



**Town of Surfside
Town Commission Meeting**

AGENDA

April 13, 2017

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
- G. Miami-Dade County Commissioner Sally Heyman** – Mayor Daniel Dietch
- H. Tree City USA Arbor Day Foundation Recognition** – 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
March 14, 2017 Regular Town Commission Meeting Minutes

***B. Town Manager’s Report** – Guillermo Olmedillo, Town Manager

- 1. See Click Fix
- 2. Development Application Status
- 3. Code Compliance Cases
- 4. Finance
- 5. Police Department
- 6. I.T.

***C. Town Attorney’s Report** – Linda Miller, Town Attorney

D. Committee Reports – Guillermo Olmedillo, Town Manager

- **December 15, 2016 Sustainability Subcommittee Meeting Minutes**
- **February 6, 2017 Tourist Board Meeting Minutes**
- **February 22, 2017 Parks and Recreation Committee Minutes**
- **February 23, 2017 Sustainability Subcommittee Meeting Minutes**
- **February 23, 2017 Planning and Zoning Board Meeting Minutes**
- **March 6, 2017 Tourist Board Meeting Minutes**

E. Arbor Day Proclamation Request – Guillermo Olmedillo, Town Manager

F. 60th Anniversary of the Carousel Barbershop Proclamation Request – Mayor Daniel Dietch

4. Ordinances

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

A. Second Reading Ordinances

1. **Require Noticing of New Residential Construction and demolitions–** Guillermo Olmedillo, Town Manager.

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 14-28 “ISSUANCE OF BUILDING PERMITS.”; AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 90-19 “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS.”; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; 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. **Temporary Signs –** Sarah Sinatra, Town Planner

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

5. Resolutions and Proclamations

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

A. Purchase of Off-Road Utility All-Terrain Vehicle (ATV) – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$10,337.00 FROM THE FISCAL YEAR 2016/2017 GENERAL FUND, CODE COMPLIANCE DIVISION, ACCOUNT NUMBER 001-2000-524-6410 FOR THE PURCHASE OF A 2017 POLARIS RANGER 570 EFI (R17RMA57A1) OFF-ROAD UTILITY VEHICLE; PROVIDING FOR APPROVAL AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

B. Fourth of July Fireworks – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE TOTAL EXPENDITURE OF \$12,000 FOR ZAMBELLI FIREWORKS MANUFACTURING CO. FOR THE EXHIBITION AND DISPLAY OF FIREWORKS; INCLUDING THE APPROVAL OF \$8,000 FROM THE GENERAL FUND, PARKS & RECREATION DEPARTMENT, ACCOUNT NO. 001-6000-572-4810; AND INCLUDING THE EXPENDITURE OF \$4,000 AUTHORIZED BY THE RESORT TAX BOARD FROM THE RESORT TAX FUND, ACCOUNT NO. 102-8000-552-48-10; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

C. FY 2016-2017 Budget Amendment Resolution – Guillermo Olmedillo,
Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE ANNUAL BUDGET RESOLUTION ADOPTED FOR FISCAL YEAR OCTOBER 1, 2016 TO SEPTEMBER 30, 2017; FOR THE PURPOSE OF AMENDING THE ANNUAL BUDGET IN THE GENERAL FUND, CAPITAL PROJECT FUND, MUNICIPAL TRANSPORTATION FUND, BUILDING FUND, MUNICIPAL PARKING FUND, AND SOLID WASTE FUND; AND OTHER ADJUSTMENTS TO THE BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017 PROVIDING FOR APPROVAL AND AUTHORIZATION; 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. Annual Performance Evaluation - Town Manager Guillermo Olmedillo–
Mayor Daniel Dietch

B. Miami Dade County League of Cities Director and Alternate Director
Designation – Guillermo Olmedillo, Town Manager

C. Report from the Town Manager’s Meeting with Representatives of Hotels,
Condominiums and Residents – Beach Furniture - Guillermo Olmedillo, Town
Manager

D. Proposed revisions to Beach Furniture Ordinance and Administrative Policy
– Commissioner Michael Karukin

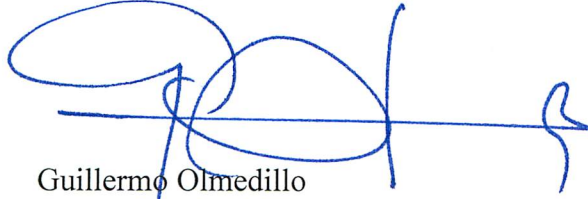
E. Gating the Community – Vice Mayor Barry Cohen

F. Section 4 of the Town Charter – General power of Town; powers not deemed
exclusive – Vice Mayor Barry Cohen

G. Town Attorney Retirement – Mayor Daniel Dietch

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.



TREE CITY USA[®]
Arbor Day Foundation

Town of Surfside, Florida
2016



**Town of Surfside
Town Commission Meeting
MINUTES
March 14, 2017
7 p.m.**

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

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:02 p.m.

B. Roll Call of Members

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

Commissioner Daniel Gielchinsky arrived at 7:05 p.m.

C. Pledge of Allegiance

Police Chief Allen led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Vice Mayor Cohen thanked the community for allowing him the opportunity to serve on the Commission.

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

Vice Mayor Cohen appointed Moshe Behar to the Sustainability Committee. Commissioner Gielchinsky appointed Zoya Pashenko Javier to the Parks and Recreation Committee. Commissioner Gielchinsky made a motion to accept the resignation of Terry Cohen and appoint Chase Berger to the Tourist Board. The motion received a second from Vice Mayor Cohen and all voted in favor.

F. Community Notes – Mayor Daniel Dietch

The Mayor announced upcoming community events which can be found in the Gazette and on the Town's website. Town Manager Olmedillo will be at the April 4, 2017 meeting with Bal Harbour and other municipalities and will represent Surfside's concerns.

G. Dedication of the Police Training Room in Memory of Chief Terrill Williamson – Mayor Daniel Dietch

The Mayor thanked his colleagues who supported the item. The Mayor acknowledged Chief Williamson's family who were in attendance and read the dedication. Chief Allen presented a plaque to the family and photos were taken.

H. Miami Dade Fire Rescue Department Annual Report Presentation by Fire Chief Dave Downey– Guillermo Olmedillo, Town Manager

Chief Downey presented the report. The Chief and his staff were thanked for their dedication and service.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

Commissioner Paul pulled item 3A on page 22. (Typographical errors)

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

A. Minutes – Sandra Novoa, MMC, Town Clerk
February 16, 2017 Regular Town Commission Meeting Minutes

B. Budget to Actual Summary as of December 31, 2016 – Guillermo Olmedillo, Town Manager

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

1. See Click Fix
2. Development Applications
3. Code Compliance Cases
4. Fund Balance Reserve Policy
5. February 2017 Significant Incidents/Arrests
6. LEO Awards
7. Commission on Florida Law Enforcement Accreditation
8. Uniform Crime Report
9. Police Events
10. Information Technology and TV Broadcasts

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

E. Committee Reports – Guillermo Olmedillo, Town Manager

- December 19, 2016 Parks and Recreation Committee Meeting Minutes
- January 26, 2017 Planning & Zoning Board Meeting Minutes
- February 6, 2017 Tourist Board Meeting Minutes

F. Florida Association of City Clerk's 45th Anniversary Resolution – Sandra Novoa, MMC, Town Clerk

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA COMMENDING THE FLORIDA ASSOCIATION OF CITY CLERKS (“FACC”) FOR ITS 45TH ANNIVERSARY; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE FACC BOARD OF DIRECTORS; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

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

4. Ordinances

A. Second Reading Ordinances

B. First Reading Ordinances

- 1. Require Noticing of New Residential Construction and Demolitions–**
Guillermo Olmedillo, Town Manager.

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 14-28 “ISSUANCE OF BUILDING PERMITS.”; AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 90-19 “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS.”; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Town Planner Sarah Sinatra presented the item and answered questions from the Commission.

Commissioner Karukin made a motion for discussion. The motion received a second from Commissioner Gielchinsky.

Town Planner Sarah Sinatra answered questions from the Commission. The Commission discussed the item and expressed their point of view. Suggestions for amended changes were discussed.

Commissioner Paul made a motion to accept with amended changes as suggested by Town Planner Sinatra. (Modification that noticing would be

limited to new single family homes and the demolition and rebuilding of at least 50% of the square footage of an existing single family home.) The motion received a second from Commissioner Gielchinsky and the motion carried 3-2 with Commissioner Karukin and Vice Mayor Cohen voting in opposition.

5. Resolutions and Proclamations

None

6. Good and Welfare

The Mayor opened the public speaking.

Public Speakers:

-George Kousoulas spoke about contracts being issued by the Commission and/or Boards.

-Lou Cohen asked about the staggered terms and four year terms that were mentioned in the past. He commented on the public information program which has improved over the years.

-Barbara Cohen spoke on behalf of the Tourist Board and the upcoming event on Thursday.

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

Commissioner Gielchinsky addressed some of the comments by Mr. Kousoulas regarding contracts. Commissioners Paul and Karukin and Assistant Town Attorney Graham commented on a Tourist Board contract that is being worked on. Vice Mayor Cohen and Commissioner Karukin addressed the issue of staggered terms. Commissioner Karukin will have information on this item at next Commission meeting.

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. Annual Performance Evaluation for Town Manager Guillermo Olmedillo – Mayor Daniel Dietch

Commissioner Karukin made a motion to approve the evaluation form and submit it by March 31, 2017. The motion received a second from Commissioner Gielchinsky and the motion carried 4-1 with Vice Mayor Cohen voting in opposition.

B. Public Information Program – Mayor Daniel Dietch

Mayor Dietch presented the item.

Commissioner Karukin made a motion to recommend looking further into the item and direct the Town Manager to assess options for a program and develop an action plan to present to the Town Commission on June 2017. The motion received a second from Commissioner Paul and all voted in favor.

C. Charitable Donation Policy – Commissioner Michael Karukin

Commissioner Karukin presented the item and is requesting a charitable donation policy before the next budget cycle in June 2017.

Commissioner Karukin made a motion to recommend a charitable donation policy be drafted. The motion received a second from Commissioner Paul and the motion carried 3-2 with Vice Mayor Cohen and Commissioner Gielchinsky absent for the vote.

Commissioner Gielchinsky although absent for the vote later stated he would have voted to approve it and thanked Commissioner Karukin for bringing this forward.

D. Pianos on Parade – Guillermo Olmedillo, Town Manager

Manager Olmedillo presented the item.

Vice Mayor Cohen made a motion to approve and place it at the community center. The motion received a second from Commissioner Gielchinsky and the motion carried 4-1 with Commissioner Karukin voting in opposition.

E. Reflective Vests for Town Residents Initiative – Guillermo Olmedillo, Town Manager

Manager Olmedillo presented the item.

Vice Mayor Cohen made a motion to order 20 of Item #PIP-302-0702Z-LY with the Town Manager responsible for distribution. The motion received a second from Commissioner Gielchinsky and all voted in favor.

F. Beach Furniture Guidelines – Guillermo Olmedillo, Town Manager

Manager Olmedillo presented the item.

The Mayor opened the public hearing.

Public Speakers:

-Jeffery Platt spoke about the ordinance that was passed and not enforced as passed.

-Marianne Meischied felt the guidelines are too vague and lacks precise language and accountability.

-George Kousoulas feels we need more lawyering and not less at this time and needs more definition.

-Joel Simmonds commented on Manager Olmedillo's recommendations. Commissioner Gielchinsky made a motion to extend two minutes speaking time to Mr. Simmonds. The motion received a second from Commissioner Karukin and all voted in favor.

-Jean-Michel Kling spoke on behalf of the Grand Beach Hotel and would like to continue to store beach chairs as they have.

-Robert Davison spoke about beach storage and proper containers.

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

The Commission discussed the item and gave their views on the subject. They felt it was a good starting point but the ordinance needs some work. Assistant Town Attorney Graham answered questions from the Commission and gave legal insight on the item. There was much discussion on the item and for the record, the Mayor said if we cannot get to a reasonable place collectively, he is ready to pull his support for any beach furniture or beach related issues as the city has more important matters to deal with.

Passing the gavel, Mayor Dietch made a motion to direct the Town Manager to meet with the multifamily property owners and hotel property owners to discuss the challenges that we are currently facing with the existing legislation and the proposed framework that was presented this evening and try to develop a compromised position that balances the various interests of property owners that want to utilize the beach either as an accessory use to their property or for the public enjoyment while being protected by public health safety and welfare. The motion received a second from Commissioner Karukin and all voted in favor.

G. Temporary Signs – Linda Miller, Town Attorney

Town Planner Sarah Sinatra presented the item.

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

Commissioner Karukin made a motion to extend the meeting an additional fifteen minutes. The motion received a second from Commissioner Paul and all voted in favor.

H. Localized Flooding – Mayor Daniel Dietch

Mayor Dietch gave an update. Manager Olmedillo gave a power point presentation. The Commission discussed various options to consider.

Commissioner Gielchinsky made a motion to extend the meeting an additional fifteen minutes. The motion received a second from Commissioner Karukin and all voted in favor.

Manager Olmedillo will bring back a report next month with the options discussed and the cost.

I. Sustainable Development Incentives – Mayor Daniel Dietch

Mayor Dietch gave an update and directed the Town Manager to develop an incentive program and bring it back by June, 2017.

Public Speaker Lou Cohen spoke about clean air and getting new development, especially about new trees not being palms.

10. Adjournment

The meeting adjourned at 11:27 p.m.

Respectfully submitted,

Accepted this _____ day of _____, 2017

Daniel Dietch, Mayor

Attest:

Sandra Novoa, MMC
Town Clerk



**TOWN MANAGER'S REPORT
APRIL 2017**

COMMUNITY PROGRAMS / INITIATIVES / ENHANCEMENTS

1. See Click Fix -- Report attached.

2. Development Application Status

- A. 9116 Harding – A site plan application for a 4 unit townhouse development has been received. A Development Review meeting was held November 2, 2016. Comments were provided and corrections were required. The plans were resubmitted and the second Development Review Group (DRG) was held on February 7, 2017. A DIC meeting has not been scheduled at this time.
- B. 228 89th Street – Casa de Jesus – a Special Exception application has been submitted related to an afterschool program. A Development Review meeting was held on December 6, 2016. Comments were provided and corrections were required. The plans were resubmitted and a DIC meeting was held on February 7, 2017. The item has not been scheduled yet for a Planning and Zoning Board meeting.
- C. 8851 Harding Avenue – a 25 unit condominium development was submitted in January 2015. A Development Review meeting was held on January 22, 2016. The applicant resubmitted the plan on August 1, 2016 and a second Development Review meeting was held on August 18, 2016. Comments were provided and corrections were required. The applicant resubmitted the plans and comments were provided on January 26, 2017. A DIC meeting will be scheduled in the future.
- D. Surf Club II – A site plan application was submitted on August 12, 2015. The Development Review meeting was held on September 4, 2015. A second DRG meeting was held on April 18, 2016. The plans were resubmitted on June 13, 2016 and DIC was held on July 27, 2016. The application was heard by Planning and Zoning on August 25, 2016. The applicant has revised the request and resubmitted the plans. The DRG and DIC meetings were held on March 9. Revisions are required. The next DRG and DIC meetings have not been scheduled yet.
- E. Surf Club North West building – A site plan amendment was submitted on February 9, 2017. The DRG meeting was held on March 9. Revisions are required. The next DRG meeting has not been scheduled.

TOWN DEPARTMENTS

3. Code Compliance

Code Compliance Cases

A. Code Violation Cases: As of March 28, 2017, the total number of active, open cases being managed is 124; of these cases, 54 cases are still under investigation and are working towards

compliance, 5 cases are on-hold, 21 are in the Special Master hearing queue; 4 cases are in post-Special Magistrate action status, and 40 cases have been liened and remain unpaid. Properties with unpaid liens are sent letters on a quarterly basis.

B. 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 16/17: 75 cases have paid/settled through March 28, 2017 for a total collection of \$26,675

FY 15/16: 152 cases paid/settled for a total of \$137,282

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

4. Finance

Budget to Actual Monthly Report – Report attached.

5. Police Department

A. March 2017 Significant Incidents/Arrests

- Case Update- 03/12/2017: 9301 Collins Avenue. A bicycle thief responsible for taking two bicycles from the Community Center between 6/28/16-7/28/16 was identified after a thorough investigation and arrested.
- Petit Theft Arrest – 03/17/2017: 9225 Harding Avenue. The subject was apprehended and arrested.

B. 2016 LEO AWARDS WINNER

Parking Operations Manager Elinor Joseph won a prestigious LEO award in the Support Services category at the annual Miami-Dade County Law Enforcement Officer of the Year Gala on March 18, 2017. Joseph was recognized for overseeing the parking program and supervision of the parking enforcement officers as well as serving as the administrator for the Property and Evidence Unit.

C. Police Events

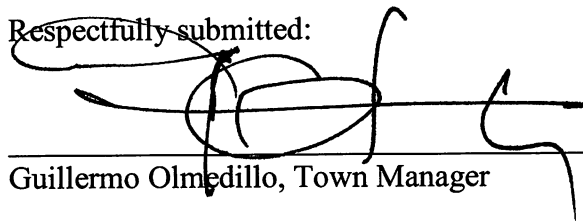
- SPD will host a Mobile Department of Motor Vehicles event for residents to apply for and renew their driver's licenses on April 20 from 9:30 a.m. to 2:00 p.m. in the Commission Chambers.
- Coffee with the Cops is April 25 at Starbucks at 10:00 a.m.
- The monthly Bike with the Chief is April 26 at Town Hall at 5:00 p.m.
- Surfside PD, Sunny Isles Beach PD, Bay Harbour Islands PD, Bal Harbour PD and Aventura PD will host a Shred a Thon and DEA Drug Take Back on April 29 at Bill Bird Marina (Haulover Park) from 10:00 a.m. to 2:00 p.m.

PROJECTS PROGRESS UPDATES

6. IT

- IT will replace the firewall and complete the upgrade to Microsoft Exchange by April 30; is ordering AutoCAD for Public Works and Town Manager; and is obtaining quotes for battery backup for server room at the Community Center, quotes should be in hand by April 15.
- IT is working with the Town's copier leasing company to renew the copier for the front desk staff.
- IT is working with the Finance Director to replace the access card system. The subcontractor, Triad is providing quotes.
- IT is working with the Video System Controller and Server subcontractor, LexisNexus HD to obtain quotes for replacement of the system. The first quote obtained from AVI came in at \$12,440. IT will work with the Finance Director on the next steps for approval and replacement.

Respectfully submitted:



Guillermo Olmedillo, Town Manager



Town of Surfside, FL

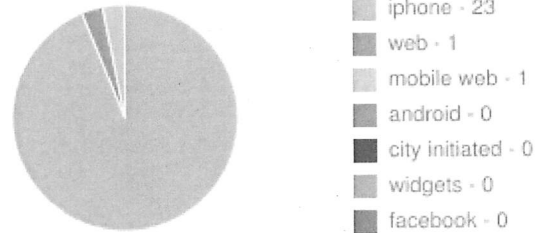
Between Mar 01, 2017 and Mar 30, 2017

25 issues were opened

34 issues were closed

The average time to close was 34.4 days.

Issues by Source



SERVICE REQUEST TYPE	OPENED	CLOSED	DAYS TO CLOSE
Beach Issue	8	8	8.3
Other	4	11	55.2
Parking Issue	3	3	1.9
Police (Safety Concern)	2	4	18.5
Utilities (Water/Sewer) (PW)	1	2	52.6
Code Compliance (Safety Concern)	3	0	0.0
Code Compliance (Violation)	2	1	0.0
Dead Animal	1	1	5.2
Dog Stations (P & R)	1	1	0.0
Pothole (PW)	0	1	136.1
Solid Waste (Residential) (PW)	0	1	116.2
Street lights (PW)	0	1	52.7
96 Street Park (P & R)	0	0	0.0
Barking Dog	0	0	0.0
Beach Patrol	0	0	0.0
Community Center (P &	0	0	0.0

R)			
Construction Issues	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
Solid Waste (Commercial) (PW)	0	0	0.0
Surfside Dog Park (P & R)	0	0	0.0
Veterans Park (P & R)	0	0	0.0



Town of Surfside, FL

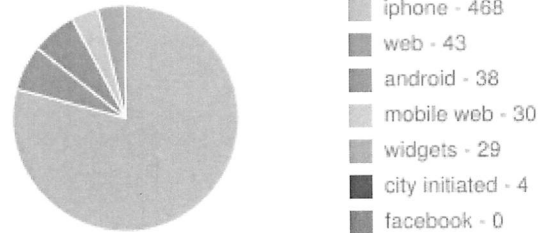
Between Feb 01, 2014 and Mar 30, 2017

612 issues were opened

599 issues were closed

The average time to close was 27.9 days.

Issues by Source



SERVICE REQUEST TYPE	OPENED	CLOSED	DAYS TO CLOSE
Other	160	158	20.3
Beach Issue	90	89	11.4
Police (Safety Concern)	68	68	8.9
Parking Issue	57	57	2.5
Code Compliance (Violation)	50	49	55.0
Street lights (PW)	36	30	190.5
Code Compliance (Safety Concern)	32	29	63.5
Utilities (Water/Sewer) (PW)	17	17	10.6
Construction Issues	16	16	10.5
Dog Stations (P & R)	13	13	5.3
Barking Dog	12	12	20.0
Drainage/Flooding (PW)	12	12	23.4
Surfside Dog Park (P & R)	8	8	1.1
96 Street Park (P & R)	8	8	4.0
Solid Waste (Residential) (PW)	9	9	20.1

Pothole (PW)	5	5	31.7
Community Center (P & R)	4	4	0.0
Hawthorne Tot-Lot (P & R)	4	4	5.2
Beach Patrol	3	3	0.7
Dead Animal	3	3	21.0
Graffiti (PW)	3	3	25.2
Solid Waste (Commercial) (PW)	2	2	0.1
Graffiti (in park) (P & R)	0	0	0.0
Veterans Park (P & R)	0	0	0.0

TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2016/2017

AS OF

January 31, 2017

34% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

3B

Page

1 of 3

Agenda Date:

April 13, 2017

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET
GENERAL FUND			
REVENUE	\$8,246,895	\$13,172,193	63%
EXPENDITURES	3,837,817	\$13,172,193	29%
Net Change in Fund Balance	4,409,078		
Fund Balance-September 30, 2016 (Unaudited)	7,180,308		
Fund Balance-January 31, 2017 (Reserves)	<u>\$ 11,589,386</u>		
RESORT TAX (TEDAC SHARE)			
REVENUE	\$ 199,406	\$735,031	27%
EXPENDITURES	277,087	\$735,031	38%
Net Change in Fund Balance	(77,681)		
Fund Balance-September 30, 2016 (Unaudited)	352,737		
Fund Balance-January 31, 2017 (Reserves)	<u>\$ 275,056</u>		
POLICE FORFEITURE/CONFISCATION			
REVENUE	\$ -	\$50,592	0%
EXPENDITURES	12,729	\$50,592	25%
Net Change in Fund Balance	\$ (12,729)		
Fund Balance-September 30, 2016 (Unaudited)	142,253		
Fund Balance-January 31, 2017 (Reserves)	<u>\$ 129,524</u>		
TRANSPORTATION SURTAX			
REVENUE	\$ 65,642	\$281,330	23%
EXPENDITURES	61,076	\$281,330	22%
Net Change in Fund Balance	4,566		
Fund Balance-September 30, 2016 (Unaudited)	355,467		
Fund Balance-January 31, 2017 (Reserves)	<u>\$ 360,033</u>		
BUILDING FUND			
REVENUE	\$ 1,019,819	\$1,056,688	97%
EXPENDITURES	202,654	\$1,056,688	19%
Net Change in Fund Balance	817,165		
Fund Balance-September 30, 2016 (Unaudited)	0		
Fund Balance-January 31, 2017 (Reserves)	<u>\$ 817,165</u>		
CAPITAL PROJECTS			
REVENUE	\$ 21,250	\$100,000	21%
EXPENDITURES	153,203	\$100,000	153%
Net Change in Fund Balance	(131,953)		
Fund Balance-September 30, 2016 (Unaudited)	1,145,331		
Fund Balance-January 31, 2017 (Reserves)	<u>\$ 1,013,378</u>		

NOTES:

* Many revenues for January 2017 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 \$193,439 of Prepaid Expenses. The balance of \$4,986,869 is unassigned fund balance (reserves).
- B. Resort Tax Revenues total collected through January 2017 is \$568,543 (\$199,406 is the TEDAC and \$369,137 is the General Fund).

ENTERPRISE FUNDS

ACTUAL

ANNUAL BUDGETED	% BUDGET
----------------------------	---------------------

WATER & SEWER

REVENUE	\$ 933,311	\$3,359,624	28%
EXPENDITURES	611,406	\$3,359,624	18%
Change in Net Position	321,905		
Unrestricted Net Position-September 30, 2016 (Unaudited)	(343,525)		
Restricted Net Position	1,765,319 C1		
Unrestricted Net Position-January 31, 2017 (Reserves)	<u>\$ 1,743,699 C2</u>		

MUNICIPAL PARKING

REVENUE	\$ 346,608	\$1,576,119	22%
EXPENDITURES	585,346	\$1,576,119	37%
Change in Net Position	(238,738)		
Unrestricted Net Position-September 30, 2016 (Unaudited)	1,280,874		
Unrestricted Net Position-January 31, 2017 (Reserves)	<u>\$ 1,042,136</u>		

SOLID WASTE

REVENUE	\$ 833,544	\$1,746,554	48%
EXPENDITURES	647,788	\$1,746,554	37%
Change in Net Position	185,756		
Unrestricted Net Position-September 30, 2016 (Unaudited)	226,765		
Unrestricted Net Position-January 31, 2017 (Reserves)	<u>\$ 412,521</u>		

STORMWATER

REVENUE	\$ 178,257	\$684,143	26%
EXPENDITURES	54,493	\$684,143	8%
Change in Net Position	123,764		
Unrestricted Net Position-September 30, 2016 (Unaudited)	4,081,062		
Restricted Net Position	347,140 C3		
Unrestricted Net Position-January 31, 2017 (Reserves)	<u>\$ 4,551,966</u>		

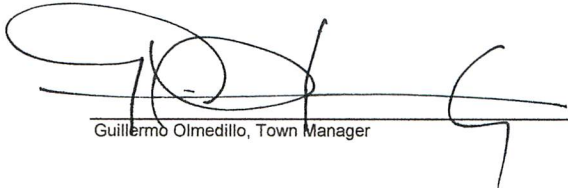
NOTES:(con't)

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 \$1,743,699 is the result of a change in current net position as of January 2017 of \$321,905 net position as of September 30, 2016 of (\$343,525) 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


Guillermo Olmedillo, Town Manager

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


1/31/2017

FUND	9/30/2014	9/30/2015	9/30/2016	1/31/2017
General	\$ 6,366,391	\$ 5,905,726	\$ 7,180,308	\$ 11,589,386
Resort Tax	180,297	339,396	352,737	275,056
Police Forfeiture	159,626	113,431	142,253	129,524
Transportation Surtax	396,740	440,662	355,467	360,033
Building	-	-	-	817,165
Capital	849,445	182,903	1,145,331	1,013,378
Water & Sewer	(3,501,884)	(2,705,871)	(343,525)	1,743,699
Parking	1,000,355	1,089,165	1,280,874	1,042,136
Solid Waste	116,662	340,391	226,765	412,521
Stormwater	3,838,412	4,051,768	4,081,062	4,551,966
Total	\$ 9,406,044	\$ 9,757,571	\$ 14,421,272	\$ 21,934,864



**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: April 13, 2017

SUBJECT: Office of the Town Attorney Report for April 13, 2017

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

- March 15, 2017 – Special Master Hearing
- March 27, 2017 – Parks and Recreation Committee Meeting
- March 28, 2017 – Community Meeting
- March 30, 2017 – Sustainability Subcommittee Meeting
- March 30, 2017 – Design Review Board and Planning and Zoning Board Meeting
- April 3, 2017 – Tourist Board Meeting
- April 13, 2017 – Town Commission Meeting

Ordinances for Second Reading:

- Notice of Demolition - New Residential Construction

Ordinances for First Reading:

- Temporary Signs

Resolutions:

- Zambelli Manufacturing Co. Fireworks
- FY 2016-2017 Budget Amendment
- ATV Code Compliance Vehicle

Proclamations:

- Arbor Day

Town Commission/Town Manager/Town Clerk:

- Reviewed law on special purpose taxing districts and gating
- Review application of Town's Architectural Significance ordinance
- Corresponded with Florida Department of Environmental Protection on dune crossover language and Coastal Construction Control Line regulations

Human Resources:

- Miami-Dade County Ethics Training for Town employees

March 30, 2017 – Sustainability Subcommittee Meeting:

- Orientation with new Subcommittee Member
- Shore Management Plan
 - a) Revised Crossover Code Language
 - b) Setback for fences (hardpack)
- Sustainable Building Requirements (LEED)
- Infrastructure Protection
 - a) Undergrounding Utilities Feasibility

March 30, 2017 – Design Review Board and Planning and Zoning Meeting:

Design Review Board Applications:

- A. 9400 Harding Avenue (Publix) - two (2) non-illuminated wall signs for the existing Publix retail store

- B. 9429 Harding Avenue (UPS) - two (2) illuminated wall signs for a UPS retail store –
(1) is the business name; and (2) is the corporate logo

Planning and Zoning Board:

Ordinance: Require Noticing of Demolition of Residential Construction

Discussion Items:

- A. Pedestrian Connectivity
- B. Update on Miami Beach's Resiliency Criteria (including discussion of timeline for ballot language pursuant to Sec. 4 of the Town Charter)
- C. Maximum Building Lengths and the Impact of New Development
- D. Future Agenda Items

Building Department/Code Enforcement:

- Follow up with Code Enforcement for ongoing matters
- Research applicable law on building fee collection
- Analysis of Code for compliance with Certificate of Use and regulated uses
- Research and provide guidance on solid waste container compliance

Finance Department

- Review Tyler Technologies contract on the Enterprise Resource Planning (ERP) project for the Town's computer software operations

Tourist Board:

- Review MOU Agreement with Perez Art Museum Miami
- Follow-up Deco Bike meeting and review of renewal terms

Parks and Recreation:

- Orientation with new Committee Member
- Review Agreement with Zambelli Fireworks Manufacturing Co.

