Town of Surfside
Town Commission Meeting
December 14, 2010
7 p.m.
Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

AGENDA

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. Special Recognition – Assistant Chief John DiCenso – Chief David Allen
   H. Legislative Update – Fausto Gomez, Town Lobbyist
   I. Presentation Traffic Calming on Collins and Harding Avenues – Luis Ajamil, Bermello Ajamil (linked to 9E)
   J. Census Final Report – Barbara Cohen

2. Quasi-Judicial Hearings

3. Consent Agenda (Set for approximately 7:35 p.m.)
   All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the Consent Agenda and discussed separately.

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

   A. Minutes – (Page 1-22)
      September 14, 2010 First Budget Hearing
      September 22, 2010 Second Budget Hearing
      September 22, 2010 Special Commission Meeting
      September 27, 2010 Executive Session
      November 4, 2010 Special Commission Meeting with Planning and Zoning Board
      November 9, 2010 Regular Commission Meeting

*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.
B. Monthly Budget to Actual Summary as of September 30, 2010 - Martin Sherwood, Finance Support Services Department Head (Page 23-24)

C. Town Manager’s Report- “Points of Light” (Page 25-44)

D. Town Attorney’s Report- To be delivered under separate cover


F. Resolution Certifying Charter Amendment Election Results from November 2, 2010 Election (linked with Administrative Grievance Policy 3G) (Page 48-51)

G. Administrative Grievance Policy on Non-Bargaining Unit Employees (linked with Charter Amendment Election Resolution 3F) (Page 52-55)

H. Communications Ad Hoc Committee Progress Report – Commissioner Michael Karukin (Page 56-60)

I. Code Enforcement Ad Hoc Committee Progress Report – Paul Gioia, Building Official (Page 61)


K. Code Enforcement Update Report – Michael Garcia, Code Enforcement Officer (Page 63-64)

L. Community Center Concession Report – Tim Milian, Parks and Recreation Director (Page 65)

4. Ordinances

(Set for approximately 7:55 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Readings (Ordinances and Public Hearing)

*1. Off-Street Parking Ordinance – Shelley Eichner, Town Planner (Page 66-70)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90, DIVISION 1. OFF-STREET PARKING, SECTION 90-82 “DESIGN STANDARDS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO CLARIFY THE STANDARDS USED FOR VEHICULAR QUEUING, ACCESS TO STATE ROADWAYS; AND ON-SITE CIRCULATION; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[This Ordinance clarifies the standards utilized by Town Staff to review site plans for onsite and offsite vehicular circulation; it restates Miami-Dade and FDOT standards as well as giving Staff the flexibility to impose stricter standards when County standards do not result in adequate queuing and circulation space.]

B. First Readings Ordinances

*1. Commercial Vehicle Ordinance – Lynn Dannheisser, Town Attorney (Page 71-75)
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 74 AND SPECIFICALLY SECTION 74-1 “COMMERCIAL VEHICLES” CREATING SECTION 74-2 “USE OF COMMERCIAL VEHICLES” AND SECTION 74-3 “ISSUANCE OF COMMERCIAL VEHICLE PARKING PERMIT” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[This Ordinance regulates the parking of commercial vehicles on residential streets, allowing one commercial vehicle to be parked in a residential driveway provided the resident has obtained a commercial vehicle parking permit from the Town and delineating issuance and revocation procedures.]

2. Amend Town Code to add Psychic Reading and Consultation As a Permitted Use – Lynn Dannheisser, Town Attorney (Page 76-80)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-41 “REGULATED USES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADD “PSYCHIC READING AND CONSULTATION” AS PERMITTED USE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[Per the Settlement Agreement approved at the last Commission meeting, we amend the code to allow psychic reading and consultation as a permitted use in SD-B40 (Downtown Business) District as a second floor use and subject to all other regulations.]

5. Resolutions and Proclamations

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

*A. Employment Agreement for Town Manager - Mayor Daniel Dietch (Page 81-98)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN EMPLOYMENT AGREEMENT BETWEEN TOWN MANAGER, ROGER M. CARLTON AND THE TOWN; AND PROVIDING AN EFFECTIVE DATE.

B. Keep America Beautiful Report – Tim Milian, Parks and Recreation Director (Page 99-106)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN TO COMPLETE THE TRAINING AND CERTIFICATION TO BECOME AN AFFILIATE OF “KEEP
AMERICA BEAUTIFUL” AND TO BE DESIGNATED AS “KEEP SURFSIDE
BEAUTIFUL” AND PROVIDING FOR AN EFFECTIVE DATE.

*C. Parking Trust Fees – Roger M. Carlton, Interim Town Manager (Page 107-117)

*D. Drug and Alcohol Free Workplace – Roger M. Carlton, Interim Town Manager
(Page 118-133)
A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF
SURFSIDE, FLORIDA, APPROVING REVISED ADMINISTRATIVE POLICY
NUMBER 102, DRUG AND ALCOHOL FREE WORKPLACE AND SUBSTANCE
ABUSE TESTING PROCEDURES; PROVIDING FOR AN EFFECTIVE DATE.

E. Code Enforcement Officers – Roger M. Carlton, Interim Town Manager
(Page 134-136)
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF
SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER TO APPOINT
CODE ENFORCEMENT OFFICERS FOR THE TOWN WHO MAY INCLUDE
LAW ENFORCEMENT OFFICERS; PROVIDING FOR AN EFFECTIVE DATE.

6. Good and Welfare (Set for approximately 8:15 p.m.)
Public comments for subjects or items not on the agenda. Public comment on agenda
items will be allowed when agenda item is discussed by the Commission.

