creditable service; and

WHEREAS, the Retirement Plan does not currently contain a similar benefit for the Town Attorney; and

WHEREAS, the Board of Trustees has recommended providing the Town Attorney to be deemed fully vested at the attainment of age 64 and the completion of 7 years of credited service; and

WHEREAS, the Town Commission held its first public hearing on September 13, 2016 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on October 13, 2016; and

WHEREAS, the Town Commission finds the proposed amendments to the Code in the best interest of the Town.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COMMISSION OF SURFSIDE TOWN, FLORIDA; AS FOLLOWS:

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

Section 2. Town Code Amended. SECTION 2-171, Definitions, is hereby amended and to be read as follows:

Sec. 2-171. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Senior Management Employee: For purposes of the new Senior Management Tier benefit, Senior Management Employee means the Town Manager, Town Attorney, Town Clerk, Building and Zoning Department Director, Code Compliance Director, Finance Director, Human

Resources Director, Parks and Recreation Director, Public Works Director, Tourism, Economic Development and Community Services Director.

Section 3. SECTION 2-176, Service Retirement Allowance, is hereby amended and to be read as follows:

Sec. 2-176. Service Retirement Allowance.

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

(4) For the Town Attorney:

a. The attainment of age 62 and the completion of 15 years of creditable service; or

b. The attainment of age 64 and the completion of seven years of creditable service who shall be deemed fully vested upon the completion of seven years of creditable service.

(c) *Computation of annuity.*

(1) For members who are not police officers, the amount of monthly retirement annuity with respect to all creditable service rendered by each member prior to October 1, 1979, shall be equal to 12/3 percent of the monthly average final compensation multiplied by the number of years of creditable service rendered prior to October 1, 1979. For each employee who contributes at the rate of five percent of earnable compensation on and after January 1, 1980, the amount of monthly retirement annuity with respect to creditable service rendered after September 30, 1979, shall be equal to 12/3 percent of the monthly average final compensation multiplied by the number of years of creditable service rendered after September 30, 1979. For each employee who contributes at the rate of seven percent of earnable compensation on and after January 1, 1980, the amount of monthly retirement annuity with respect to creditable service rendered after September 30, 1979, shall be equal to two percent of the monthly average final compensation multiplied by the number of years of creditable service rendered after September 30, 1979. For each member who contributes at the rate of eight percent of earnable compensation after June 30, 1996, the amount of monthly retirement annuity with respect to creditable service rendered after June 30, 1996, shall be equal to two and one-half percent of monthly average final compensation multiplied by the number of years of creditable service rendered after June 30, 1996. For each

member who elects as of July 1, 1996 to increase his contribution from five percent to seven percent of earnable compensation, the amount of retirement annuity with respect to creditable service rendered after June 30, 1996, shall be equal to two percent of monthly average final compensation multiplied by the number of years of creditable service rendered after June 30, 1996. For each member who elects as of July 1, 1996 to increase his contribution rate to seven percent or eight percent of earnable compensation, the amount of retirement annuity with respect to creditable service rendered after September 30, 1979 but before July 1, 1996 shall be equal to one and two-thirds percent, if prior to July 1, 1996 he had been contributing at the rate of five percent, or two percent, if prior to July 1, 1996 he had been contributing at the rate of seven percent, of monthly average final compensation multiplied by the number of years of creditable service rendered after September 30, 1979 but prior to July 1, 1996. The foregoing election periods shall expire on July 31, 1996 and may not be extended for any reason. For each member who contributes at the rate of five percent of earnable compensation on and after February 1, 2003, the amount of monthly retirement annuity with respect to creditable service rendered on and after February 1, 2003 shall be equal to two percent of the monthly average final compensation multiplied by the number of years of creditable service rendered on and after February 1, 2003. For each member who contributes at the rate of six percent of earnable compensation on and after February 1, 2003, the amount of monthly retirement annuity with respect to creditable service rendered on and after February 1, 2003 shall be equal to two and one-half percent of the monthly average final compensation multiplied by the number of years of creditable service rendered on and after February 1, 2003. In no event shall the total annuity as computed above for any member exceed 60 percent of the monthly average final compensation.

For members who are not police officers or Senior Management employees, effective October 1, 2016:

(i) for each member who contributes at the rate of eight percent (8%) of earnable compensation, the amount of monthly retirement annuity with respect to creditable service rendered on and after October 1, 2016 shall be equal to two and eight-tenths percent (2.8%) of monthly average final compensation multiplied by the number of years of creditable service rendered on and after October 1, 2016;

(ii) for the member who contributes at the rate of seven percent (7%) of earnable compensation, the amount of monthly retirement annuity with respect to creditable service rendered on and after October 1, 2016 shall be equal to two and sixty-five one hundredths percent (2.65%) of monthly average final compensation multiplied by the number of years of creditable service rendered on and after October 1, 2016; and

(iii) in no event shall the total annuity as computed above for any member exceed sixty-eight percent (68%) of monthly average final compensation.

For members who are Senior Management employees, effective October 1, 2016:

(i) the amount of monthly retirement annuity with respect to creditable service rendered on and after October 1, 2016 shall be equal to three percent (3%) of monthly average final compensation multiplied by the number of years of creditable service rendered on and after October 1, 2016; and

(ii) in no event shall the total annuity as computed above for any Senior Management employee exceed eighty percent (80%) of monthly average final compensation.

Section 4. SECTION 2-180, Contributions by Members, is hereby amended and to be read as follows:

~~(a) For members who are not police officers, beginning on the date of establishment of the plan, each town employee who is a member of the plan shall contribute five percent of earnable compensation, based on his regular salary, accruing on and after such date and up to September 30, 1979. Each member of the plan on October 1, 1979, and each employee who becomes a member after October 1, 1979, shall have the irrevocable option of contributing either five percent or seven percent of his earnable compensation from January 1, 1980. Each member of the plan as of July 1, 1996, shall have the one-time irrevocable option of raising his contribution rate from five percent to either seven percent or eight percent of earnable compensation, or from seven percent to eight percent of earnable compensation. For each member who elects as of July 1, 1996 to increase his contribution from five percent to seven percent of earnable compensation, the amount of retirement annuity with respect to creditable service rendered after June 30, 1996, shall be equal to two percent of monthly average final compensation multiplied by the number of years of creditable service rendered after June 30, 1996. For each member who elects as of July 1, 1996 to increase his contribution rate to seven percent or eight percent of earnable compensation, the amount of retirement annuity with respect to creditable service rendered after September 30, 1979 but before July 1, 1996 shall be equal to one and two-thirds percent, if prior to July 1, 1996 he had been contributing at the rate of five percent, or two percent, if prior to July 1, 1996 he had been contributing at the rate of seven percent, of monthly average final compensation multiplied by the number of years of creditable service rendered after September 30, 1979 but prior to July 1, 1996. The foregoing election periods shall expire on July 31, 1996 and may not be extended for any reason. Each employee who becomes a member of the plan after July 1, 1996 shall thereupon have the one-time irrevocable option of contributing either five percent or eight percent of earnable compensation. Each member of the plan as of February 1, 2003 who is contributing at the rate of five percent of earnable compensation shall have the one-time irrevocable option of raising his contribution rate from five percent to six percent. For each member who contributes at the rate of seven or eight percent of earnable compensation on January 31, 2003, the contribution~~

~~rate shall be six percent of earnable compensation on and after February 1, 2003. Each employee who becomes a member on or after February 1, 2003 shall contribute six percent of earnable compensation. Such contribution by any member shall cease upon the completion of the number of years of creditable service, sufficient to produce an annuity of 60 percent of average final compensation.~~ For members who are not police officers or Senior Management Employees, effective October 1, 2016:

- (i) The employee contribution for employees contributing six percent (6%) of earnable compensation shall be increased to eight percent (8%) of earnable compensation;
- (ii) The employee contribution for the employee contributing five percent (5%) of earnable compensation shall be increased to seven percent (7%) of earnable compensation;
- (iii) Employee contributions by any member shall cease upon the completion of the number of years of creditable service, sufficient to produce an annuity of sixty-eight percent (68%) of average final compensation.

For members who are Senior Management Employees, effective October 1, 2016:

- (i) The employee contribution shall be increased to eight percent (8%) of earnable compensation;
- (ii) Employee contributions by any Senior Management member shall cease upon the completion of the number of years of creditable service, sufficient to produce an annuity of eighty percent (80%) of average final compensation.

Section 5. All sections or parts of sections of the Town Code, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same, are hereby repealed to the extent of such conflict.

Section 6. Should this ordinance or any part thereof be declared invalid by a Court of competent jurisdiction, the invalidity of any part of this ordinance shall not otherwise affect the validity of the remaining provisions of this ordinance, which shall be deemed to have been enacted without the invalid provision.

Section 7. It is the intention of the Commission of the Town of Surfside that the provisions of this ordinance shall become and be made a part of the Code of the Town of Surfside, and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 8. This ordinance shall become effective upon final passage.

PASSED and **ADOPTED** on second reading this ____ day of _____, 2016.

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION:

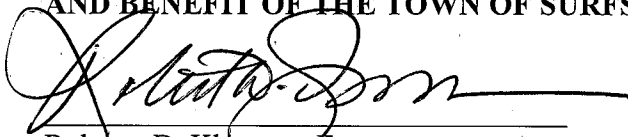
Commissioner Daniel Gielchinsky _____
Commissioner Michael Karukin _____
Commissioner Tina Paul _____
Vice Mayor Barry Cohen _____
Mayor Daniel Dietch _____

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:**



Robert D. Klausner, Esq.
General Counsel
The Retirement Plan for Employees of the Town of Surfside



Town of Surfside Commission Communication

Agenda Item: 4B1

Agenda Date: October 13, 2016.

Subject: Amendment to Sec. 14-29 of the Code of the Town of Surfside

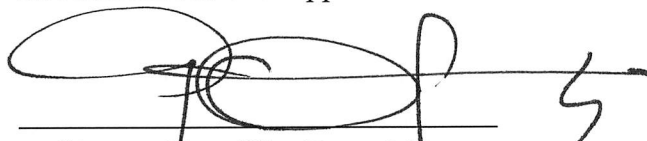
Background: Section 14-29 establishes the amount of fees to be paid by the applicant when filing an application for a building permit.