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

1. Claimant alleges a false arrest on June 1, 2014. FMIT is investigating this claim.
2. Claimant, Barry Rosenblum alleges an unlawful detention on May 19, 2016. FMIT is investigating this claim.
3. Pieter Bakker v. Town of Surfside, a municipal corporation of the State of Florida and Young Israel of Bal Harbour, Inc. On May 30, 2012, Pieter Bakker filed a complaint in State Court against the Town which alleges counts against the Town including contract zoning, Charter violations, and a request for a writ of certiorari to quash Resolution 12-Z-2078 approving a Site Plan Application to permit Young Israel to build a synagogue on 9580 Abbott Avenue. On September 30, 2013, the Court ordered this matter to be transferred to the Appellate Division. Petitioner, Mr. Bakker filed 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. Mr. Bakker has recently filed a third request for oral argument. To date, oral argument has not been scheduled.
4. Parker, et. al. v. American Traffic Solutions, et. al.: United States District Court for the Southern District of Florida Civil Action No. 1:14-CV-24010. This is a class action case brought by plaintiffs who have received red light traffic violations against vendors who contract with municipalities and counties for red-light camera services (American Traffic Solutions “ATS”, “Xerox State and Local Solutions “Xerox”, and Gatso) along with 69 municipalities and counties. The complaint alleges that the local government defendants have improperly outsourced to the vendors their legislatively granted authority to issue traffic citations and unlawfully delegated to the vendor defendants the authority to determine whether a traffic violation has occurred. The Town and other Defendants filed a Motion to Dismiss. The Court dismissed the federal claims, however, did not dismiss the claims for unjust enrichment, declaratory and injunctive relief. The Court 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 was denied on November 4, 2016. The case has been remanded to the United States District Court for the Southern District of Florida, where the parties filed a joint motion to stay

further proceedings until related cases are concluded within Florida Courts. The Federal case remains under a stay. The parties are awaiting the Florida Supreme Court's disposition of two red-light camera cases.

5. Henderson v. Police Officer Carrasquillo and Police Officer Fernandez. On May 12, 2015, a complaint was served stating that on December 11, 2010, Mr. Henderson was arrested for Battery on a Law Enforcement Officer, Disorderly Conduct and Resisting Arrest Without Violence. The complaint alleges malicious prosecution against the Officers. Discovery is ongoing.
6. Sasha Elias, minor by and through her Guardian, Yanina Elias, as her Mother v. Miami-Dade County and Town of Surfside - Case No. 2017-000519-CA-01. On June 25, 2014, Plaintiff 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. Discovery is ongoing.

Special Matters: Continued monitoring of new case law and legislation from Federal, State and County. On March 29, attended Miami-Dade County League of Cities Attorney Luncheon Seminar: The Right to Protest vs. The Authority of Local Governments to Regulate.

Town of Surfside
Sustainability Subcommittee
MINUTES
December 15, 2016

1. CALL TO ORDER
 - Meeting called to order by George Kousoulas at 6:04 P.M.
2. ROLL CALL
 - Chair George Kousoulas, Vice Chair Bertha Goldenberg, Larissa Alonzo, Lou Cohen present. A quorum was established.
 - Judith Frankel P&Z liaison present.
3. ELECTION OF SECRETARY
 - **Motion** to defer by Larisa Alonzo. Seconded by Lou Cohen. Motion passed 4-0.
4. APPROVAL OF MINUTES- November 17, 2016
 - **Motion** to approve minutes by Lou Cohen. Seconded by Bertha Goldenberg. Motion passed 4-0.
5. SHORE MANAGEMENT PLAN
 - *George Kousoulas* presented conceptual site plan indicating various control lines and property lines along the beach.
 - *Sarah Sinatra* concurred that it was accurate representation... "a good guide."
 - **Motion** for "no more cross-overs" by Lou Cohen. Seconded by Larisa Alonzo. Motion passed 4-0.
 - Public comment from *Marianne Meisheid*. She asked the Town attorney if there were any outstanding permits by developers currently on the record requesting "cross-overs?"
 - Jane Grant, Asst. Town Attorney, had a solution to request copies of Public Records.
 - **Motion** to notify Sustainability Subcommittee of any CCL permits from FDEP for Surfside by Larisa Alonzo. Seconded by Lou Cohen. Motion passed 4-0.
 - *George Kousoulas* led a discussion on Upland property FENCES bordering the hard pack.
 - *Sarah Sinatra, Town Planner*, will come back at the next meeting with more information on the dimensions.
6. SUSTAINABLE BUILDING REQUIREMENTS (LEED)
 - *Sarah Sinatra* stated that the State has to achieve Platinum Level, but there is no mandate for private developers.
 - *George Kousoulas* insisted on developers being certified above 15 units.

- *Subcommittee* directed *Sarah* to come up with options for LEED Certification. And asked what is the cut-off for residential density required by LEED.
 - *Town Manager Guillermo Olmedillo*, briefed the Subcommittee on the progress for a Town employee to take the Minutes at the Sustainability Meeting. He said a new position was approved, but it can take up to 6 months to fill ...
7. ADJUSTING HEIGHT FOR SEA LEVEL RISE (Memo from Town Planner)
- **Motion** to “Measure heights of houses from the flood elevation” was made by *Lou Cohen*. Seconded by *Larisa Alonso*. Motion passed 4-0.
8. **INFRASTRUCTURE PROTECTION**
- *George Kousoulas* instructed the Town Manager to go to FPL for an outline.
9. PUBLIC COMMENT- None
10. NEXT MEETING DATE- Thursday February 23, 2017 at 6:00 P.M.
11. ADJOURNMENT
- **Motion** to adjourn by *Larisa Alonso*. Seconded by *Lou Cohen*. The motion passed 4-0. The meeting ended at 7:00P.M.

Respectfully submitted,

Accepted this 23 day of February, 2017

Attest:


Recording Clerk

for 
George Kousoulas, Chair



**Town of Surfside
Tourist Board
MINUTES**

February 6, 2017 6:00 p.m.

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

The following also applies to all Boards and Committees:

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.

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.

Opening

A. Call to Order.

The meeting was called to order by Chair Barbara Cohen at 6:08pm.

B. Roll Call of Tourist Board Members.

Present were Barbara Cohen, Chair; Jessica Weiss, Vice-chair; and Marianne Meischeid, Secretary. Members Terry Cohen and Jennifer Zawid were absent with regrets.

Also in attendance were Duncan Tavares, TEDACS Director; Melissa Richards, Marketing and Special Projects Coordinator; Linda Miller, Town Attorney; Vice Mayor Barry Cohen, Commission Liaison; Victor May, resident; Barbara McLaughlin, resident; and George Kousoulas, resident.

1. January 9, 2017 Tourist Board Meeting Minutes.

Secretary Marianne Meischeid made a motion to approve the January 9, 2017 Tourist Board Meeting Minutes; Vice Chair Jessica Weiss seconded the motion. The motion passed unanimously.

Commission Liaison, Vice Mayor Barry Cohen, spoke about low-energy year-round lighting for downtown Harding Avenue. He would like to see it brought up on the next Tourist Board agenda.

2. A/R (Resort Tax).

Chair Barbara Cohen advised that resort tax payments are starting to come in for Air bnb. The collected amount to date is \$8,000. Guillermo Olmedillo, Town Manager, mentioned that the county is following the Town's contract agreement with Air bnb for their tax collection.

3. Appointment of Tourist Board member to assist the Town Manager with the selection of the Tourism Director.

Chair Barbara Cohen made a motion to nominate herself as a member to assist with the Tourism Director selection; Vice Chair Jessica Weiss seconded the motion. The motion passed unanimously.

4. Tourism Questionnaire Review (deferred from November 14, December 5 and January 9 meetings).

Director Duncan Tavares advised that Greater Miami Convention & Visitors Bureau (GMCVB) has agreed to do the questionnaire as a part of the Town's membership with them. The Tourist Board would need to provide GMCVB with the detailed changes to the questions. The questions would be asked at the airport. Secretary Marianne Meischeid was a little concerned with the location as most people who come to Surfside may not come through the airport. She would like to see a more condensed version of the survey. Vice Chair Jessica Weiss suggested that postcards be placed in the hotel rooms, but Director Duncan Tavares advised that most hotels such as Grand Beach are going green and do not have paper products, such as visitor guides, in the rooms. It was suggested that the idea can be done on a temporary basis. Director Duncan Tavares stated that he can speak to Grand Beach about it. George Kousoulas agreed that the questionnaire is too long and that the questionnaire should ask questions of how Surfside could be better. Chair Barbara Cohen inquired if Yelp yielded any favorable reviews regarding Surfside. Director Duncan Tavares advised that reviews regarding downtown restaurants are mixed with some not so favorable reviews. The challenge is that reviews are "property based" and geared toward a visitor's experience with a specific merchant. Melissa Richards advised that she could create a cardstock questionnaire to personally hand out to guests who visit the Community Center. Victor May suggested that the Board invest in the community by creating a questionnaire that is geared toward residents and what they would like to see. Director Duncan Tavares suggested moving forward with Melissa Richard's idea as a starting point for the questionnaire. This was approved by the Board.

5. Banners Discussion.

Director Duncan Tavares advised that he emailed the Board members regarding streetside banner options. He suggested that the members provide their most liked options for banners and from there he can figure out what direction the Board as a whole would like to move. He will provide the outcome at next month's meeting.

Secretary Marianne Meischeid was concerned about the white lettering on the banner making it harder to see. George Kousoulas stated that adjusting the font size would help with visibility.

6. First Fridays Update.

Director Duncan Tavares advised that the First Friday proposal, to be funded from the Resort Tax Reserve Fund, is being presented to the Town Commission at their February 16, 2017 meeting for the release of the funds. He encouraged the Board to be present and to support their item should there be any questions.

Secretary Marianne Meischeid made a motion to approve the lesser amount of \$48,000 from the previously approved amount of \$60,000 for the first Friday event; Vice Chair Jessica Weiss seconded the motion. The motion passed unanimously.

7. Third Thursdays Update.

Director Duncan Tavares advised that this season's first Third Thursday event is scheduled for February 16, 2017. He added that the activity area is being increased. In the past, the VIP areas were used as an activity area by children. The food trucks will be located in the parking lot to the north next to the Shul. This first event in the series will help determine what additional changes need to be made for the next event in March.

A member of the audience asked when First Fridays would start, but was advised that the dates are still being worked out. May 2017 would be a preferred start date.

8. Sister Cities.

Director Duncan Tavares advised that the Sister Cities information was provided to the Board last month. At the next meeting Director Duncan Tavares would like to have input from the Board on what to present to the Town Commission. He will provide additional information leading up to the March 6, 2017 meeting.

**9. Next Tourist Board Meeting: Monday March 6, 2017 at 6:00pm.
Discussion with Event Organizers and FY17/18 Marketing Plan.**

Chair Barbara Cohen advised that there was a request to have the Tourist Board meeting time start earlier. Tourist Board members were fine with having an earlier meeting time.

Secretary Marianne Meischeid made a motion to change the Tourist Board meeting time from 6:00pm to 5:30pm; Vice Chair Jessica Weiss seconded the motion. The motion passed unanimously.

Chair Barbara Cohen mentioned that the new Visitors Guide is available should anyone be interested.

10. Public Comment.

Victor May was disappointed in the fireworks display on New Year's Eve and inquired as to why the show was at 9pm and not at midnight.

11. Adjournment.

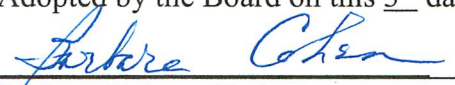
Vice Chair Jessica Weiss made a motion to adjourn the meeting at 7:09pm; Secretary Marianne Meischeid seconded the motion. The motion passed unanimously.

Respectfully submitted:



Frantza Duval, Recording Clerk

Adopted by the Board on this 3rd day of April, 2017



Barbara Cohen, Chair



TOWN OF SURFSIDE

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

PARKS AND RECREATION ADVISORY COMMITTEE MEETING

Wednesday February 22, 2017

7:00 pm

Surfside Community Center
9301 Collins Avenue

MINUTES

1. Roll Call of Committee Members

The meeting was called to order by Retta Logan at 7:08pm

Also in attendance: Shlomo Danzinger, Jeffrey Platt, Eliana Salzhauer*, Tim Milian, Parks and Recreation Director, Jane Graham, Assistant Town Attorney, Tina Paul, Commission Liaison, Duncan Tavares, Tourist Board Director, Hillary Feldman, resident Barbara & Lou Cohen, resident, Arlene Ayalin, resident and Victor May, resident, and Frantza Duval, Recording Clerk.

*At the time of roll call Eliana Salzhauer was absent. She entered the meeting at 7:18pm.

Tim Milian advised that as of today's meeting Mitchell Gottlieb has resigned from the Committee. Tim Milian advised that until the Town Commission fills the seat the Committee will function with four members.

2. Approval of Minutes from December 19, 2016 Meeting

Jeffrey Platt made a motion to approve the amended minutes; Shlomo Danzinger seconded the motion. The motion passed unanimously.

3. Community Center Second Floor (Barbara Cohen)

Tim Milian provided an overview on the joint Parks and Recreation and Tourist Board committee that was formed for the expansion of the second floor. The recommendation made by the Committee at the time was to table the discussion on the expansion.

Barbara Cohen wanted the Committee to consider adding the second story to the Community Center. The expansion would allow for additional programming, meeting rooms, and a host of other things. Barbara Cohen stated that the time to consider this is now since the demographic of the Town is changing. Retta Logan stated that she has spoken to other residents who advised that instead disrupting the activity at the Community Center it would be best to re-do Town Hall with additional spacing and to also include a sky bridge/cross over that connects Town Hall to the Community Center for pedestrian safety. It makes more sense instead closing the community center. Tim Milian is concerned about shutting down programming during the suggested construction. Jeffrey Platt stated that parking is an issue and stated that he would recommend re-doing the parking lot in front of town hall and also re-doing town hall to help alleviate the need at the Community Center. Eliana Salzhauer stated that in the past meetings the committee voted against paying money to have a firm come in and provide what the load bearing would be. Lou Cohen stated that a lot of time is being wasted by not moving forward on this item. Duncan Tavares stated that the topic was brought before the Tourist Board and there was no real support with the exception of one board member. Duncan Tavares advised that the recommendation would have to come from the Parks and Recreation Committee to the Town Commission. Duncan Tavares advised that there are additional structural solutions such as a “floater” second story. Tina Paul, speaking as a resident, feels like looking at construction at 96th St. Park is a good idea. In doing so, you can figure what additional space or needs are needed at the Community Center. She is also in favor of Town Hall re-construction, but may feel it may pose a problem with the onset of the new construction set to take place.

Eliana Salzhauer made a motion to recommend to commission to engage services of engineering firm as a point of information to find out what the second story can hold. Eliana Salzhauer withdrew her motion.

Jeffrey Platt advised that if the plans isn't to move forward until the next few years with actual construction after the load bearing information is received, then it is best to leave the topic alone until the decision to move forward becomes a reality.

Victory May stated that he spoke to someone at Four Seasons and they offered that the Town can use their ballroom for free. Eliana Salzhauer inquired as to where the money is coming from for the expansion. Is there a savings being earmarked for this type of plan?

Eliana Salzhauer made a motion to stay focus on the 5 year plan, which will now focus on 96th St. Park and then focus on the need for expansion at the Community Center; Shlomo Danzinger seconded the motion. The motion passed unanimously.

4. Family Fun Day Recap

Tim Milian advised that it was fantastic. He noticed that attendance was low and Retta Logan mentioned that it could be due in part to the Women's March in Washington and the playoffs.

Tim Milian advised that the next event is the 5k Run and the Spring Egg Hunt.

Eliana Salzhauer suggested at the next family event that the giveaways be reflective items. Tina Paul mentioned that the Town Commission did discuss a similar item and that the Town Manager will be providing additional information at the next Commission meeting.

Tim Milian also advised that summer camp is approaching.

5. Hawthorne Tot Lot Renovation Update

Tim Milian advised that the Hawthorne Tot Lot is up and running. The final walk through with the contractor hasn't been done yet, which is expected to happen in the upcoming weeks. The money will be released after the final walk through items have been addressed.

Tim advised that the Parks and Recreation staff will continue to monitor the toys that are being left behind for additional use.

6. Community Input

Tim Milian advised that the lap hours will be extended to 6:30pm in March.

Victory May suggested having an Easter parade for next year.

Eliana Salzhauer mentioned that the Valentine's Day event was amazing. Tim Milian advised that this year was the largest crowd he's seen with at least 78 residents.

Resident Arlene Ayalin inquired on behalf of the elderly residents at Marbella who advised that they are not aware of events happening in the Town and would love to see information posted in the Miami Herald. Eliana Salzhauer stated that the information is

posted in the gazette, on the website, on channel 77, and available at the Community Center. Retta Logan advised that she feels that it's not only her, but she feels that a lot of people are missing out on events happening in Town. She inquired if the teen scene would be available to pass out information to the condos. It was advised that there's always going to be a group of people that feel that they are excluded from something. Arlene Ayalin also stated that the elderly residents feel that there isn't enough senior events. Tim Milian mentioned an extensive list of events for the seniors. Tim Milian stated if she provided the name and information of this particular resident he would be glad to speak to her.

The next regularly scheduled meeting is on March 20, 2017.

Eliana Salzhauer inquired about Mitchell Gottlieb's replacement. Tim Milian advised that the appointment would come from Commissioner Gielchinsky and anyone interested would need to complete an application and submit it to the Town Clerk.

Eliana Salzhauer thanked Mitchell Gottlieb for his contribution.

7. Meeting Adjournment

Jeffrey Platt made a motion to adjourn the meeting; Shlomo Danzinger seconded the meeting. The motion passed unanimously. The meeting ended at 8:47pm.

Accepted this 27 day of March, 2017

Retta Logan
Member (Print)

[Signature]
Signature

Attest: [Signature]
Frantza Duval
Recording Clerk

TOWN OF SURFSIDE
Sustainability Subcommittee of the Planning & Zoning Board
Meeting

February 23, 2017 6:00pm – 7:00 pm
Town Hall 2nd Floor Police Training Room
9293 Harding Ave, Surfside FL

MINUTES

SUBCOMMITTEE MEMBERS:

Chair George Kousoulas

Vice Chair Bertha Goldenberg

Chase Berger

Deborah Cimadevilla

Lou Cohen

Planning & Zoning Board Liaison – Chair Lindsay Lecour

Town Commission Liaison - Mayor Daniel Dietch

1. CALL TO ORDER

- The meeting was called to order by Bertha Goldenberg at 6:10pm

2. ROLL CALL

- Vice-Chair Bertha Goldenberg, *Chase Berger, Deborah Cimadevilla, Lou Cohen were present. A quorum was established.
- *At time of roll call Chase Berger was not present. Mr. Berger entered the meeting at 6:30pm.
- Chair George Kousoulas absent.
- Lindsey Lecour P&Z liaison present.

3. WELCOME OF NEW MEMBER MS. DEBORAH CIMADEVILLA

- Vice-Chair Bertha Goldenberg thanked Ms. Cimadevilla for joining the Board and also thanked former Board member Larissa Alonso for her service.

4. ELECTION OF (TEMPORARY) SECRETARY

- Motion to nominate Lou Cohen for Secretary by Deborah Cimadevilla. Seconded by Lou Cohen. Motion passed 3-0.

5. APPROVAL OF MINUTES – December 15, 2016 (deferred) / No minutes for January 26th as meeting was cancelled due to lack of quorum.

- Motion to approve amended minutes by Lou Cohen. Seconded by Bertha Goldenberg. Motion passed 3-0.

6. SHORE MANAGEMENT PLAN

Understanding Miami Beach's version, how well is Surfside's current system serving the town and how well will it perform in the future? Identify the components to be addressed. For instance; dune height, plant variety, sand loss, dune covers, hard pack, boundaries, etc.

a) Crossover Code Language – Sarah Sinatra Gould, Town Planner.

- Sarah Sinatra provided overview of the proposed crossover code language. Deborah Cimadevilla suggested tabling this item until all board members are present.
- Motion to defer Crossover Code Language to the next meeting made by Deborah Cimadevilla. Seconded by Lou Cohen. Motion passed 3-0.

b) PEM Passive Dewatering Beach Erosion Control – Kenneth Christensen & Cesar Castillo.

- Student, Cesar Castillo of Florida International University brought forth a brief presentation of Pressure Equalizing Modules (PEM). PEM are hollow permeable tubes inserted vertically into the beach, which reduces erosion and prolongs the lives of nourished beaches. The month-long pilot study to show whether PEM affects the beach ground water level, hosted by FIU would be a \$120,000 with the backing of all the technology and scientific research made available. PEM have a 5-year life expectancy.
- Board members would like additional information regarding the study that was done in Hillsboro.

c) Coastal Bike Path Initiative – Mayor Daniel Dietch.

- Mayor Daniel Dietch provided an overview of the non-motorized coastal bike path. The hard pack would serve as the Town's segment for this continuous coastal community path starting from South Pointe Park to Fort Lauderdale.
- Motion to look at the feasibility of improving the hard pack with shade trees by Deborah Cimadevilla. Seconded by Lou Cohen. Motion passed 4-0.
- *Due to time items 7 and 8 were not discussed.

7. SUSTAINABLE BUILDING REQUIREMENTS (LEED)

Other communities are requiring their own new structures to meet sustainability criteria. Many also require this of new private construction. What should Surfside do? Review applicable criteria for fulfilling LEED certification at every level, understand those points that are realistic to achieve in Surfside, those that are more difficult, and develop a direction and level of requirements for incorporation where necessary.

a) New Construction LEED requirements – Sarah Sinatra Gould, Town Planner.

8. INFRASTRUCTURE PROTECTION

The long-term view. Item 10 could be the first component focus as water level and soil issues in the H30A/B zone would be identified quickly.

a) UNDERGROUNDING UTILITIES FEASIBILITY

Some see the undergrounding as disruptive and unnecessary. Others see it as an aesthetic and reliability upgrade long overdue. Both cite the infeasibility / feasibility as favoring their position. Address the challenges, risks and merits as the matter of placing infrastructure close to and in the path of a rising water table is central to the discussion.

9. PUBLIC COMMENT

10. NEXT MEETING DATE – MARCH 30, 2017 AT 6:00PM

Motion to adjourn by Deborah Cimadevilla. Seconded by Chase Berger. The motion passed. The meeting ended at 7:01pm.

Respectfully submitted,

Accepted this 30 day of March, 2017

Attest:


Recording Clerk


Sub-Committee Chair



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

**MINUTES
FEBRUARY 23, 2017
7:00 PM**

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

DESIGN REVIEW BOARD

1. CALL TO ORDER

Chair Lindsay Lecour called the meeting to order at 7:00 p.m.

2. ROLL CALL

Recording Clerk Frantza Duval called the roll with the following members present: Chair Lindsay Lecour, Vice Chair Judith Frankel, Board Member Jorge Gutierrez, Board Member Peter Glynn and Board Member Richard Iacobacci. Board Member Brian Roller and Board Member Gregg Covin were absent. Liaison, Commissioner Daniel Gielchinsky was absent.

3. APPROVAL OF MINUTES: **January 26, 2017**

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

Board Member Gregg Covin entered at 7:08 p.m. Board Member Brian Roller entered at 7:41 p.m.

4. DESIGN REVIEW BOARD APPLICATIONS:

A. Request of the Owner of Property located at 9011 Collins Avenue (Surf Club).

The property is located at 9011 Collins Avenue within the H120 zoning district. The site is currently under construction and being developed as the Surf Club.

Town Planner Sarah Sinatra presented the item. Staff is recommending denial of the monument signage as it does not meet code. The wall signage is in compliance. The applicant and architect gave a power point presentation in support of the item.

Chair Lecour opened the public hearing. No one wishing to speak the Chair closed the public hearing and opened the item for Board discussion.

The applicant addressed questions from the Board. The Board discussed the item and liked the design and was open to a variance. Town Planner Sinatra explained the process for a variance.


Board Member Iacobacci made a motion to defer. The motion received a second from Board Member Gutierrez. The motion carried 6/1 with Board Member Covin voting in opposition.

5. ADJOURNMENT.

There being no further business to come before the Design Review Board the meeting adjourned at 7:51 p.m.

Accepted this 30 day of March, 2017

Attest:



Sandra Novoa, MMC
Town Clerk



Chair Lindsay Lecour

PLANNING AND ZONING BOARD

MINUTES

February 23, 2017

7:00 PM

1. CALL TO ORDER

2. Chair Lindsay Lecour called the meeting to order at 7:51 p.m.

3. ROLL CALL

Recording Clerk Frantza Duval called the roll with the following members present: Chair Lindsay Lecour, Vice Chair Judith Frankel, Board Member Peter Glynn, Board Member Brian Roller and Board Member Richard Iacobacci. Liaison, Commissioner Daniel Gielchinsky was absent.