7. Town Manager and Town Attorney Reports
Town Manager and Town Attorney Reports have been moved to the Consent Agenda –
Item 3.
All items on the Consent Agenda are considered routine or status reports by the Town
Commission and will be approved by one motion. Any Commission member may
request, during item 1E Agenda and Order of Business, that an item be removed from
the consent agenda and discussed separately.

8. Unfinished Business and New Business - None

9. Mayor, Commission and Staff Communications (Set for approximately 10 p.m.)
*A. Amendments to Agenda Process to Increase Efficiency – Roger M. Carlton,
Interim Town Manager, Lynn Dannheisser, Town Attorney and Debra Eastman,
Town Clerk (Page 137-140)
*B. Beautification Committee Appointment, Adam Markow – Commissioner
Michael Karukin
*C. Accounts Payable on Website – Vice Mayor Joe Graubart (Page 141)
*D. Garbage Collection Reduction of One Day Per Week – Commissioner Marta
Olchyk (Page 142)
*E. Livable Streets and Pedestrian Safety – Roger M. Carlton, Interim Town Manager
(linked to 11) (Page 143-145)
F. Countrywide Real Estate Facts and Trends – Roger M. Carlton, Interim Town
Manager (Page 146-168)
*G. Ensuring the Survival of the Surfside Post Office – Roger M. Carlton, Interim Town Manager (Page 169-173)

*H. Beach Maintenance Report – Tim Milian, Parks and Recreation Director (Page 174-178)

*I. Environment Florida Community Solar Letter – Mayor Daniel Dietch and Vice Mayor Joe Graubart (Page 179-181)

*J. AECOM Modification Number 4 Design and Permit Additional Space for Community Center – Roger M. Carlton, Interim Town Manager (linked to item 9K) (Page 182-184)

*K. West Construction, Inc. Change Order #2 – Approval to construct 1,000 sf of additional multipurpose room space at the Community Center – Roger M. Carlton, Interim Town Manager (linked to item 9J) (Page 185-187)

L. Resolution Sponsored by County Commissioner Carlos Gimenez - Roger M. Carlton, Interim Town Manager (Page 188-193)

*M. Photo/Film Permit Program – Roger M. Carlton, Interim Town Manager (Page 194-196)

10. Adjournment

Respectfully submitted,
Roger M. Carlton
Interim Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936.

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.
1. Opening
   A. Call to Order  Mayor Daniel Dietch called the meeting to order at 5:01 p.m.

   B. Roll Call of Members  Town Clerk, Debra Eastman called the roll and the following were present: Commissioner Michael Karukin, Commissioner Edward Kopleman, Commissioner Marta Olchyk, Vice Mayor Joe Graubart and Mayor Daniel Dietch.

   C. Pledge of Allegiance  Police Chief David Allen led the Pledge of Allegiance.

   D. Agenda and Order of Business  (Additions, Deletions) None

2. Discussion Regarding Millage Rate and Budget
   Town Manager, Gary Word gave an overview of the budget and budget process. Carl Berkey-Abbott, Town budget consultant explained the budget in detail.

3. Millage Rate

   Town Clerk, Debra Eastman read the title of the resolution. A motion to adopt the resolution was made by Commissioner Edward Kopelman. The motion received a second from Commissioner Michael Karukin.
Commissioner Marta Olchyk stated that previous minutes do not include her strong opposition to an increase in the millage rate and requested that the minutes reflect her opposition of an increase in the millage rate.
Mayor Daniel Dietch opened the public hearing.
Litsa Kyrellis spoke in opposition to a rate increase.
Sasha Plutno encouraged a follow up on grants available ad a cut in the Town budget.
Orestes Jimenez encouraged the Town Commission to restore the tax rate to 5.6 and further cuts to the Town budget.
Roger Carlton, Interim Town Manager, explained the difficult position of the Town and expressed his desire to work with the current Town Manager to provide a series of alternatives to the Town Commission.
Heather Oppenheimer asked that the Town Commission consider long term and short term costs.
Commissioner Michael Karukin made a motion to amend the motion on the floor to adjust the budget to a tax rate of 5.6030. The amended motion received a second from Commissioner Edward Kopelman. Town Clerk, Debra Eastman called the role on the amended motion and it was adopted 4-1 with Commissioner Marta Olchyk voting in opposition.

4. 2010-2011 Proposed Budget
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND ADOPTING THE TENTATIVE ANNUAL BUDGET AND MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2010-2011; ATTACHING A SUMMARY COPY OF SAID BUDGET MARKED EXHIBIT “A”; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the resolution. Commissioner Michael Karukin made a motion to adopt the resolution. The motion received a second from Commissioner Edward Kopelman. Finance Director, Martin Sherwood explained that exhibit A will be adjusted downward based on the prior conversation. Town Clerk, Debra Eastman called the roll and the motion was adopted 4-1 with Commissioner Marta Olchyk voting in opposition.

5. Adjournment  The meeting adjourned at 6:40 p.m.

Accepted this ____ day of ____, 2010.

____________________________________
Daniel Dietch, Mayor

Attest:
Debra E. Eastman, MMC
Town Clerk
1. Opening
   A. Call to Order Mayor Daniel Dietch called the meeting to order at 5:01 p.m.

   B. Roll Call of Members Town Clerk, Debra Eastman called the roll and the following were present: Commissioner Michael Karukin, Commissioner Edward Kopelman, Commissioner Marta Olchyk, Vice Mayor Joe Graubart and Mayor Daniel Dietch.