Analysis: Presently the developer's representative fills out an application indicating an estimated cost of construction. Leaving that estimate to the applicant without a standard causes a wide variation in that calculation. It is necessary to establish a base amount that will allow both the Town and the applicant to have a degree of certainty in the amount of fees. Also, with the provision of auditing final costs after the conclusion of the construction activity, the exact cost of construction can be determined.

Budget Impact: This amendment will result in an increase to the fees collected from building permit fees. The impact depends on the building permit activity for each year.

Staff Impact: No additional impact on staff.

Recommendation: Approval of the amendment by the Town Commission.



Guillermo Olmedillo, Town Manager

ORDINANCE NO. 16 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS; SPECIFICALLY AMENDING SECTION 14-29. “PERMIT FEES” FOR CONSISTENT CALCULATION FOR COST OF CONSTRUCTION FOR PERMIT FEES AND TO REQUIRE AN AUDIT OF THE CONSTRUCTION COSTS AT THE CONCLUSION OF THE CONSTRUCTION; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission finds it is in the best interest of the Town to promote clarification and consistency by calculating the cost of construction using set values per square foot for building permit fees in the Town of Surfside; and

WHEREAS, the Town has determined based on research that the amount of \$250 per square foot is considered an average cost of construction for multi-family and commercial developments and the amount of \$150 per square foot is considered an average cost of construction for single family homes; and

WHEREAS, the Town Commission held its first public hearing on October 13, 2016 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on November 9, 2016.

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. 14-29. - Permit fees.

For all buildings, structures, additions and alterations requiring a building permit as called for in Section 105 of the Florida Building Code, a fee for each building permit shall be paid as required, in accordance with the following fee schedule:

- (1) The minimum fee for any one permit shall be \$80.00.

- (2) For all construction activity where the construction costs are greater than \$1,000.00 but less than \$1,250,000.00, the fee shall be \$80.00 plus 2.3 percent of the cost of construction.
- (3) For all construction activity where the construction costs are \$1,250,000.00 or more, but less than \$3,000,000, the fee shall be calculated as in (1) + (2) plus 1.6 percent of the cost of construction from \$1,250,000.00 up to \$3,000,000.00.
- (4) For all construction activity where the construction costs are \$3,000,000.00 or greater, the fee shall be calculated as in (1) + (2) + (3) plus 1.3 percent of the cost of construction greater than \$3,000,000.00.
- (5) Electrical, mechanical and plumbing permit fees shall be calculated in accordance with (1) through (4) above, except that when such electrical, mechanical or plumbing permit is a sub-permit to a master permit, the fee for the sub-permit shall be \$80.00 provided the cost of the electrical, mechanical or plumbing work is included in the overall cost of construction included in the master permit.
- (6) For purposes of this Section, the cost of construction is calculated as \$250 per gross square foot for multi-family and commercial developments and \$150 per gross.
- (7) The Applicant of the building permit shall conduct an audit of the construction costs at the conclusion of the construction, at their own expense, and shall pay the difference in the building permit fee, if any, prior to issuance of the Temporary Certificate of Occupancy.

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 adoption on second reading.

PASSED and ADOPTED on first reading this _____ day of _____, 2016.

PASSED and **ADOPTED** on second reading this ____ day of _____, 2016.

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION:

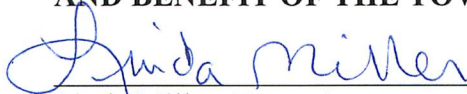
Commissioner Daniel Gielchinsky _____
Commissioner Michael Karukin _____
Commissioner Tina Paul _____
Vice Mayor Barry Cohen _____
Mayor Daniel Dietch _____

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



Town of Surfside Commission Communication

Agenda Item: 4B2

Agenda Date: October 13, 2016

Subject: Beach Furniture Ordinance

Background: During the September 13, 2016 Town Commission meeting, the Town Commission directed the Administration to prepare a beach furniture ordinance for the October 13, 2016 Town Commission Agenda which requires beach furniture permits for property owners on the east side of Collins Avenue. The Town has the authority to promulgate laws to regulate the public beach in a reasonable manner to protect public health, safety and welfare, which must have a rational relation and be reasonably designed to accomplish a purpose necessary for the protection of the public. Town Administration has had discussions with the Florida Department of Environmental Protection related to the parameters of public, health, safety and welfare as presented in the attached ordinance.

I have drafted the attached *Administrative Policy: Beach Furniture and Equipment Town Manager Guidelines* (Attachment "A") which provides for public access and safety and requirements for beach furniture, which includes provisions for access lanes for public health and safety, and to allow the storage of chairs neatly stored and secured to the ground.

Budget Impact: It is expected that two part-time Code Compliance Officers to work on weekends and holidays will cost \$45,000 annually.

Staff Impact: In addition to the part-time employees, the Code Compliance officers will follow up on cases that have to be prepared for Special Magistrate hearings.

Recommendation: It is recommended to adopt the attached ordinance on first reading.



Guillermo Olmedillo, Town Manager

Administrative Policy

BEACH FURNITURE AND EQUIPMENT
TOWN MANAGER GUIDELINES

The Town has the authority to promulgate laws to regulate the public beach in a reasonable manner to protect public health, safety, and welfare, which must have a rational relation and be reasonably designed to accomplish a purpose necessary for the protection of the public. Pursuant to Section 86-30 and 86-31 of the Town of Surfside Code, beach furniture shall not inhibit access to the public beach, nor obstruct access on the beach for pedestrians and emergency vehicles, nor impact native vegetation, nor affect sea turtles or other wildlife.

PUBLIC ACCESS AND SAFETY

- Beach furniture may not be placed directly behind of or in front of a lifeguard tower or within 10 feet of the entire perimeter of the lifeguard tower, or obstruct a lifeguard's or emergency personnel's view of the beach or ocean.
- No beach furniture shall be placed in the area immediately adjacent to or directly seaward of the street ends throughout the Town of Surfside.
- All beach furniture placed by a Beach Furniture Operator shall be set at least 20 feet seaward of the edge of vegetation line of the dune and at least 20 feet landward of the edge of wet sand at the high water line. For every 50 feet of beach furniture continuously placed on the public beach, there must be an unobstructed path of at least 10 feet wide.
- Beach furniture shall not be set out in the morning before sunrise or before completion of daily monitoring time for turtle nesting activity by a Florida Fish and Wildlife Conservation Commission authorized marine turtle permit holder to examine the beach in the area of the authorized activity to ensure any new sea turtle nests are identified and marked, whichever occurs first.

REQUIREMENTS FOR PERMIT HOLDERS

- The Beach Furniture Operator shall be responsible for ensuring that the beach furniture is clearly identified as to its ownership, maintained in good condition, free from evidence of deterioration, weathering, and discoloration, at all times.
- Beach furniture shall be deployed in a manner to assure public access and to encourage public use of the beach and shall cause no obstruction to general public.

- A Beach Furniture Operator may store beach furniture on their property or east of the dune neatly organized and secured to the ground.
- Any request from a code enforcement officer, police officer or lifeguard to relocate beach furniture shall be complied with immediately.
- In the event of a declared state of emergency, the Town Manager or designee may issue a warning to the Beach Furniture Operator to remove and secure the beach furniture. If the Beach Furniture Operator fails to remove the beach furniture, the Town Manager or designee, at its option, may remove the beach furniture from the public beach. The Beach Furniture Operator shall be liable for all costs incurred by the Town for the removal and storage of the beach furniture in the event of an emergency.
- The Beach Furniture Operator shall comply with any order issued by the State of Florida, and Miami-Dade County regulations regarding the preservation of marine turtle nesting grounds to ensure that nesting surveys are conducted in accordance with the conditions set forth by the state and the county. In the event an unmarked marine turtle nest is exposed, or a dead, injured, or sick marine turtle is discovered, the Florida Marine Patrol (1-800-DIAL-FMP) shall be notified immediately for appropriate conservation measures to be taken.

ORDINANCE NO. 16 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE II “LOCAL BUSINESS TAX RECEIPT” OF CHAPTER 70 “TAXATION” AND SPECIFICALLY AMENDING “SECTION 70-41 “LOCAL BUSINESS TAX SCHEDULE” TO INCLUDE BEACH FURNITURE OPERATION; AMENDING CHAPTER 86 “WATERWAYS”; ARTICLE II, “PUBLIC BEACHES”, SPECIFICALLY AMENDING SECTION 86-26 “DEFINITIONS”; CREATING SECTION 86-30 “BEACH FURNITURE”; CREATING SECTION 86-31 “BEACH FURNITURE PERMIT”; CREATING SECTION 86-32 “INDEMNIFICATION AND INSURANCE”; CREATING SECTION 86-33 “VIOLATIONS, CIVIL FINES AND PENALTIES”; 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 has the authority to promulgate laws to regulate the public beach in a reasonable manner to protect public health, safety, and welfare, which must have a rational relation and be reasonably designed to accomplish a purpose necessary for the protection of the public; and

WHEREAS, the Florida Constitution states that “The title to lands under navigable waters, within the boundaries of the state, which have not been alienated, including beaches below mean high water lines, is held by the state, by virtue of its sovereignty, in trust for all the people,” s.11, Art. X, Fla. Const; and

WHEREAS, the public trust doctrine requires that governmental regulation of sovereign beach lands be in furtherance of this trust and, therefore, be in the best interest of all the people; and

WHEREAS, pursuant to the Town Charter, Sec. 2 and Section 86-36 of the Town of Surfside Code, the beach is within the corporate limits of the Town of Surfside and the Town exercises full municipal jurisdiction; and

WHEREAS, pursuant to §205.042, Fla. Stat. and Section 70-26 of the Surfside Town Code, it is unlawful for any person to conduct or engage in any business, profession or occupation without first procuring a local business tax receipt and paying to the Town the local business tax; and

WHEREAS, the Town Manager or designee shall establish mandatory guidelines for the placement of beach furniture on the public beach by Beach Furniture Operators for public safety, access and maintenance, as set forth by Administrative Policy; and

WHEREAS, the Town Commission held its first public hearing on October 13, 2016 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on November 9, 2016 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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

Section 2. Code Amendment. The Code of Ordinances of the Town of Surfside, Chapter 70 “Taxation” “Section 70-41 “Local Business Tax Schedule” is hereby amended as follows:

Sec. 70-41. - Local business tax schedule. There hereby are levied and imposed local business taxes for the privilege of engaging in or managing any business, profession or occupation within the town; the rates for such tax to be no greater than those as indicated herein.