4. APPROVAL OF MINUTES: **January 26, 2017**

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

5. COMMISSIONER DANIEL GIELCHINSKY- TOWN COMMISSION LIASION REPORT (Commissioner Gielchinsky was absent)

6. PLANNING AND ZONING BOARD MEMBER – SUSTAINABILITY SUBCOMMITTEE LIASION REPORT

Chair Lecour gave an update.

7. DISCUSSION ITEMS:

A. Pedestrian Circulation

Town Manager Olmedillo gave a visual presentation on the item with a brief history to date.

Chair Lecour opened the public hearing.

Public Speakers:

-Chase Berger was in favor of Manager Olmedillo's proposal.

-Maurice Rodriguez had suggestions for slowing down traffic.

-Graten Bakken also had suggestions regarding the visual presentation.

-Peter Neville was not in favor of sidewalks on Abbot Avenue and presented a survey of pedestrians on Abbott. Manager Olmedillo made it clear that the presentation was not just about sidewalks and Chair Lecour concurred.

-Maria Carrill suggested one-way streets.

-Deborah Cimadevilla is in favor of a one-way Street on Abbott and sidewalks if it doesn't take away space from property owners. She asked if the town was going to do a referendum on the item.

No one else wishing to speak the Chair closed the public hearing and opened it to the Board for discussion.

The Board discussed the item and each expressed their views and offered some suggestions for pedestrian safety, speed limits, sidewalks, driveways and off street parking. LED lighting was also mentioned. Chair Lecour suggested a planned view of a street would be helpful and suggested a third-party opinion on some issues. The Board also addressed some of the concerns by the public and would like to see a cost analysis of a pilot program.

Board Member Roller exited at 9:10 p.m.

B. Roof Pitch

Town Planner Sinatra presented an update with graphics.

C. Stepbacks of building in H120

Town Planner Sinatra presented an update and various options to consider. Chair Lecour suggested some revisions. Planner Sinatra will come back with some modifications.

D. Miami Beach Resiliency information

Town Planner Sinatra presented an update with visuals. Chair Lecour was in favor of a referendum for “give a foot, get a foot.” Town Attorney Miller will get information as to a referendum on a ballot. Building Official Ross Prieto answered questions from the Board and provided more information on the item.

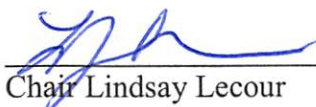
E. Future Agenda Items


Town Planner Sinatra presented upcoming events and discussions on various items.

8. ADJOURNMENT.

There being no further business to come before the Planning and Zoning Board the meeting adjourned at 9.40 p.m.

Accepted this 30 day of March, 2017


Chair Lindsay Lecour

Attest:

Sandra Novoa, MMC
Town Clerk



**Town of Surfside
Tourist Board
MINUTES**

March 6, 2017 5:30 p.m.

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

A/B. Call to Order/Roll Call

The meeting was called to order by Chair Cohen at 5:34 p.m.

Present: Chair Barbara Cohen
Vice Chair Jessica Weiss*
Secretary Marianne Meisheid
Terry Cohen
Jennifer Zawid

Also present: Vice Mayor Barry Cohen, Commission Liaison
Guillermo Olmedillo, Town Manager
Duncan Tavares, Acting Asst. Town Manager (AATM)
Melissa Richards, Marketing and Special Proj. Coordinator
Jane Graham, Assistant Town Attorney
Elora Riera, Deputy Town Clerk
Frantza Duval, Recording Clerk

Chair Cohen welcomed Board Liaison, Vice Mayor Cohen to the meeting.

1. Approval of Minutes: February 6, 2017 Regular Meeting

Secretary Meisheid made a motion to approve the minutes as written. Board member Zawid seconded the motion which carried unanimously on voice vote.

*Vice Chair Weiss arrived at 5:39 p.m.

2. A/R (Resort Tax)

AATM Tavares explained that last month it was stated that the spreadsheet reflected resort tax collected from Airbnb rentals, but the agreement with Airbnb did not begin until March 1st. What was shown in short term rentals are those properties that have registered with the Town through the resort tax ordinance.

3. Permanent Downtown Lighting

AATM Tavares stated that there have been discussions on improving the downtown lighting and electrical. The streetscape budget was minimal so the electrical that is currently in place was under the constraints of that budget.

There are options to upgrade the electric. The Town has received initial quotes of approximately \$500,000 to correct the lighting on the two blocks of Harding Avenue which is something that suits more of the needs of the Board and the direction they would like to go. It also may provide the ability of permanent lighting.

Secretary Meischeid questioned why these funds would come from the Tourist Board fund rather than Town funds and Assistant Town Attorney Graham replied that the determination would come from the Town Commission and whether they feel that this project falls under Tourism related purposes.

Commission Liaison, Vice Mayor Cohen stated that the lighting was definitely something that would help provide better lighting, but he was not expecting it to cost so much. It is good to start looking into this project and getting information to see what type of lighting will best fit the Town.

Secretary Meischeid commented that it is a great idea but feels that the funding for the lighting does not fall under the realm of the Tourist Board and should come from the Town budget.

Discussion ensued regarding the downtown lighting and where funding would come from and the options for permanent lighting to reflect the different holidays.

George Kousoulas of 9225 Collins Avenue spoke to this item and felt that it was a great idea.

4. FAM Discussion – Sean McKeen, General Manager Residence Inn

AATM Tavares commented that Mr. McKeen would like to speak about FAM (familiarization) trips where the industry learns about the property or destination and that it is an important part of the approach to selling a destination.

Mr. McKeen presented information to the Board regarding FAM and how it can benefit the Town, businesses and hotels.

To answer Secretary Meischeid's question, Mr. McKeen would be requesting the Tourist Board to donate one FAM a month which would be approximately \$1,200-\$2,000 a month.

Board member Zawid suggested getting input from the other hotels on this project. She believes that it is an interesting idea but she would like to get more information.

AATM Tavares believes that this is something that the Board should look into although he is unsure of where the Board would allocate the funds from within their budget. He commented that some funding was not used for tradeshows by the Residence Inn and he suggested that those funds could possibly be used for the FAM program.

Board member Cohen asked if the Board could be provided with a breakdown of the costs for each item such as room and food and Mr. McKeen responded in agreement.

AATM Director Tavares commented they will look at this program in more detail with the other hotels in the summer.

5. First Fridays Update

AATM Tavares commented that the Commission approved to transfer \$48,000 to the operating budget for First Fridays so that the Board can fund the events. There will be four events in total beginning in May.

They are in the process of refining the agreement with Sarah. He has been directed by the Board and staff to be more detailed in the deliverables and he is working on that at the moment and if the Board has any comments or feedback to please let him know.

Secretary Meischeid would like to know if the Board will be able to see the agreement before it is signed.

AATM Tavares stated that traditionally and as a matter of policy, a Board directs the Administration to proceed with an agreement based on what the Board has seen. His concern is that if he were to bring the agreement to the Board to view, there would be many opinions and it would delay the process. There has been an abundance of feedback from the Board over the last few months.

Discussion ensued regarding the Board being able to see the agreement before it is approved and signed.

Vice Chair Weiss asked if it would be possible for the Board to ask the vendor to commit to a certain percentage as a service fee so that the board would know that the balance went 100% to the event and any surplus could go towards the next event or refunded back to the Boards budget.

Board member Cohen commented that she disagrees with this agreement because there was no competition and she felt that there should have been more proposals. She feels that the Board did not get their money's worth.

Secretary Meischeid made a motion to see the agreement before it is signed. Board member Zawid seconded the motion.

Assistant Town Attorney Graham commented that in her experience, she has never seen a Board look at an agreement before it is signed. If the Board feels that there are certain conditions that are important, they can make a recommendation.

George Kousoulas of 9225 Collins Avenue and Victor May of 9117 Froude Avenue spoke on this item.

The motion failed 3-2 with Vice Chair Weiss, Board member Zawid and Chair Cohen being the dissenting votes.

6. Tourism Director Positon Update

AATM Tavares stated that they have received a number of applications and are earmarking the beginning of April to have interviews for those applicants. Applications are still being accepted by the Human Resources Department until then.

7. Tourism Questionnaire Update

AATM Tavares commented that Marketing and Special Projects Coordinator Richards created a simple form that was approved by the Board and it has been very helpful.

Discussion ensued regarding the questions being asked on the questionnaire.

Secretary Meischeid made a recommendation to remove question #5 and to revise the last question to also ask what the Town can do better. The recommendation passed unanimously on voice vote.

8. Banners Update

AATM Tavares suggested that the Board wait until after the hurricane season to discuss the banner program. He stated that he can bring it back to the Board as he receives more images. With that being said, banners are hung in the summer months and he will hang the banners that were most liked by the Board.

9. Third Thursdays Update

AATM Tavares commented that the inaugural event was a success. They are going through a little bit of a learning curve because there was a different format this year. There was a request that the start time be changed to 6:30p.m start. A half hour earlier start can be accommodated for families which will not affect the budget. There were approximately 400 people in attendance. Based on the Boards decision, the theme for the event series will be uptown beach town.

10. Sister Cities Update

AATM Tavares commented that he was unable to attend a meeting with the County but Board member Zawid attended in his absence. He implored the Board to look at this as a community initiative and he would like Board member Zawid to be the Liaison for this program. In speaking with Board member Zawid, she has good ideas and suggestions.

Chair Cohen passed the gavel to Secretary Meischeid and made a motion to nominate Board member Zawid as the representative for the Sister Cities program for the Town of Surfside. Secretary Meischeid seconded the motion which was carried 4-0. Vice Chair Weiss was absent.

AATM Tavares commented that there is an upcoming meeting in Virginia that he cannot attend and he recommended that Board member Zawid attend in his place.

Board member Cohen made a motion to allocate between \$1,200-\$1,500 for Board member Zawid to attend the Sister Cities Conference in Virginia. Secretary Meischeid seconded the motion which carried 4-0. Vice Chair Weiss was absent.

11. Next Tourist Board Meeting: Monday April 3, 2017 at 5:30pm: Discussion with Event Organizers

May 1, 2017 meeting: Jacober Creative Update and FY17/18 Marketing Plan discussion; holiday lights vendors

There was no discussion on this item.

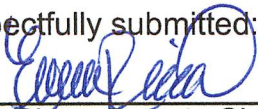
12. Public Comment

None.

13. Adjournment

Board member Zawid made a motion to adjourn the meeting at 7:25 pm. Secretary Meischeid seconded the motion which carried unanimously on voice vote.

Respectfully submitted:



Elora Riera, Deputy Clerk

Adopted by the Board on this 3rd day of April, 2017



Barbara Cohen, Chair



TOWN OF SURFSIDE
PROCLAMATION, CERTIFICATE, COIN AND KEY TO THE TOWN
REQUEST FORM
OFFICE OF THE TOWN CLERK

Request for: Proclamation Certificate Key Coin (check one)

Date of Request: 3/31/17

Name of Requestor: Public Works Department

Organization: _____

Address: 9293 Harding Ave Surfside, Fl. 33154

Phone / E-Mail: fdural@townofsurfsidefl.gov

Name of Individual / Organization to be honored: _____

Title for Proclamation or Certificate: Arbor Day

Date of Recognition: April 13, 2017

Reason for Recognition (Please attach 4 – 6 "whereas clauses" as draft text for a Proclamation):
Annual Tree-City Re-Certification

- Document is to be:
- Presented at a Commission Meeting in April / 2017 (month / year)
 - Presented at the following event _____ (Please attach event information to the request form)
 - Picked up by _____ on _____ (date)

Administrative Use Only

Proclamation _____ Certificate _____ Key _____ Coin _____

Approved: Yes _____ No _____ If no, state reason: _____

Approved Date: _____

Date Submitted for Mayor's Signature: _____

Date Issued: _____

Completed by: _____



TOWN OF SURFSIDE

PROCLAMATION, CERTIFICATE, COIN AND KEY TO THE TOWN

REQUEST FORM

OFFICE OF THE TOWN CLERK

Request for: Proclamation Certificate Key Coin (check one)

Date of Request: April 3, 2017

Name of Requestor: Daniel Dietch

Organization: Town of Surfside

Address: 9293 Harding Avenue, Surfside, FL 33154

Phone / E-Mail: 305 861-4863 / ddietch@townofsurfsidefl.gov

Name of Individual / Organization to be honored:
Al Lopez and Loly Ripes / Carousel Barbershop

Title for Proclamation or Certificate:
60th Anniversary of the Carousel Barbershop

Date of Recognition: April 20, 2017

Reason for Recognition (*Please attach 4 – 6 "whereas clauses" as draft text for a Proclamation*):

Document is to be:

- Presented at a Commission Meeting in _____ (month / year)
- Presented at the following event Third Thursday (Please attach event information to the request form)
- Picked up by _____ on _____ (date)

<u>Administrative Use Only</u>			
Proclamation _____	Certificate _____	Key _____	Coin _____
Approved: Yes _____ No _____ If no, state reason: _____			
Approved Date: _____			
Date Submitted for Mayor's Signature: _____			
Date Issued: _____			
Completed by: _____			

Attachment A

Join Surfside and the business district in congratulating Carousel Barbershop, who is celebrating its 60th anniversary this year. Guests can come and see some of the recent upgrades to the store—snacks and refreshments included.

Located at 9405 Harding Avenue, this historic and traditional-style barbershop is run by father, Al Lopez, and his daughter, Loly Ripes. Over the decades, the iconic barbershop has serviced a number of celebrity clients who continue to return for the unique experience and great service. For more information, call 305-861-2307.



THRD THRS DYS

THIRD THURSDAYS

**MUSIC.
DANCING.
FOOD TRUCKS!**

Join us on the 3rd Thursday of each month to enjoy a free and exciting evening for the whole family.

95th Street

Between Collins Ave
and Harding Ave

Feb. 16

Mar. 16

Apr. 20

7-9 PM



Town of Surfside Commission Communication

Agenda Item: 4A1

Agenda Date: March 14, 2017

Subject: Require noticing of new residential construction and demolitions

From: Sarah Sinatra Gould, AICP, Town Planner

Background: The Planning and Zoning Board has requested that staff prepare an ordinance to notify the public of a hearing for a new single family home or major renovation consisting of at least 50% improvements to the structure. The item was heard by the Town Commission as a discussion item on February 16, 2017 and was expanded to require noticing of all applications appearing before the Design Review Board as well as notifying neighboring property owners of a complete or partial demolition of 50% or more of a single family home.

Sec. 14-28. - Issuance of building permits.

- (a) All plans prior to the issuance of a permit for any building or structure in the town must first have the approval of the town manager.
- (b) No permit shall be required for general maintenance or repairs where such work or repair does not change the occupancy, use, alter the outside appearance of the structure and the value of which does not exceed \$250.00 in labor and material as determined by the building official.
- (c) No permit shall be issued unless the applicant demonstrates to the town manager that applicant has made adequate provision for persons associated with the subject improvements legally to park vehicles on site or otherwise not utilizing on-street parking.
- (d) Applications for building permits that require excavation of sand seaward of the Coastal Construction Control Line must comply with the beach sand quality regulations as described in sections 34-2 to 34-8 of the Town Code of Ordinances.

(e) All applications for complete or partial demolitions of 50% or more of a single family home shall require the applicant to mail written courtesy notices via certified mail to the abutting single family property owners and single family property owners parallel to the subject property line across any right-of-way notifying the property owners that the demolition will occur within 180 days from the date of the letter. The letter shall provide contact information for the applicant or agent of the applicant if there are questions relating to the demolition.

Sec. 90-19. - Single-family and two-family development review process.

90-19.6 Single-family and two-family development shall be reviewed by the design review board.

The applicant shall notify the public of the Design Review Board hearing date and location, on the proposed application as follows:

1. The applicant shall post a notice on the property one week prior to the Design Review Board meeting and remove the notice three days after the conclusion of the Design Review Board meeting. A notice, 18 inches by 24 inches, shall be placed in a prominent place on the property by the applicant, denoting the following:

REQUEST FOR: _____

DESIGN REVIEW BOARD: DATE AND TIME

TOWN HALL
9293 Harding Avenue
Surfside, FL 33154

COMPLETE INFORMATION REGARDING THE APPLICATION IS
AVAILABLE BY CONTACTING THE TOWN HALL AT 9293 HARDING
AVENUE, SURFSIDE, FL 33154.

2. The applicant shall mail written courtesy notices via certified mail, to the abutting single family property owners and single family property owners parallel to the subject property line across any right-of-way, of the Design Review Board meeting date and location 10 days prior to the meeting.
3. The applicant shall provide the Town a sworn affidavit indicating the notices have been mailed and provide evidence that the sign has been posted three days prior to the Design Review Board meeting.

Budget Impact: N/A

Growth Impact: Giving neighboring property owners an opportunity to attend the Design Review Board meeting where new construction adjacent to their property is proposed.

Staff Impact: Additional record keeping by the Town Staff and confirmation that the notice has occurred prior to the meeting.

Staff Recommendation: Approval



Sarah Sinatra Gould, AICP, Town Planner



Guillermo Olmedillo, Town Manager

ORDINANCE NO. 17 - _____

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 14-28 “ISSUANCE OF BUILDING PERMITS.”; AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 90-19 “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS.”; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board has requested that staff prepare an ordinance to notify the public of a hearing for a new single family home or major renovation consisting of at least 50% improvements to the structure; and

WHEREAS, the Town Commission heard the item on first reading on March 14, 2017 where it was passed with the modification that noticing would be limited to new single family homes and the demolition and rebuilding of at least 50% of the square footage of an existing single family home; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the revisions to the Code of Ordinances for consistency with the Town’s Comprehensive Plan at a duly noticed hearing on March 30, 2017 and recommended approval; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on April 13, 2017; and

WHEREAS, the Town Commission hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

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

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

Section 2. Code Amendment. The Code of Ordinances of the Town of Surfside, Section 14-28 “Issuance of building permits.” is hereby amended as follows:

Sec. 14-28. - Issuance of building permits.

- (a) All plans prior to the issuance of a permit for any building or structure in the town must first have the approval of the town manager or designee.
- (b) No permit shall be required for general maintenance or repairs where such work or repair does not change the occupancy, use, alter the outside appearance of the structure and the value of which does not exceed \$250.00 in labor and material as determined by the building official.
- (c) No permit shall be issued unless the applicant demonstrates to the town manager that applicant has made adequate provision for persons associated with the subject improvements legally to park vehicles on site or otherwise not utilizing on-street parking.
- (d) Applications for building permits that require excavation of sand seaward of the Coastal Construction Control Line must comply with the beach sand quality regulations as described in sections 34-2 to 34-8 of the Town Code of Ordinances.
- (e) All applications for complete or partial demolitions of 50% or more of a single family home shall require the applicant to mail written courtesy notices via certified mail to the abutting single family property owners and single family property owners parallel to the subject property line across any right-of-way notifying the property owners that the demolition will occur within 180 days from the date of the letter. The letter shall provide contact information for the applicant or agent of the applicant if there are questions relating to the demolition.

Section 3. Code Amendment. The Code of Ordinances of the Town of Surfside, Section 90-19 “Single-family and two-family development review process.” is hereby amended as follows:

Sec. 90-19. - Single-family and two-family development review process.

90-19.6 Single-family and two-family development shall be reviewed by the design review board. The following types of applications shall require noticing as described below:

- A) Construction of new single family homes.
- B) Partial demolition and rebuilding of at least 50% of the square footage of a single family home.
- C) An addition of at least 50% of the square footage of the existing single family home.

The applicant shall notify the public of the Design Review Board hearing date and location, on the proposed application as follows:

1. The applicant shall post a notice on the property one week prior to the Design Review Board meeting and remove the notice three days after the conclusion of the Design Review Board meeting. A notice, 18 inches by 24 inches, shall be placed in a prominent place on the property by the applicant, denoting the following:

REQUEST FOR: _____

DESIGN REVIEW BOARD MEETING: DATE AND TIME

TOWN HALL
9293 Harding Avenue
Surfside, FL 33154

COMPLETE INFORMATION REGARDING THE APPLICATION IS AVAILABLE BY CONTACTING THE TOWN HALL.

2. The applicant shall mail written courtesy notices via certified mail, to the abutting single family property owners and single family property owners parallel to the subject property line across any right-of-way, of the Design Review Board meeting date and location 10 days prior to the meeting.
3. The applicant shall provide the Town the corresponding certified mail receipts, indicating the notices have been mailed and provide evidence that the sign has been posted three days prior to the Design Review Board meeting.

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 re-lettered 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 on first reading this _____ day of _____, 2017.

PASSED and **ADOPTED** on second reading this ____ day of _____, 2017.

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 #: 4B1
Agenda Date: April 13, 2017
Subject: Temporary Signs

Background: Section 166.0425, *Florida Statutes* provides that municipal sign ordinances shall not conflict with any applicable state or federal laws. The opinion of Reed v. Town of Gilbert, Ariz., 135 S. Ct. 2218 (2015) by the United States Supreme Court struck down an ordinance in the Town of Gilbert, Arizona as unconstitutional based on distinctions it made between temporary signs. Surfside Town Administration has determined that revisions to the Surfside sign code are advisable to update the code to be in compliance with Reed vs. Town of Gilbert, Ariz.

Analysis: Currently, the code divides temporary signs into different categories based on content (ex. real estate signs, political signs and construction signs). Due to the recent federal ruling on temporary signs, the Town must modify the code to treat the content all of these signs the same. Under today's code, one property could have a political sign, real estate sign and construction sign. The proposed requirements will continue allowing three temporary signs without dictating content. The proposed size for temporary signs three square feet, which is consistent with the existing size of both real estate and political signs.

Budget Impact: None

Growth Impact: None

Staff Impact: None

Staff Recommendation: Staff recommends approving the ordinance on first reading.

Sarah Sinatra Gould, AICP, Town Planner

Guillermo Olmedillo, Town Manager

ORDINANCE NO. 17 - _____

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

WHEREAS, the Town of Surfside (the “Town”) revised and replaced its sign code in its entirety by Ordinance No. 14-1624; and

WHEREAS, Section 166.0425, *Florida Statutes* provides that municipal sign ordinances shall not conflict with any applicable state or federal laws; and

WHEREAS, the issued opinion of Reed v. Town of Gilbert, Ariz., 135 S. Ct. 2218 (2015) by the United States Supreme Court struck down an ordinance in the Town of Gilbert, Arizona as unconstitutional based on distinctions it made between temporary signs; and

WHEREAS, the Town has determined that revisions to the Town sign code are advisable to update the code to be in compliance with the recent United States Supreme Court decision of Reed vs. Town of Gilbert; and

WHEREAS, the Town Commission held its first public hearing on these regulations on April 13, 2017; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the revisions to the Code for consistency with the Town’s Comprehensive Plan at a duly noticed hearing on April 27, 2017 and recommended approval; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on May 9, 2017; and

WHEREAS, the Town Commission hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

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

Section 1. Recitals. Each of the above stated recitals is true and correct and the recitals are incorporated herein by this reference.

Section 2. Code Amendment. The Code of Ordinances of the Town of Surfside, Section Sec. 90-69 is hereby amended as follows:

Sec. 90-69. - Definitions.

~~Construction sign: A temporary sign identifying those engaged in construction or remodeling on a building site, including the developer, contractor, subcontractor, architect, engineer or artisans involved in the project.~~

~~Political sign: Any sign which indicates the name, cause or affiliation of anyone seeking public office or which references a ballot issue~~

~~Real estate sign: A temporary sign erected by the owner or agent indicating property which is for rent, sale or lease, including signs pointing to a property which is open for inspection by a potential purchaser (open house sign) or a sign indicating "shown by appointment only" or "sold."~~

~~Temporary sign: A sign which is allowed for a limited amount of time such as a special event banner sign, construction sign, political sign or real estate sign or which pertains to a particular event or occurrence, or which is not designed or intended to be placed permanently.~~

Section 3. Code Amendment. The Code of Ordinances of the Town of Surfside, Section Sec. 90-74 is hereby amended as follows:

Sec. 90-74. - Temporary signs.

(a) ~~Real estate sign.~~

~~(1) SD-B40 district. One professionally lettered real estate sign shall be permitted per building frontage. The maximum sign area shall be three square feet. The sign shall be mounted flat against the building wall or a minimum of 12 inches from a window, and shall not project above the eave line of the building.~~

~~(2) All other zoning districts. One professionally lettered real estate sign shall be permitted per street frontage. The sign shall be wall mounted flat against the building wall or securely fastened to a wood or metal freestanding stake or post of sufficient strength. The maximum sign panel area shall be 18 inches by 24 inches. A maximum of two riders shall be permitted to attach above or below the main sign panel not to exceed six inches by 24 inches per rider for in-ground signs. The maximum sign height for in-ground signs including support frame shall not exceed 42 inches from the ground to the top of the sign. Such sign shall be located outside of any sight visibility triangle. No portion of the sign shall extend across the property line.~~

~~(3) All real estate signs shall be black and white and may include a trademarked logo or symbol.~~

- (4) Sign shall be constructed of rigid, weather proof materials.
- (5) Sign shall not be lighted or illuminated in any manner.
- (6) Sign shall be removed within seven days of a lot, building, residence or tenant space being leased, rented or sold.

(b) ~~Political sign.~~

(1a) ~~SD-B40 district. Three~~ One professionally lettered political temporary signs, excluding banners, shall be permitted per building frontage. The maximum sign area shall be three square feet per sign. The sign shall be mounted flat against the building wall or a minimum of 12 inches from a window, and shall not project above the eave line of the building.

(2b) ~~All other zoning districts. Three~~ One professionally lettered temporary political signs shall be permitted per street frontage. The sign shall be wall mounted flat against the building wall or securely fastened to a wood or metal freestanding stake or post of sufficient strength. The maximum sign area shall be three square feet per sign. Sign face shall be constructed of metal, plastic, wood, pressed wood or cardboard. The maximum sign height for in-ground signs including support frame shall not exceed 42 inches from the ground to the top of the sign. Such sign shall be located outside of any sight visibility triangle. No portion of the sign shall extend across the property line.

(3c) Signs shall be not be erected more than 90 days prior to the subject election date or ballot vote event or occurrence and shall be removed no later than seven days after the event or occurrence subject election date or ballot vote.

(4d) Signs shall not be lighted or illuminated in any manner.

(5e) It shall be unlawful for any person to paste, glue, print, paint, affix, or attach by any means whatsoever to the surface of any public street, right-of-way, easement, sidewalk, curb, or to any property of any governmental body or public utility, any political temporary sign, poster, placard, or sticker designed or intended to advocate or oppose any ballot issue or the nomination or election of any candidate.

(c) ~~Construction sign. Signs~~ (f) Signs placed on construction sites.

(1) ~~One~~ professionally lettered construction One sign shall be permitted per construction site or development subject to the issuance of a building permit for the project. Such sign shall be removed immediately if the building permit for the project expires and construction has not commenced, and/or the permit is not renewed.

(2) ~~Sign content is limited to the following:~~

- a. ~~Project name.~~
- b. ~~Parties involved in construction and financing.~~
- c. ~~Contact information such as phone number, email address or website.~~
- d. ~~Unit prices not to exceed ten percent of the total sign area. Numbers shall not exceed six inches in height.~~

(32) Maximum sign area is 16 square feet.

(43) Such sign may be freestanding affixed to posts, a flat wall sign, or to a construction fence. Freestanding signs shall be a minimum of ten feet from the property line and shall be a maximum of five feet in height from the ground to the top of the sign. Wall signs shall not extend above the floor of the second story, parapet wall, or eave line of the building.

~~(54)~~ Rigid weatherproof board is required.

~~(65)~~ Such sign must be removed within 72 hours of the issuance of a certificate of occupancy.

~~(d-g)~~ *Temporary window sign.*

(1) Temporary window signs of any nature may be attached to glass window or doors, or mounted within 12 inches of a glass window or door.