   C. Pledge of Allegiance Police Chief David Allen led the Pledge of Allegiance.

   D. Agenda and Order of Business (Additions, Deletions) There were none.

2. Discussion Regarding Millage Rate and Budget
   Mayor Daniel Dietch read a statement into the record explaining that in 2011 the Town of Surfside is considering a final levy of 5.6030 which is 10.49% increase over the rolled-back rate of 5.0710. The increase results from the need to compensate for the decline in property valuations and the anticipated re-opening of the new Community Center and Aquatics facility, employee pay adjustments and other priority projects.

2. Millage Rate

   A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF A MILLAGE RATE AGAINST ALL TAXABLE REAL AND PERSONAL PROPERTY IN THE TOWN OF SURFSIDE, FLORIDA FOR THE FISCAL YEAR 2010-2011; AND PROVIDING FOR AN EFFECTIVE DATE.
Town Clerk, Debra Eastman read the title of the resolution. Town budget consultant, Carl Berkey-Abbott gave a presentation on the decreases made since the first budget hearing held on September 14, 2010. A motion to adopt the resolution was made by Commissioner Edward Kopelman. The motion received a second from Commissioner Michael Karukin. There was no public comment. Town Clerk, Debra Eastman called the roll and the motion carried 3-2 with Vice Mayor Graubart and Commissioner Marta Olchyk voting in opposition.

4. 2010-2011 Proposed Budget

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND ADOPTING THE FINAL ANNUAL BUDGET AND MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2010-2011; ATTACHING A SUMMARY COPY OF SAID BUDGET MARKED EXHIBIT “A”; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the resolution. A motion to adopt the resolution was made by Commissioner Michael Karukin. The motion received a second from Commissioner Edward Kopelman. Commissioner Michael Karukin spoke of the need to build reserves. Interim Town Manager, Roger Carlton stated he will be working on a five year financial strategic plan that will include reserves in general fund and enterprise funds. He stated that the budget appears to be fair and reasonable. Commissioner Marta Olchyk expressed her concern with spending. Mayor Daniel Dietch opened the public hearing. Orestes Jimenez asked about the CITT funds. He stated that he is not in favor of 5.603 and for any increase in sewer and water fees. There being no further public comment. The Mayor closed the public hearing. Town Clerk, Debra Eastman called the roll and the motion was adopted 3-2 with Vice Mayor Joe Graubart and Commissioner Marta Olchyk voting in opposition.

5. Adjournment  The meeting adjourned at 5:50 p.m.

Accepted this ____ day of ____, 2010.

_________________________________
Daniel Dietch, Mayor

Attest:

_________________________________
Debra E. Eastman, MMC
Town Clerk
MINUTES

1. Opening
   A. Call to Order Mayor Daniel Dietch called the meeting to order at 6:05 p.m.

   B. Roll Call of Members Town Clerk, Debra Eastman called the roll with the following members present: Commissioner Michael Karukin, Commissioner Edward Kopelman, Commissioner Marta Olchyk, Vice Mayor Joe Graubart and Mayor Daniel Dietch.

   C. Pledge of Allegiance Police Chief David Allen led the Pledge of Allegiance.

   Town Attorney Lynn Dannheisser called for the setting of an Executive Session to discussion litigation regarding Candy Miller v. City of Surfside.

   D. Public Comments: There were no public comments.

2. Employee Benefits Contract Ratification for Fiscal Year 2010-2011
   Town Manager, Gary Word explained the process of evaluation of the insurance contract. Vice Mayor Joe Graubart asked if the employees are in favor of the contract and about the cost of insurance.

   A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA APPROVING GROUP HEALTH, DENTAL, LIFE AND DISABILITY PLANS BETWEEN THE TOWN OF SURFSIDE, FLORIDA AND UNITED HEALTHCARE/NEIGHBORHOOD HEALTH PLAN AND MUTUAL OF OMAHA.

   Town Clerk, Debra Eastman read the title of the resolution. Commissioner Michael Karukin made a motion to adopt the resolution. The motion received a second from Commissioner Edward Kopelman. Town Clerk, Debra Eastman called the roll and all were in favor.

3. Town Manager Separation Agreement
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURSIDE, FLORIDA AMENDING THE ANNUAL APPROPRIATIONS RESOLUTIONS ADOPTED FOR THE FISCAL YEAR OCTOBER 1, 2009 TO SEPTEMBER 30, 2010; FOR THE PURPOSE OF AMENDING THE CURRENT YEAR’S BUDGET UPWARD; AND OTHER BUDGETARY ADJUSTMENTS REQUIRED TO THE FISCAL YEAR ENDED SEPTEMBER 30, 2010 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the resolution. Commissioner Edward Kopelman made a motion to adopt the resolution. The motion received a second from Commissioner Michael Karukin. Commissioner Marta Olchyk stated she is in favor of the motion because it is the best solution for all parties involved. Town Clerk, Debra Eastman called for the vote and the motion passed 4-1 with Vice Mayor Joe Graubart voting in opposition.

Executive Session
Town Attorney, Lynn Dannheisser requested an Executive Session of the Town Commission in order to gather advice on litigation on Candy Miller v. City [SIC] of Surfside Case No.10-49676-CA (01); filed in Circuit Court of the 11th Judicial Circuit, in and for Miami Dade County, Florida. Ms. Dannheisser proposed Monday, September 27, 2010 at 6:30 p.m. The Town Clerk will send out a save the date to the Town Commission.

4. Adjournment The meeting adjourned at 6:30 p.m.

Accepted this ____ day of ____ , 2010.