* * *

B

* * *

Beach furniture operation 500.00

* * *

Section 3. Code Amendment. The Code of Ordinances of the Town of Surfside, Chapter 86 “Waterways”; Article II, Public Beaches” is hereby amending Section 86-26 “Definitions” and creating Sections 86-30 to 86-33 to read as follows:

Sec. 86-26. - Definitions.

* * *

Beach furniture includes, but is not limited to, any chair, umbrella, tent or any other object that is used on the beach.

* * *

Public beach means that land area in the RT-1 Zoning District, "Tourist District," that is seaward of the erosion control line. It shall also include all easements and rights-of-way within the area that are utilized for public beach purposes.

* * *

Beach Furniture Operator is a resort facility or condominium association located on the east side of Collins Avenue which uses or allows another party to use such beach furniture as part of a short-term paid lodging or residency arrangement.

* * *

Sec. 86-30. – Limitations on Beach Furniture.

Beach furniture shall not inhibit access to the public beach, nor obstruct access on the beach for pedestrians and emergency vehicles, nor impact native vegetation, nor affect sea turtles or other wildlife.

Sec. 86-31. - Beach Furniture Permit Requirements.

Beach Furniture Operator, as defined in this article must obtain a permit to place beach furniture on the public beach within the Town. Town Manager or designee shall establish mandatory guidelines for the placement of beach furniture on the public beach by Beach Furniture Operators for public safety, access and maintenance, as set forth by Administrative Policy. The Beach Furniture Operator must procure a local business tax receipt and comply with the regulations of Section 70-41 of the Town of Surfside Code and all required licenses or permits from Miami-Dade County, the State of Florida and federal entities.

A. Application. Any Beach Furniture Operator shall apply for a permit on a form prepared by the Town along with the applicable permit application fee. All permit applications shall include the following:

- (1) An application fee of \$500.00;
- (2) An evacuation plan, in the event of a natural disaster such as a tropical storm or hurricane, including a storage area.
- (3) Beach furniture storage plan.
- (4) Compliance with indemnification and insurance requirements pursuant to Section 86-32 of the Town of Surfside Code.

B. Exemption. Nothing in this article shall require a permit from a member of the general public to place beach furniture on the public beach for personal use.

C. Review of permit application. A permit shall be granted upon the submittal of a completed application and the required fee, unless the Town Manager or designee determines that the granting of such a permit:

- (1) Unduly impedes governmental business or public access;

- (2) Conflicts with previously scheduled activities;
 - (3) Imperils public safety; or
 - (4) Violates any public policy or local, state or federal law.
- D. Appeals. If a permit is denied or revoked by the Town Manager or designee, the Beach Furniture Operator may, within 30 days of the decision, file a notice of appeal to the Town Commission. The appeal shall be heard as a quasi-judicial matter.

Sec. 86-32. - Indemnification and insurance.

- A. The Beach Furniture Operator agrees to indemnify, defend, save and hold harmless the Town, its officers and employees from any and all claims, liability, lawsuits, damages and causes of action which may arise out of the permit or the Beach Furniture Operator's activity on the public beach.
- B. The Beach Furniture Operator agrees to obtain and maintain for the entire permit period, at its own expense, the following requirements:
 - (1) Commercial general liability insurance in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage. The Town must be named as an additional insured on this policy, and an endorsement must be issued as part of the policy reflecting compliance with this requirement.
 - (2) Workers' compensation and employers' liability as required by the state.
- C. All policies must be issued by companies authorized to do business in the state and rated B+:VI or better per Best's Key Rating Guide, latest edition.
- D. The Town must receive 30 days' written notice prior to any cancellation, non-renewal or material change in the coverage provided.
- E. The Beach Furniture Operator must provide and have approved by the Town an original certificate of insurance as evidence that the requirements set forth in this section have been met prior to commencing operations.
- F. Failure to comply with these requirements shall be deemed to be operating without a valid permit and shall cause an immediate suspension or revocation of the permit.

Sec. 86-33. - Violations, Civil fines and penalties.

A violation of this Article shall occur when the Beach Furniture Operator inhibits access to the public beach, obstructs access on the beach for pedestrians and emergency vehicles, impacts native vegetation, or affects sea turtle nesting areas or other wildlife.

Violations of this article shall constitute a civil offense pursuant to Chapter 15 of the Town Code, and shall be punished by a civil penalty of \$500 per violation and a repeat violation shall result in a fine of \$1,000 per violation.

Section 4. 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 5. 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 6. 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 7. Effective Date. This Ordinance shall be effective upon final adoption on second reading.

PASSED and **ADOPTED** on first reading this ____ day of _____, 2016.

PASSED and **ADOPTED** on second reading this ____ day of _____, 2016.

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION

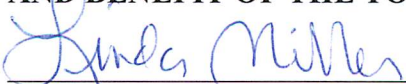
Commissioner Daniel Gielchinsky _____
Commissioner Michael Karukin _____
Commissioner Tina Paul _____
Vice Mayor Barry Cohen _____
Mayor Daniel Dietch _____

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



Town of Surfside Commission Communication

Agenda Item # 5A

Agenda Date: October 13, 2016

Subject: Procurement of three (3) Ford Police Interceptor vehicles

Background: Due to increased police patrol vehicle maintenance costs and to ensure that officers have safe patrol vehicles to operate, the Surfside Police Department developed a Vehicle Replacement Plan that enables the Department to replace its aging fleet and reduce maintenance costs. As part of the plan, the Department will procure three (3) Ford Police Interceptor vehicles under the terms of a municipal program in conjunction with the Florida Sheriff's Association and Florida Association of Counties.

Analysis: The police vehicle fleet is aging and the majority of the current patrol vehicles are off warranty or will be off warranty by the end of FY16/17. The vehicles that will be replaced by the vehicle procurement all have in excess of 100,000 miles and no longer have vehicle warranty coverage. The three (3) Ford Police Interceptor vehicles will provide enhanced safety to the officers and also provide an extended bumper-to-bumper warranty that will provide coverage for five (5) years or 75,000 miles on each vehicle.

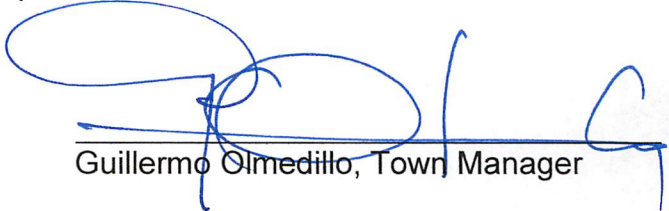
Budget Impact: The cost allocated for the outfitted police vehicles is \$96,000.00

Staff Impact: N/A

Recommendation: Staff recommends a motion to approve a resolution to authorize the procurement of three (3) Ford Police Interceptor vehicles.



David Allen, Chief of Police



Guillermo Olmedillo, Town Manager



Donald Nelson, Finance Director

RESOLUTION NO. 16 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$96,000 FROM THE FISCAL YEAR 2016/2017 GENERAL FUND MACHINERY AND EQUIPMENT ACCOUNT NUMBER 001-3000-521-6410 FOR THE PURCHASE OF THREE (3) FORD POLICE INTERCEPTOR VEHICLES; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the police vehicle fleet is aging and the majority of the current patrol vehicles' warranty expired or will expire by the end of fiscal year 2016/2017; and

WHEREAS, the repair and/or maintenance for the current patrol vehicle fleet is not cost effective due to the excessive mileage and the old age of the patrol vehicles; and

WHEREAS, the Surfside Police Department requested to purchase, under a municipal program in conjunction with the Florida Sheriff's Association and Florida Association of Counties, three (3) Ford police interceptor vehicles (Attachment "A"); and

WHEREAS, in accordance with the Surfside procurement process and pursuant to Section 3-13(3) of the Town of Surfside Code of Ordinances, purchases made under state general service administration contracts, federal, county or other governmental contracts are exempt from the Town's competitive bidding procedures; and

WHEREAS, the 2016/2017 budget includes funding for three (3) Ford police interceptor vehicles; and

WHEREAS, it is in the best interest of the Town to authorize the expenditure of funds in the amount of \$96,000 from the fiscal year 2016/2017 General Fund Machinery and Equipment Account Number 001-3000-521-6410 for the purchase of three (3) Ford police interceptor vehicles.

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. Approval and Authorization to Expend Funds. The Town Manager is hereby authorized to expend \$96,000 from the fiscal year 2016/2017 General Fund Machinery

and Equipment Account Number 001-3000-521-6410 for the purchase three (3) Ford police interceptor vehicles (Attachment "A").

Section 3. Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

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

PASSED AND ADOPTED this _____ day of October 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

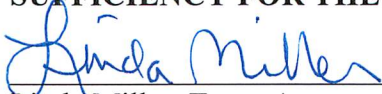
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, 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 Date: October 13, 2016

Subject: Approve Resolution to purchase a 2016 Mack Truck with a Heil 25 yard rear load from the Florida Sheriff Bid.

Background: The current solid waste fleet consists of three (3) trucks, 2004, 2005 and a 2015 rear load Mack's with 240,000, and 207,000 miles on the two older trucks. Normal longevity cycle for replacement of waste vehicles is on a 7 to 10 year cycle depending on maintenance and mileage of the vehicle. Although our Town is only one square mile, the trucks are used beyond the normal wear and tare of an average cycle due to 5 day pick up for residential and 7 day pick up for commercial customers. In order to continue this type of schedule consistently, the equipment needs to be maintained and replaced accordingly.

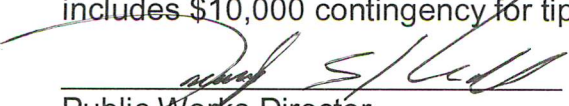
We are recommending to replace Truck #45 which is a 2004 Mack rear load. This truck has surpassed its useful requirements and should have been replaced 4 years ago. Staff has maintained and kept this truck operational to date, but at a cost. We have spent \$21,530 in 2012-2013 Fiscal Year, \$19,139 in the 2013-2014 Fiscal Year, \$18,456 in the 2014-2015 Fiscal Year, and \$18,550 in 2015-2016 Fiscal Year for a total of \$77,675.

Analysis: To keep this truck on the road we have spent over \$77,000 which is 30% of the cost to replace it. It is very important for staff to have good working equipment so they can perform their jobs and service the Town properly.