(2) One temporary sign shall be permitted per window.

(3) Sign may not be displayed more than 60 calendar days.

(4) The total area for temporary signs shall not exceed 20 percent of the glass window they are facing unless otherwise provided in this subsection.

~~(5) Temporary signs pertaining to a going out of business sale or everything must go clearance event shall be permitted to be displayed within a window for a period not to exceed 90 calendar days.~~

~~(6) A temporary sign not exceeding one square foot may be affixed to any window or glass door stating special hours or closing days due to holidays, or bona fide business or personal emergencies. There shall not be more than one such sign per window or door. Sign shall not be maintained for more than 14 calendar days.~~

~~(75) Signs not in excess of six square inches, listing merchandise price, may be attached to items displayed in display windows.~~

~~(8) Temporary signs which are removed and redisplayed within 30 calendar days of removal shall be deemed in violation of this subsection listing price not exceeding six square inches shall be exempt from this requirement.~~

~~(e h)~~ *Special event Temporary banner sign.*

(1) One professionally lettered temporary banner per building frontage or window in SD-B40 district advertising a grand opening associated with a commercial building or business enterprise is permitted.

~~(2) Permitted content shall be limited to "Grand Opening," "Coming Soon," "Now Open" or "Under New Management" and the date and time of the event where applicable.~~

~~(32) No banner shall exceed 32 square feet or five percent of the building façade that faces a public street, whichever is less.~~

~~(4) Banners may only be displayed within 60 calendar days from the date an occupational license is issued.~~

~~(53) No banner shall be displayed for more than 30 consecutive calendar days within a six month period.~~

~~(64) Banner shall not include changeable copy.~~

~~(75) Banner shall be made of durable materials such as canvas or vinyl. Non-durable material such as butcher-type paper is not permitted.~~

~~(86) Banner shall be securely attached to a supporting structure such as a street frontage wall and capable of withstanding continuous wind without deflections or rotations that would cause deformation or damage.~~

~~(97) No banner shall be attached to a roof structure or above the eave line of the building.~~

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

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

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

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

PASSED on first reading this _____ day of _____, 2017.

PASSED and **ADOPTED** on second reading this ____ day of _____, 2017.

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 #: 5A
Agenda Date: April 13, 2017
Subject: Purchase of Off-Road Utility All-Terrain Vehicle (ATV)
From: Guillermo Olmedillo, Town Manager

Background: On December 13, 2016, the Town Commission adopted a new Beach Furniture Ordinance. The purpose of the Ordinance was to establish rules and regulations for the placement and use of beach furniture items to help ensure the public's health, safety and welfare.

In order to monitor the newly established Ordinance and its associated Administrative Regulations, the Code Compliance Division will need an off-road utility vehicle to patrol the one-mile long beach area.

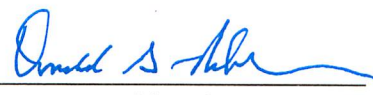
Analysis: The utility vehicle can be purchased through the Florida Sheriffs Association "Cooperative Bid Program for 2016-2017". The cost for the 2017 Polaris Ranger 570 EFI is \$10,337.00.

Budget Impact: The off-road vehicle in the amount of \$10,377.00 is funded in the General Fund, Code Compliance Division, Account Number 001-2000-524-6410.

Staff Impact: No impact to staff.

Staff Recommendation: It is the recommendation of staff that the attached Resolution be approved to purchase the needed off-road utility vehicle.


Guillermo Olmedillo
Town Manager


Donald Nelson
Finance Director


Alan P. Graham
Code Compliance Director

RESOLUTION NO. 17 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$10,337.00 FROM THE FISCAL YEAR 2016/2017 GENERAL FUND, CODE COMPLIANCE DIVISION, ACCOUNT NUMBER 001-2000-524-6410 FOR THE PURCHASE OF A 2017 POLARIS RANGER 570 EFI (R17RMA57A1) OFF-ROAD UTILITY VEHICLE; PROVIDING FOR APPROVAL AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the new off-road utility vehicle is a key piece of equipment for the Code Compliance Division, which will be used to patrol the one-mile long beach area to ensure compliance with Ordinance No. 16-1658; and

WHEREAS, the cost to purchase, outfit and install the necessary equipment for the 2017 Polaris Ranger 570 EFI (R17RMA57A1) off-road utility vehicle is \$10,337.00; and

WHEREAS, the new off-road utility vehicle will be funded from the Fiscal Year 2016/2017 General Fund Account No. 001-2000-524-6410; and

WHEREAS, the Code Compliance Division is utilizing the Florida Sheriffs Association Bid Number: FSA 16-VEH 14.0 Cab & Chassis Trucks & Other Fleet Equipment (Attachment "A") to achieve the lowest and best price for this purchase; and

WHEREAS, it is in the best interest of the Town to authorize the expenditure of funds in the amount of \$10,337.00 from the Fiscal Year 2016/2017 General Fund Account No. 001-2000-524-6410, for the purchase of a 2017 Polaris Ranger 570 EFI (R17RMA57A1) off-road utility vehicle.

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 approves and authorizes the Town Manager to purchase 2017 Polaris Ranger 570 EFI (R17RMA57A1) off-road utility vehicle in the amount of \$10,337.00 from the Fiscal Year 2016/2017 General Fund Account No. 001-2000-524-6410.

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 April 2017.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

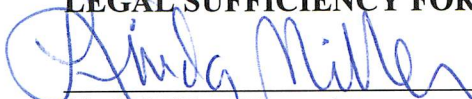
Commissioner Daniel Gielchinsky _____
Commissioner Michael Karukin _____
Commissioner Tina Paul _____
Vice Mayor Barry Cohen _____
Mayor Daniel Dietch _____

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

BID AWARD ANNOUNCEMENT

FSA16-VEH14.0

Effective Dates:

October 1, 2016 – September 30, 2017

Cab & Chassis Trucks and Other Fleet Equipment

Cooperative Bid Program

Coordinated By

**The
Florida Sheriffs Association
&
Florida Association of Counties**







Protecting, Leading & Uniting...since 1893

FLORIDA SHERIFFS ASSOCIATION

2617 Mahan Drive, Tallahassee, Florida 32308
P.O. Box 12519 • Tallahassee, Florida 32317-2519

p: (850) 877-2165
f: (850) 878-8665
www.flsheriffs.org  

DATE: October 1, 2016

TO: ALL PROSPECTIVE PARTICIPANTS

FROM: Steve Casey, Executive Director Peggy Goff, Deputy Executive Director Drew Terpak, Business Operations Manager Annette Grissom, Cooperative Bid Coordinator

RE: Bid Number: FSA16-VEH14.0 Cab & Chassis Trucks & Other Fleet Equipment

We are pleased to announce that the Florida Sheriffs Association and the Florida Association of Counties has successfully conducted its 14th statewide competitive bid for vehicles and heavy equipment which includes trucks, backhoes, motorgraders, agriculture type tractors, skid steer loaders, street sweepers, generators, and light towers. This contract is effective beginning October 1, 2016 through September 30, 2017, as long as vehicles are available through fleet.

Bids will be extended and guaranteed to any and all units of local governments/political subdivisions including but not limited to county, local county board of public instruction, municipalities and/or police agencies, other local public or public safety agencies or authorities within the State of Florida, and the state universities and colleges. In addition, bids will be extended and guaranteed to any other entities approved by manufacturers to participate in this contract. The participating agencies cannot guarantee any order other than those ordered through each individual agency.

All agencies are bound by their local governing purchasing ordinances, rules and regulations and shall apply to purchases made under this contract. All awarded Vendors/Dealers are governed by their manufacturer's agreement.

Out of State Sales are permitted under this contract however, again ALL agencies are bound by their local governing purchasing ordinances, rules and regulations and shall apply to purchases made under this contract. All contractor/dealers are governed by their manufacturer's agreement. All contractor/dealers referencing this contract for the purpose of facilitating sales (purchase authority) outside the State of Florida must accept the terms and conditions of this contract.

In order to ensure quality service for our user agencies, we are requesting each of you to notify the Florida Sheriffs Association regarding any problems encountered in working with the awarded dealers. Any issues, including but not limited to, receipt of confirmation of order, delivery problems and communication problems, should be reported to us by e-mail at fleet@flsheriffs.org. This information will be considered in future bid awards in order to ensure that agencies are receiving the level of service required of dealers who wish to participate in this program.

4. Dealers have already included a three-quarter of one percent (.0075) administrative fee in their base pricing and all add options that are listed. Dealers' quotes to purchasers should not include the FSA administrative fee indicated as a separate line item on any purchase order.

No other administrative fee(s) will be applicable to any transaction relative to the contract.

5. In order to ensure quality service for our user agencies, we are requesting that you notify the Florida Sheriffs Association, in writing, regarding any problems encountered in working with the awarded dealers. Any issues, including but not limited to, receipt of confirmation of order, delivery problems and communication problems, should be reported to us by e-mail at fleet@flsheriffs.org. This information will be considered in future bid awards in order to ensure that agencies are receiving the level of service required of dealers who wish to participate in this program.
6. Add/delete options might include a superscript listed by the Order Code. The purpose of the superscript is to identify which options correlate to a specific zone. Superscripts will be numbered between 1 and 4, and will correspond as follows:

1 = Western zone dealer 2 = Northern zone dealer
3 = Central zone dealer 4 = Southern zone dealer

If a dealer has been awarded more than one zone, they will only have one superscript number assigned, and it will be the lowest numeric number that applies to their awarded zones. For example: If a dealer is awarded the northern and southern zones, their add/delete options for both zones will be represented by a "2" superscript.

CONTRACT ORDERING INSTRUCTIONS

All interested parties who wish to purchase from this contract may do so by following these simple procedures:

1. Contact the awarded dealership listed in the zone from which you wish to purchase and advise them of your interest to purchase from **Bid No. FSA16-VEH14.0**. They will assist you with the placement of your order and answer any questions you may have regarding the vehicles purchased through this program. You can only purchase from a dealer who is listed as a winner of one of the four zones for the vehicle you wish to purchase. However, you may purchase from any awarded dealer within any zone (additional delivery fees may apply).

Agencies ordering a Ford, General Motors, Chrysler, or Toyota product, please be advised that you must use the appropriate FIN Code/FAN Code for the Florida Sheriffs Association in order to obtain the manufacturer's concessions. Also, you must use your FIN Code/FAN Code as a secondary number. For further assistance call the Fleet Customer Information Center for your appropriate manufacturer.

Manufacturer	Type Code	FSA Code	Fleet Center Contact Numbers
Ford	FIN Code	QE065	1-800-34-FLEET (1-800-343-5338)
General Motors	FAN Code	917872	1-800-FLEET OP (1-800-353-3867)
Chrysler	FAN Code	48830	1-800-999-FLEET (1-800-999-3533)
Toyota	FIN Code	GE159	1-800-732-2798

2. Basic information required on all purchase orders is listed in this Bid Award Announcement. Purchase orders lacking the required basic information listed may result in the delay of placement and/or confirmation of orders. NOTE: The agency is responsible for obtaining a "Confirmation of Order" from the respective dealership. Dealers are required to complete a "Confirmation of Order" and send it to the purchaser within fourteen (14) calendar days after receipt of purchase order. Purchasers are encouraged to contact the dealer if a "Confirmation of Order" has not been received within a reasonable time.

Purchasers are reminded that the issuance of a purchase order does not in itself guarantee the placement of an order.

The purchase order should include FSA's Contract Number FSA16-VEH14.0 as well as the specification number, make and model of each item purchased. Please attach the dealer quote when available.

3. **Purchasers must send a copy of the original purchase order sent to the participating dealer in pdf format to: COOP@flsheriffs.org.**



**FLORIDA SHERIFFS ASSOCIATION
& FLORIDA ASSOCIATION OF COUNTIES
OFF-ROAD UTILITY VEHICLES - 4 WHEEL DRIVE
SPECIFICATION #2**

2017 Polaris Ranger 570 EFI (R17RMA57A1)

The Polaris Ranger 570 EFI (R17RMA57A1) purchased through this contract comes with all the standard equipment as specified by the manufacturer for this model and FSA's base vehicle specification(s) requirements which are included and made a part of this contract's vehicle base price as awarded by specification by zone.

ZONE:	Western	Northern	Central	Southern
BASE PRICE:	\$9,875.00	\$9,675.00	\$9,345.00	\$9,465.00

While the Florida Sheriffs Association and Florida Association of Counties have attempted to identify and include those equipment items most often requested by participating agencies for full size vehicles, we realize equipment needs and preferences are going to vary from agency to agency. In an effort to incorporate flexibility into our program, we have created specific add/delete options which allow the purchaser to tailor the vehicle to their particular wants or needs.

The following equipment delete and add options and their related cost are provided here to assist you in approximating the total cost of the type vehicle(s) you wish to order through this program. Simply deduct the cost of any of the following equipment items you wish deleted from the base unit cost and/or add the cost of any equipment items you wish added to the base unit cost to determine the approximate cost of the type vehicle(s) you wish to order.

NOTE: An official listing of all add/delete options and their prices should be obtained from the appropriate dealer in your zone when preparing your order. Additional add/delete options other than those listed here may be available through the dealers, however, those listed here must be honored by the dealers in your zone at the stated prices.

VEHICLE:	Ranger 570 EFI (R17RMA57A1)			
DEALER:	GHC MOTORSPORTS	GHC MOTORSPORTS	GHC MOTORSPORTS	GHC MOTORSPORTS
ZONE:	Western	Northern	Central	Southern
BASE PRICE:	\$9,875.00	\$9,675.00	\$9,345.00	\$9,465.00

Order Code	Delete Options	All Zones
Model Downgrade R17RMA50A4 ¹	Delete Options - Specify Ranger 500(R17RMA50A4) Central \$371 Ranger 500(R17RMA50A4) Southern \$481 Ranger 500(R17RMA50A4) Northern \$681 Ranger 500(R17RMA50A4) Western \$877 ¹	\$371.00 ¹
	Delete Options - Specify	NA
	Delete Options - Specify	NA

Order Code	Add Options	All Zones
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Vendor must demonstrate a discount percentage off of the MSRP or Published Price for non-scheduled options and any optional models bid. This discount only applies to a downgrade/upgrade to the model listed within the specification.

Model Upgrade R17RNA57A1/R17RCA57A1/R17RDA57A1/R17RTA87A1/R17RVA87A1/R16RAA76AA/R17RTA99A1	Additional Options - Specify Ranger 570 Mid-Size Crew(R17RNA57A1) Central = 1,254/Southern = \$1,184/Northern = \$1,024/Western = \$910 Ranger 570 Full-Size(R17RCA57A1) Central = \$805/Southern = \$735/Northern = \$575/Western = \$420 Ranger 570 Full-Size Crew(R17RDA57A1) Central = 2,254/Southern = \$2,184/Northern = \$2,025/Western = \$1,920 Ranger 900XP(R17RTA87A1) Central = \$2,854/Southern = \$2,784/Northern = \$2,604/Western = \$2,423 Ranger 900XP Crew(R17RVA87A1) Central = \$4,254/Southern = \$4,184/Northern = \$4,004/Western = \$3,823 Ranger 6X6(R17RAA76AA) Central = \$3,154/Southern = \$3,084/Northern = \$2,904/Western = 2,723 Ranger 1000XP(R17RTA99A1) Central = \$5,655/Southern = \$5,584/Northern = \$5,425/Western = \$5,274 ¹	\$1,254.00 ¹
Turf Tire Package ¹	Additional Options - Specify Fits All Models(371137/370934) = \$679 ¹	\$679.00 ¹
Windshield ¹	Additional Options - Specify Ranger 570 Mid-Size 570 Mid-Size Crew Half-Windshield(2879961) = \$179 Full Windshield(2879960) = \$349 Fold-Down Windshield(2882178) = \$449 Ranger 570 Full-Size 570 Full-Size Crew Half-Windshield(2878756) = \$199 Full-Windshield = \$399 Ranger 900XP 900XP Crew 1000XP/1000XP Crew Half-Windshield(2879135) = \$199 Full-Windshield(2879126) = \$399 Fold-Down Windshield(2881919) = \$449 ¹	\$179.00 ¹
Poly Top ¹	Additional Options - Specify Ranger 570 Mid-Size(2882287) = \$349 Ranger 570 Mid-Size Crew(2879953) = \$549 Ranger 570 Full-Size(2877946) = \$349 Ranger 570 Full-Size Crew(2878755) = \$549 Ranger 900XP/1000XP(2882285) = \$349 Ranger 900XP Crew/1000XP Crew(2882286) = \$549 ¹	\$349.00 ¹
Winch ¹	Additional Options - Specify Ranger 570 Mid-Size(2881669/287990) = \$635 Ranger 570 Mid-Size Crew(2881669/2880929) = \$635 Ranger 570 Full-Size(2881669/2879388) = \$630 Ranger 900XP/1000XP(2881667/2879388) = \$780 Ranger 900XP Crew/1000XP Crew(2881667/2879685) = \$795 ¹	\$635.00 ¹
Gun Rack ¹	Additional Options - Specify Fits All Models(2881537) = \$149 ¹	\$149.00 ¹
Rear Receiver Hitch ¹	Additional Options - Specify Rear Receiver Hitch Fits all Models(155809/155816) = \$59 ¹	\$59.00 ¹
Heater Kit ¹	Additional Options - Specify Ranger 570 Mid-Size/570 Mid-Size Crew(2879967/2879990) = \$1,132 Ranger 570 Full-Size(N/A) Ranger 900XP/900XP Crew/1000XP/1000XP Crew(2880023/2879388) = \$1,127 ¹	\$1,132.00 ¹
Spotlight ¹	Additional Options - Specify Fits All Models(ABA-2HR35-10-00) ¹	\$109.00 ¹
Front Bumper ¹	Additional Options - Specify Ranger 570 Mid-Size/570 Mid-Size Crew(2879973) = \$279 Ranger 570 Full-Size(2881662) = \$248 Ranger 900XP/900XP Crew/1000XP/1000XP Crew(2878839) = \$279 ¹	\$279.00 ¹
Rear Bumper ¹	Additional Options - Specify Ranger 570 Mid-Size/570 Mid-Size Crew(2879972) = \$248 Ranger 570 Full-Size(2881661) = \$198 Ranger 900XP 900XP Crew 1000XP/1000XP Crew(2878840) = \$198 ¹	\$248.00 ¹
Mirrors ¹	Additional Options - Specify Ranger 570 Mid-Size/570 Mid-Size Crew Rearview Mirror(2879969) = \$59 Ranger 900XP/900XP Crew/1000XP/1000XP Crew Side Mirrors(150822) = \$72 Rearview Mirror(2879969) = \$59 ¹	\$59.00 ¹
Aluminum Roof/Black ¹	Additional Options - Specify Ranger 570 Mid-Size/570 Mid-Size Crew(FT-5ROOF/MDRGR) = \$549 Ranger 570 Mid-Size Crew(FT-570CREW/ROOF) = \$749 Ranger 900XP/1000XP(FT-9ROOF) = \$549 Ranger 900XP Crew 1000XP Crew(FT-9CREW/ROOF) = \$749 ¹	\$549.00 ¹
Undercoating ¹	Additional Options - Specify Undercoating Package For All Models ¹	\$491.00 ¹
Spare Key ¹	Additional Options - Specify Spare Key ¹	\$16.00 ¹

VEHICLE:	Ranger 570 EFI (R17RMA57A1)			
DEALER:	GHC MOTORSPORTS	GHC MOTORSPORTS	GHC MOTORSPORTS	GHC MOTORSPORTS
ZONE:	Western	Northern	Central	Southern
BASE PRICE:	\$9,875.00	\$9,675.00	\$9,345.00	\$9,465.00

Power Lift Cargo Box ¹	Additional Options - Specify Ranger 570 Mid-Size/570 Mid-Size Crew(2880057)=\$697 Ranger 900XP/900XP Crew/1000XP/1000XP Crew(2882291/2879388)=\$780 ¹	\$697.00
Back Up Beeper ¹	Additional Options - Specify Ranger 570 Mid-Size/570 Mid-Size Crew(2880631)=\$119 Ranger 900XP/900XP Crew/1000XP/1000XP Crew(2876283)=\$119 ¹	\$119.00
Horn Kit ¹	Additional Options - Specify Ranger 570 Mid-Size/570 Mid-Size Crew(2879273)=\$115 Ranger 900XP/900XP Crew/1000XP/1000XP Crew(2875048)=\$115 ¹	\$115.00
Front Hood Rack ¹	Additional Options - Specify Ranger 900XP/900XP Crew/1000XP/1000XP Crew(2881459)=\$398 ¹	\$398.00
Cab Enclosure ¹	Additional Options - Specify Ranger 570 Mid-Size(2859437)=\$2,289 Ranger 570 Mid-Size Crew(2859439)=\$3,487 Ranger 900XP/1000XP(2851125)=\$3,389 Ranger 900XP Crew/1000XP Crew(2851132)=\$3,567 ¹	\$2,289.00
	Additional Options - Specify	NA



Town of Surfside Commission Communication

Agenda Item # 5B

Agenda Date: April 13, 2017

Subject: Fourth of July Fireworks

Objective: Fourth of July Holiday Fireworks Display

Background: The Town of Surfside has previously contracted each year with Zambelli Fireworks, a reputable fireworks company, known nationwide, to execute the fireworks display. The fireworks will occur on July 4th at 9 pm for a 15 -18 minute display consisting of 640 2 inch shells and 1300 multi shot cases.

Analysis: The Community Center will host an all-day event concluding with a capstone event by Zambelli Fireworks. In addition to the fireworks display, other activities planned for the Fourth of July celebration include: live band, swim races, DJ/emcee, giveaways, children arts and crafts, and raffles.

Budget Impact: Total cost of the fireworks display is \$12,000 included in the 2016-2017 Budget "Promotional Activities" account for \$8,000 and the Resort Tax Fund for \$4,000.

Recommendation: It is recommended that the attached Resolution authorizing the contract with Zambelli Fireworks for the fireworks display of \$12,000 be approved.

Tim Milian, Parks and Recreation Director

Donald Nelson, Finance Director

Guillermo Olmedillo, Town Manager

RESOLUTION NO. 17 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE TOTAL EXPENDITURE OF \$12,000 FOR ZAMBELLI FIREWORKS MANUFACTURING CO. FOR THE EXHIBITION AND DISPLAY OF FIREWORKS; INCLUDING THE APPROVAL OF \$8,000 FROM THE GENERAL FUND, PARKS & RECREATION DEPARTMENT, ACCOUNT NO. 001-6000-572-4810; AND INCLUDING THE EXPENDITURE OF \$4,000 AUTHORIZED BY THE RESORT TAX BOARD FROM THE RESORT TAX FUND, ACCOUNT NO. 102-8000-552-48-10; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (“Town”) is celebrating the 4th of July holiday at the Surfside Community Center; and

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

WHEREAS, Section 3-13(7)(c) of the Town of Surfside Code provides that performing artists and entertainers as approved by the Town Manager/purchasing agent when deemed in the Town’s best interests, for the benefit of the citizens of Surfside and the general public at any Town function are exempt contractual services and products are not subject to the competitive procurement requirements of the Town Code; and

WHEREAS, the total cost of the agreement is \$12,000 (as reflected in Attachment “A”) and will be funded with \$4,000 from the Resort Tax Fund, Account No. 102-8000-552-48-10 and \$8,000 from the General Fund, Parks & Recreation Department, Account No. 001-6000-572-4810; and

WHEREAS, the Town desires to enter into the Agreement with Zambelli to ensure preparation in time for the 4th of July celebration at the Community Center.

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

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

Section 2. Approval of Agreement. The Agreement (Attachment "A") between Zambelli and the Town to provide fireworks display for the Town's 4th of July holiday celebration at the Surfside Community Center is approved.

Section 3. Authorization of Fund Expenditure. The Town Manager is authorized to expend a total of \$12,000 to implement the terms and conditions of the Agreement, which includes \$4,000 authorized by the Resort Tax Board from the Resort Tax Fund, Account No. 102-8000-552-48-10 and \$8,000 from the General Fund, Parks & Recreation Department, Account No. 001-6000-572-4810.

Section 4. Implementation. The Town Manager and/or designee are hereby authorized to take any and all action necessary to implement this Resolution.

Section 5. Effective Date. This Resolution shall be effective immediately from adoption hereof.

PASSED AND ADOPTED this _____ day of April 2017.

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

ZAMBELLI FIREWORKS MANUFACTURING CO.

THIS CONTRACT AND AGREEMENT (this "Contract") is made effective as of this _____ by and between:

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

-AND-

Town of Surfside, FL (hereinafter referred to as "Client").

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

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

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

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

1. Zambelli agrees to sell, furnish and deliver to Client a **12 minute** fireworks display [per the program submitted by Zambelli to Client, accepted by Client and made a part hereof] (hereinafter referred to as the "Display") to be exhibited on the display date set forth below (hereinafter referred to as the "Display Date"), or on the postponement date set forth below (hereinafter referred to as the "Postponement Date") if the Display is postponed as provided herein, which Display Date and Postponement Date have been agreed upon at the time of signing this Contract.

Display Date: July 4, 2017

Postponement Date: TBD

2. Zambelli agrees to furnish the services of display technicians (hereinafter referred to as "Display Technicians") who are sufficiently trained to present the Display. Zambelli shall determine in its sole discretion the number of Display Technicians necessary to take charge of and safely present the Display.
3. Zambelli agrees to furnish insurance coverage in connection with the Display for bodily injury and property damage, including products liability, which insurance shall include Client as additional insured regarding claims made against Client for bodily injury or property damage arising from the operations of Zambelli in performing the Display provided for in this Contract. Such insurance afforded by Zambelli shall not include claims made against Client for bodily injury or property damage arising from failure of Client, including through or by its employees, agents and independent contractors, to perform its obligations under this Contract, including without limitation those set forth in paragraphs 5 and 6 below. Client shall indemnify and hold Zambelli harmless from all claims and suits made against Zambelli for bodily injury or property damage arising from failure of Client, including through or by its employees, agents and independent contractors, to perform its obligations under this Contract, including without limitation those set forth in paragraphs 5 and 6 below.

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

4. Client agrees to pay Zambelli the sum of **\$12,000** (hereinafter referred to as the "Purchase Price"), fifty percent (50%) of which is due upon signing this Contract and the balance of which is due at noon three (3) days prior to the Display Date. Zambelli reserves the right to add to Client's invoice an equitable transportation surcharge in the event of any material increase in transportation costs (including the cost of fuel and third party shipping costs) to Zambelli after the date of this Contract. In addition, Client agrees to pay a postponement fee of fifteen percent (15%) of the Purchase Price plus Additional Third Party Charges (as defined in paragraph 11 below) if the Display is fired on the Postponement Date, or twenty-five percent (25%) of the Purchase Price plus Additional Third Party Charges if the Display is fired on a date other than the Display Date or the Postponement Date ("Alternate Date"). The Alternate Date must occur within six months of the original Display Date at a time agreeable to both Zambelli and the Client. Generally, Alternate Dates will not include the period from June 28th through July 7th. This Checks shall be made payable to Zambelli Fireworks Manufacturing Co., unless otherwise authorized in writing by Zambelli. NO CASH shall be paid to any agent or employee of Zambelli, unless otherwise authorized in writing by Zambelli. There shall be no refund of the Purchase Price due and payable under this paragraph 4, except as specifically provided in paragraph 11 below.