________________________________________
Daniel Dietch, Mayor

Attest:

________________________________________
Debra E. Eastman, MMC
Town Clerk
Town of Surfside
Town Commission Executive Session
September 27, 2010
6:30 p.m.
Town Hall Commission Chambers - 9293 Harding Ave, 2nd Fl
Surfside, FL  33154

MINUTES

1. Opening
   A. Call to Order Mayor Daniel Dietch called the meeting to order at 6:30 p.m.
   B. Roll Call of Members Town Clerk Debra Eastman called the roll with the following in attendance: Commissioner Michael Karukin, Commissioner Edward Kopelman, Commissioner Marta Olchyk, and Mayor Daniel Dietch. Vice Mayor Joe Graubart arrived at 6:35 p.m.
   C. Pledge of Allegiance Police Chief David Allen led the Pledge of Allegiance.

2. Adjourn Into Executive Session – Meet with legal counsel to discuss Candy Miller v. City [SIC] of Surfside Case No.10-49676-CA (01); filed in Circuit Court of the 11th Judicial Circuit, in and for Miami Dade County, Florida.

   Town Attorney, Lynn Dannheisser explained the reason for the Executive Session. All concurred and retired to discuss in private.

3. Reconvene
   Mayor Daniel Dietch, Vice Mayor Joe Graubart and members of the Town Commission reconvened at 7:25 p.m.
   Town Attorney, Lynn Dannheisser asked for direction from the Town Commission regarding Candy Miller v. City of Surfside. Commissioner Edward Kopelman made a motion to direct the Town Attorney to resolve the matter amicably. The motion received a second from Commissioner Michael Karukin. Town Clerk, Debra Eastman called the roll and all were in favor.

4. Adjournment The meeting adjourned at 7:30 p.m.

   Accepted this ____ day of ____, 2010.

______________________________
Daniel Dietch, Mayor
Attest:

_______________________________
Debra E. Eastman, MMC
Town Clerk
1. Opening

A. Call to Order  Mayor Daniel Dietch called the meeting to order at 7:01 p.m.

B. Roll Call of Members  Town Clerk, Debra Eastman called the roll with the following members of the Town Commission present: Michael Karukin, Edward Kopelman, Marta Olchyk, Vice Mayor Joe Graubart and Mayor Daniel Dietch. Planning and Zoning Board members present were Galen Bakken, Armando Castellanos, Peter Glynn, Sheldon Lisbon and Scarlet Tenen. Town Attorney, Lynn Dannheisser and Interim Town Manager, Roger Carlton were also present.

C. Pledge of Allegiance  Police Chief David Allen led the Pledge of Allegiance.
Mayor Daniel Dietch explained that the Town Commission is not married to the current Town Code. He pointed out that the Code can be changed to reflect the sensibilities of the community.

D. Overall Vision and Issues for reconsideration in the 2010 Zoning Code  Galen Bakken explained his concern about the scale of buildings allowed in tourist district and gave an example that would allow for a much higher density. Town Planner Sarah Sinatra explained that for every 100 feet there would need to be a wall change. Town Attorney, Lynn Dannheisser explained that the design guidelines would prevent one continuous building line. Peter Glynn expressed concern with the lack of authority of the Design Review Board.
Galen Baken presented another example of where a larger building could be built on the lot providing for greater density. Mayor Daniel Dietch pointed out that density is governed by the Comp plan. Lynn Dannheisser, Town Attorney pointed out that in this case apartments could be larger, but would be limited to the same number of units.
Vice Mayor Joe Graubart brought forth concerns of parking, setbacks, unit size and use.
Upon a question from Galen Bakken, Town Planner, Shelley Eichner explained floor area ratio. Lynn Dannheisser, Town Attorney explained that density refers to the number of units you can achieve and intensity is the number of square feet you can achieve. Galen Bakken stated he believes the town needs to be more mindful of the possible scale of buildings.
Vice Mayor Joe Graubart stated that the residents passed amendment 4 to restrict and that something transpired to upset the residents. Mayor Daniel Dietch stated that it appears they are dealing with a perception gap between how the town is governed and what some people think that means. There was no erosion until earlier this year. However, there is no issue that is insurmountable.

E. Public Comments

Eli Tourgeman asked about the vision for Harding and Collins Avenue. Mayor Daniel Dietch explained that the Comp plan is a good framework to allow residential, commercial and tourist districts. Mayor Dietch so noted the area as an issue of concern. Eli Tourgeman urged the Planning and Zoning Board to be more aggressive in attracting tourism business and pointed out the burden on homeowners if this should not happen.

Richard Iacobacci spoke in favor of the proposed hotel and asked that it go forward. Eli Tourgeman spoke of lost tourism and businesses over the last thirty years. Lou Cohen spoke in favor of moving forward with the proposed hotel and asked that a decision be made and the delays stopped.

Mark Blumstein urged the Commission and Planning Board to go forward and not leave the taxation burden to the residents.

Mayor Daniel Dietch pointed out that both the old and new code and both the old and new comp plan sets out having tourist facilities East of Harding Avenue and asked if something changed with the elected officials and Planning and Zoning Board that would be cause for thinking that was not in the Town’s best interest.

Vice Mayor Joe Graubart stated he is convinced that a decision has to be made and that some people will be happy and some people will be unhappy.

Mayor Dietch asked for those in favor of hotels East of Harding Avenue.

Commissioner Marta Olchyk responded she is in favor of hotels. Commissioner Edward Kopelman agreed. Vice Mayor Joe Graubart responded that he is in favor of hotels East of Collins and small boutique, perhaps 50 units on a nice size lot. He stated he is against tandem parking and things that would affect the quality of life of the abutting property. Commissioner Michael Karukin stated he is in favor of hotels East of Harding. Peter Glynn stated he is in favor of hotels. Scarlet Tenen stated she is in favor of hotels East of Harding.