Budget Impact: The truck is in the 2016-2017 budget and funded from the Solid Waste Fund Machinery and Equipment Account Number 403-4000-534-64-10.

Staff Impact: None

Recommendation: Staff recommends the Town Commission approve the purchase of a 2016 Mack Truck with a 25 cubic yard rear loader for a cost not to exceed \$234,331.50 which includes \$10,000 contingency for tippers and logo wrapping of the truck.


Public Works Director


Town Manager


Finance Director

RESOLUTION NO. 16 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$224,331.50 FROM THE FISCAL YEAR 2016/2017 SOLID WASTE FUND, MACHINERY AND EQUIPMENT ACCOUNT NO. 403-4000-534-6410; FOR THE PURCHASE OF A 2016 MACK TRUCK WITH A HEIL 25 YARD REAR LOADER; PIGGYBACKING OFF THE FLORIDA SHERIFF'S ASSOCIATION AND FLORIDA ASSOCIATION OF COUNTIES BID NO. 15-13-0904; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the current solid waste fleet consists of 2004, 2005 and a 2015 rear load Mack trucks with 240,000, and 207,000 miles on the two older ones; and

WHEREAS, the normal longevity cycle for replacement of waste vehicles is on a 7 to 10 year cycle; and

WHEREAS, due to the garbage pick-up schedule (5 days for residential and 7 days for commercial customers), the trucks are used beyond the normal wear and tear of an average cycle; and

WHEREAS, the 2004 Mack rear load truck has surpassed its useful requirements; and

WHEREAS, the staff has maintained and kept the 2004 Mack truck operational at a total cost of \$77,675; and

WHEREAS, to continue with the current garbage pick-up schedule, the equipment needs to be maintained and replaced; and

WHEREAS, the cost to purchase a 2016 Mack truck is \$224,331.50 which includes \$10,000 contingency for tippers and the Town logo wrapping of the truck; and

WHEREAS, the truck has been appropriated in the 2016-2017 Budget and funded from the Solid Waste Fund, Machinery and Equipment Account No. 403-4000-534-6410; and

WHEREAS, in accordance with the Surfside procurement process and pursuant to Section 3-13(3) of the Town of Surfside Code of Ordinances, purchases made under

state general service administration contracts, federal, county or other governmental contracts are exempt from the Town's competitive bidding procedures; and

WHEREAS, it is in the best interest of the Town to authorize the expenditure of funds to purchase a 2016 Mack truck in the amount of \$224,331.50 pursuant to the Florida Sheriff's Association and Florida Association of Counties Bid No. 15-13-0904 (See Attachment "A").

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

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

Section 2. Approval and Authorization to Expend Funds. The Town Commission hereby authorizes the Town Manager to purchase a 2016 Mack truck in the amount of \$224,331.50 from the Fiscal Year 2016/2017 the Solid Waste Fund, Machinery and Equipment Account No. 403-4000-534-6410 (See Attachment "A").

Section 3. Implementation. The Town Manager and/or designee are hereby authorized to take any and all action necessary to implement this Resolution.

Section 4. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this _____ day of _____, 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION:

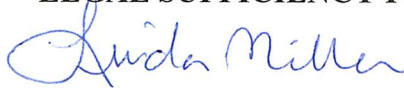
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

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



Linda Miller, Town Attorney



FLORIDA SHERIFF'S ASSOCIATION
 FLORIDA ASSOCIATION OF COUNTIES
 BID # 15-13-0904



8/25/2016

PREPARED BY
 GILBERTO BEATO
 NEXTRAN-MIAMI

With HEIL BODY

TOWN OF SURFSIDE SPECIFICATION # 15 MR SERIES

BRIEF DESCRIPTION	PRICE
ON-OFF HIGHWAY APPLICATION	
CARRIER APPLICATION ON-OFF HIGHWAY	
VEHICLE TYPE-TRUCK	
VEHICLE USE-ON-OFF HIGHWAY	
MODEL= MRU613	\$138,997.00
Frame Reinforcement - Inside, 1/4" Steel Channel	\$0.00
Wheelbase, 210" (5334 mm)	\$0.00
Engine Brake, Mack Powerleash	\$0.00
FUEL-WATER Separator, Mack With Manual Drain Valve	\$0.00
MP7-345R MACK ENGINE 345 HP	\$829.00
ALLISON TRANSMISSION MODEL 4500 RDS	\$0.00
CHASSIS UPGRADE 20K.FRT. & 46K RR	\$698.00
Alternator, Delco 12V 130A (24SI) BRUSH-TYPE	\$0.00
Air Compressor, Meritor/Wabco 636 (37.4 CFM)	\$0.00
TETHER -OIL FILL	\$0.00
GEAR REDUCTION STARTER,ELCTRIC	\$0.00
BULLDOG HEATED MIRROR	\$0.00
1760 MAIN/1710 INTER-AXLE DRIVE	\$0.00
SHEPPARD M100P-M90 STEERING	\$0.00
AUTO RADIO SHUT-OFF IN REVERSE	\$64.00
2 XTRA DASH TOGGLE SWICTES	\$0.00
SILICONE HOSES	\$0.00
DIAGONAL GRAB HANDLE-DRIVER	\$0.00
BRIGHT FINISH GRILLE	\$0.00
1 RECTANGULAR AIR HONES	\$0.00
BOSTROM HI-BACK DRIVER SEAT	\$0.00
CLEAR COAT/BASE COAT PAINT	\$0.00
PEDIGREE INTERIOR	\$0.00
BULLDOG HEATED W/C MIRRORS POWER	\$500.00
Seat - Driver, Sears Seating C-2 With Fabriform Cushions	\$0.00
MID BACK AIR SUSPENSION	\$0.00
Cab Lift/Tilt, Located In Std Location	\$0.00
FENDER EXTENSIONS	\$0.00
20,000 LBS FRONT AXLE	\$0.00
425/65R22.5 FRONT TIRES	\$0.00
22.5 X 12.25 DISC Steel WHEELS, FRONT	\$0.00

HALDEX SLACK ADJUSTERS		\$0.00
15.5 X 6" FRONT BRAKES-MERITORS		\$0.00
SEAT BELTS WITH RINGS		\$0.00
JUMP START CONECTIONS		\$0.00
MACK 46,000 REAR AXLE		\$0.00
Carrier/Ratio - Rear Axle, CRDP150/151, 4.19 Ratio		\$0.00
Power Divider Lockout With Warning Light And Buzzer		\$0.00
MACK 46,000 SUSPENSION		\$0.00
11R22.5 14 G G572ALHD Fuelmax (Traction)		\$0.00
LANYARD CONTROL- ALL AIR TANKS`		\$0.00
H.D. SHOCK INSULATORS		\$0.00
Brakes - Rear, Meritor Cam 16.5"x8" Q+		\$0.00
80 GALLON L.H. STEEL FUEL TANK-	AT NO CHARGE TO YOU	\$0.00
Batteries, (3) Mack 12V 650/1950 CCA Threaded Stud Type		\$0.00
MGM TR-T BRAKE CHAMBER		\$0.00
BATTEERY DISCONNECT SWITCH		\$169.00
EMRGENCY START STUDS		\$0.00
MGM TAMPER RESIST BRAKE CHAMBER		\$0.00
"BODY-UP" LAMP ON DASH		\$0.00
Heil Rear LOADER	ADDITIONAL OPTIONS	\$68,254.00
Pump: Front Mount Pump		\$0.00
Left Hand Buzzer	PARTS SERVICE & MANUALS	\$955.00
20 lb Fire extinguisher	ALLISON TRANSM. 5 YEAR WARRANTY	\$982.00
Single Camera System	TREAT PROTECTION PLAN	\$700.00
12 Month Warranty		\$0.00
All Standard Sytem	ENGINE PROTECTION PLAN 2	\$2,100.00
Contractor Package with 1/4" hopper		\$0.00
Options: Dual Hopper work lights \$450.00	TOTAL :	\$214,248.00
4 lights in corner \$585.00	Less tire FET discount	\$276.50
lip and latch and winch \$6610.00	SELLING PRICE:	\$213,971.50
cart tipper \$ 3,750.00		
body side access door \$1,700.00		

3750.00
6610.00

229331.50



**TOWN OF SURFSIDE
COMMISSION COMMUNICATION**

AGENDA #: 5C

AGENDA DATE: OCTOBER 13, 2016

FROM: **BRETT J. SCHNEIDER, ESQ., SPHR,
BOARD CERTIFIED IN LABOR AND EMPLOYMENT LAW
LABOR COUNSEL FOR THE TOWN OF SURFSIDE, FLORIDA**

SUBJECT: **AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN
TOWN AND TOWN MANAGER, GUILLERMO OLMEDILLO**

BACKGROUND:

On December 9, 2014, the Town Commission approved Resolution No. 14-2278 wherein it entered into an Employment Agreement (Attachment "A" Resolution and Agreement) with Guillermo Olmedillo to serve as Town Manager. Recently, the Town Manager requested that the Agreement be revised to address his continuing obligation to appear before Miami-Dade County Boards, as well as to ensure that the amount of his life insurance benefits is consistent with the Agreement. To that end, the Town Manager requested that the Agreement reference his anticipated appearances before Miami-Dade County Boards during four (4) identified months. He also proposed that these absences would require the use of vacation leave, and that despite these obligations he would attend all scheduled Town meetings and address all administrative duties.

The Town Manager also requested to revise the reference to life insurance coverage, which by the terms of the Agreement should be equal to his salary. Because his salary has outpaced the maximum coverage amounts, it is proposed that the coverage amount be equal to his initial salary until changed. Finally, in reviewing the Agreement for legal sufficiency, it was discovered that the specific reference to a statutory provision is incorrect as the Legislature recently renumbered the referenced subsection of Florida Statutes.

RECOMMENDATION:

The Town Manager's proposed revision to the life insurance benefit would avoid a contractual breach and, therefore, is recommended for approval. The revision to the statutory reference will correct the error and should be approved. Finally, there is no legal prohibition concerning the consulting activities changes, which leaves the matter as a policy decision for the Town Commission.