5. Client agrees to meet all deadlines outlined in the Design and Production Provisions, which has been provided to Client, including but not limited to the following:
 - (a) Client must select a suitable place for the Display, including a firing and debris zone reasonably acceptable to Zambelli (hereinafter referred to as the "Display Area") and submit such selection to Zambelli no later than sixty (60) days prior to the Display Date. The Display Area shall adhere to or exceed applicable National Fire Protection Association ("NFPA") standards including the Zambelli guideline that the Display Area have a radius of at least 100 feet per inch (or as mutually agreed to between Zambelli and Client) of the largest diameter pyrotechnic from the firing site in all directions to any parking area, spectators, inhabited buildings, public roads, or active railroad. Client shall submit a site map (attached hereto as Exhibit A) to Zambelli accurately representing the physical characteristics of the Display Area as pertains to NFPA and Zambelli guidelines. The content of the Display may be limited by the selection of the Display Area due to the requirement to provide sufficient safety zones.
 - (b) Zambelli will secure all permits necessary for the Display as required, including but not limited to police, local, and state permits, and arrange for any security bonds or insurance as required by law. In addition Zambelli will notify and obtain permission from the FAA to display fireworks. Client will assist Zambelli when appropriate in completing permit applications.
 - (c) If the Display is choreographed to music, the final selection of the music must be submitted to Zambelli by Client no later than ninety (90) days prior to the Display Date.
6. If, in its sole discretion, Client designates an area for members of the public to view the Display (hereinafter referred to as the "Spectator Area") or an area for vehicular parking (hereinafter referred to as the "Parking Area"). Client shall (a) ensure that the Spectator Area does not infringe on the Display Area, (b) have sole responsibility for ensuring that the terrain of the Spectator Area and any structures thereon, including but not limited to grandstands and bleachers are safe for use by spectators, (c) have sole responsibility for ensuring that the Parking Area is safe for use, (d) have sole responsibility to police, monitor and appropriately control spectator access to the Spectator Area and the Parking Area and police and monitor and appropriately control the behavior of persons in these areas. It is expressly agreed that Zambelli shall not inspect any area other than the Display Area, except to ensure that any Spectator or Parking Areas are outside the Display Area.
7. Prior to, during, and immediately following the Display, Client shall monitor the Display Area and will be solely responsible to keep all persons and property not authorized by Zambelli out of the Display Area and behind safety zone lines and limits.
8. Following the Display, Client shall be solely responsible for policing of the Display Area and for cleanup except as specifically provided in the sentence immediately following. Zambelli shall be responsible for the removal of unexploded fireworks and the cleanup of material debris, the removal of frames, sets and lumber from the Discharge Area, and the refilling of holes created by Zambelli or on behalf of Zambelli within the Discharge Area.
9. Client will include a direct reference to "Zambelli Fireworks" in all promotional material, including but not limited to event schedules; radio, television, newspaper and internet announcements; newspaper articles; and other media.

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

10. It is agreed and understood by the parties hereto that should inclement weather prevent firing of the Display on the Display Date, as determined by the Authority Having Jurisdiction (as defined in paragraph 14 below) or as reasonably determined by Zambelli, then the program shall be postponed and fired on the Postponement Date. If there is no Postponement Date and the Display is not fired on the Display Date, or if inclement weather prevents firing of the Display on the Postponement Date, as determined by the Authority Having Jurisdiction or as reasonably determined by Zambelli, the Display will be cancelled and there will be no refund of the Deposit or fifty percent (50%) of the Purchase Price, whichever is greater.
11. Client's cancellation of the Display will only be effective upon receipt by Zambelli of a written notice from an authorized person representing Client. In the event of cancellation of the Display, the parties agree as follows:
 - (a) If Client cancels the Display more than sixty-one (61) days prior to the Display Date, Client agrees to pay Zambelli a cancellation fee equal to ten percent (10%) of the Purchase Price plus Additional Third Party Charges, as defined below.

- (b) If Client cancels the Display from thirty-one (31) to sixty (60) days prior to the Display Date, Client agrees to pay Zambelli a cancellation fee equal to twenty percent (20%) of the Purchase Price plus Additional Third Party Charges, as defined below.
 - (c) If Client cancels the Display from five (5) days prior the Display to thirty (30) days prior to the Display Date, Client agrees to pay Zambelli a cancellation fee equal to thirty percent (30%) of the Purchase Price plus Additional Third Party Charges, as defined below.
 - (d) If Client cancels the Display less than five (5) days prior to the day of the Display, Client agrees to pay Zambelli a cancellation fee equal to fifty percent (50%) of the Purchase Price plus Additional Third Party Charges, as defined below.
 - (e) "Additional Third Party Charges" shall mean all costs and expenses incurred by Zambelli and paid or payable to third parties in connection with the Display, including but not limited to security fees, permits and licensing fees and expenses, barge and tow expenses, and firewatch fees.
12. Zambelli reserves the exclusive right to make minor modifications and substitutions to the Display, provided that such changes are reasonable and necessary and do not materially adversely affect price, time of delivery, functional character or performance of the Display.
 13. It shall be within Zambelli's and/or the Authority Having Jurisdiction's discretion to terminate the firing of the Display if any unsafe or unsuitable condition is identified. If such condition is not corrected, Zambelli may cancel the Display without further liability to Client for such cancellation.
 14. The parties agree to cooperate with the regulatory authorities having jurisdiction over the Display, including, but not limited to local fire and police departments, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Department of Transportation, the Department of Homeland Security, and the USCG (any such authority having jurisdiction over the Display is sometimes referred to herein as, the "Authority Having Jurisdiction"). The parties acknowledge that such governmental regulatory authorities having jurisdiction over the Display have the right to prohibit the Display until unsafe or unsuitable conditions are corrected.
 15. This contract shall be deemed made in the State of Florida and shall be construed in accordance with the laws of the State of Florida, excluding its conflict of law rules. The parties agree and consent to the jurisdiction of the courts of the State of Florida and the Federal District Court for the Southern District of Florida to decide all disputes regarding this Contract.
 16. If Client becomes bankrupt or insolvent, or if a petition in bankruptcy is filed by or against Client or if a receiver is appointed for Client, Zambelli may refuse to perform under this Contract and may terminate this Contract without prejudice to the rights of Zambelli. If Client's financial condition becomes unsatisfactory to Zambelli, Zambelli may require that Client deposit the balance of the Purchase Price in escrow or provide sufficient proof of its ability to pay the balance of the Purchase Price.
 17. Except to the extent, if any, specifically provided to the contrary herein, in no event shall Zambelli be liable to Client for any indirect, special, consequential, incidental or punitive damages or lost profits, however caused and on any theory of liability (including negligence of any kind, strict liability or tort) arising in any way out of this contract, whether or not Zambelli has been advised of the possibility of damages.
 18. If Client fails to pay the monies due under this Contract, Zambelli is entitled to recover the balance due plus interest at one and one-half percent (1 ½ %) per month on amounts past due sixty (60) days or more. Further, on balances outstanding one hundred twenty (120) days or more, Zambelli is entitled to recover the balance due, plus accrued interest, plus attorneys fees of ten percent (10%) of the amount past due, plus court costs, or, if less, the maximum amount permitted by law.
 19. This Contract shall not be construed to create a partnership or joint venture between the parties or persons mentioned herein.
 20. Each party hereunder shall be excused for the period of delay in the performance of any of its obligations hereunder and shall not be liable for failure to perform or considered in default hereunder, when prevented from so performing by a cause or causes beyond its reasonable control, including but not limited to fire, storm, earthquake, flood, drought, accident, explosion, operation malfunction, or interruption, strikes, lockouts, labor disputes, riots, war (whether or not declared or whether or not the United States is a member), Federal, state, municipal or other governmental legal restriction or limitation or compliance therewith, failure or delay of transportation, shortage of,

or inability to obtain materials, supplies, equipment, fuel, power, labor or other operational necessity, interruption or curtailment of power supply, or act of God, nature or public enemy.

- 21. This Contract constitutes the sole and entire understanding of the parties with respect to the matters contemplated hereby and supersedes and renders null and void all prior negotiations, representations, agreements and understandings (oral and written) between the parties with respect to such matters. No change or amendment may be made to this Contract except by an instrument in writing signed by each of the parties.
- 22. Notices, consents, requests or other communications required or permitted to be given by either party pursuant to this Contract shall be given in writing by first class mail, postage prepaid addressed as follows: if to Zambelli, to the address set forth below; if to Client, to: **Town of Surfside 9293 Harding Ave. So.- Surfside, FL 33154**
- 23. This Contract may be executed in one or more counterparts, each of which shall be deemed to be an original but all of which together shall be deemed to be one and the same instrument. The exchange of copies of this Contract and of signature pages by facsimile transmission shall constitute effective execution and delivery of this Contract as to the parties and may be used in lieu of the original Contract for all purposes. This Contract and all the rights and powers granted by this Contract shall bind and inure to the benefit of the parties and their respective successors and assigns.
- 24. _____

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

FOR Client:

FOR: Zambelli Fireworks Manufacturing Co.

BY _____
date

BY _____
date

PRINT _____

PRINT _____

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

Zambelli Fireworks Manufacturing Co.
1 West Camino Real Blvd. Ste 100
Boca Raton, FL 33432
 561-395-0955 FAX 561-395-1799



DATE

1/26/17

INVOICE

1 W Camino Real Blvd. Ste. 100, Boca Raton, FL 33432
(561) 395-0955 (561) 395-1799 Fax

SOLD TO
Town of Surfside
9293 Harding Avenue
Surfside, FL 33154

SHIP TO
Same

DISPLAY DATE	DESCRIPTION	TOTAL COST	AMOUNT DUE
7/4/17	ONE FIREWORKS DISPLAY 50% deposit	\$12,000	\$6,000

Total Due \$ **6,000.00**

Zambelli Fireworks Mfg., Co.

Southeast Regional Office
1 W. Camino Real Blvd, Ste 100
Boca Raton, FL 33432

Phone (561) 395.0955

www.zambellifireworks.com

Fax (561) 395.1799

Communications Sheet must be completed in its entirety each year. *Our insurance carrier requires a newly completed form each year.* A Zambelli representative will use this sheet to contact you.

Customer Information		Show Information	
Customer Name	TOWN of SURFSIDE	Show Date	TUES, JULY 4, 2017
Address	9301 COLLINS AVE	Rain Date	
City, State, Zip	SURFSIDE, FL 33154	Time of Show	9:00pm
		Duration of Show	12 min w/ display
Firing Site Location		Storage Site Location	
Description	BEACH	Description	
Site contact Name	STACIE WEISS	Site Contact Name	
Phone Number	954-683-2325	Phone Number	
Address	9301 COLLINS AVE	Address	
City, State, Zip	SURFSIDE FL 33154	City, State, Zip	
Contact Person		Alternate Contact #1	
Name	STACIE WEISS	Name	REBECCA FLORES
Address	9301 COLLINS AVE	Address	9301 COLLINS AVE
City, State, Zip	SURFSIDE, FL 33154	City, State, Zip	SURFSIDE, FL 33154
Home Phone Number		Home Phone Number	
Fax Number	305-841-1302	Fax Number	305-841-1302
Office Number	305-846-3435 ext 281	Office Number	305-846-3435 ext 577
Cell Number	954-683-2325	Cell Number	305-778-0982
E-Mail	swaierell@townofsurfsidefl.gov	E-Mail	RFlores@townofsurfsidefl.gov
Alternate Contact #2		Day of Show Contact	
Name	TIM MILIAN	Name	
Address	9301 COLLINS AVE	Address	
City, State, Zip	SURFSIDE, FL 33154	City, State, Zip	
Home Phone Number		Home Phone Number	
Fax Number	305-841-1302	Fax Number	
Office Number	305-846-3435 ext 282	Office Number	
Cell Number	786-586-0012	Cell Number	
E-Mail	TMilian@townofsurfsidefl.gov	E-Mail	

Suggested Routing from New Castle:

Zambelli Fireworks Mfg., Co.

Southeast Regional Office
1 W. Camino Real Blvd, Ste 100
Boca Raton, FL 33432

www.zambellifireworks.com

Phone (561) 395.0955

Fax (561) 395.1799

Required Insurance Requisition Form

Customer Name Town of Surfside

Address 9293 Harding Avenue

City Surfside State FL Zip 33154

Display Date Tues, July 4, 2017 Display Duration 12 mins

Location of Display 9301 Collins Ave on Beach

City Surfside State FL Zip 33154

Name all Additional Insured

Name & Address of Display Site Property Owner

Town of Surfside
9293 Harding Ave
Surfside, FL 33154

Certificate to be issued to: TOWN of Surfside

Address 9301 COLLINS AVE

City Surfside State FL Zip 33154

Title Parks & Rec Director Phone 305-866-3435

* This form must be returned with your signed contract in order for the insurance certificate to be processed. Our insurance company requires that we have this form in addition to the signed contract prior to the certificate being issued.



Town of Surfside Commission Communication

Agenda Item #: 5C

Agenda Date: April 13, 2017

Subject: FY 2016-2017 Budget Amendment Resolution

Background: The State of Florida, the Charter of the Town of Surfside and sound financial management practices require monitoring of the Town's budgetary condition. Budget requirements include maintaining a balanced budget and a prohibition against entering into encumbrances for which there is not sufficient appropriation.

The Town Commission monitors the budget to actual summary at the fund level monthly on each agenda. The Town Manager is authorized by the Charter to make adjustments within funds so long as the appropriation for each fund is not exceeded. The purpose of this budget amendment is for the Town Commission to amend the FY 2016-2017 annual budget and to recognize changes in revenues and expenditures that differ from the adopted budget.

The attached document represents the amendment which is proposed to ensure compliance with State law, Town Charter and sound financial management practices.

Analysis: Staff has revisited and reviewed FY 2016-2017 approved revenues and expenditures. The recommended change to the FY 2016-2017 annual budget is as follows:

GENERAL FUND (Attachment A)

The General Fund is being amended in the amount of \$359,281 to appropriate funds for a Deputy Clerk position (\$39,228 prorated), Harding Avenue emergency electrical repairs and led street lights (\$27,693), ongoing operating needs (\$21,065) and a transfer to the Building Fund for FY 2015-2016 building services net balance (\$271,295). These additional budgetary needs are in excess of the originally budgeted amounts and the adjustments are detailed within the justification column of Attachment A.

CAPITAL PROJECTS FUND (Attachment B)

The Capital Projects Fund is being amended to rebudget Florida Inland Navigation District (FIND) grant funds and to carryover project balances for the (1) Hawthorne Tot Lot (\$6,938), Seawalls Phase II (\$786,864), and Town Hall AC ductwork (\$35,567) projects not completed in FY 2015-2016; and to provide additional funding for Hawthorne Tot Lot needs (\$5,256).

MUNICIPAL TRANSPORTATION FUND (Attachment B)

The Municipal Transportation Fund is being amended to rebudget funds for traffic signalization not completed in FY 2015-2016 (\$1,884), and for current year traffic engineering needs (\$11,585).

BUILDING FUND (Attachment B)

The Building Fund is being amended to record additional building permit fee revenues collected (\$600,000) and an additional General Fund transfer (\$271,295) for the FY 2015-2016 building services net balance.

MUNICIPAL PARKING FUND (Attachment C)

The Municipal Parking Fund is being amended to fund the capital outlay of eight additional parking pay stations approved at the February 16, 2017 Town Commission meeting (\$95,081), and for additional parking lots' maintenance needed (\$35,156).

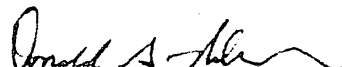
SOLID WASTE FUND (Attachment C)

The Solid Waste Fund is being amended to fund an increase operating costs for refuse collection (\$39,721).

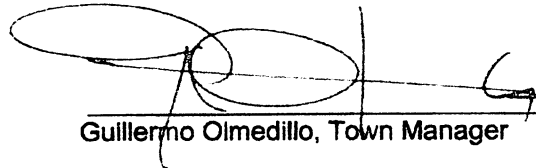
Budget Impact: Adoption of this resolution will amend the FY 2016-2017 annual budget for estimated revenues and expenditures in the General Fund, Capital Projects Fund, Municipal Transportation Fund, Building Fund, Municipal Parking Fund, and Solid Waste Fund; and affect the fund balances (reserves).

Staff Impact: No impact to staff is required to re-balance the budget and meet the Town's fiduciary responsibilities.


Recommendation: It is recommended that the Surfside Town Commission adopt the FY 2016-2017 budget amendment resolution.



Donald Nelson, Finance Director



Guillermo Olmedillo, Town Manager



Andria Meiri, Budget Officer

**TOWN OF SURFSIDE
BUDGET AMENDMENT
ATTACHMENT A**

Fiscal Year: 2016/2017
BA # 1 Budget Amendment
Fund No. 001 General Fund

4/13/2017
Department: GF Multiple

Account Number	Account Description	Justification	Original/ Adjusted Budget	Increase	Decrease	Adjusted Budget
REVENUES						
001-0000-392-0000	Appropriated (Use of) Fund Balance	Appropriate fund balance for additional budgetary needs	0	359,281		359,281
TOTAL	GENERAL FUND REVENUES		\$ -	\$ 359,281	\$ -	\$ 359,281
EXPENDITURES						
001-1000-511-3103	LG - Lobbyist Fees	Gomez Barker Annual fee adjustment & NTE	36,000	10,000		46,000
001-2100-519-1210	TC - Regular Salaries	Deputy Clerk Position 12/13/2016 Town Commission Meeting Agenda Item 4A4	127,473	31,200		158,673
001-2100-519-2110	TC - Payroll Taxes	Deputy Clerk Position 12/13/2016 Town Commission Meeting Agenda Item 4A4	10,834	2,433		13,267
001-2100-519-2310	TC - Life & Health	Deputy Clerk Position 12/13/2016 Town Commission Meeting Agenda Item 4A4	16,955	4,995		21,950
001-2100-519-4112	TC - Mobile Phone Allowance	Deputy Clerk Position 12/13/2016 Town Commission Meeting Agenda Item 4A4	0	600		600
001-3000-521-3112	PS - Physical Examinations	Life Scan Wellness Examinations cost adjustment for additional testing including TB and Hepatitis C	9,000	3,020		12,020
001-5000-539-4601	PW - Maint. Serv/Repair Contracts	Elevator annual contract adjustment	38,065	8,045		46,110
001-5000-539-4611	PW - Miscellaneous Maintenance	Emergency power repairs Harding Avenue downtown	44,810	8,620		53,430
001-5000-539-4611	PW - Miscellaneous Maintenance	Replacement to LED street lights Harding Avenue downtown	53,430	6,600		60,030
001-5000-539-4611	PW - Miscellaneous Maintenance	Harding Avenue electrical emergency repairs	60,030	12,473		72,503
001-7900-581-9150	ND - Interfund Transfer to Building Fund	Adjustment for prior year results (FY15/16)	670,688	271,295		941,983
TOTAL	GENERAL FUND EXPENDITURES		\$ 1,031,285	\$ 359,281	\$ -	\$1,380,566

Requested by: _____
Budget Officer

Approved : _____
Finance Director

Approved : _____
Town Manager

**TOWN OF SURFSIDE
BUDGET AMENDMENT
ATTACHMENT B**

Fiscal Year: 2016/2017
 BA # 1 Budget Amendment
 Fund Nos. 301 Capital Projects Fund
 105 Police Forfeiture Fund
 107 Municipal Transportation Fund
 150 Building Fund

4/13/2017

Account Number	Account Description	Justification	Original/ Adjusted Budget	Increase	Decrease	Adjusted Budget
CAPITAL PROJECTS FUND						
REVENUES						
301-0000-334-3900	FIND Grant	Grant Funding for Seawall Project Phase II	0	\$346,250		346,250
301-0000-392-0000	Reappropriated Fund Balance	Appropriate fund balance for additional budgetary needs	0	\$527,568		527,568
TOTAL	CAPITAL PROJECTS FUND REVENUES		\$ -	\$873,818	\$ -	\$ 873,818
EXPENDITURES						
301-4400-572-6370	Hawthome Tot Lot Renovations	Water fountain & additional trash receptacles for Tot Lot	\$ -	\$5,256		\$ 5,256
301-4400-572-6370	Hawthome Tot Lot Renovations	Reappropriation of funds from FY 15/16 to FY 16/17 for Hawthome Tot Lot		\$6,938		\$ 6,938
301-4400-541-6340	Infrastrucrture - Seawalls Phase II	Reappropriation of funds from FY 15/16 to FY 16/17 for Seawalls Phase II	0	\$826,057		\$ 826,057
301-4400-539-6220	Town Hall Improvements	Reappropriation of funds from FY 15/16 to FY 16/17 for AC ductwork and variable air volume boxes Reso 16-2385	0	\$35,567		\$ 35,567
TOTAL	CAPITAL PROJECTS FUND EXPENDITURES		\$ -	\$873,818		\$ 873,818
MUNICIPAL TRANSPORTATION FUND						
REVENUES						
107-0000-392-0000	Reappropriated Fund Balance	Appropriate fund balance for additional budgetary needs	\$ 66,330	\$13,469		\$ 79,799
TOTAL	MUNICIPAL TRANSPORTATION FUND REVENUES		\$ 66,330	\$13,469	\$ -	\$ 79,799
EXPENDITURES						
107-8500-549-3110	Professional Fees	Reappropriation of funds from FY 15/16 to FY 16/17 for traffic signalization	\$ 8,000	\$1,884		\$ 9,884
107-8500-549-3110	Professional Fees	Additional traffic engineering needs	\$ 9,884	\$11,585		21,469
TOTAL	MUNICIPAL TRANSPORTATION FUND EXPENDITURES		\$ 17,884	\$13,469	\$ -	\$ 31,353
BUILDING FUND						
REVENUES						
150-0000-322-1500	Building Permits - Other	Adjust budget to YTD actual collections	\$ -	\$600,000		600,000
150-0000-381-0100	Interfund Transfer from General Fund	Adjustment for prior year results (FY15/16)	\$ 670,688	\$271,295		941,983
TOTAL	BUILDING FUND REVENUES		\$ 670,688	\$871,295	\$ -	\$1,541,983
EXPENDITURES						
150-2500-524-9910	Reserves/Contingency			\$871,295		871,295
TOTAL	BUILDING FUND EXPENDITURES		\$ -	\$871,295	\$ -	\$ 871,295

Requested by: _____
 Budget Officer

Approved : _____
 Finance Director

Approved : _____
 Town Manager

**TOWN OF SURFSIDE
BUDGET AMENDMENT
ATTACHMENT C**

Fiscal Year: 2016/2017
 BA # 1 Budget Amendment
 Fund No. 4 Water & Sewer Fund
 # Municipal Parking Fund
 # Solid Waste Fund
 404 Stormwater Fund

4/13/2017

Account Number	Account Description	Justification	Original/ Adjusted Budget	Increase	Decrease	Adjusted Budget
MUNICIPAL PARKING FUND						
REVENUES						
402-0000-391-100	Appropriated Net Assets	Appropriate fund balance for additional budgetary needs	\$ 346,646	\$ 130,237		\$ 476,883
TOTAL	MUNICIPAL PARKING FUND REVENUES		\$ 346,646	\$ 130,237	\$ -	\$ 476,883
EXPENDITURES						
402-9500-545-460	Grounds Maintenance	Additional lot maintenance needs and hedge removal	166,040	35,156		201,196
402-9500-545-641	Machinery and Equipment	Eight additional parking pay stations to replace forty-eight single space meters Reso 5C 02/16/2017	514,884	95,081		609,965
TOTAL	MUNICIPAL PARKING FUND EXPENDITURES		\$ 680,924	\$ 130,237	\$ -	\$ 811,161
SOLID WASTE FUND						
REVENUES						
403-0000-343-400	Solid Waste Collection Charges	Increase for prorated new development online	\$1,519,259	\$ 39,877		\$1,559,136
403-0000-391-100	Use of Prior Year Retained Earnings		15,169		156	15,013
TOTAL	SOLID WASTE FUND REVENUES		\$1,534,428	\$ 39,877	\$ 156	\$ 1,574,149
EXPENDITURES						
403-4000-534-121	Regular Salaries	Refuse collector adjustment	\$ 421,376	\$ 27,399	\$ -	\$448,775
403-4000-534-211	Payroll Taxes	Refuse collector adjustment	35,563	2,096		37,659
403-4000-534-231	Life & Health Insurance	Refuse collector adjustment	2,310	8,196		10,506
403-4000-534-241	Workers Compensation	Refuse collector adjustment		2,030		2,030
TOTAL	SOLID WASTE FUND EXPENDITURES		\$ 459,249	\$ 39,721	\$ -	\$ 498,970

Requested by: _____
 Budget Officer

Approved : _____
 Finance Director

Approved : _____
 Town Manager

RESOLUTION NO. 17 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE ANNUAL BUDGET RESOLUTION ADOPTED FOR FISCAL YEAR OCTOBER 1, 2016 TO SEPTEMBER 30, 2017; FOR THE PURPOSE OF AMENDING THE ANNUAL BUDGET IN THE GENERAL FUND, CAPITAL PROJECT FUND, MUNICIPAL TRANSPORTATION FUND, BUILDING FUND, MUNICIPAL PARKING FUND, AND SOLID WASTE FUND; AND OTHER ADJUSTMENTS TO THE BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017 PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (“Town”) adopted Resolution No. 16-2397 on September 27, 2016 establishing revenues and appropriations for the Town for the Fiscal Year ending September 30, 2017; and

WHEREAS, to address amendments in the budget of expenditures and revenues, the Finance Director and Budget Officer have met with the Town Manager and Department Heads to identify modifications with no impact on service delivery; and

WHEREAS, an increase to the budgeted revenue estimates, transfers and expenditure estimates is required for the General Fund, Capital Projects Fund, Municipal Transportation Fund, Building Fund, Municipal Parking Fund and Solid Waste Fund to comply with Florida Statutes and the Town’s commitment to sound budgeting practices, where budgeted expenditures may not exceed anticipated revenues.

WHEREAS, this resolution amends the Fiscal Year 2016-2017 annual budget as set forth as Attachments “A”, “B” and “C”; and

WHEREAS, it is in the best interest of the Town to adopt the Fiscal Year 2016-2017 amendatory General Fund, Capital Projects Fund, Municipal Transportation Fund, Building Fund, Municipal Parking Fund and Solid Waste Fund budget resolution as submitted.

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

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

Section 2. Approval and Authorization. The Town Commission hereby approves and authorizes the proposed Fiscal Year 2016-2017 budget amendments as set forth as Attachments “A”, “B” and “C”.

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 its adoption.

PASSED AND ADOPTED this _____ day of April 2017.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

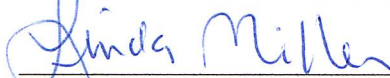
Commissioner Daniel Gielchinsky _____
Commissioner Michael Karukin _____
Commissioner Tina Paul _____
Vice Mayor Barry Cohen _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

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



Linda Miller, Town Attorney

Date: April 13, 2017
Prepared by: Daniel Dietch, Mayor
Subject: Annual Performance Evaluation
 Town Manager Guillermo Olmedillo

In accordance with the Town Manager's Employment Agreement, the Town Commission shall conduct a formal annual performance evaluation. On March 14, 2017 the Town Commission approved the performance evaluation form, which included the following evaluation criteria categories:

- | | |
|---------------------------------------|----------------------|
| 1. Individual Characteristics | 6. Citizen Relations |
| 2. Professional Skills and Status | 7. Staffing |
| 3. Relations with the Town Commission | 8. Supervision |
| 4. Policy Execution | 9. Fiscal Management |
| 5. Reporting | 10. Community |

The Elected Official were asked to rate the Town Manager on various aspects relating to the ten (10) evaluation criteria categories identified above. The rating scale was defined as follows:

- 5 = Excellent** (almost always exceeds the performance standard)
- 4 = Above average** (generally exceeds the performance standard)
- 3 = Average** (generally meets the performance standard)
- 2 = Below average** (usually does not meet the performance standard)
- 1 = Poor** (rarely meets the performance standard)

The individual Elected Official ratings have been tabulated and are summarized in Table 1. The Town Clerk has copies of the complete performance evaluations prepared by each Elected Official.