Town Attorney, Lynn Dannheisser pointed out that both the new and old codes allowed hotels East and west of Harding and asked where was the shift in philosophy. Galen Bakken stated that he is concerned about massing of buildings and where they are located and what we have for comp plan controls in terms of density and intensity. Armando Castellanos stated he is in favor of hotels, but is not in favor of large size buildings. Sheldon Lisbon explained that he is concerned with the economic vitality of the community and is therefore, in favor of hotels.

Interim Town Manager, Roger Carlton explained the current tax burden on the taxpayers and stated that he is developing a five year financial plan and will be able to simulate the shift in burden if there was a hotel to assist in the tax burden. Mayor Daniel Dietch stated that he would like to give direction to the Town Planner to take a hard look at the H40 district, old and current code provisions and come to the next meeting and let that be the framework for discussion. Commissioner Marta Olchyk stated that there needs to be a decision.
Barbara McLaughlin asked that everyone come together on this and keep the best interest of the town in mind. Silvia Coltrane urged all to listen to the experts and consider the possible revenue from a 183 room hotel. Neisen Kasdin representing Transacta spoke in favor of the hotel. Bill Spencer, representing Transacta stated he sent a letter to the Town Attorney explaining the rights of hotel developers. Mayor Daniel Dietch asked Mr. Spencer to refrain from details and that his letter will be addressed in due time. Town Attorney, Lynn Dannheisser pointed out again that the focus of the meeting tonight is not on the proposed hotel but that the meeting was called to review the old and current Town Codes. Cecilia Ward of JC Consulting also spoke on behalf of Transacta and pointed out the need for the Town to rely on the comp plan and land use map. Commissioner Michael Karukin pointed out that he communicated with the petition committee, offered eight different times and dates to meet with them and he has not had a specific response. Mayor Ditch proposed that there be a revisit of hotels within that district, make sure they have the right kind of constraints, buffering, measures for traffic, parking and design. It appears that philosophically the Town is not opposed to hotels. Barbara McLaughlin asked Vice Mayor Joe Graubart as a petition circulator to obtain the questions of concern to the community. Commissioner Marta Olchyk implored Mayor Dietch to set a deadline as no matter what decision is made there will be some in favor and some opposed. Mayor Daniel Dietch stated that we are working together as efficiently and effectively as possible to put together a framework and work toward the best interest of the Town. Commissioner Marta Olchyk stated her concern regarding a divided community and asked that there be no postponement. She asked if this issue could go to a vote. Commissioner Edward Kopelman made a motion to adjourn the meeting. The motion received a second from Vice Mayor Joe Graubart. Mayor Daniel Dietch called for the vote and all were in favor.

F. Other Business

2. Adjournment The meeting adjourned at 9:45 p.m.

Accepted this ____ day of ____, 2010.

_______________________________
Daniel Dietch, Mayor

Attest:

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Debra E. Eastman, MMC
Town Clerk
1. Opening
   A. Call to Order  Mayor Daniel Dietch called the meeting to order at 7:04 p.m.

   B. Roll Call of Members  Town Clerk, Debra Eastman called the roll and the following members were present: Commissioner Michael Karukin, Commissioner Marta Olchyk, Vice Mayor Joe Graubart and Mayor Daniel Dietch. Commissioner Edward Kopelman was absent.

   C. Pledge of Allegiance  Chief David Allen led the Pledge of Allegiance.

   D. Mayor and Commission Remarks – Mayor Daniel Dietch
      Mayor Daniel Dietch explained that there is a long agenda and asked that everyone keep that in mind when speaking and set a goal to end the meeting at 11 p.m. He announced that the 3 minute rule for speakers will be enforced.

   E. Agenda and Order of Business (Additions, Deletions and Linkages)
      Town Clerk, Debra Eastman requested on behalf of Commissioner Edward Kopelman to change item 9H, Commissioner Kopelman’s appointment to the Communication Ad Hoc Committee from Marc Imberman to Kathy Imberman.
      Vice Mayor Joe Graubart requested to have the Town Attorney’s report pulled from the consent agenda. He asked that Item H precede Item G under special presentations.
      Commissioner Michael Karukin requested to pull item 42 from the Manager’s report.

   F. Community Notes – Mayor Daniel Dietch
      Mayor Daniel Dietch thanked County Commissioner Sally Heyman and Vice Mayor Joe Graubart for the emergency ocean stations that are now installed. He announced information regarding bike registration and parking passes and the reimbursement of library cards for Miami Dade County Library.
      Vice Mayor Joe Graubart gave a reminder of the upcoming third Thursday events and the Veteran’s Day celebration.

   G. Special Presentation – Eagle Scout, Joseph Coto – Mayor Dietch
      Mayor Daniel Dietch recognized 17 year old Joseph Coto for his leadership and service projects and most recently his Eagle Scout project of refurbishing Veteran’s
Park. Mayor Dietch also recognized the several residents who assisted with the project.

H. Special Recognition – Paul Gioia, Lifetime Achievement Award, Interim Town Manager Roger Carlton
Interim Town Manager Roger Carlton recognized Paul Gioia who was recently honored with the Robert K. Becker Lifetime Achievement Award for his contribution to the Building Officials of Florida.

I. Special Presentation – Dr. Martin Karp, Miami-Dade School Board, District 3
Dr. Karp thanked Mayor Daniel Dietch for bringing forward the resolution to enforce residency requirements and pointed out that due to the economy 7,000 children have left private schools to come back to public schools.

2. Quasi-Judicial Hearings  None

3. Consent Agenda

A. Minutes – October 12, 2010 Regular Commission Meeting

B. Town Manager’s Report
There are 71 items, of which 41 are carried over, from the October 12, 2010 Town Commission meeting. Thirty items have been added during the last month. The status of each item is included in the After Action document in the agenda packet.