RESOLUTION 14 - 2278

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPOINTING GUILLERMO OLMEDILLO AS TOWN MANAGER; APPROVING THE EMPLOYMENT AGREEMENT BETWEEN GUILLERMO OLMEDILLO AND THE TOWN OF SURFSIDE ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Charter of the Town of Surfside (the "Town") provides for a Town Manager to act as the Chief Executive Officer and the head of the administrative branch of the Town government; and

WHEREAS, the Town Commission desires to appoint and employ Guillermo Olmedillo as Town Manager effective January 5, 2015 in accordance with the Employment Agreement attached hereto as Exhibit "A;" and

WHEREAS, John Di Censo will proceed to support the Town in his role as Interim Town Manager until February 2, 2015 during the transition of the new Town Manager, Guillermo Olmedillo; and

WHEREAS, during his term as Town Manager, the terms and conditions of employment of Guillermo Olmedillo will be in accordance with the Employment Agreement attached hereto as Exhibit "A."

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

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

Section 2. Town Manager Appointment. The Town Commission hereby appoints Guillermo Olmedillo as Town Manager effective January 5, 2015.

Section 3. Approval of Employment Agreement. The Employment Agreement between Guillermo Olmedillo and the Town attached hereto as Exhibit "A" is hereby approved and shall be effective on January 5, 2015.

Section 4. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 9th day of December, 2014.

Motion by Commissioner Cohen

Second by Commissioner Olchyk

FINAL VOTE ON ADOPTION

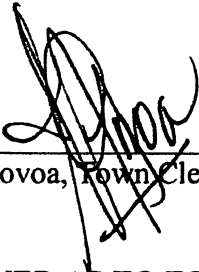
Commissioner Barry Cohen
Commissioner Michael Karukin
Commissioner Marta Olchyk
Vice Mayor Eli Tourgeman
Mayor Daniel Dietch

yes
Absent
yes
yes
yes



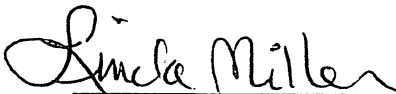
Daniel Dietch, Mayor

Attest:



Sandra Novoa, Town Clerk

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



Linda Miller, Esq., Town Attorney

EMPLOYMENT AGREEMENT
TOWN MANAGER

This Employment Agreement ("Agreement") is made and entered into this 9th day of December, 2014, between the Town of Surfside, a Florida municipal corporation, (the "Town") and Guillermo Olmedillo ("Town Manager").

RECITALS

WHEREAS, Section 34 of the Town Charter (the "Charter") requires that there shall be a Town Manager who is the Chief Administrative Officer of the Town;

WHEREAS, Town Manager represents he has the expertise and skills to serve as the Town Manager;

WHEREAS, the Town desires to employ the services of Olmedillo as Town Manager and Olmedillo wishes to accept this employment; and

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

Section 1. Recitals.

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

Section 2. Duties.

2.1 The Town Manager shall have all powers and perform all duties and responsibilities required by this Agreement and prescribed in the Charter and applicable sections of the Town Code.

2.2 The Town Manager shall carry out the policy directives as determined by a majority of the Town Commission.

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2.3. The Town Manager shall provide the Town Commission with a monthly report, which shall include a list of directives from the Town Commission and the status of achievement of the same. The report shall be included in the monthly Commission Agenda Package.

2.4 The Town Manager shall attend all Commission meetings unless excused by the Commission. He shall also attend the Town's Planning & Zoning/Design Review Board meetings, Tourist Board meetings and Pension Board meetings. In addition, he shall attend other standing and ad hoc committee meetings and other meetings as appropriate to fulfil his duties as Town Manager unless he has schedule conflicts that preclude his attendance.

2.5 The Town Manager shall perform such other duties as may be assigned by the Town Commission from time to time. Should the Town Manager be asked to make a recommendation concerning the award of a Town contract where an entity that the Town Manager previously provided services to through his consulting business, Olmedillo X 5, Inc., is an applicant, the Town Manager shall first seek a Conflict of Interest Opinion from the Executive Director of the Miami-Dade County Commission on Ethics ("MDCCE") before making a recommendation on the award of such contract. Should the MDCCE determine that a conflict of interest exists, the Town Manager shall recuse himself from the decision-making process as to the award of that contract.

2.6 The Town Manager hereby acknowledges that, prior to commencing employment with the Town, he maintained his own consulting business. The Town Manager agrees that, upon the commencement of his Town employment, he will not take on any new consulting project, will cease all consulting activities and will devote all of his time, attention, knowledge and skills to faithfully performing his duties under this Agreement. Notwithstanding the foregoing, the Town Manager may maintain his consulting business for the purpose of receiving payment for consulting work he performed prior to commencing employment with the Town. In addition, and provided he receives

advance approval from the Town Commission, the Town Manager may testify or provide documents in response to a valid subpoena served on him in any action concerning consulting work he performed before commencing Town employment.

Section 3. Salary.

3.1 The Town Manager shall receive an initial annual salary in the amount of \$155,000 payable in equal installments in accordance with the Town's existing pay periods.

3.2 For purposes of this Agreement, the Town Manager's anniversary date shall be January 5th of each year.

Section 4. Performance Evaluations.

4.1 The Town agrees to conduct formal performance evaluations of the Town Manager in a format acceptable to a majority of the Town Commission after six (6), twelve (12) and twenty-four (24) months of service. The Town Commission shall thereafter evaluate the performance of the Town Manager at least once annually on or before the anniversary date of each year. It is understood and agreed that if the Town Manager receives a positive evaluation from the Commission, the Town Manager may receive a salary or benefit increase, but any such increase is solely within the discretion of the Commission, approved at a public meeting.

4.2 The evaluation specified in Sections 4.1 shall be based upon: (i) the Town Manager's performance of the duties specified in Section 2; (ii) the Town Manager's achievements of the Town Commission's policy directives; and (iii) the Town Manager's completion of appropriate professional development programs.

Section 5. Holidays.

The Town Manager shall be entitled to all holidays recognized by the Town.

Section 6. Annual (Vacation) Leave.

6.1 The Town Manager shall accrue 15 business days of annual leave per calendar-year on a pro rata basis equally per pay period. However, the Town Manager will be credited with 5 of those 15 days of annual leave upon the commencement of his employment and will begin accruing the remaining 10 days of annual leave after he completes four months of Town employment. The Town Manager shall submit leave slips for annual leave usage in accordance with Town policy for all other Town employees. The carryover and payout of accrued vacation leave will be governed by Town policy for non-union civilian employees unless such policy directly conflicts with this Agreement, in which case the conflicting provision of this Agreement shall control. After five (5) years of continuous employment as Town Manager, he shall accrue 20 business days of annual leave per calendar-year on a pro rata basis equally per pay period.

6.2 The Town Manager shall not use more than five (5) consecutive business days of vacation leave without prior verbal or written approval of the Mayor. Prior to such leave, the Town Manager shall notify the Commission of who the Acting Town Manager will be during that leave and how the Town Manager may be reached while on leave in case of an emergency.

Section 7. Sick Leave.

The Town Manager shall accrue 12 business days of sick leave per calendar-year on a pro rata basis equally per pay period. However, the Town Manager will be credited with 4 of those 12 days of sick leave upon the commencement of his employment and will begin accruing the remaining 8 days of sick leave after he completes four months of Town employment. The Town Manager shall submit leave slips for sick leave usage in accordance with Town policy for all other Town employees. The carryover and payout of accrued sick leave will be governed by Town policy for non-union civilian employees

unless such policy directly conflicts with this Agreement, in which case the conflicting provision of this Agreement shall control.

Section 8. Retirement Plan.

Within 14 business days of the commencement of his employment as Town Manager, the Town Manager shall elect either to receive a 15% contribution of his base salary into an ICMA retirement plan (such contribution to be made on a pro rata basis equally per pay period) or he may choose to participate in the Town's Retirement Plan as codified in Chapter 2 of the Town Code. The Town Manager shall make such election in writing to the Town's Human Resource Director. If no such election is made, the Town Manager shall participate in the ICMA retirement plan as set forth above.

Section 9. Health Insurance.

The Town shall provide the Town Manager and his eligible dependents with health insurance coverage (i.e., medical, dental and vision) at the Town's cost in the Town's health insurance plans available to all other Town employees.

Section 10. Life Insurance.

The Town shall provide the Town Manager with term life insurance equal to his annual salary.

Section 11. Professional Dues and Expenses.

11.1 The Town shall pay for all customary professional dues and subscriptions necessary for the Town Manager's participation in the ICMA, FCCMA and AICP. In addition, the Town Manager's participation in other municipal and professional organizations shall be as approved in the Town's annual budget.

11.2 The Town shall pay for the Town Manager's participation in those local civic and non-profit job-affiliated organizations that the Town Manager is authorized to participate in by the Town Commission, as approved in the Town's annual budget.

11.3 The Town, through its Controller, shall pay reasonable non-personal job-related expenses incurred by the Town Manager as part of his duties. Such payments shall be made on a reimbursement basis, based upon the Town Manager's actual receipts and expense vouchers. A budget for such anticipated expenditures shall be approved in the Town's annual budget.

11.4 The Town shall provide the Town Manager with an automobile allowance of \$550 per month.

Section 12. Cellular.

The Town shall provide the Town Manager with a cellular telephone or provide an allowance of \$100 per month.

Section 13. Travel.

The Town Manager is hereby approved to attend the annual FCCMA Conference or an equivalent conference at the Town's expense, provided that his attendance at this Conference does not interfere with the performance of his duties as Town Manager. In addition, the Town shall pay for the reasonable and customary registration and travel expenses of the Town Manager for meetings and professional development activities as directed or annually budgeted by the Town Commission.

Section 14. Days.

Unless otherwise specified, any reference to days in this Agreement shall mean calendar days.

Section 15. Bonds.

The Town shall pay for the cost of any bonds for the Town Manager required by Florida Law or the Town Charter.

Section 16. Indemnification.

The Town shall indemnify the Town Manager against any tort, professional liability claim, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring

during the performance of the Town Manager's duties. This provision shall not apply to acts or omissions of the Town Manager committed while acting outside the course and scope of his employment, committed in bad faith or with malicious purpose, or committed in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

Section 17. Term.

The commencement date of this Agreement shall be the date the Town Commission adopts Resolution No. 14-2278 The Town Manager shall serve at the pleasure of the Town Commission. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the Town Commission to terminate the services of the Town Manager at any time during a regular or special Town Commission meeting, subject to the provisions set forth in this Agreement.

Section 18. Termination.

18.1 In accordance with the Charter, the Town Manager shall serve at the pleasure of the Town Commission. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the Town Commission to terminate the services of the Town Manager at any time during a regular or Special Town Commission meeting.