Table 1
Town Manager Performance Evaluation Rating Summary

Elected Official	Evaluation Criteria/Ratings ¹										Average Rating	
	Individual Characteristics	Professional Skills and Status	Relations with the Town Commission	Policy Execution	Reporting	Citizen Relations	Staffing	Supervision	Fiscal Management	Community		
Cohen	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Dietch	4.2	4.2	4.2	4.6	3.0	3.2	3.8	4.0	4.0	3.8	3.8	3.9
Gielchinsky	5.0	4.6	5.0	5.0	4.4	5.0	5.0	5.0	5.0	5.0	5.0	4.9
Karukin	5.0	5.0	5.0	5.0	4.0	5.0	5.0	5.0	5.0	5.0	5.0	4.9
Paul	5.0	4.8	5.0	5.0	5.0	5.0	5.0	5.0	5.0	4.8	4.8	5.0
Average Rating	4.8	4.7	4.8	4.9	4.3	4.6	4.8	4.8	4.8	4.7	4.7	4.7

NOTE:

1. Ratings are defined as follows:

- 5 = Excellent (almost always exceeds the performance standard)
- 4 = Above Average (generally exceeds the performance standard)
- 3 = Average (generally meets the performance standard)
- 2 = Below Average (usually does not meet the performance standard)
- 1 = Poor (rarely meets the performance standard)



Richard Kuper, Esq.
Executive Director

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March 6, 2017

The Honorable Daniel Dietch
Mayor, Town of Surfside
9293 Harding Ave
Surfside, FL 33154

Immediate Past President

Hon. Jon Burgess
Councilman, Homestead

Past Presidents

Hon. Luis Gonzalez
Council Vice-President, City of Hialeah
Hon. Juan Carlos Bermudez
Mayor, City of Doral
Hon. Isaac Salver
Councilman, Town of Bay Harbor Islands
Hon. R.S. Shiver
Commissioner, City of Florida City
Hon. Wifredo "Willy" Gort
Commissioner, City of Miami

TOWN OF SURFSIDE

MAR 6 10:33AM

Dear Mayor Dietch:

Allow me this opportunity to first thank you for your continued participation in and support of the Miami-Dade County League of Cities (MDCLC). President Francis X. Suarez, and myself are well aware that MDCLC's success is a direct result of the hard work and dedication of its members. For this reason, we need your cooperation in making appointments to the Board.

Each member municipality designates one of its elected officials to serve as a **Director** and one as an **alternate Director** of the League for a period of one year. The term commences at the date of the Annual Meeting in the month of May, and runs until the following May.

Allow this letter to serve as a kind reminder that you are required to designate a Director and an alternate to represent your municipality on the MDCLC's Board preferably before the **April 13, 2017 Board Meeting**. Please send us a note to the League office naming your appointments.

Thank you for your continued cooperation and support.

Sincerely,

Richard Kuper, Esq.
Executive Director

RK/mr



Town of Surfside Commission Communication

Agenda Item: 9C

Agenda Date: April 13, 2017

Subject: Report from the Town Manager's Meeting with Representatives of Hotels, Condominiums and Residents – Beach Furniture

Background: The Town Commission, at the March 14, 2017 meeting, instructed the Town Manager to meet with the multifamily property owners and hotel property owners. Items to discuss included the challenges that the Town is currently facing with the existing beach furniture legislation and the proposed frame work that was presented that evening. The direction was to develop a compromised position that balances the various interests of property owners and residents that want to utilize the beach, either as an accessory use to their property or for the public enjoyment, while being protected from a public health, safety and welfare aspect.

The meeting took place in the Commission Chambers on March 28, 2017 from 4:00 pm to 6:00 pm. It was attended by approximately forty (40) people. Four (4) people identified themselves as authorized by a condominium association to speak on behalf of the association. Two (2) people were there representing the Grand Beach. The rest were residents.

First, the condominium representatives spoke, then the Grand Beach representatives expressed their positions:

Condominium 1. They expressed that the cost of storage containers is of concern. Otherwise, they believe that all issues can be worked out among neighbors.

Condominium 2. Concerned about the Marriott pre-setting chairs on the beach.

Condominium 3. Concerned about the Marriott pre-setting chairs on the beach.

Condominium 4. Concerned about the Marriott pre-setting chairs on the beach.

Condominium 5. Concerned that an agreement with Grand Beach to have chair service in front of their property is not being honored.

One of the Grand Beach representatives expressed that presetting is necessary to offer adequate service to their guests and that they will work on storage container design and a maintenance program for the area that they occupy with chairs.

After those comments were completed, the remaining residents spoke:

1. Presetting excludes the rest of the residents.
2. The Marriott is conducting a “concession” on the beach.
3. The Marriott has to be prohibited from pre-setting.
4. The ordinance has to be changed to regulate the Marriott, to include the condominiums east of Collins Avenue, and to provide better definitions.
5. The ordinance should define areas for the general public.
6. The Town should be given the opportunity to work with this ordinance.

Conclusion:

Consensus was not reached among the attendees.

Budget Impact: None.

Staff Impact: Existing staff will be utilized, including the soon to be hired part-time code compliance officer.

Recommendations: There are three groups of users, properties east of Collins Avenue who have a Certificate of Use (CU) as a hotel operation, Condominium (residential) properties located east of Collins Avenue, and the “public at large” that includes any member of the public not included in the first two groups.

1. **The first group** is presently defined in Ordinance 1658, Sec. 86-26 as “Beach Furniture Operator is a hotel located on the east side of Collins Avenue...” and *has* to comply with all sections of this ordinance; the “Administrative Order” attached to Ordinance 1658, that furthers defines the way that the operation is to be conducted by a “Beach Furniture Operator”; and the March 14, 2017 Agenda Item 9F, “Beach Furniture Guidelines”, that further defines the operation, including a maximum preset number of chairs for “Beach Furniture Operators”.
2. **The second group**, condominium buildings east of Collins Avenue, is defined in the Zoning Code as a “Residential Use”. Members of this group have the ability to place beach furniture on the beach on an “as needed basis”, however, should this second group desire to preset chairs, the operation has to also meet the “Administrative Order” and the March 14, 2017 “Beach Furniture Guidelines”.

The way to guarantee compliance is to add a definition to Ordinance 1658, “Beach Furniture Operator/Residential”, that will require the approval of an “Operation Plan”, meeting the principles of “Public Health, Safety and Welfare”.

3. **The third group**, the “public at large”, will have the right to place chairs on the “public beach” only on an “as needed basis”. This will also require a clarification in Ordinance 1658.
4. Storage of chairs on the beach is permitted following the principles of “Public Health, Safety and Welfare”.

A handwritten signature in blue ink, appearing to be 'G. Olmedillo', written over a horizontal line.

Guillermo Olmedillo, Town Manager



**Town of Surfside
Town Commission Meeting**

**[date]
7:00 pm**

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

DISCUSSION ITEM MEMORANDUM

Agenda #: 9D
Date: April 13, 2017
From: Michael Karukin
Subject: Proposed revisions to Beach Furniture Ordinance and Administrative Policy

Objective: Update the 12/13/2016 Beach Furniture Ordinance and the associated Town Manager's Administrative Policy for Beach Furniture and Equipment based on stakeholder feedback and proposed guidelines.

Consideration: At present, there are essentially 2 official documents covering Beach Furniture:

- 1) Ordinance 1658 adopted 12/13/16
- 2) Town Manager Administrative Policy adopted 12/13/2016

A third document ("Beach Furniture Guidelines") was presented to the commission on 3/14/17 in agenda item 9F. In this document the Administration proposed an updated set of rules and regulations for our consideration.

The commission has now obtained feedback from all stakeholders, condos, hotels, the public, and our own administration. The TM has submitted new guidelines and we have had community input over past 19 months, most recently on 3/28/17. Considering all that has been done, it might be better to not wait another 10 months to review the legislation as required by Ord 1658 and consider changing it now.

Attached to this memo are tracked change versions of the 12/13/2016 Ordinance and the Town Managers Administrative Policy for the boards consideration. Please note the following:

- 1) A Beach Furniture Operator (BFO) can only be a beach front hotel or condo
- 2) A permit is required if the BFO engages in any kind of organized beach furniture set up or storage activities. A BFO from a hotel also requires a certificate of use.
- 3) A permit is not required from a condo if the BFO is providing beach furniture service to their residents on demand. A certificate of use is not applicable to a condo under already existing zoning requirements for residential uses.

To facilitate the review of those proposed modifications, a table has been prepared to cross reference each item from the 3/14/2017 guidelines and its impact on the Administrative Policy. The table is provided below. **Please note that the table is very detailed because it covers each item in the guidelines one by one.**

Once content of the new policy is approved by the commission, it would also be appropriate to let the Town Manager have the flexibility to reformat the document as he deems necessary to more efficiently operationalize and enforce the approved content. For example, he may want to reorder or group the items differently but content for each item would not necessarily change.

Recommendation:

Direct the administration to bring back to the commission a new ordinance that updates the 12/13/2016 version of the Beach Furniture Ordinance and Administrative Policy as proposed herein and to be presented for our consideration at the May 2017 TC meeting.

Table that cross references each item in the 3/14/2017 Proposed Guidelines against the impact on the Administrative Policy.

Content from 3/14/2017 Guideline	Is it addressed in the 12/13/16 Administrative Policy ?	Impact on Administrative Policy Document and alternative language as needed
1. No Concessions East of ECL		
1.1. Beach Furniture Operators can only provide beach furniture service to their guests.	Not specified in 12/13/16 Policy	Added to policy. Listed as B1 in the tracked change version
1.2. Condominiums can only provide beach furniture service to their residents.	Not specified in 12/13/16 Policy	Added to policy. Listed as B2 in the tracked change version
1.3. No property owner is authorized to lease space from or to others for any purpose, east of the Erosion Control Line. (ECL).	Not specified in 12/13/16 Policy	Added to policy. Listed as B3 in the tracked change version
2. Beach furniture free zones.		
2.1. There shall be no beach furniture placed within the projection of the boundaries of the platted street ends, between the end of the street and the water line. The Town will place signs indicating the location of "Beach Furniture Free Zones".	Yes, a version of this item is located in the second bullet of the 12/13/2016 Policy.	A modified version of this issue was added to the tracked change version of the policy under item B4. The original wording in the 12/13/16 Policy was this: <i>"No beach furniture shall be placed in the area immediately adjacent to or directly seaward of the street ends throughout the Town of Surfside"</i>

Content from 3/14/2017 Guideline	Is it addressed in the 12/13/16 Administrative Policy ?	Impact on Administrative Policy Document and alternative language as needed
		<p>The version in 3/14/17 guideline 2.1 adds a signage element with some rewording.</p> <p>A concern is that the current environment already causes a squeezing effect due to set up from existing Beach Furniture operators where this portion of the beach may be the only place where open sand is available for general public.</p> <p>In addition, proposed signage requirements mentioned in the 3/14/17 guidelines will result in significant cost, complexity and clutter.</p> <p>Consequently, an alternative is proposed. See item B4 in the tracked change version of the Policy.</p> <p>The alternative uses essentially the same words in the 3/14/17 guideline 2.1 but applies the restriction to just the BFO's not the general public. This should not be a problem because the general public is still subject the rules for removal listed as B10 and B11 in the tracked change version of the policy.</p> <p>The proposed wording is as follows: "No Beach Furniture <u>Operator shall</u> place beach furniture within the projection of the boundaries of the platted street ends, between the end of the street and the water line."</p>
<p>2.2. There shall be a six foot wide area free of beach furniture at approximately 50 foot intervals from the ECL to the water line. (FBC Sec 1028 Assembly)</p>	<p>Not specified in 12/13/16 Policy</p>	<p>Added as item B5 in updated Administrative policy document.</p>
<p>2.3. There shall be a minimum of a 12 foot wide area free of beach furniture seaward of the eastern edge of dune vegetation. Final distance to be determined by the trash pickup operation conducted by Miami-Dade County.</p>	<p>Partially</p>	<p>The first sentence of guideline 2.3 is in the 12/13/2016 Policy in the third bullet.</p> <p>The second sentence from the 3/14/17 guideline 2.3 is not mentioned in the 12/13/16 so it was added.</p> <p>See Policy A2 in the tracked change version of the policy.</p>
<p>2.4. There shall be no beach furniture placed within 10 feet of the lifeguard stand. Additionally,</p>	<p>Partially</p>	<p>The first sentence of the guideline 2.4 is in the 12/13/2016 Policy in the first bullet.</p>

Content from 3/14/2017 Guideline	Is it addressed in the 12/13/16 Administrative Policy ?	Impact on Administrative Policy Document and alternative language as needed
<p>should the lifeguard determine that the beach furniture inhibits safety operations, the furniture operator shall immediately relocate it, as indicated.</p>		<p>The second sentence from the guideline 2.4 is not mentioned in the policy so it was added</p> <p>See Policy A1 in the tracked change version of the policy.</p>
3. Beach Furniture Storage		
<p>3.1. All beach furniture shall be stored in properly designed containers, and will include a base designed to prevent wild life from being trapped under the furniture stack. The container design shall be submitted for approval with the application for operation of beach furniture.</p>	<p>A version of this was included in the 12/13/16 policy but the wording in the 3/14/17 guideline is better so it was added</p>	<p>Guideline 3.1, 3.2, 3.3 were added to the what was the third bullet under “Requirements for Permit Holders” as a subsection to the reference to storage of the beach furniture. See the tracked changed version of the policy under item B.9a, b and c.</p>
<p>3.2. Beach furniture shall be stored in containers that will be maintained in good condition.</p>		
<p>3.3. Beach furniture may be placed within private property, west of the Hard Pack.</p>		
4. Beach furniture removal		
<p>4.1. All beach furniture shall be removed from the beach and placed in protected areas, within private property, once an emergency is declared by the Town, County, State or Federal Government.</p>	<p>Covered in the 12/13/16 policy</p>	<p>This is covered in what was the 5th bullet in the 12/13/2016 policy. It is now listed as item 11 in the tracked change version of the policy.</p>
<p>4.2. Should beach furniture be removed by Town Staff and stored in Town property, the Beach Furniture Operator and owner will pay a storage fee of \$50.00 per day, per piece of furniture, and shall be kept under Town watch until recovered by the Beach Furniture Operator or owners.</p>	<p>This was not covered in the 12/13.16 version and will be added.</p>	<p>This was added as item B.11.a in the tracked change version of the policy.</p>
5. Beach furniture setup.		
<p>5.1. Beach furniture may be set up starting one hour after sunrise until one hour before sunset and from May 1 to November 1, not before it has been determined by the proper authority.</p>	<p>A version of this was included in the 12/13/16 policy but the wording in the guideline is better</p>	<p>Using text from the 3/14/17 guideline, the policy was updated. See item A.5 in tracked change version of the Policy</p>
<p>5.2. Beach Furniture Operator may preset up to forty chairs. Once</p>	<p>The preset issue was not addressed in the</p>	<p>This is where the lounge chair issue hits the sand.</p>

Content from 3/14/2017 Guideline	Is it addressed in the 12/13/16 Administrative Policy ?	Impact on Administrative Policy Document and alternative language as needed
<p>these have been occupied, additional pieces may only be set up on an as needed basis</p>	<p>12/13/16 policy document so it has been added but presented with an alternative to a chair count.</p>	<p>The options seemed to have been a choice of none or some. This proposal suggests the TC consider allowing the preset of a single row limited by the north south boundary of the BFO's property line instead of the 40 chair option. See B6 and B6a in the tracked change version of the policy for details.</p> <p>Note: The row of chairs and any subsequent set up will still be subject to the breaks described previously (see guideline item 2.2 or item B5 in the tracked change version of the policy).</p> <p>The proposed new language for what was item number 5.2 in the 3/14/17 guidelines is now listed as item B6 and B6a in the tracked change version of the policy as reprinted below.</p> <p><i>6) <u>Beach Furniture Operator may preset up to up to 1 row of beach furniture.</u> Once these have been occupied, additional pieces may only be set up on an as needed basis.</i></p> <p><i>a) <u>That row and any subsequent row of beach furniture may not extend beyond the north and south property line of the property owner.</u></i></p>

Attachments:

- 1) Tracked change version of the 12/13/2016 Beach Furniture Ordinance
- 2) Tracked change version of the Town Manager Administrative Policy
- 3) Clean Version of updated Ordinance
- 4) Clean Version of updated Policy

Tracked Change Version of 12/13/2016 Beach Furniture Ordinance

Section 1. Recitals. The foregoing "WHEREAS" clause 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 operation500.00

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 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 mean land that is seaward of the Erosion Control Line. It shall include all easements and rights-of-way within the area that are utilized for public beach purposes.

Beach Furniture Operator is either a hotel or condominium located on the east side of Collins Avenue which uses or allows another party to use such that provides beach furniture services to its residents and guests, as part of a short-term paid lodging authorized through a Certificate of Use issued by the Town

Beach Furniture Setup or storage is the organized pre-placement or the overnight storage of

Commented [MK1]: Deleted "which uses or allows" ... in order to simplify language by adding "that provides" so it means a BFO is either a beachfront hotel or condo

Formatted: Highlight

~~beach furniture by a beach furniture operator prior to and after use or prior to reservation for future use by individual beach furniture users.~~

Commented [MK2]: Adding prior to reservation was added to cover a potential loophole where large number of chairs are placed into the beach based on "reservations".

Sec. 86-30 – Limitations on Beach Furniture

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

B. ~~Beach furniture setup or storage as defined in this ordinance shall be prohibited, except by permitted beach furniture operators.~~

Commented [MK3]: This addition limits the ability to pre set to only permitted BFO's. A BFO from a condo that provides beach furniture service on demand to its residents can do so without any permit requirements unless it engages in storage.

A.C. ~~Specific requirements for beach furniture setup and storage shall be further described in the Town Manager's Administrative Policy on beach furniture and equipment~~

This may be an incentive to not provide the beach furniture services in order to avoid the bureaucracy and just bring chairs on demand if a condo wants to pay for their own services.

Sec. 86-31 – Beach Furniture Permit Requirements

~~Any Beach Furniture Operator, as defined in this article must shall obtain a permit for beach furniture set up or storage as defined in this ordinance, to place beach furniture on the public beach within the Town.~~

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

Beach Furniture Operators ~~from beach front hotels must shall~~ procure a local business tax receipt and comply with 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.

Sections 86-31 to 86-33 shall be reviewed by the Town Commission one year after its enactment.

A. Application. Any Beach Furniture Operator shall apply for a permit on a form prepared by the Town along with the applicable permit 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 operations plan, including specifications on beach furniture setup or storage, staffing and clean-up.
- (4) Compliance with indemnification and insurance requirements pursuant to Section 86-32 of the Town of Surfside Code.

B. Exemption.

~~(1) 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.~~

~~(5)(2) Nothing in this article shall require a permit from a Beach Furniture Operator from a condominium that does not engage in Beach Furniture setup~~

Commented [MK4]: Added this exemption to clear up confusion as pointed out from community feedback

or storage activities as defined in this ordinance

~~B.C.~~ Review of permit application.

~~C.D.~~ A beach furniture permit is revocable if the applicant does not meet the requirements as specified in the Town Code, Administrative Policy and operation plan.

~~D.E.~~ Appeals. If a permit is denied or revoked by the Town Manger 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 of 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.

Any person or entity found to be in violation of any condition of the permit issued herein shall first be issued a warning. Failure to correct the violation within one hour following the issuance of a warning shall result in the issuance of a Civil Violation Notice to the Beach Furniture Operator. The notice shall be provided pursuant to Section 15-10 of the Town Code. Failure to correct the violation may result in revocation of the permit. Failure to obtain the required permit shall subject the owner to a fine of \$500 per day.

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 the 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. 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.

Administrative Policy

BEACH FURNITURE AND EQUIPMENT

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.

A. PUBLIC ACCESS AND SAFETY

- 1) 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. Additionally, should the lifeguard determine that the beach furniture inhibits safety operations, the beach furniture operator or as needed the beach furniture user shall immediately relocate it, as directed by the lifeguard.

Commented [MK1]: The last sentence in item 1 comes directly from the second sentence in 3/14/17 guideline 2.4

~~No beach furniture shall be placed in the area immediately adjacent to or directly seaward of the street ends throughout the Town of Surfside.~~

- 2) All beach furniture shall be set at no less than 12 feet and up to 20 feet seaward of the edge of the vegetation line of the dune. Final distance to be determined by the trash pickup operation conducted by Miami-Dade County.
- 3) Beach Furniture Operator shall submit an operations plan approved by the Town Manager which includes specifications on storage, staffing, removal and clean-up.
- 4) Beach furniture may be set up starting one hour after sunrise until one hour before sunset and from May 1 to November 1. Beach furniture shall not be set out in the morning before sunrise, or before completion of daily monitoring for turtle nesting activity by the proper authority from 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.

Commented [MK2]: Deleted what was number 2 because current environment already causing a squeezing effect due to set up from existing Beach Furniture operators where this portion of the beach may be the only place where open sand is available for general public. Consequently, this policy as written is not acceptable.

However I am suggesting a revision that prohibits Beach Furniture operators from locating their furniture in this area. For example, "No Beach Furniture Operator shall place beach furniture within the projection of the boundaries of the platted street ends, between the end of the street and the water line." **See number B4 below**

Commented [MK3]: The added text comes from 3/14/17 guideline number 2.3 second sentence

Commented [MK4]: Some text taken from 3/14/17 guideline number 5.1

B. REQUIREMENTS FOR PERMIT HOLDERS

- 1) Beach Furniture Operators can only provide beach furniture service to their guests.

2) Condominiums can only provide beach furniture service to their residents.

3) No property owner is authorized to lease space from or to others for any purpose, east of the Erosion Control Line. (ECL).

Commented [MK5]: the fist 3 bullets are copied from the march 14 guidelines 1.1, 1.2, 1.3.

4) No Beach Furniture Operator shall place beach furniture within the projection of the boundaries of the platted street ends, between the end of the street and the water line."

Commented [MK6]: this is a variation of content from 3/14/17 guideline number 2.1, adding that the BFO cant do it but joe public can.

5) A Beach Furniture Operator shall provide a six foot wide area free of beach furniture at approximately 50 foot intervals from the ECL to the water line. (FBC Sec 1028 Assembly)

Commented [MK7]: this is a variation of content from 3/14/17 guideline number 2.2 adding who is required to comply.

6) Beach Furniture Operator may preset up to up to 1 row of beach furniture. Once these have been occupied, additional pieces may only be set up on an as needed basis.

Commented [MK8]: added from 5.2 from 3/14/17 guidelines and then modified

a) That first row and any subsequent row of beach furniture may not extend beyond the north and south property line of the property owner.

7) 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.

8) 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 the general public.

9) A Beach Furniture Operator may store beach furniture on their property or east of the dune neatly organized and secured to the ground.

a) All beach furniture shall be stored in properly designed enclosures approved by the Town Manager, and will include a base designed to prevent wild life from being trapped under the furniture stack. The enclosure design shall be submitted for approval with the application for operation of beach furniture.

b) Beach furniture shall be stored in enclosures that will be maintained in good condition.

c) Beach furniture may be placed within private property, west of the Hard Pack.

Commented [MK9]: these 3 bullets taken from 3/14/17 guidelines number 3.1, 3.2, 4.3

10) Any request from a code enforcement officer, or lifeguard to relocate beach furniture shall be complied with immediately.

11) 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.

- a) Should beach furniture be removed by Town Staff and stored in Town property, the Beach Furniture Operator and owner will pay a storage fee of \$50.00 per day, per piece of furniture, and shall be kept under Town watch until recovered by the Beach Furniture Operator or owners.

Commented [MK10]: this comes from 3/14.2016 guideline 4.2

5)12) 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

Proposed Beach Furniture Ordinance

Section 1. Recitals. The foregoing "WHEREAS" clause 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 operation500.00

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 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 mean land that is seaward of the Erosion Control Line. It shall include all easements and rights-of-way within the area that are utilized for public beach purposes.

Beach Furniture Operator is either a hotel or condominium located on the east side of Collins Avenue that provides beach furniture services to its residents and guests.

Beach Furniture Setup or storage is the organized pre-placement or the overnight storage of beach furniture by a beach furniture operator prior to and after use or prior to reservation for future use by individual beach furniture users.

Sec. 86-30 – Limitations on Beach Furniture

- A. Beach furniture shall not inhibit access to the public beach, nor obstruct reasonable access on the beach for pedestrians and emergency vehicles, nor impact native vegetation, nor affect sea turtles or other wildlife.
- B. Beach furniture setup or storage as defined in this ordinance shall be prohibited, except by permitted beach furniture operators.
- C. Specific requirements for beach furniture setup and storage shall be further described in the Town Manager’s Administrative Policy on beach furniture and equipment.

Sec. 86-31 – Beach Furniture Permit Requirements

Any Beach Furniture Operator, as defined in this article shall obtain a permit for beach furniture set up or storage as defined in this ordinance.

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

Beach Furniture Operators from beach front hotels shall procure a local business tax receipt and comply with 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.

Sections 86-31 to 86-33 shall be reviewed by the Town Commission one year after its enactment.

- A. Application. Any Beach Furniture Operator shall apply for a permit on a form prepared by the Town along with the applicable permit 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 operations plan, including specifications on beach furniture setup or storage, staffing and clean-up.
 - (4) Compliance with indemnification and insurance requirements pursuant to Section 86-32 of the Town of Surfside Code.
- B. Exemption.
 - (1) 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.
 - (2) Nothing in this article shall require a permit from a Beach Furniture Operator from a condominium that does not engage in Beach Furniture setup or storage activities as defined in this ordinance
- C. Review of permit application.
- D. A beach furniture permit is revocable if the applicant does not meet the requirements as specified in the Town Code, Administrative Policy and operation plan.

- E. Appeals. If a permit is denied or revoked by the Town Manger 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 publicbeach.
- B. The Beach Furniture Operator agrees to obtain and maintain for the entire permit period at its own expense, the followingrequirements:
 - (1) Commercial general liability insurance in the amount of \$1,000,000.00 per occurrence of 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 coverageprovided.
- 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 commencingoperations.
- 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.

Any person or entity found to be in violation of any condition of the permit issued herein shall first be issued a warning. Failure to correct the violation within one hour following the issuance of a warning shall result in the issuance of a Civil Violation Notice to the Beach Furniture Operator. The notice shall be provided pursuant to Section 15-10 of the Town Code. Failure to correct the violation may result in revocation of the permit. Failure to obtain the required permit shall subject the owner to a fine of \$500 per day.

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 the 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. 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.

Administrative Policy

BEACH FURNITURE AND EQUIPMENT

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.

A. PUBLIC ACCESS AND SAFETY

- 1) 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. Additionally, should the lifeguard determine that the beach furniture inhibits safety operations, the beach furniture operator or as needed the beach furniture user shall immediately relocate it, as directed by the lifeguard.
- 2) All beach furniture shall be set at no less than 12 feet and up to 20 feet seaward of the edge of the vegetation line of the dune. Final distance to be determined by the trash pickup operation conducted by Miami-Dade County.
- 3) Beach Furniture Operator shall submit an operations plan approved by the Town Manager which includes specifications on storage, staffing, removal and clean-up.
- 4) Beach furniture may be set up starting one hour after sunrise until one hour before sunset and from May 1 to November 1, not before completion of daily monitoring for turtle nesting activity by the proper authority from Florida Fish and Wildlife.

B. REQUIREMENTS FOR PERMIT HOLDERS

- 1) Beach Furniture Operators can only provide beach furniture service to their guests.
- 2) Condominiums can only provide beach furniture service to their residents.
- 3) No property owner is authorized to lease space from or to others for any purpose, east of the Erosion Control Line. (ECL).