C. Town Attorney’s Report – Will be provided under separate cover.


F. Agreement with Miami-Dade State Attorney – Chief David Allen
A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER OF THE TOWN OF SURFSIDE TO EXECUTE AN AGREEMENT WITH THE MIAMI-DADE STATE ATTORNEY’S OFFICE TO PROSECUTE CRIMINAL MUNICIPAL ORDINANCE VIOLATIONS IN SURFSIDE; AND PROVIDING FOR AN EFFECTIVE DATE.

G. Service Dog Training – Chief David Allen
A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, IN RECOGNITION OF THE ROLL CALL TRAINING OF SURFSIDE POLICE OFFICERS WITH SERVICE DOGS.

H. Candy Miller Settlement – Lynn Dannheisser, Town Attorney
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A STIPULATION OF SETTLEMENT AGREEMENT IN CANDY MILLER V. SURFSIDE, CASE NO. 2010-49676-CA-01 CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE TOWN ATTORNEY TO EXECUTE THE STIPULATION OF SETTLEMENT AGREEMENT AND PROVIDING FOR AN EFFECTIVE DATE.

I. Byrne/Jag Formula Funds Application – Assistant Chief John DiCenso
A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER OF THE TOWN OF SURFSIDE TO APPLY FOR THE FEDERAL DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM GRANT AVAILABLE THROUGH MIAMI-DADE COUNTY TO APPLY FOR, RECEIVE, EXPEND AND AMEND BYRNE/JAG FORMULA FUNDS AND EXECUTE AGREEMENTS WITH THE PURPOSE OF CREATING A RECORDS IMPROVEMENT PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt the consent agenda was made by Commissioner Michael Karukin. The motion received a second from Commissioner Marta Olchyk. Mayor Daniel Dietch called for the vote and all were in favor.

4. Ordinances
A. Second Readings (Ordinances and Public Hearing)
   1. Update Capital Improvements Element – Shelley Eichner, Calvin, Giordano & Associates
   AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN’S COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN THE COMPREHENSIVE PLAN AND AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the ordinance and announced that there is a Sign In Sheet available if anyone would like to receive information concerning the date of publication of the Notice of Intent by the Department of Community Affairs. Town Planner, Shelley Eichner explained the requirement to review the Capital Improvements Element on an annual basis and that it must be adopted by December 1. Mayor Daniel Dietch opened the public hearing and there were no comments. A motion was made by Commissioner Michael Karukin to adopt the ordinance on second reading. The motion received a second from Mayor Daniel Dietche after passing the gavel to Vice Mayor Joe Graubart. Town Clerk Debra Eastman called the roll and the motion was adopted 4-0.
2. Municipal Parking Lot – Karen Friedman, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING,” ARTICLE IV. “DISTRICT REGULATIONS” SECTION 90-41. “REGULATED USES” TO ALLOW SURFACE PARKING LOTS TO BE LOCATED IN ANY ZONING DISTRICT; AMENDING ARTICLE VII “OFF-STREET PARKING AND LOADING,” DIVISION 1 “OFF-STREET PARKING,” SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS” AND SECTION 90-82. “DESIGN STANDARDS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADD A PROVISION RELATIVE TO MUNICIPAL SURFACE PARKING AND DESIGN STANDARDS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the ordinance. Town Planner Shelley Eichner explained the purpose to permit municipal parking lots. A motion to adopt the ordinance on second reading was made by Commissioner Michael Karukin. The motion received a second from Commissioner Marta Olchyk. Mayor Daniel Dietch opened the public hearing. There being no comments, the public hearing was closed. Town Clerk Debra Eastman called the roll and all were in favor.

B. First Readings Ordinances

1. Commercial Vehicle Ordinance – Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 74 AND SPECIFICALLY SECTION 74-1 “USE OF COMMERCIAL VEHICLES”; CREATING SECTION 74-2 “USE OF COMMERCIAL VEHICLES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

The Commercial Vehicle Ordinance was removed from the agenda.

5. Resolutions and Proclamations

A. Agreement with the Florida State Lodge Fraternal Order of Police Local 135 – Roger Carlton, Town Manager

MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. A motion was made by Commissioner Michael Karukin to adopt the resolution. The motion received a second from Commissioner Marta Olchyk. Interim Town Manager Roger Carlton explained the negotiation process and the areas discussed in general. Mayor Daniel Dietch thanked the Interim Town Manager and the bargaining team. Town Clerk Debra Eastman called the roll and all were in favor.

B. Grant Applications – Roger M. Carlton, Interim Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA DIRECTING THE TOWN MANAGER AND CALVIN GIORDANO ASSOCIATES (“CGA”) TO MAKE ADDITIONAL GRANT APPLICATIONS TO FEMA IN THE AMOUNT OF $2,983,538.00 AND TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT (“SFWMD”) IN THE AMOUNT OF $570,000.00 TO AUGMENT THE FUNDING OF THE STORMWATER CAPITAL IMPROVEMENT PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. A motion was made by Commissioner Michael Karukin to adopt the resolution. The motion received a second from Vice Mayor Joe Graubart. Town Clerk Debra Eastman called the roll and all were in favor.

C. Special Bond Counsel – Roger Carlton, Interim Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, REAPPOINTING THE LAW FIRM OF BRYANT, MILLER, OLIVE AS SPECIAL BOND COUNSEL; SETTING FORTH THE TERMS AND CONDITIONS OF THAT APPOINTMENT; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. Interim Town Manager Roger Carlton explained this is an engagement letter and that the Town will also have a financial advisor to structure the debt to obtain the best possible price. Vice Mayor Joe Graubart moved to adopt the resolution along with Item “9B Proposed Water, Sewer, Stormwater Infrastructure Financing and Preliminary Authorization to Proceed”. The motion received a second from Commissioner Michael Karukin. Town Clerk Debra Eastman called the roll and the resolution was adopted 3-1 with Vice Mayor Joe Graubart voting in opposition.