18.2 In the event the Town Commission wishes to terminate the Town Manager without cause, the Town Manager shall receive a lump sum severance pay equal to 20 weeks of his regular base salary at the time of termination. The Town shall also continue to pay the premium for the Town Manager's health insurance for 20 weeks after the effective date of his termination. The Town shall not provide the Town Manager with his automobile allowance, cellular telephone allowance, or any other benefit or reimbursement (except that specifically set forth in this paragraph) beyond the date of his termination. All severance payments (excluding the continuation of his health insurance benefits)

shall be paid to the Town Manager in a lump sum upon his termination or within thirty (30) days thereafter at the Town Commission's option.

18.3 Notwithstanding the provisions of Section 18.2, in the event Town Manager is terminated for misconduct as defined in Section 443.036(30), Florida Statutes, the Town shall have no obligation to pay the Town Manager any severance pay. Misconduct includes, but is not limited to: (i) breach of any material term or condition of this Agreement; (ii) conviction of a felony; (iii) gross insubordination; (iv) willful neglect of duty; or (v) adjudicated violation of the Florida Code of Ethics for Public Officers and Employees, the Miami-Dade Conflict of Interest and Code of Ethics, the Town Charter, or the Town's Conflict of Interest Ordinance.

18.4 Upon payment of the severance payment specified in Section 18.2, upon resignation or retirement as provided for in Section 18.5, or resignation as provided for in Section 18.6, the Town shall have no further contractual financial obligations to the Town Manager. **The severance payment shall constitute stipulated and liquidated damages and the maximum amount of financial liability for which the Town may be liable in the event of termination or breach of contract.**

18.5 In the event that the Town Manager voluntarily resigns or retires during the Term of this Agreement, the Town Manager shall provide the Town with 60 days' advance written notice, unless the parties agree in writing to a different period of time. In the event of resignation by the Town Manager under this Section, the Town Manager shall not be entitled to receive the severance package specified in Section 18.2, but the Town shall pay the Town Manager for his accrued unused vacation and sick leave (if applicable) calculated at the Town Manager's rate of pay in effect upon the date of resignation in accordance with Town policy for non-union civilian employees.

18.6 In the event that the Town Manager voluntarily resigns with less than 60 days' advance written notice, the Town Commission may elect to terminate the Town Manager immediately or allow

the Town Manager to continue to serve until the date specified in the Town Manager's resignation. In the event of a resignation or termination under this paragraph, notwithstanding any other provisions of this Section, the Town Manager shall not be entitled to receive either severance payment or vacation or sick leave unless the Town Commission authorizes payment of same.

18.7 If the Town Manager is unable to perform his duties as specified in Section 2 of this Agreement for a period of 30 consecutive days or 60 non-consecutive days during any one-year period for any reason other than an approved Family Medical Leave Act ("FMLA") absence, the Town Commission may terminate this Agreement. If the Town Manager takes FMLA-approved leave and exhausts his statutorily-protected, FMLA-approved leave in any one-year period, the Town Commission may terminate this Agreement. In the event of the Town Manager's death, this Agreement shall be terminated. If this Agreement is terminated under this Section, the Town Manager shall not be entitled to severance pay pursuant to Section 18.2 of this Agreement.

18.8 Unless otherwise specified in this Agreement, or required by law, upon termination of this Agreement, the Town Manager or his beneficiary shall be entitled to receive payment of any accrued or unused sick or vacation leave in accordance with the terms of this Agreement, as may be amended from time to time. If the Town Manager is terminated pursuant to Section 18.3 of this Agreement, sick and vacation leave shall not be paid.

Section 19. Miscellaneous Provisions.

19.1 Complete Agreement. It is understood and agreed that this document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein and that the parties agree that there are no commitments, agreement, or understandings concerning the subject matter of this Agreement that are not contained

in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

19.2 Amendment. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and with equal dignity herewith.

19.3 No Waiver. The waiver by either party of a breach of any provision of this Agreement by the other shall not operate or be construed as a waiver of any subsequent breach by that party.

19.4 Severability. If any provision, or any portion thereof, contained in this Agreement is held to be unconstitutional, illegal, invalid, or unenforceable, the remainder of this Agreement, or portions thereof, shall not be affected and shall remain in full force and effect.

19.5 Non-Assignment. The rights and obligations herein granted are personal in nature and cannot be transferred or assigned by the Town Manager.

19.6 Governing Law. Florida law shall govern this Agreement and any litigation which may arise from this Agreement shall be filed and litigated in the Circuit Court in and for Miami-Dade County, Florida, or, if in Federal Court, in the Southern District of Florida.

19.7 Notice. Notice to either party shall be deemed given if sent by certified mail, return receipt requested, by recognized public or private postal facilities, by hand delivery, or delivered at a Town Commission meeting. Notice shall be sent as follows:

For the Town: Daniel Dietch, Mayor
Town of Surfside
9293 Harding Avenue
Surfside, Florida 33154
(305) 861-4863 (Telephone)
(305) 861-1302 (Fax)

With a copy to: Linda Miller, Esquire
Town Attorney
Town of Surfside

9293 Harding Avenue
Surfside, Florida 33154
(305) 993-1065 (Telephone)
(305) 993-5097 (Fax)

For the Town Manager: Guillermo Olmedillo
6840 SW 130 Terrace.
Pinecrest, Florida 33156.
786 252 0381 (Telephone)
786 250 3599 (Fax)

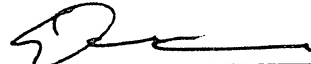
Section 20. WAIVER OF JURY TRIAL.


BOTH THE TOWN AND THE TOWN MANAGER KNOWINGLY, VOLUNTARILY, AND IRREVOCABLY
WAIVE THEIR RIGHT TO A TRIAL BY JURY IN ANY CIVIL PROCEEDINGS THAT MAY BE INITIATED BY
EITHER PARTY WITH RESPECT TO ANY TERM OR CONDITION OF THIS AGREEMENT.

aw

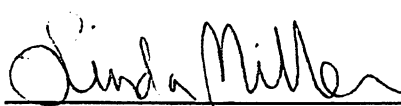
IN WITNESS WHEREOF, the Town, by signature of the Mayor as authorized by the Town Commission in accordance with Resolution No. 14-2278 passed on December 9, 2014, has executed this Agreement the day and year first above written.

TOWN OF SURFSIDE

By: 
Daniel Dietch, Mayor

ATTEST: 
Sandra Novoa,
Town Clerk

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


Linda Miller,
Town Attorney

TOWN-MANAGER

Guillermo Olmedillo

Date Dec 5, 2014

RESOLUTION 16-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN TOWN MANAGER, GUILLERMO OLMEDILLO, AND THE TOWN OF SURFSIDE; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT ON BEHALF OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 34 of the Town Charter (the “Charter”) requires that there shall be a Town Manager who is the Chief Administrative Officer of the Town;

WHEREAS, on December 9, 2014, the Town Commission approved Resolution No. 14-2278 wherein the Town entered into an Employment Agreement (the “Agreement”) engaging the services of Guillermo Olmedillo as the Town Manager and he accepting this employment;

WHEREAS, the Town and Town Manager agree to make revisions to the Agreement to address the Town Manager’s on going consulting responsibilities, the provision of life insurance coverage consistent with the terms of the applicable insurance policy and an incorrect statutory reference in the Agreement, which is attributed to the Legislature’s recent renumbering of statutory provisions; and

WHEREAS, these revisions to the Agreement are set forth in the Amendment to Employment Agreement (the “Amendment”) attached hereto as Exhibit “A.”

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

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

Section 2. Approval of Amendment to Employment Agreement. The Amendment to Employment Agreement between the Town Manager and the Town attached hereto as Exhibit “A” is hereby approved.

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

Section 4. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this _____ day of October, 2016.

Motion by Commissioner _____, second by Commissioner _____

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky _____
Commissioner Michael Karukin _____
Commissioner Tina Paul _____
Vice Mayor Barry Cohen _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

Attest:

Sandra Novoa, Town Clerk

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

Brett J. Schneider, Special Labor Counsel to the Town

AMENDMENT TO EMPLOYMENT AGREEMENT
TOWN MANAGER

This Amendment to Employment Agreement (“the Amendment”) is made and entered into this _____ day of October, 2016, between the Town of Surfside, a Florida municipal corporation, (the “Town”) and Guillermo Olmedillo (“Town Manager”).

RECITALS

WHEREAS, Section 34 of the Town Charter (the “Charter”) requires that there shall be a Town Manager who is the Chief Administrative Officer of the Town;

WHEREAS, on December 9, 2014, the Town Commission approved Resolution No. 14-2278 wherein the Town entered into an Employment Agreement (the “Agreement”) engaging the services of Olmedillo as the Town Manager and Olmedillo accepting this employment; and

WHEREAS, the Town and Town Manager wish to make revisions to the Agreement to address the Town Manager’s on going consulting responsibilities, the provision of life insurance coverage consistent with the terms of the applicable insurance policy and an incorrect statutory reference in the Agreement, which is attributed to the Legislature’s recent renumbering of statutory provisions.

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

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

Section 2. Agreement Amended¹: That Sections 2.6, 10 and 18.3 of the Agreement are hereby amended to read as follows:

2.6 The Town Manager hereby acknowledges that, prior to commencing employment with the Town, he maintained his own consulting business. The Town Manager agrees that, upon the commencement of his Town employment, he will not take on any new consulting project, will cease all

¹ Words stricken are deletions; words underlined are additions.

consulting activities (except as noted herein) and will devote all of his time, attention, knowledge and skills to faithfully performing his duties under this Agreement. Notwithstanding the foregoing, the Town Manager may maintain his consulting business for the purpose of receiving payment for consulting work he performed prior to commencing employment with the Town. In addition, and provided he receives advance approval from the Town Commission, the Town Manager may testify or provide documents ~~in response to a valid subpoena served on him~~ before any Miami-Dade County Boards, in any action concerning consulting work he performed before commencing Town employment.

In consideration of the Town Manager's on-going involvement in matters still active before the Florida Courts, the Town agrees to permit the Town Manager to use up to eight (8) hours of accrued vacation leave each month during the months of October and November 2016, and January and February 2017, to appear at hearings before Miami-Dade County Boards. The Town Manager agrees that these consulting activities will not conflict with any scheduled Town public meetings, or with any administrative matters for which he is responsible.