- 4) No Beach Furniture Operator shall place beach furniture within the projection of the boundaries of the platted street ends, between the end of the street and the water line.”
- 5) A Beach Furniture Operator shall provide a six foot wide area free of beach furniture at approximately 50 foot intervals from the ECL to the water line. (FBC Sec 1028 Assembly)
- 6) Beach Furniture Operator may preset up to up to 1 row of beach furniture. Once these have been occupied, additional pieces may only be set up on an as needed basis.
 - a) That first row and any subsequent row of beach furniture may not extend beyond the north and south property line of the property owner.
- 7) 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.
- 8) 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 the general public.
- 9) A Beach Furniture Operator may store beach furniture on their property or east of the dune neatly organized and secured to the ground.
 - a) All beach furniture shall be stored in properly designed enclosures approved by the Town Manager, and will include a base designed to prevent wild life from being trapped under the furniture stack. The enclosure design shall be submitted for approval with the application for operation of beach furniture.
 - b) Beach furniture shall be stored in enclosures that will be maintained in good condition.
 - c) Beach furniture may be placed within private property, west of the Hard Pack.
- 10) Any request from a code enforcement officer, or lifeguard to relocate beach furniture shall be complied with immediately.
- 11) 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.
 - a) Should beach furniture be removed by Town Staff and stored in Town property, the Beach Furniture Operator and owner will pay a storage fee of \$50.00 per day, per piece of furniture, and shall be kept under Town watch until recovered by the Beach Furniture Operator or owners.

12) 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



**TOWN OF SURFSIDE
DISCUSSION ITEM**

Agenda Item: # 9E
Agenda Date: April 13, 2017
From: Vice Mayor Barry Cohen
Subject: Gating the Community

Background: At the November 10, 2015 Town Commission meeting, the Town Manager presented the framework for gating the community (Attachment "A"). At the February 9, 2016 Town Commission meeting, the Town Manager and Chief of Police presented a discussion item on traffic mitigation efforts which included information on the process for gating the community (Attachment "B"). The Commission has taken no action on gating the community.

Recommendation: To direct the Town Administration to move forward with the process for gating the community.



TOWN OF SURFSIDE

Commission Communication

Agenda Item #

From: Guillermo Olmedillo, Town Manager

Agenda Date: November 10, 2015

Subject: Gating the Community

Background: The Town Commission directed the Town Manager at the October 13, 2015 meeting to provide a framework for gating the community and an outline for the process, as well as educating the community.

Analysis: There are many considerations to be examined when creating a gated community from what has been an established neighborhood. In contrast to the gated communities one sees in suburban areas that are established from the onset with the plan of being gated, simply enclosing a neighborhood that was not planned to be closed presents a variety of difficulties. First and foremost is an overall cost issue to which a majority of homeowners will have to agree before anything happens.

Before one can decide if they want a gated community they must choose what kind of gated community they wish to have. Do they want a private community in which they will assume all maintenance of the roadways adding expense? Do they want manned entrances or gates electronically activated that may require constant maintenance to remain operational? Do they want to stay with the public road system they have and give access to all, saving the expense but reducing the privacy?

In Surfside there will have to be more than one entrance and several exits to accommodate the number of residents. The queuing of vehicles is difficult to accommodate with the neighborhood layout. Traffic circulation will be largely impacted by the design of where and how many entrances and exits are established. Residents that may have direct access to the business district or a particular path they utilize to leave their residences and return may be diverted dramatically in order to leave or enter their neighborhood. This will result in increased vehicular traffic for areas that are currently not heavily traveled because all roadways are open. Some may have a

positive impact by having little to no traffic volume in front of their house due to the road closures. However, if one is unfortunate enough to face an area where vehicles will be queuing in or to enter or exit the neighborhood that may be very unwelcomed and even difficult to leave or enter one's own driveway.

Another consideration will be what type of closing will be done? Is there going to be a physical wall or gate surrounding the Town prohibiting pedestrian and bicycle access to the neighborhood roads except for the allotted entrances or will there simply be curb structures with foliage to prevent vehicles only? This difference can significantly impact how the area is policed.

Finally there is the consideration that we have Indian Creek Village to the west of Surfside which requires travel through Surfside to gain entry or leave from.

Legal Process: Gating the community would require Miami-Dade County approval. Section 2-96.1 of the Code of Miami-Dade County provides that Miami-Dade County has exclusive jurisdiction for traffic engineering and all traffic control devices in both the unincorporated and incorporated areas of Miami-Dade County.

The establishment of a Special Taxing District is required to form a gated community. The process is described below, pursuant to Sec.18-3 of the Miami-Dade County Code.

I. The Petition

There shall be filed with the Clerk of the Miami-Dade County Board of County Commissioners ("Board") a petition requesting the creation and establishment of a special taxing district under the provisions of this article, signed by the Mayor of Miami-Dade County or by fifty (50) per centum of the resident owners of property embraced within the proposed district.

The petition shall contain:

- (1) The boundaries or other description sufficient to identify the property embraced in the proposed district, together with a survey sketch showing the location of the proposed district, and
- (2) A brief description of the project requested to be constructed, acquired, reconstructed or installed.

II. Investigation by Mayor of Miami-Dade County or his/her Designee¹

Upon receipt of such petition, the Clerk of the Board shall transmit a copy thereof to the Mayor of Miami-Dade County or his/her designee ("Mayor"), who shall examine the petition and file a written report with the Clerk at the earliest practicable date. If the Mayor finds that the petition has been properly presented in accordance with the listed requirements he shall cause to be made under his supervision and direction such

¹ Note that the Miami-Dade County Ordinance says County Manager instead of the Mayor because it has not been updated to reflect the change that there now is a Strong Mayor instead of a Manager of Miami-Dade County.

investigations, surveys, plans and specifications as may be necessary to enable him to compile and file with the Board a written report and recommendations.

The petition's requirements include but are not limited to the boundaries or other description sufficient to identify the property to be embraced in the proposed district, the location of the project to be constructed, acquired, reconstructed or installed within the proposed district, an estimate of the cost of such project, an estimate of the annual expense to be borne by the district or the County of maintaining, repairing and operating such project, recommendations concerning the need and desirability for the requested project, the ability of the affected property to pay special taxes or to bear special assessments or both, and his opinion as to whether or not all lots and parcels within the proposed district which are to be taxes or specially assessed will be specially benefited by the proposed project. If the Mayor's recommendations are favorable to the creation of the requested special taxing district, his recommendations as to the levying of any special assessments against the benefited property, and an estimate of the amount to be assessed against each front foot or other unit of benefited property.

The Mayor shall file such written report and recommendations, accompanied by an appropriate map and other pertinent data, with the Clerk of the Board at the earliest practicable date.

III. Notice of public hearing

Upon receipt of such report of the Mayor, and from such other investigations as the Board may make or cause to be made, the Clerk of the Board shall prepare a certificate fixing the place, date and hour for a public hearing, which certificate shall set forth a copy of the petition, excluding signatures, and brief summaries of the report and recommendations of the Mayor, including (but without limitation) his recommendations as to any additional territory which should be embraced within the proposed district. There shall be Notice of such public hearing. Notices are published by the Miami-Dade County Clerk in a newspaper of general circulation and are also posted in five public places within the district.

IV. Public hearing

At the noticed time and place, or to which an adjournment may be taken by the Board, the Board shall receive and hear objections of interested persons to the creation and establishment of the proposed district, the property to be embraced within the district, the project to be acquired, constructed, reconstructed or installed, or the levy of any special taxes or special assessments therefor, or to any defect in the petition or the proceedings theretofore taken, or which question any of the powers of the Board under the provisions of this article, and petition with such modifications, if any, as it may deem advisable and which do not enlarge the boundaries of the district as set forth in the certificate mentioned in subdivision (d) of this section or change the general type or character of the project. All such objections shall be in writing, in person or by attorney,

and filed with the Board at or before the time or adjourned time of such hearing. Any objections not so made shall be considered as waived.

V. Ordinance establishing district

If the Board shall, after such hearing, determine to grant the petition, either with or without modification, it shall adopt an ordinance reciting the proceedings theretofore taken and providing for the creation and establishment of the district.

VI. Financing the project

If the method of financing a shall be other than the issuance of bonds, the Board shall provide that the ordinance creating and establishing the district shall take effect when approved by a majority vote of the qualified electors residing in the district voting at an election to be called by the Board and noticed and conducted and the result thereof determined and declared either in the manner provided for the issuance of bonds of a district or in such other manner, by mailed ballot or otherwise, as the Board shall by ordinance determine

VII. District Ratification

Election is conducted by mailed ballot on an available election date set by the County. All registered voters residing within district boundaries are eligible to vote. A majority vote of returned ballots in favor of the project is needed to ratify district creation.

VIII. Collection of Special Assessments

Those districts which are approved by the electorate are billed in advance for each fiscal year (October 1 through September 30) and are included as an itemized portion of the annual combined tax bill.

Recommendation: Town Commission to vote on whether to move forward with the process to gate the community.



TOWN OF SURFSIDE
Commission Communication

Agenda Item #

From: Guillermo Olmedillo, Town Manager

Agenda Date: November 10, 2015

Subject: Gating the Community

Background: The Town Commission directed the Town Manager at the October 13, 2015 meeting to provide a framework for gating the community and an outline for the process, as well as educating the community.

Analysis: There are many considerations to be examined when creating a gated community from what has been an established neighborhood. In contrast to the gated communities one sees in suburban areas that are established from the onset with the plan of being gated, simply enclosing a neighborhood that was not planned to be closed presents a variety of difficulties. First and foremost is an overall cost issue to which a majority of homeowners will have to agree before anything happens.

Before one can decide if they want a gated community they must choose what kind of gated community they wish to have. Do they want a private community in which they will assume all maintenance of the roadways adding expense? Do they want manned entrances or gates electronically activated that may require constant maintenance to remain operational? Do they want to stay with the public road system they have and give access to all, saving the expense but reducing the privacy?

In Surfside there will have to be more than one entrance and several exits to accommodate the number of residents. The queuing of vehicles is difficult to accommodate with the neighborhood layout. Traffic circulation will be largely impacted by the design of where and how many entrances and exits are established. Residents that may have direct access to the business district or a particular path they utilize to leave their residences and return may be diverted dramatically in order to leave or enter their neighborhood. This will result in increased vehicular traffic for areas that are currently not heavily traveled because all roadways are open. Some may have a

positive impact by having little to no traffic volume in front of their house due to the road closures. However, if one is unfortunate enough to face an area where vehicles will be queuing in or to enter or exit the neighborhood that may be very unwelcomed and even difficult to leave or enter one's own driveway.

Another consideration will be what type of closing will be done? Is there going to be a physical wall or gate surrounding the Town prohibiting pedestrian and bicycle access to the neighborhood roads except for the allotted entrances or will there simply be curb structures with foliage to prevent vehicles only? This difference can significantly impact how the area is policed.

Finally there is the consideration that we have Indian Creek Village to the west of Surfside which requires travel through Surfside to gain entry or leave from.

Legal Process: Gating the community would require Miami-Dade County approval. Section 2-96.1 of the Code of Miami-Dade County provides that Miami-Dade County has exclusive jurisdiction for traffic engineering and all traffic control devices in both the unincorporated and incorporated areas of Miami-Dade County.

The establishment of a Special Taxing District is required to form a gated community. The process is described below, pursuant to Sec.18-3 of the Miami-Dade County Code.

I. The Petition

There shall be filed with the Clerk of the Miami-Dade County Board of County Commissioners ("Board") a petition requesting the creation and establishment of a special taxing district under the provisions of this article, signed by the Mayor of Miami-Dade County or by fifty (50) per centum of the resident owners of property embraced within the proposed district.

The petition shall contain:

- (1) The boundaries or other description sufficient to identify the property embraced in the proposed district, together with a survey sketch showing the location of the proposed district, and
- (2) A brief description of the project requested to be constructed, acquired, reconstructed or installed.

II. Investigation by Mayor of Miami-Dade County or his/her Designee¹

Upon receipt of such petition, the Clerk of the Board shall transmit a copy thereof to the Mayor of Miami-Dade County or his/her designee ("Mayor"), who shall examine the petition and file a written report with the Clerk at the earliest practicable date. If the Mayor finds that the petition has been properly presented in accordance with the listed requirements he shall cause to be made under his supervision and direction such

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investigations, surveys, plans and specifications as may be necessary to enable him to compile and file with the Board a written report and recommendations.

The petition's requirements include but are not limited to the boundaries or other description sufficient to identify the property to be embraced in the proposed district, the location of the project to be constructed, acquired, reconstructed or installed within the proposed district, an estimate of the cost of such project, an estimate of the annual expense to be borne by the district or the County of maintaining, repairing and operating such project, recommendations concerning the need and desirability for the requested project, the ability of the affected property to pay special taxes or to bear special assessments or both, and his opinion as to whether or not all lots and parcels within the proposed district which are to be taxes or specially assessed will be specially benefited by the proposed project. If the Mayor's recommendations are favorable to the creation of the requested special taxing district, his recommendations as to the levying of any special assessments against the benefited property, and an estimate of the amount to be assessed against each front foot or other unit of benefited property.

The Mayor shall file such written report and recommendations, accompanied by an appropriate map and other pertinent data, with the Clerk of the Board at the earliest practicable date.

III. Notice of public hearing

Upon receipt of such report of the Mayor, and from such other investigations as the Board may make or cause to be made, the Clerk of the Board shall prepare a certificate fixing the place, date and hour for a public hearing, which certificate shall set forth a copy of the petition, excluding signatures, and brief summaries of the report and recommendations of the Mayor, including (but without limitation) his recommendations as to any additional territory which should be embraced within the proposed district. There shall be Notice of such public hearing. Notices are published by the Miami-Dade County Clerk in a newspaper of general circulation and are also posted in five public places within the district.

IV. Public hearing

At the noticed time and place, or to which an adjournment may be taken by the Board, the Board shall receive and hear objections of interested persons to the creation and establishment of the proposed district, the property to be embraced within the district, the project to be acquired, constructed, reconstructed or installed, or the levy of any special taxes or special assessments therefor, or to any defect in the petition or the proceedings theretofore taken, or which question any of the powers of the Board under the provisions of this article, and petition with such modifications, if any, as it may deem advisable and which do not enlarge the boundaries of the district as set forth in the certificate mentioned in subdivision (d) of this section or change the general type or character of the project. All such objections shall be in writing, in person or by attorney,

and filed with the Board at or before the time or adjourned time of such hearing. Any objections not so made shall be considered as waived.

V. Ordinance establishing district

If the Board shall, after such hearing, determine to grant the petition, either with or without modification, it shall adopt an ordinance reciting the proceedings theretofore taken and providing for the creation and establishment of the district.

VI. Financing the project

If the method of financing a shall be other than the issuance of bonds, the Board shall provide that the ordinance creating and establishing the district shall take effect when approved by a majority vote of the qualified electors residing in the district voting at an election to be called by the Board and noticed and conducted and the result thereof determined and declared either in the manner provided for the issuance of bonds of a district or in such other manner, by mailed ballot or otherwise, as the Board shall by ordinance determine

VII. District Ratification

Election is conducted by mailed ballot on an available election date set by the County. All registered voters residing within district boundaries are eligible to vote. A majority vote of returned ballots in favor of the project is needed to ratify district creation.

VIII. Collection of Special Assessments

Those districts which are approved by the electorate are billed in advance for each fiscal year (October 1 through September 30) and are included as an itemized portion of the annual combined tax bill.

Recommendation: Town Commission to vote on whether to move forward with the process to gate the community.



Town of Surfside Commission Communication

Agenda Item #:

Agenda Date: February 9, 2016

Subject: Traffic Mitigation Efforts

Background:

At the January Town Commission meeting, the Commission requested a synopsis of staff's traffic mitigation efforts. The following is an overview of police operations, analysis, meetings, recommendations and actions reported to the Town Commission over the last year pertaining to the ongoing traffic congestion in the Town of Surfside and surrounding areas. Surfside requires authorization from FDOT for any changes to Collins Avenue, Harding Avenue and 96 Street, which are all state roads. Authorization from Miami-Dade County is required for changes to the residential neighborhoods including the placement of signage, speed calming devices, closing of streets, or changing streets to one ways.

In January 2015, an overtime traffic detail was initiated to strictly monitor and enforce traffic on Byron Avenue. Officers worked during the afternoon rush hour periods focusing on speeders and identifying drivers using Byron Avenue to avoid A1A congestion. Decoy vehicles were deployed at strategic locations to slow down drivers.

On January 20, 2015, the SPD hosted a Community Meeting brought on by the increasing complaints of speeders and congestion on Byron Avenue. Several residents primarily from Byron Avenue voiced their concerns. Mr. Ayman Elbermawy, Section Head of Traffic operations from the Traffic Engineering Division of Miami-Dade County was present. Several residents primarily from Byron Avenue attended and voiced their concerns.

January 27, 2015, in response to a Town Mayor inquiry, SPD reported that months earlier the regional traffic study for area traffic signals was presented to the town commission at a meeting. The cost was split between Bal Harbour and Surfside. Surfside's cost was picked up by developers. The study recommended loop detections installed at traffic signals in Surfside. There was no action taken by the commission. This was also the same recommendation from the 2012 traffic study. The county would not pay for the installation.

In February 2015, officers were used to temporarily close streets (90 Street & Byron Avenue & 94 Street & Byron Avenue) in an attempt to divert cross through traffic of drivers avoiding Collins Avenue congestion.

Beginning February 3, 2015, the Surfside Police Department implemented a pilot residential parking permit program for the 9400 and 9500 blocks of Byron Avenue only. The program was to be re-evaluated after 90 days. Only residents and their guests were allowed to park on the two blocks. The purpose of the program was to mitigate the daily problem of workers, beach goers and others parking on these two blocks. Residents were required to provide proof of residency, and complete a registration application which was available in the Communications Unit. The program has been a success and continues in effect to date.

In the February 2015 Commission Meeting, the police department reported Town staff held meetings with Miami-Dade County and Florida Department of Transportation officials over several months discussing options to address and improve the traffic congestion. Town staff also met with residents of Byron Avenue who were strongly in favor of changes to ensure their safety and quality of life. The following bullet points were introduced:

- Surfside has conducted two traffic studies (Calvin, Giordano and Associates, 2012 and Advanced Transportation Engineering Consultants, 2014). Both recommended improvement to the operational efficiency to the traffic signals on Collins and Harding Avenues. Adjustments in the timing were made by the County but vehicle and pedestrian detections are needed at Harding Ave. and 96 St., Harding Ave. and 95 St., Harding Avenue and 94 St., and Harding Avenue and 93 St. This will allow traffic to flow better north and southbound when there are no vehicles waiting at the cross street. Currently the traffic signals cycle automatically and when not needed.
- The Police Department staffed Byron Avenue with personnel on a daily basis to deter traffic violators and congestion. Hundreds of citations and warnings were issued on Byron Avenue.
- The Police Department also temporarily closed blocks to traffic on Byron Avenue during rush hours to deter drivers from cutting through the residential neighborhoods to avoid heavily traveled Collins Avenue.
- Miami-Dade County officials conducted a study on Byron Avenue in order to review some of our recommendations. A resolution from the Town Commission requesting a review and approval for Miami-Dade County to address and work cooperatively with Surfside on this public safety issue would be significant to expedite the process.

In March 2015, the Police Department reported the following totals of issued Uniform Traffic Citations by the four Patrol Squads for the months of December, January & February:

3 months - Total issued = 1291

In the month of January, during the peak of the Byron Avenue detail officers issued the following: January - Total issued = 631

The majority of citations issued in the residential area occurred on Byron Avenue. Officers conducted radar enforcement throughout Byron Avenue at rush hours and issued numerous speeding violations, primarily in the 9500 block of Byron. Other blocks heavily enforced were from 90th. Street to 93rd. Street. The speeding violations were mostly in the 30 mph range, with the occasional driver clocked in the low 40 mph range. A continuous focus was directed at 95 Street & Byron Avenue where there were constant violations of running the stop signs. Often drivers would complain that the traffic circle (calming device) confused them and that was the reason they did not come to a complete stop. Verbal traffic warnings well exceeded the number of citations issued.

In the efforts to mitigate traffic congestion and primarily drivers cutting through the residential neighborhood ongoing discussions touched on topics such as creating one-way streets and even opening Carlyle Avenue.

Other efforts were tested such as having officers temporarily close 95 Street & Abbott Avenue at peak hours. Closing 95th Street & Abbott Avenue in particular seemed to create a problem by causing a large backup of eastbound traffic on 96 Street approaching Abbott Avenue. Drivers were frustrated and the closures were stopped immediately.

Another discussion item has been creating a Special Taxing District and developing a gated community. The SPD has presented the steps required to begin such a process and provided the following guide to often asked questions:

SPECIAL TAXING DISTRICTS MOST FREQUENTLY ASKED QUESTIONS

1. What is a Special Taxing District?

A special taxing district is a mechanism used to provide public improvements and special services which could not conveniently or equitably be provided otherwise.

2. Under what legal provision are these districts created by the County?

Chapter 18 of the Miami-Dade County Code.

3. How is the process to create a Special Taxing District initiated?

An official incorporated homeowners' association, for the same area under consideration, or in its absence at least 10% of the area property owners, request a petition package from the Public Works Department Special Taxing Districts Division, 111 NW 1st Street, Suite 1500, Miami, Florida 33128. The request letter must describe desired improvements, district boundaries and level of service.

4. What does the process consist of?

I. The Petition

The Special Taxing Districts Division prepares the petition package, tailored to the request of the community as well as Public Works Department's requirements, and adjusted, for security guard districts, to reflect Police and Fire Rescue concerns. This petition will provide a description of the proposed improvements, as well as the range of assessments estimated for

the project. A traffic study by an independent consultant, and at the expense of the community, may be required in security guard districts involving street closures prior to issuance of the petition. For road improvement projects, full right-of-way dedication will be required prior to preparation of the petition package.

Community volunteers then circulate the petition among all district property owners. A maximum of four months is allowed for the collection of signatures.

The petition, once returned to Miami-Dade County, is validated by the Public Works Department's Special Taxing Districts Division. The petition must contain signatures of 50% or more of the resident property owners for the process to continue (we use homestead exemption as an indication of residency or require new property owners who become district residents after the filing date for homestead exemption to provide us a notarized affidavit so indicating). The petition and the results of the validation are filed with the Clerk of the Board.

II. The Cost & Feasibility Study (for valid petition request)

The Public Works Department prepares a report detailing improvements, cost estimate, assessment method, and district boundaries. Then, an informational community meeting is held, normally at a neutral site such as a community school, to which all district property owners are invited by mail by the Public Works

Department's Special Taxing Districts Division. Facts pertaining to the proposal are presented to the district residents and questions by the community pertaining to the process and the proposal are entertained. No decision is made at that meeting. The Public Works Department's

report is then filed with the County Manager who in turn files his written report and recommendation with the Clerk of the Board, and schedules a formal public hearing.

III. District Creation

The Board of County Commissioners then conducts a Public Hearing to which all property owners are invited by letter from the Clerk of the Board. Notices are published by the Clerk in a newspaper of general circulation and are also posted in five public places within the district. If the Board decides that the proposal should move forward, an ordinance creating the district is adopted. The assessment roll resolution is usually adopted at the same public hearing as the creation ordinance. The resolution authorizes and directs the Miami-Dade County Tax Collector to place special assessments on a specified year's tax bill.

IV. District Ratification

Election is conducted by mailed ballot on an available election date set by the County. All registered voters residing within district boundaries are eligible to vote. A majority vote of returned ballots in favor of the project is needed to ratify district creation.

V. Collection of Special Assessments

Those districts which are approved by the electorate are billed in advance for each fiscal year (October 1 through September 30) and are included as an itemized portion of the annual combined tax bill.

VI. Implementation Phase

Final engineering of capital improvements, bidding (for capital improvements and/or service) and construction take place. The improvement would then be placed in service or the service would commence.

5. Is community consensus a requirement to begin the process?

We highly recommend that the whole community be brought into the process early on and that improvements and economic implications be agreed upon before the request for the petition package is sent to the County.

6. Who has final jurisdiction over decisions concerning District boundary administration and operation?

Dade County has final jurisdiction over all decisions concerning District boundaries, administration and operation.

7. How is the cost of services or improvements calculated and allocated?

The calculation of each district property owner's special assessment is based upon the district's specific assessment method and project cost (methods used are: front footage in street lighting, road and water projects; square footage in landscape and recreational districts; and unit in security districts.)

8. How long does it take to create and implement a Special Taxing District?

The process takes approximately a year for most projects. Stationary guard districts, because of traffic and delivery of emergency services issues, require approximately 18 months.

9. How is the assessment billed and collected?

Special assessments are billed in advance for each fiscal year and are included as an itemized portion of the annual combined tax bill under the non-ad valorem section. They are payable at the time the real property tax bill is due. For street lighting in existing communities, landscaping and stationary security guard districts, the total capital improvement costs and one year of service are billed at the beginning of the first fiscal year after district ratification, as well as creation and other administrative costs. Service, administration and maintenance costs are billed annually each year thereafter. For capital improvement districts (water, sewer, roads), a bill is sent to the property owner. If the owner decides not to pay his full share in a lump sum, he may elect to finance the cost, typically over ten years, with the first installment starting on the next November tax bill (interest will be added). For bonded projects, if he elects to pay in a lump sum, bond costs will be deducted from his bill.

10. What happens if I favor the proposal but cannot afford to pay the assessment?

The Board of County Commissioners considers specific requests by property owners to review perceived inequities of assessments, deferment or abeyance of assessments and exemptions at the Assessment Roll Resolution public hearing held following the creation public hearing, usually on the same agenda.

11. Is a lien placed on my property if I do not pay the special assessment?

Yes. Unpaid special assessments, similarly to unpaid ad valorem taxes, will cause a lien to be placed on your property and the certificate sold the following June.

12. How are undercollections and overcollections of assessments handled?

All District under and overcollections in any one year are adjusted in the following fiscal year, for undercollections by way of an increased assessment rate, and for overcollections by way

of a reduced assessment rate, except that all adjustments for first year costs of stationary security guard districts will be made only after all final capital improvement costs have been entered, which may or may not be reflected in the second assessment year

13. Do the property owners have any input as to security service provider selection? The security service provider is selected through a request for proposal process, followed by review of the proposals by a selection committee composed of 2-3 County staff members and 4-5 representatives from the community.

14. Do the property owners in security guard and landscape maintenance districts have any input in the budget process?

Any change in service level must be proposed by the community, which will be advised of the cost implications. An automatic provision for a 5% rate increase in security service provider contracts every two years is standard procedure.

15. Is the special assessment itemized on the tax bill tax deductible?

We suggest you contact the IRS or your tax consultant.

16. What are the chances that the assessments will increase at uncontrollable levels to provide the services?

Apart from the standard 5% increase every two years for the service provider, the assessments should remain at a stable level unless additional improvements are requested by the community, unbudgeted repairs need to be effected in the district, and/or the community decides to increase the district's level of service.

17. Can Miami-Dade County create special taxing districts all over its territory, including in municipalities?

Special taxing districts for water, sewer, street lighting and road improvements are created by Miami-Dade County only in Unincorporated Miami-Dade County. Districts for landscape/landscaping maintenance, security guard (stationary and/or roving patrol) and recreational service can be created by Miami-Dade County in all of Miami- Dade County, including municipalities.

18. If the district is located, wholly or partially, within the boundaries of a municipality, what, if any, City support is required for the project?

If any portion of a proposed district lies within the boundaries of a municipality, said municipality must, once the petition has been validated, authorize the County by official action to create the district. The municipality must hold a public hearing on the proposal.