D. Purchase of Police Vehicles – Chief David Allen

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE PURCHASE OF TWO POLICE VEHICLES AND AUTHORIZING THE TOWN MANAGER TO EXPEND POLICE DEPARTMENT FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.
A motion was made by Commissioner Michael Karukin to adopt the resolution. The motion received a second from Vice Mayor Joe Graubart. Commissioner Marta Olchyk spoke in opposition. Town Clerk Debra Eastman called the roll and the motion was adopted 3-1 with Commissioner Marta Olchyk voting in opposition.

**E. West Construction Change Order No. 1** – Roger Carlton, Interim Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING EXECUTION OF WEST CONSTRUCTION, INC. CHANGE ORDER NO. 1 TO INCLUDE A CHANGE IN THE SCHEDULED COMPLETION OF WORK WITH NO CHANGE IN THE GUARANTEED MAXIMUM PRICE FOR THE COMMUNITY CENTER PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

(Note: This change order establishes the new date for temporary certificate of occupancy of April 5, 2011 and final completion of May 20, 2011. The contractor has agreed to work six ten hour days to achieve these dates at no extra cost.)

Interim Town Manager Roger Carlton explained the time line and gave an affirmative recommendation for the adoption of this resolution. A motion to adopt the resolution was made by Commissioner Michael Karukin. The motion received a second from Vice Mayor Joe Graubart. Town Clerk Debra Eastman called the roll and the motion was adopted 3-1 with Commissioner Marta Olchyk voting in opposition.

**F. West Construction Change Order No. 2** – Roger Carlton, Interim Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING EXECUTION OF WEST CONSTRUCTION, INC. CHANGE ORDER NO. 2 TO ADD AN ADDITIONAL 1000 SQUARE FEET OF MEETING ROOM SPACE TO THE COMMUNITY CENTER TO INCLUDE A CHANGE IN THE GUARANTEED MAXIMUM PRICE WITH NO CHANGE IN THE SCHEDULED COMPLETION OF WORK; AND PROVIDING FOR AN EFFECTIVE DATE.

(Note: This Change Order discusses the cost for adding approximately 1,000 square feet of public meeting space to the Community Center. The cost and other matters are still being negotiated. The Change Order is on this agenda to determine if the Town Commission wishes to pursue the additional space so that foundations may be installed at minimum expense to not delay the overall construction process. A final decision will be made during the December 14, 2010 Town Commission meeting.)

Interim Town Manager Roger Carlton explained an opportunity to add additional square footage and that he hopes to have the final figures to the Town Commission in December. A motion to adopt the resolution was made by Commissioner Michael Karukin. The motion received a second from Commissioner Marta Olchyk. Town Clerk Debra Eastman called for the vote and all were in favor.

**G. West Construction Change Order No. 3** - Roger Carlton, Interim Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING EXECUTION OF WEST CONSTRUCTION CHANGE ORDER NO. 3 PAINTING THE INTERIOR AND EXTERIOR OF TOWN HALL; AND PROVIDING FOR AN EFFECTIVE DATE.
(Note: This Change Order authorizes the addition of $24,500 to the West Construction contract. The decision was made to utilize the West Construction painting subcontractor since their pricing was excellent. The painting of Town Hall is included in the FY10-11 approved budget.)

Town Clerk Debra Eastman read the title of the resolution. Interim Town Manager Roger Carlton and Chris Giordano explained how the change order will assist in the process. Charles Kesl and Jen Brilliant of the Town of Surfside Beautification Committee showed the colors and explained they were unanimously selected by the Beautification Committee. A motion to adopt the resolution was made by Vice Mayor Joe Graubart. The motion received a second from Commissioner Michael Karukin. Town Clerk Debra Eastman called the roll and all were in favor.

H. School Residency Requirements – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, REQUESTING THAT MIAMI-DADE COUNTY PUBLIC SCHOOLS (MDCPS) ENFORCE THE RESIDENCY REQUIREMENTS FOR STUDENTS ENROLLED AT THE RUTH K. BROAD BAY HARBOR K-8 CENTER AND OFFERING TOWN ASSISTANCE; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. A motion to adopt the resolution was made by Vice Mayor Joe Graubart. The motion received a second from Commissioner Marta Olchyk. Vice Mayor Joe Graubart suggested that Bal Harbour and Bay Harbor also participate in a similar resolution. Town Clerk Debra Eastman called the roll and all were in favor.

I. Nova Engineering and Environmental, LLC Change Order No. 1- Roger Carlton, Interim Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING EXECUTION OF NOVA ENGINEERING AND ENVIRONMENTAL, LLC CHANGE ORDER NO. 1 TO CONTINUE SERVICES AS THE SPECIAL INSPECTOR TO PERFORM CONSTRUCTION MATERIALS TESTING SERVICES AS REQUIRED BY THE FLORIDA BUILDING CODE ON THE COMMUNITY CENTER PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. Chris Giordano explained that Nova is the testing firm hired to inspect items at the Community Center construction site. A motion was made to adopt the resolution by Commissioner Michael Karukin. The motion received a second from Commissioner Marta Olchyk. Town Clerk Debra Eastman called the roll and all were in favor.