Section 10. Life Insurance. The Town shall provide the Town Manager with term life insurance equal to his annual salary at his time of hire, unless further amended by the Town Commission.

18.3 Notwithstanding the provisions of Section 18.2, in the event Town Manager is terminated for misconduct as defined in Section 443.036(30)(29), Florida Statutes, the Town shall have no obligation to pay the Town Manager any severance pay. Misconduct includes, but is not limited to: (i) breach of any material term or condition of this Agreement; (ii) conviction of a felony; (iii) gross insubordination; (iv) willful neglect of duty; or (v) adjudicated violation of the Florida Code of Ethics for Public Officers and Employees, the Miami-Dade Conflict of Interest and Code of Ethics, the Town Charter, or the Town's Conflict of Interest Ordinance.

Section 3. Conflicts. To the extent that any inconsistency exists between the terms of this Amendment and the terms of the Employment Agreement, ~~the terms of this Amendment~~ shall supersede and control. Terms not otherwise defined herein shall have the meaning set forth

in the Employment Agreement. Except as specifically amended in this Amendment, the Employment Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Town, by signature of the Mayor as authorized by the Town Commission in accordance with Resolution No. _____ passed on _____, has executed this Agreement the day and year first above written.

TOWN OF SURFSIDE:

By: _____
Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC
Town Clerk

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

Linda Miller, Town Attorney

TOWN MANAGER:

Guillermo Olmedillo

Date _____



Town of Surfside Commission Communication

Agenda Item # 5D

Agenda Date: October 13, 2016.

Subject: Approval of Proposal for Parking Garage Architectural Schematics on the Abbott Parking Lot.

Background: At the Town Commission meeting on September 13, 2016, the Town Manager advised that there were three proposals from the Town's approved list of Architectural firms for the service of providing garage architectural schematics on the Abbott Parking Lot. These proposals ranged in cost from \$25,000.00 to \$75,000.00. The Town Commission directed the Administration to approach the lowest bidder and return for funding approval at the October 13, 2016 meeting.

Analysis: On September 22, 2016 Mr. Manny Synalovski of Synalovski, Romanik and Saye, representing the firm with the lowest bid, met with Town staff to review the scope of services.

Budget Impact: The attached proposal (Attachment A), in the total amount of \$25,000.00, is to be funded by amending the Town's Budget for fiscal year 2016/2017; appropriating the amount of \$25,000.00 from the Parking Fund reserves to the Professional Services Account No. 402-9500-545-3110.

Staff Impact: Town staff and Lambert Advisory, currently under contract for assistance on parking garage matters, will work collectively with the architectural firm to produce a final report for the December 13, 2016 Town Commission meeting.

Recommendation: The Town Administration recommends approving the provided proposal from Synalovski, Romanik and Saye in the amount of \$25,000.00 to be funded from the Professional Services Account No. 402-9500-545-3110.

Guillermo Olmedillo, Town Manager

Donald Nelson, Finance Director



Mr. Duncan Tavares
Town of Surfside
9293 Harding Avenue
Surfside, FL 33154

PROPOSAL	: 1259-141203R	PROPOSED DATE	: 09/13/16
PROJECT	: Parking Garage Schematics	STARTING DATE	: TBD
LOCATION	: Abbott Site, Surfside	COMPLETION DATE	: TBD

The undersigned proposes to provide professional services necessary to complete the following work: Schematic Design Services for a proposed Parking Garage at the existing Abbott Site (between NE 96th and NE 95th Streets). The schematic solutions of the proposed parking garage will be a multi-story structure (5 levels with maximum height of 40' at top level) intended to provide a maximum amount of parking spaces. These solutions will study various options as to Residential and/or Commercial "Liners" along the adjoining right-of-ways. Also, a solution for trash storage and collection for neighbors along the east property line of the garage will be included. Deliverables will include Site Plan(s), Floor Plan(s), Building Section(s), Building Elevation(s) and Auto Turn Traffic Circulation Analysis as required to develop 3D Massing Studies. Services will also include coordination (communications and meetings) with Staff for applicable Town Code(s) compliance and Program Requirements. A survey of the Property will be provided by the Town.

For a sum not to exceed:

Twenty Five Thousand dollars \$ 25,000.00*

Payments to be made as follows:

Monthly, based on services provided and billed on an hourly basis using the following rate schedule:

Managing Principal	\$200./Hr.
Project Principal	\$175./Hr.
Project Manager	\$150./Hr.
Project Architect	\$125./Hr.
Job Captain	\$105./Hr.
Graduate Architect	\$ 85./Hr.
Clerical/Administrative Staff	\$ 65./Hr.

Any alteration or deviation from the aforementioned will be executed only upon written orders. Services not included in the above scope will be invoiced hourly as additional services and are not included in the above fees.

*Reimbursable expenses such as construction documents, copies, courier, enhanced system(s)/equipment design services, faxes, UPS, long distance calls, mileage, permit expediting, permit fees, photography, postage, printing, processing fees, renderings, surveying, testing, threshold/special inspections and traffic studies and any additional services provided by sub-consultants shall be invoiced at 1.10 times the cost and are not included in the above fees.

You are hereby authorized to provide services required to complete the work described in the above proposal, for which the undersigned agrees in representation of Town of Surfside pay the amount stated in said proposal and according to the terms thereof. All collection costs inclusive of attorney's fees shall be the responsibility of the undersigned.

Approved

Date

RESOLUTION NO. 16 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; APPROVING PROPOSAL NO. 1259-141203R FROM SYNALOVSKI ROMANIK SAYE, LLC FOR PARKING GARAGE SCHEMATIC DESIGN SERVICES FOR THE ABBOTT AVENUE PARKING LOT SITE; AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$25,000 FROM THE FISCAL YEAR 2016/2017 BUDGET; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2016/2017; APPROPRIATING THE AMOUNT OF \$25,000 FROM THE PARKING FUND RESERVES TO THE PROFESSIONAL SERVICES ACCOUNT NO. 402-9500-545-3110; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside adopted Resolution No. 14-2244 on July 8, 2014 selecting five (5) professional architectural firms to perform professional general architectural services for the Town in response to Request for Proposal No. 14-001; and

WHEREAS, Synalovski Romanik and Saye, LLC was ranked as the Number 1 architectural firm; and

WHEREAS, at the Town Commission meeting on September 13, 2016, the Town Manager advised that the Town has received three proposals from the Town's approved list of architectural firms for the design of a parking garage schematic for the Abbott Avenue Parking Lot site; and

WHEREAS, Synalovski Romanik and Saye, LLC submitted Proposal No. 1259-141203R (See Attachment "A") to provide professional services necessary to complete Schematic Design Services for a proposed parking garage at the existing Abbott Avenue Parking Lot site; and

WHEREAS, the cost of the Schematic Design Services was not budgeted for the 2016/2017 fiscal year and requires a budget amendment and appropriation of an amount of \$25,000 from the Parking Fund reserves to the Professional Services Account No. 402-9500-545-3110; and

WHEREAS, it is in the best interest of the Town to approve Proposal No. 1259-141203R and to amend the 2016/2017 Fiscal Year Budget and to appropriate the amount of \$25,000 from the Parking Fund reserves to the Professional Services Account No. 402-9500-545-3110 and to authorize the expenditure of the amount of \$25,000 from the Professional Services Account No. 402-9500-545-3110 for the completion of Schematic Design Services for a proposed parking garage at the Abbott Avenue Parking Lot site.

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

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Approval. The Town Commission approves Synalovski Romanik and Saye, LLC's Proposal No. 1259-141203R (Attachment "A") for the completion of Schematic Design Services for a proposed parking garage at the Abbott Avenue Parking Lot site.

Section 3. Budget Amendment. The Town Commission hereby authorizes the Town Manager to amend the budget for the 2016/2017 fiscal year Budget and to appropriate the amount of \$25,000 from the Parking Fund reserves to the Professional Services Account No. 402-9500-545-3110.

Section 4. Authorization and Approval to Expend Funds. The Town Commission hereby approves and authorizes the Town Manager and/or designee to expend funds in an amount of \$25,000 from the Parking Fund reserves to the Professional Services Account No. 402-9500-545-3110 for the completion of the Schematic Design Services for a proposed parking garage at the Abbott Avenue Parking Lot site.

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

PASSED and ADOPTED on this _____ day of October 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky _____
Commissioner Michael Karukin _____
Commissioner Tina Paul _____
Vice Mayor Barry Cohen _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

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



Linda Miller, Town Attorney



SYNALOVSKI ROMANIK SAYE
Architecture • Planning • Interior Design

Mr. Duncan Tavares
Town of Surfside
9293 Harding Avenue
Surfside, FL 33154

PROPOSAL	: 1259-141203R	PROPOSED DATE	: 09/13/16
PROJECT	: Parking Garage Schematics	STARTING DATE	: TBD
LOCATION	: Abbott Site, Surfside	COMPLETION DATE	: TBD

The undersigned proposes to provide professional services necessary to complete the following work: Schematic Design Services for a proposed Parking Garage at the existing Abbott Site (between NE 96th and NE 95th Streets). The schematic solutions of the proposed parking garage will be a multi-story structure (5 levels with maximum height of 40' at top level) intended to provide a maximum amount of parking spaces. These solutions will study various options as to Residential and/or Commercial "Liners" along the adjoining right-of-ways. Also, a solution for trash storage and collection for neighbors along the east property line of the garage will be included. Deliverables will include Site Plan(s), Floor Plan(s), Building Section(s), Building Elevation(s) and Auto Turn Traffic Circulation Analysis as required to develop 3D Massing Studies. Services will also include coordination (communications and meetings) with Staff for applicable Town Code(s) compliance and Program Requirements. A survey of the Property will be provided by the Town.

For a sum not to exceed:

Twenty Five Thousand dollars \$ 25,000.00*

Payments to be made as follows:

Monthly, based on services provided and billed on an hourly basis using the following rate schedule:

Managing Principal	\$200./Hr.
Project Principal	\$175./Hr.
Project Manager	\$150./Hr.
Project Architect	\$125./Hr.
Job Captain	\$105./Hr.
Graduate Architect	\$ 85./Hr.
Clerical/Administrative Staff	\$ 65./Hr.

Any alteration or deviation from the aforementioned will be executed only upon written orders. Services not included in the above scope will be invoiced hourly as additional services and are not included in the above fees.