19. Are there different types of security guard districts?

There are two types of security guard districts:

- a) Stationary - with guardhouses manned usually by commercial guards; and
- b) Roving patrols - provided by off-duty police officers (City officers in the municipalities and Florida Highway Patrol officers in Unincorporated Miami-Dade County), or commercial guards. Police officers are armed; commercial guards, because of liability issues, are not.

20. Is the input of any group, besides the Special Taxing Districts Division, required prior to issuance of a petition for security guard districts?

We require, prior to the preparation of the petition package, an indication by the appropriate City or County Fire/Rescue and Police Department that the delivery of emergency services will not be unduly delayed by any requested closure or loss of access to existing fire hydrants. We also require that the Public Works Highway Division review the implications of any street closure and as a result, it is sometimes mandated that the requestor submit, at his expense, a traffic study conducted by a registered traffic engineering firm. The Miami-Dade County Planning Director must also certify if the proposed improvement is consistent with the County's master plan.

21. Do street closures affect the delivery of emergency services?

The Fire Rescue Department determines, prior to issuance of the petition, whether the proposed street closure will affect the delivery of emergency services. If the Fire Rescue Department determines that the proposal will significantly hamper such delivery, it will generally request that additional guardhouses (entrances) be provided for.

22. Do these districts really serve to deter crime?

Pre- and post-district creation statistics recently obtained from Miami-Dade and various municipal police departments indicate a decrease in various types of crime in the security districts.

23. Who determines the location of the guardhouses and whether street closures are required to achieve the purpose of the security district?

Community initiators of the petition process, usually from homeowners associations, indicate the wish of the community in the request they submit for a petition. After a review of the traffic issues related to the requested proposal, and the comments from Fire/Rescue, Police, and

Planning, the Public Works Department determines the final location of the guardhouses and the feasibility of the desired closures.

24. Who manages the day-to-day operation of the service (street lighting, security, landscape) district?

The Special Taxing Districts Division of the Miami-Dade County Public Works Department manages security guard and street lighting districts. The County's Park and Recreation Department manages the landscape/landscaping maintenance districts.

25. Who implements and administers the capital improvement projects?

Miami-Dade County in Unincorporated Miami-Dade County and the respective municipal government in the municipality, the latter under interlocal agreement with the County. The Public Works Department enters into interdepartmental agreements with the Water and Sewer Department for the execution of water and sewer projects, where the cost is specified. Road improvement projects are managed by the Public Works Department by bidding the appropriate jobs or accesses existing open contracts.

26. Do stationary guard districts restrict public access to the district area?

Public access to streets encompassed within a district is never prohibited. A requirement of Chapter 18 of the Miami-Dade County Code is that special taxing districts can only be created on public roads.

27. Does Miami-Dade County allow unmanned gates and video cameras?

Unmanned gates are never allowed. Video systems are allowed if the scope of service in the districts creating ordinance allows it. Existing security districts will need to be amended through the same process that creates them to allow cameras.

28. Do residents have to stop at the guardhouse?

All cars must come to a complete stop when they approach the guardhouse. Where resident lanes exist with card control access, the residents drive through once the gate arm has been activated by their card. Where only one resident/visitor lane exists, the guard will activate the gate arm upon detection of the resident decal affixed to their vehicle windshield.

29. Do visitors have to identify themselves?

Visitors do not need to provide any information to the guard. Once the vehicle has stopped, the guard will note the tag number and description of the vehicle and let it go through. The guard, however, does have a map of the district and can provide, if requested by the visitor, directions to a destination within the district if an address is known. The guard will not call residents to announce visitors.

30. Is the guard in contact with the residents and the police by telephone?

In roving patrol districts, yes. In stationary guard districts, the guard is linked by telephone to the security company dispatcher. If the guard observes unusual or dubious activity, he will immediately contact his dispatcher, who will in turn call the police. Once the vehicle has stopped at the gate, the guard will register its tag number and description, and will then allow the car to enter the district.

31. What are residents to do when they note probable unlawful activity in the district?

They must call 911 immediately. If they have a roving patrol, they can then call the patrol number.

32. When street closures are considered, is it possible to eliminate both vehicular and pedestrian traffic?

Only vehicular access is prohibited. Sidewalks remain open.

33. Can special taxing districts be amended or dissolved?

A process identical to the creation of districts is followed to amend or dissolve a district.

34. Have lawsuits been brought in the past against special taxing districts? Have they been successful?

Lawsuits have been brought, over the years, against special taxing districts, relating particularly to assessment methods, benefit and election issues. The County has successfully defended all of them.

35. What is the amount of liability a district can be responsible for?

Per State Statute, the maximum liability for personal injury or property damage claim or judgment by any one person is \$100,000, for a total of \$200,000 per incident or occurrence arising as a result of the negligence of a government entity.

36. Can landscape be installed as part of a security guard special taxing district and who maintains it?

Yes. Landscape in the immediate area of the guardhouses can be installed at district expense. However, unless a landscape maintenance district is also established, the maintenance must be handled by the homeowners' association.

37. Who can get gate cards or decals?

Only property owners and documented renters.

38. How are security guard operational procedures changed by the homeowners' association?

All changes must be requested through the Special Taxing Districts Division.

39. Who may you call for additional information?

Please call the Special Taxing Districts Division at (305) 375-2203.

On April 14, 2015, in another Commission Communication the following was presented:

A plan of action has been developed with the support of area residents to address the public safety matters related to vehicular traffic in the single family residential areas. After lengthy reviews of documented traffic studies, analysis and temporary measures, the following actions will take place:

- 90 Street & Byron Avenue will be closed to northbound vehicular traffic. A landscaped concrete curb will be installed on the north side of the intersection of 90 Street & Byron Avenue allowing pedestrian, special needs and bicyclist's access only. The 9000 block of Byron Avenue will become a dead end street with vehicular access from the north / 91 Street. 18 of the 18 residents who live on this block are in favor of the closing.

- 94 Street and Byron Avenue will be closed to southbound vehicular traffic. A landscaped concrete curb will be installed on the south side of the intersection of 94 Street & Byron Avenue allowing pedestrian, special needs and bicyclist's access only. The 9300 block of Byron Avenue will become a dead end street with vehicular access from the south / 93 Street. 13 residents are in favor of the change, 3 are not, and 3 did not respond of the 19 who live on this block.
- The traffic circle in the intersection of 95 Street & Byron Avenue will be removed or reduced in size. That intersection will be a three way stop intersection.
- The 9500 block of Byron Avenue will be enhanced by the addition of four landscaped concrete curb extensions, two at the beginning of the block (North side of intersection at 95 Street & Byron Avenue) and two more at mid-block. The curb extensions will better delineate a single northbound vehicle lane. This feature will make it easier and safer for those exiting residential driveways in the block. 16 of the 20 residents living at these locations are in favor of the enhancements. We did not get a response from the other four.
- There will be speed calming tables installed at the following locations:
 - 88 Street, west of Garland Avenue
 - 91 Street & Abbott Avenue
 - 9500 block of Byron Avenue (Mid-block)
- Budget Impact: Approximately \$25,000 in funds from the Miami-Dade County Citizens Independent Transportation Trust.
- Recommendation: Town staff recommends that the Town Commission provide direction to a more permanent solution to address this public safety issue and vehicular traffic concern.

*** The closing of streets became a highly contested issue among residents who felt traffic from Byron Avenue would be directed toward their streets.

Town Commission held a Special Commission Meeting on April 27, 2015 to discuss short term and long term solutions to the traffic concerns in Town. Traffic experts from Miami-Dade County, the Florida Department of Transportation, and Calvin, Giordano and Associates presented information and answered questions for the Town Commission and the residents. The Town Commission directed the Town Manager to develop a plan of action for short term solutions that can be implemented immediately to relieve the traffic congestion issues.

A Commission Communication was submitted May 12, 2015, titled Traffic Management Plan – Short Term Solutions. The following was described as measures that were executed:

- Two decoy police vehicles have been deployed in the high traffic residential neighborhoods and will be rotated between 89 Street and 95 Street.
- A minimum of one Police Officer has been assigned during rush hours Monday through Friday on Byron Avenue to enforce traffic violations and control traffic congestion. Additional Officers will be assigned, staffing permitted, to Byron Avenue during peak traffic volume hours and between calls for service. Officers on overtime will also be assigned if needed.
- Lane closures on Harding and Collins Avenue are opened to traffic during morning and afternoon rush hours.
- A traffic management plan meeting with command officers from Surfside, Bal Harbour, and Bay Harbor Islands Police Departments was held on April 28, 2015 to coordinate traffic control among the three towns.
- The traffic signals on the state roads have been synchronized. Vehicle and pedestrian traffic loop detections as recommended by both traffic studies would further assist with

vehicular movement along the state roads. The cost is approximately \$31,000 for the installation at five signals.

- Surfside, Bal Harbour, and Bay Harbor Islands have developed traffic control plans for critical incidents within their own jurisdictions. These plans have been implemented in the past during traffic blockage from bridge closures, fires, crashes involving serious injury or fatality, and gas leaks.
- Police Officers will execute temporary lane closures if necessary in the residential neighborhood upon authorization of the police command staff.
- FDOT has completed a study on a new traffic signal at 96 Street and Abbott Avenue and removing the traffic signal at 96 Street and Byron Avenue and denied it. FDOT will take a second review at the request of the Town Commission.
- Staff will review intersections in need of stop signs and request approval through Miami-Dade County.
- Staff will request FDOT to install U-Turn sign on 96 Street near Bay Drive.
- Staff will develop signage to designate residential neighborhoods.
This has been completed and the signage is installed.
- Additional traffic details will operate routinely in the following areas:
 - Bay Drive - Speeding.
 - Surfside Blvd (91 Street) – Speeding.
 - A1A Collins and Harding Avenues – Speeding.
 - 88 Street & Byron Avenue – Calming device violations.
 - No thru trucks on the restricted residential streets.*Traffic details continue to be done on an ongoing basis.*
- An informational pamphlet will be created that officers can distribute on traffic stops to provide safe driving tips and cooperation among residents.

The informational pamphlet was developed, printed and is distributed routinely with a verbal warning in place of a traffic citation.

A Commission Communication was submitted June 9, 2015, titled Traffic Management Plan – Long Term Solutions. The Town Commission had directed the Town Manager to develop a plan of action for short term solutions that can be implemented immediately to relieve the traffic congestion issues. The short term solutions were implemented and discussed at the May 12 Town Commission meeting. The Town Commission also at the May 12 meeting directed staff to develop more permanent traffic solutions for the June 9 meeting for discussion.

The following measures were recommended by staff:

- Continue traffic enforcement and visibility in the residential area and on Byron Avenue during afternoon rush hours.
- Install vehicle and pedestrian traffic loop detections as recommended by both traffic studies to further assist with vehicular movement along the state roads. The cost is approximately \$31,000 from the Miami-Dade County Citizens Transportation Trust or the installation at the five signals.
- FDOT has completed a study on a new traffic signal at 96 Street and Abbott Avenue and removing the traffic signal at 96 Street and Byron Avenue and denied it. FDOT will take a second review at the request of the Town Commission. At this time staff is waiting for a response from FDOT.
- Staff will review intersections in need of stop signs and request approval through Miami-Dade County.
- Remove the FDOT No U-Turn sign on 96 Street near Bay Drive. Staff is waiting on a response from FDOT.
- Staff will develop signage to designate residential neighborhoods.

- Remove or reduce in size the traffic circle in the intersection of 95 Street & Byron Avenue. That intersection will be a three way stop intersection.
- Enhance the 9500 block of Byron Avenue by the adding of four landscaped concrete curb extensions, two at the beginning of the block (north side of intersection at 95 Street & Byron Avenue) and two more at mid-block. The cost is \$25,000 from the Miami-Dade County Citizens Transportation Trust. Install speed calming devices and place “20 MPH” lettering to the street.

On the July 14, 2015, Commission Meeting another Commission Communication was presented titled Traffic Management Plan – Long Term Solutions (9500 block off Byron Avenue). Town staff made recommendations for permanent traffic solutions at the June 9 Town Commission meeting. The Town Commission directed staff at that meeting to include visual aids for the permanent traffic solutions for the 9500 block of Byron Avenue. Two different diagrams were submitted (one set of with two curb extensions and one with one set of curb extensions), a diagram of speed calming devices, and two photographs of curb extensions were also submitted.

The following measures were recommended by staff for the 9500 block of Byron Avenue:

- Reduce the size of the traffic circle in the intersection of 95 Street & Byron Avenue. The intersection will be a three way stop sign intersection.
- Add four landscaped concrete curb extensions, two at the beginning of the block (north side of intersection at 95 Street & Byron Avenue) and two more at mid-block.
- Install speed calming devices between the mid-block curb extensions.
- Place “20 MPH” lettering on the roadway surface.

- Eliminate the solid white lanes from the roadway surface that designate the three travel lanes.
- The total cost is approximately \$25,000 funded from the Miami-Dade County Citizens Independent Transportation Trust.

The Town Commission approved the above recommendations. Public Works was directed to begin work on the reduction of the traffic circle and installing curb extensions. The project was completed in September of 2015.

Additional actions regarding stemming the vehicle congestion in the Business District area have included moving a taxi stand that was on 95 Street between Harding and Abbott Avenue to Collins Avenue north of 94 Street. The SPD is also working closely with business deliveries to better manage quality of life matters in conjunction with business operations.

As is the usual pattern, the summer months had reduced traffic congestion. Factors that contribute to the reduction in traffic during the summer months are having no school and less visitors / snowbirds in the Town and surrounding communities.

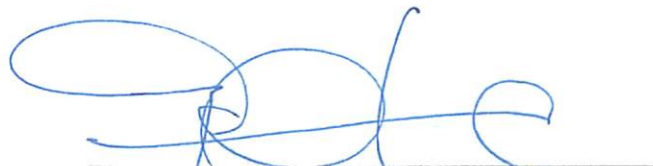
The same pattern of heavy traffic congestion and irate residents developed once again beginning after Thanksgiving of 2015. The growing number of visitors flocking to the South Florida area for the holidays in combination with the large number of part time residents who live in the area during the winter months increase vehicles on the roadways. Much of the drivers are disoriented and contribute to the slow moving traffic. Traffic congestion peaked from late December to the beginning of the New Year. In part, along with holiday travelers, the Orange Bowl football game, an event that attracts nationwide attention brought

approximately 80,000 fans (and their cars) to the area. The Bal Harbour Shops and their increasing number of fine eating establishments has also drawn more people. The daily lane closures due to new developments in Surfside, Bal Harbour, Bay Harbor Islands, and Sunny isles beach add to the congestion. The 96 Street Bridge has also been under construction and repair for over a year and is reduced to one lane and has frequent breakdowns.

The Town of Surfside does not host a large sporting event, there are no arenas, large venues or shopping malls, there is no convention center, and no major events such as Boat Shows or Art Festivals, however, all of the things named occur within close proximity of the Town. Those events bring hundreds of thousands of people to the area which at times generates more traffic than the thoroughfares to travel can handle. Therefore, traffic congestion in Surfside can only be managed to a certain extent. The traffic congestion is caused in most part by outside forces that the Town has little to no power or authority in controlling.



David Allen, Chief of Police



Guillermo Olmedillo, Town Manager



**TOWN OF SURFSIDE
DISCUSSION ITEM**

Agenda Item: # 9F
Agenda Date: April 13, 2017
From: Vice Mayor Barry Cohen
Subject: Section 4 of Town Charter- General powers of Town;
powers not deemed exclusive.

Background: The last paragraph of Section 4 of the Surfside Town Charter reads as follows:

Sec. 4. - General powers of town; powers not deemed exclusive.

...The density, intensity, and height of development and structures within the Town of Surfside shall not exceed the maximum allowable units per acre, floor area ratios or the maximum allowable building heights in stories and feet that are set out in the Town of Surfside Comprehensive Plan or the Code of the Town of Surfside, whichever provisions are most restrictive, which were in effect in 2004. *This amendment to the Town of Surfside Charter shall not be repealed, revised, amended, or superseded unless repeal, revision, amendment, or superseding provisions are placed on the ballot at a regularly scheduled election of the Town of Surfside and approved by a vote of the electors of the Town of Surfside.* (Emphasis added.)

Placement of matters related to Sec. 4 which require an election to amend such language occur at a *regularly scheduled election* of the Town of Surfside (i.e., the third Tuesday in March of any even-numbered year). The next *regularly scheduled election* will be held on March 20, 2018.

Recommendation: For the Town Commission to discuss projects, initiatives and proposed zoning changes which fall within Sec. 4 of the Town Charter.



**Town of Surfside
Town Commission Meeting
April 13, 2017
7:00 pm**

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

Date: April 13, 2017
Prepared by: Daniel Dietch, Mayor
Subject: Town Attorney Retirement

Background: The Town Commission engaged Linda Miller as Interim Town Attorney on or about January 15, 2013 and approved Resolution 13-2195 on October 8, 2013, which appointed Ms. Miller as Town Attorney effective July 16, 2013.

Consideration: On April 3, 2017, Ms. Miller submitted a Notice of Voluntary Retirement pursuant to Section 17.5 of the Town Attorney Employment Agreement, which is attached. Section 17.5 represents a 60 day advanced notice; however, Ms. Miller indicated that she is “available to serve the Town as long as required during the process of hiring a new Town Attorney.”

As Section 28 of the Town Charter specifies that the Commission shall appoint a Town Attorney, it is our responsibility to fill this Charter Officer position. As a starting point, I would suggest that the Town Commission consider whether a majority prefers an in-house Town Attorney or to outsource the function. This can guide our next steps.

Recommendation: That the Town Commission accept the Notice of Voluntary Retirement and determine how it prefers to fill the Charter Officer position of Town Attorney.

RESOLUTION 13- 2195

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPOINTING LINDA MILLER AS TOWN ATTORNEY; APPROVING THE EMPLOYMENT AGREEMENT BETWEEN LINDA MILLER 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, Section 28 of the Charter of the Town of Surfside (the "Town") provides that there be a Town Attorney who shall act as the legal advisor to and attorney and counselor for the Town and all of its officers in matters relating to their official duties;

WHEREAS, the Town Commission appointed Linda Miller as Interim Town Attorney on or about January 15, 2013; and

WHEREAS, the Town Commission desires to appoint Linda Miller as Town Attorney effective July 16, 2013 in accordance with the Employment Agreement attached hereto as Exhibit "A" and Linda Miller agrees to the terms and conditions of employment articulated in Exhibit "A;" and

WHEREAS, during her term as Town Attorney, the terms and conditions of employment of Linda Miller 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 Attorney Appointment. The Town Commission hereby appoints Linda Miller as the Town Attorney effective July 16, 2013.

Section 3. Approval of Employment Agreement. The Employment Agreement between Linda Miller and the Town attached hereto as Exhibit "A" is hereby approved and shall be effective on the date this resolution is adopted by the Town Commission.


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

PASSED and ADOPTED this 8th day of October, 2013.

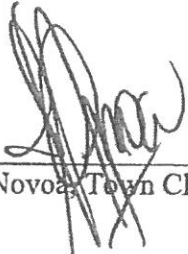
Motion by Commissioner Graubart, second by Commissioner Olchyk

FINAL VOTE ON ADOPTION

Commissioner Joseph Graubart	YES
Commissioner Michelle Kligman	YES
Commissioner Marta Olchyk	YES
Vice Mayor Michael Karukin	YES
Mayor Daniel Dietch	YES




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

EMPLOYMENT AGREEMENT
TOWN ATTORNEY

This Employment Agreement ("Agreement") is made and entered into 8th day of October, 2013, between the Town of Surfside, a Florida municipal corporation, (the "Town") and Linda Miller ("Town Attorney").

RECITALS

WHEREAS, Section 28 of the Town Charter (the "Charter") requires that there be a Town Attorney who shall act as the legal adviser to, and attorney and counselor for, the Town and all of its officers in matters relating to their official duties;

-WHEREAS, Town Attorney represents that she has the expertise and skills to serve as the Town Attorney;

WHEREAS, the Town desires to employ the services of Miller as Town Attorney and Miller 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 Attorney shall perform all duties and responsibilities required by this Agreement and prescribed in the Charter and applicable sections of the Town Code and such

other legally permissible and proper duties and functions as assigned by the Town Commission from time to time.

2.2 The Town Attorney shall perform the duties of her position in a professional and respectable fashion and with full decorum required of Town Attorneys generally and as required by the Rules Regulating the Florida Bar and the Guidelines for Professional Conduct.

2.3 The Town Attorney shall attend all Commission meetings, Charter Review Board, standing and ad hoc committee meetings, and other meetings, unless she has schedule conflicts that preclude her attendance, in which case the Town Attorney shall ensure that the Assistant Town Attorney or other legal counsel will attend such meeting(s) in her absence.

Section 3. Salary.

3.1 The Town Attorney shall receive an initial annual salary in the amount of \$140,000.00 payable, retroactive to July 16, 2013, in equal installments in accordance with the Town's existing pay periods. Within thirty (30) days of the effective date of this Agreement, Town Attorney will receive a check constituting retro pay for the period between July 16, 2013 and the date on which she begins to receive her salary pursuant to this paragraph.

3.2 For purposes of this Agreement, the Town Attorney's anniversary date shall be July 16 of each year.

Section 4. Performance Evaluations.

4.1 The Town agrees to conduct formal annual performance evaluations of the Town Attorney on or before the anniversary date of each year in a format acceptable to a majority of the Town Commission. It is understood and agreed that if the Town Attorney receives a

positive evaluation from the Commission, the Town Attorney may receive a salary or benefit increase, but this 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 the Town Attorney's performance of the duties specified in Section 2.

Section 5. Holidays.

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

Section 6. Annual (Vacation) Leave.

6.1 The Town Attorney shall accrue annual leave and shall submit leave slips for annual leave usage in accordance with Town policy for non-union civilian employees. The carryover and payout of accrued annual leave will be governed by Town policy for non-union civilian employees.

6.2 The Town Attorney 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 Attorney shall notify the Commission of who the Acting Town Attorney will be during that leave and how the Town Attorney may be reached while on leave in case of an emergency.

Section 7. Sick Leave.

The Town Attorney shall accrue sick leave and shall submit leave slips for sick leave usage in accordance with Town policy for non-union civilian employees. The carryover and

payout of accrued sick leave will be governed by Town policy for non-union civilian employees.

Section 8. Retirement Plan.

The Town Attorney shall continue to participate in the Retirement Plan for Employees of the Town of Surfside (the "Plan") and shall be subject to all of the terms and condition of the Plan as set forth in Sections 2-171 through 2-193 of the Town Code.

Section 9. Health Insurance.

The Town shall provide the Town Attorney with health, dental, vision and disability insurance in the same manner as the Town provides to its non-union civilian employees.

Section 10. Life Insurance.

The Town shall provide the Town Attorney with term life insurance equal to her annual salary.

Section 11. Professional Dues and Expenses.

11.1 Subject to applicable Town policy and state law, the Town agrees to pay for the Town Attorney's annual Florida Bar registration fee and for such other reasonable expenses, dues, subscriptions, travel and seminar fees necessary for the Town Attorney to maintain her Florida Bar license in active status.

11.2 The Town, through its Controller, shall pay reasonable non-personal job-related expenses incurred by the Town Attorney as part of her duties. Such payments shall be made on a reimbursement basis, based upon the Town Attorney's actual receipts and expense

vouchers. A budget for such anticipated expenditures shall be approved in the Town's annual budget.

Section 12. Travel.

The Town Attorney is hereby approved to attend the Florida Municipal Attorneys Association annual seminar at the Town's expense, provided that her attendance at that seminar does not interfere with the performance of her duties as Town Attorney. In addition, the Town shall pay for the reasonable and customary travel expenses of the Town Attorney for meetings and seminars as directed or annually budgeted by the Town Commission.

Section 13. Days.

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

Section 14. Bonds.

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

Section 15. Indemnification.

The Town shall indemnify the Town Attorney 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 Attorney's duties. This provision shall not apply to acts or omissions of the Town Attorney committed while acting outside the course and scope of her 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 16. Term.

The commencement date of this Agreement shall be the date the Town Commission adopts Resolution No. 13-2195 The Town Attorney 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 Attorney at any time during a regular or special Town Commission meeting, subject to the provisions set forth in this Agreement.

Section 17. Termination.

17.1 The Town Attorney 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 Attorney at any time during a regular or Special Town Commission meeting.

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

termination. The severance payment shall be paid to the Town Attorney in a lump sum upon her termination or within thirty (30) days thereafter at the Town Commission's option.

17.3 Notwithstanding the provisions of Section 17.2, in the event Town Attorney is terminated for misconduct as defined in Section 443.036(30), Florida Statutes, the Town shall have no obligation to pay the Town Attorney 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.

17.4 Upon payment of the severance payment specified in Section 17.2, upon resignation or retirement as provided for in Section 17.5, or resignation as provided for in Section 17.6, the Town shall have no further contractual financial obligations to the Town Attorney. **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.**

17.5 In the event that the Town Attorney voluntarily resigns or retires during the Term of this Agreement, the Town Attorney 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 Attorney under this Section, the Town Attorney shall not be entitled to receive the severance package specified in Section 17.2, but the Town shall pay the Town Attorney for her accrued unused vacation and sick leave (if applicable) calculated at the Town

Attorney's rate of pay in effect upon the date of resignation in accordance with Town policy for non-union civilian employees.

17.6 In the event that the Town Attorney voluntarily resigns with less than 60 days' advance written notice, the Town Commission may elect to terminate the Town Attorney immediately or allow the Town Attorney to continue to serve until the date specified in the Town Attorney's resignation. In the event of a resignation or termination under this paragraph, notwithstanding any other provisions of this Section, the Town Attorney shall not be entitled to receive either severance payment or vacation or sick leave unless the Town Commission authorizes payment of same.

17.7 If the Town Attorney is unable to perform her 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 Attorney takes FMLA-approved leave and exhausts her statutorily-protected, FMLA-approved leave in any one-year period, the Town Commission may terminate this Agreement. In the event of the Town Attorney's death, this Agreement shall be terminated. If this Agreement is terminated under this Section, the Town Attorney shall not be entitled to severance pay pursuant to Section 17.2 of this Agreement.

17.8 Unless otherwise specified in this Agreement, or required by law, upon termination of this Agreement, the Town Attorney or her 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 Attorney is terminated pursuant to Section 17.3 of this Agreement, sick and vacation leave shall not be paid.

Section 18. Miscellaneous Provisions.

18.1 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.

18.2 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.

18.3 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.

18.4 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.

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

18.6 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.

18.7 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)


For the Town Attorney: Linda Miller, Esquire
20533 Biscayne Blvd.
#1327
Aventura, FL 33180
(202) 615-5113 (Telephone)


Section 19. WAIVER OF JURY TRIAL.

BOTH THE TOWN AND THE TOWN ATTORNEY 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.

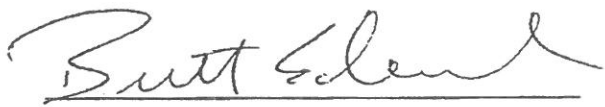
IN WITNESS WHEREOF, the Town, by signature of the Mayor as authorized by the Town Commission in accordance with Resolution No. 13-2195 passed on October 8th, 2013, has executed this Agreement the day and year first above written.

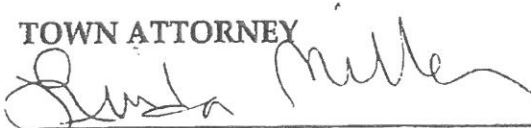
TOWN OF SURFSIDE

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:


Brett J. Schneider, Esq.
Special Labor Counsel for the Town

TOWN ATTORNEY

Linda Miller

Date October 8, 2013