*Reimbursable expenses such as construction documents, copies, courier, enhanced system(s)/equipment design services, faxes, UPS, long distance calls, mileage, permit expediting, permit fees, photography, postage, printing, processing fees, renderings, surveying, testing, threshold/special inspections and traffic studies and any additional services provided by sub-consultants shall be invoiced at 1.10 times the cost and are not included in the above fees.

SYNALOVSKI ROMANIK SAYE
Architecture • Planning • Interior Design

1800 Eller Drive, Suite 500 • Fort Lauderdale, FL 33316
T 954.961.6806 • F 954.961.6807 • www.synalovski.com

You are hereby authorized to provide services required to complete the work described in the above proposal, for which the undersigned agrees in representation of Town of Surfside pay the amount stated in said proposal and according to the terms thereof. All collection costs inclusive of attorney's fees shall be the responsibility of the undersigned.

Approved

Date



TOWN OF SURFSIDE

COMMISSION COMMUNICATION

Agenda Item: # 9A

Date: October 13, 2016

From: Jane Graham, Assistant Town Attorney

Subject: Service Animals

Background: At the September 13, 2016 Town Commission meeting, the Commission requested the Town Attorney's Office to provide information on the law of service animals. During Good and Welfare, there were comments from residents regarding unrestrained service dogs on the beach.

Section 10-33 of the Town of Surfside Code provides "No dog, whether on a leash or without a leash, muzzled or unmuzzled, shall be permitted at any time on any public beach in the town. Nothing in this section shall be construed to apply to any deaf or hard of hearing person, totally or partially disabled person, or physically disabled person accompanied by a guide dog or service dog specially trained for the purpose."

Section 5-20(b) of the Miami-Dade County Code provides a similar restriction stating "It shall be unlawful for a responsible party to allow, whether willfully or through failure to exercise due care or control, a dog into or upon any public park or beach in the county," however a person using a service animal is exempted (*See* Section 5-20(f) of the Miami Dade County Code).

The Americans with Disabilities Act of 1990 (ADA) requires that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S. Code §12132. The United States Department of Justice published rules regulating service animals under Title II (state and local government services) pursuant to the ADA. 28 C.F.R. §35.136 (2016). Similarly, the State of Florida provides legislation on service animals pursuant to Fla. Stat. §413.08 (2016). The general intent of Congress is for "public accommodations take the necessary steps to accommodate service animals and to ensure that individuals with disabilities are not separated from their service animals. It is intended that the broadest feasible access be provided to service animals in all places of public accommodation." Elizabeth Blandon, 75-Mar Fla. B.J. 12, Reasonable Accommodation or Nuisance? Service Animals For The Disabled, (March 2001).

According to Florida law,

"Service animal" means an animal that is trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other

mental disability. The work done or tasks performed must be directly related to the individual's disability and may include, but are not limited to, guiding an individual who is visually impaired or blind, alerting an individual who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting an individual who is having a seizure, retrieving objects, alerting an individual to the presence of allergens, providing physical support and assistance with balance and stability to an individual with a mobility disability, helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors, reminding an individual with mental illness to take prescribed medications, calming an individual with posttraumatic stress disorder during an anxiety attack, or doing other specific work or performing other special tasks. A service animal is not a pet. For purposes of subsections (2), (3), and (4), the term "service animal" is limited to a dog or miniature horse. The crime-deterrent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of this definition. Fla. Stat. §413.08(d) (2016).

Federal regulations are similar to the Florida Statute, providing that

"Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition." 28 C.F.R §36.104 (2016).

Federal regulations also include miniature horses as service animals. 28 C.F.R §36.136(i)(3) (2016).

Control by animal handler: Florida law and Federal law require that "The service animal must be under the control of its handler and must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control by means of voice control, signals, or other effective means. *See* Fla. Stat. §413.08(3)(a) (2016) and 28 C.F.R. § 35.136 (2016).

Documentation: Documentation that the service animal is trained is not a precondition for providing service to an individual accompanied by a service animal. A public accommodation may not ask about the nature or extent of an individual's disability. To determine the difference between

a service animal and a pet, a public accommodation may ask if an animal is a service animal required because of a disability and what work or tasks the animal has been trained to perform. *See* Fla. Stat. §413.08(3)(b) (2016) and 28 C.F.R. §35.136 (2016).

Reasons to exclude or remove animal: Florida law provides that “A public accommodation may exclude or remove any animal from the premises, including a service animal, if the animal is out of control and the animal's handler does not take effective action to control it, the animal is not housebroken, or the animal's behavior poses a direct threat to the health and safety of others. Allergies and fear of animals are not valid reasons for denying access or refusing service to an individual with a service animal. If a service animal is excluded or removed for being a direct threat to others, the public accommodation must provide the individual with a disability the option of continuing access to the public accommodation without having the service animal on the premises.” Fla. Stat. §413.08(3)(f) (2016). Federal regulations are the same, except the public entity may also ask an individual to remove a service animal from the premises if the animal is not housebroken. 28 C.F.R. §35.136(b)(2) (2016).

Recommendation: For the Town Commission to review this memo to gain an understanding of the law of service animals.



**TOWN OF SURFSIDE
Discussion Item**

Agenda Item # 9B

Agenda Date: October 13, 2016

From: Guillermo Olmedillo, Town Manager

Subject: Amendment to Chapter 54, Division 2 "Noise"

Background: At the September 13, 2016 Town Commission meeting, the Town Commission approved Section 14-32 "Construction schedule and notice" limiting the hours of construction activities which require building permits to the hours between 8:00 am and 6:00 pm Monday through Friday, and prohibiting these activities on Saturdays and Sundays and all federal holidays, subject to a few enumerated exceptions. Section 54-79 "Restricted Noises-Classified-enumerated" of the Town Code currently allows noises associated with construction on Saturdays between 8:00 a.m. and 6:00 pm. For consistency with the "Construction schedule and notice" ordinance, Section 54-79 "Restricted Noises-Classified-enumerated" must be amended to reflect the prohibition of these construction activities as listed in Section 14-32.

Upon further review of Chapter 54, Division 2 "Noise" of the Town Code and discussion with the Town's Special Master, Code Compliance and the Police Department, it has become apparent that the code language on enforcement of Section 54-78 "Prohibited Noises" and Section 54-79 "Restricted Noises-Classified-enumerated" should be clarified. Pursuant to Section 15-10 of the Town of Surfside Code, "A code compliance officer who, based upon personal investigation, finds a violation of the Code shall issue a "civil violation notice" to the violator stating that the violator has committed a violation of the Code and which notice shall specify a reasonable time period, not to exceed 30 days, within which the violator must correct the violation."

In contrast, the City of Miami Beach issues immediate warnings for future violations pursuant to Section 46-158 of the City of Miami Beach Code (Attachment "A"). In addition, the Town of Surfside Code is not clear on who is responsible for the noise violation. The City of Miami Beach specifies the responsibility for compliance as to any person owning or having responsibility for management of a premises, performers, and businesses named on the occupational license, pursuant to Section 46-153 of the City of Miami Beach Code (Attachment "B").

We seek policy guidance and direction from the Town Commission to review Chapter 54, Division 2 "Noise" to clarify the process of enforcement, violations, and warnings for noise violations.

Fiscal Impact- \$30,000 for Code Compliance staffing for enforcement on Saturdays, Sundays and legal holidays

Recommendation: Recommend Town Administration to draft an ordinance to correct inconsistencies and aid enforcement of the Noise ordinance.

Attachment "A"

City of Miami Beach

Sec. 46-158. - Enforcement by code inspectors; notice of violation; warnings; responsibility to provide current address.

(a) *Notice of violation.* If the code inspector observes a violation of this article, the inspector shall issue a notice of violation to each person and entity identified in section 46-153, and a courtesy copy of the violation shall be provided to an employee or other representative of the business tax receipt holder who is on the premises of the business tax receipt holder, except as otherwise provided in subsection (b). The code inspector shall inform the violators that they must immediately cease the violation. The notice shall include the following information:

- (1) Name of the violator.
- (2) Date and time of violation.
- (3) Nature of the violation.
- (4) Amount of fine or other penalty for which the violator may be liable pursuant to section 46-159 of this Code or as otherwise provided by law.
- (5) Instructions and due date for paying the fine.
- (6) Notice that the violation may be appealed by filing a written request for an administrative hearing with the clerk of the special master within ten days after service of the notice of violation, that failure to do so shall constitute an admission of the violation and waiver of the right to a hearing, and that unpaid fines will result in the imposition of liens which may be foreclosed by the city.

The notice shall also inform the violator that repeat violations of this article will result in the imposition of larger fines and may also result in revocation, suspension, or the imposition of restrictions on the business tax receipt, and/or certificate of use, or accessory use, and/or injunctive proceedings as provided by law. The notice shall be signed by the code inspector who witnessed the violation.

(b) *Warnings.*

- (1) *Oral warnings.* If a code inspector observes a violation of this article without a complaint having been made, the inspector may first issue one oral courtesy warning per day and inform the violator that the violator will be subject to penalties if the violation continues.
- (2) *Written warnings.* A code inspector shall first issue a written warning to immediately cease the violation prior to issuing a notice of violation unless one written warning has been issued in the 12 months preceding the date of violation.

The written warning shall be substantially in the same form as the notice of violation as stated in subsection 46-158(a) above. Failure to correct the violation within 15 minutes following the issuance of a written or oral warning shall result in the issuance of a notice of violation pursuant to this article. A code inspector shall not issue a written warning, and instead shall issue a notice of violation, to any person, entity or establishment who:

- a. In any one day has already been issued a written warning as specified in section 46-158; or
- b. In any 12-month period has exceeded the warning limits specified in subsection 46-158(b)2; or
- c. Is also being cited for an illegal commercial or nonpermitted nonresidential use in a residential zoning district.

(c) *Responsibility to provide current address.* The holder of the business tax receipt for the premises where a violation or warning is issued shall have the responsibility to keep the city advised of its current address and of the current address of the owner of the premises.

Attachment “B”

City of Miami Beach

Sec. 46-153. - Responsibility for compliance.

For purposes of this article, any person owning or having responsibility for management of a premises, however temporarily, any performer or disc jockey producing sound upon any premises, any person playing music, any person having control of volume knobs or levels or amplification devices, and the business as named on the occupational license, if applicable, shall be jointly and severally liable for compliance with this article and shall be responsible for any violations of this article.