J. Awarding Design-Build Bid to Lynx Construction, LLC – Roger Carlton, Interim Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AWARDING THE DESIGN BUILD BID TO LYNX CONSTRUCTION, LLC FOR THE DESIGN AND CONSTRUCTION OF THE SURFACE PARKING LOT LOCATED AT 9450 COLLINS AVENUE AND TO CREATE A JOINDER BETWEEN THE UNDEVELOPED LOT AND THE
EXISTING ADJACENT METER PARKING LOT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. A motion to adopt the resolution was made by Commissioner Michael Karukin. The motion received a second from Vice Mayor Joe Graubart. Upon questions regarding the number of spaces and cost, Interim Town Manager Roger Carlton stated he will report back to the Town Commission in December. Town Clerk Debra Eastman called the roll and all were in favor.

K.1 Architectural and Engineering Services – Fernando Rodriguez, Director of Public Works *(Note: There are two resolutions.)*

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, SELECTING FOUR (4) ARCHITECTURAL FIRMS TO PERFORM ARCHITECTURAL SERVICES FOR THE TOWN IN RESPONSE TO RFQ NO. 11-01; AUTHORIZING THE TOWN MANAGER OR HIS/HER DESIGNEE TO ENTER INTO A CONTINUING CONSULTANT AGREEMENT THE FORM AND CONTENT OF WHICH SHALL SUBSTANTIALLY CONFORM TO THE AGREEMENT CONTAINED IN EXHIBIT “A” WITH SAID ARCHITECTURAL FIRMS PROVIDED SAID AGREEMENTS ARE APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY THE TOWN ATTORNEY; FURTHER AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. A motion to adopt the resolution was made by Commissioner Michael Karukin. The motion received a second from Commissioner Marta Olchyk. Interim Town Manager Roger Carlton explained the purpose of having a team of firms available. Town Clerk Debra Eastman called the roll and all were in favor.

K.2

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA SELECTING FIVE (5) ENGINEERING FIRMS TO PERFORM GENERAL ENGINEERING, STRUCTURAL, GEOTECHNICAL, TRAFFIC SERVICES FOR THE TOWN IN RESPONSE TO RFQ NO. 11-02; AUTHORIZING THE TOWN MANAGER OR HIS/HER DESIGNEE TO ENTER INTO CONTINUING CONSULTANT AGREEMENTS THE FORM AND CONTENT OF WHICH SHALL SUBSTANTIALLY CONFIRM TO THE AGREEMENT CONTAINED IN EXHIBIT “A”, PROVIDED SAID AGREEMENTS ARE APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY THE TOWN ATTORNEY; FURTHER AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE TERMS OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. A motion to adopt the resolution was made by Commissioner Michael Karukin. The motion received a second from Commissioner Marta Olchyk. Town Clerk Debra Eastman called the roll and all were in favor.
L. Agreement with SunTrust to Process Credit Card Transactions – Assistant Chief John DiCenso

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER OF THE TOWN OF SURFSIDE TO EXECUTE AN AGREEMENT WITH SUNTRUST MERCHANT SERVICES, LLC TO PROCESS CREDIT/DEBIT CARD TRANSACTIONS FOR PROCESSING CARD TRANSACTIONS FROM THE MULTI-SPACE PARKING METERS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. Interim Town Manager Roger Carlton and Finance Director Martin Sherwood explained the best bid came from SunTrust. A motion to adopt the resolution was made by Commissioner Michael Karukin. The motion received a second from Vice Mayor Joe Graubart. Town Clerk Debra Eastman called the roll and all were in favor.

M. LAZ Parking Maintenance Contract Amendment – Assistant Chief John DiCenso

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE CONTRACT AMENDMENT WITH LAZ PARKING FOR TWELVE MONTHS; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AMENDMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND MUNICIPAL PARKING FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. Interim Town Manager Roger Carlton recommended adoption of the resolution as part of the success of the program. A motion to adopt the resolution was made by Commissioner Michael Karukin. The motion received a second from Commissioner Marta Olchyk. Vice Mayor Graubart explained that this item is also lined to item 5L, 5N and 9I on this agenda. Mayor Daniel Dietch called for the vote and all were in favor.

N. Multispace Parking Meter Software Agreement – Assistant Chief John DiCenso

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE ENTERPRISE MANAGEMENT SYSTEM (EMS”) CUSTOMER AGREEMENT; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND PARKING FUND PROCEEDS; AUTHORIZING THE TOWN MAYOR TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

(Linked to item 5L and 5M and 9I)

Town Clerk Debra Eastman read the title of the resolution. A motion was made by Commissioner Michael Karukin to adopt the resolution. The motion received a second from Commissioner Marta Olchyk. Mayor Daniel Dietch called for the vote and all were in favor.
6. **Good and Welfare**
Peter Neville expressed concern regarding signs outside the Waverly involving private property.
Paul Yavis spoke about hiring outside counsel and a previous petition.
Alan Gourme asked about having hazardous waste picked up in town every six months.
Richard Iacobacci spoke about construction worker parking and renting of driveways and the downtown district facades and banners.

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**
*There was no unfinished business from the previous Town Commission agenda.*

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

A. **Truth & Reconciliation Panel** – Mayor Daniel Dietch
Mayor Daniel Dietch read a memo proposing a committee. Commissioner Marta Olchyk spoke in opposition. Commissioner Michael Karukin spoke in opposition. There was no action.

B. **Proposed Water, Sewer, Stormwater Infrastructure Financing and Preliminary Authorization to Proceed** – Roger Carlton, Interim Town Manager
See item 5C.

C. **Strategy for Disposition of Library Materials** – Duncan Tavares, Tourist Bureau Board Director
Vice Mayor Joe Graubart made a motion to go forward with the disposition of materials as outlined by Interim Town Manager Roger Carlton. The motion received a second from Commissioner Michael Karukin. Mayor Daniel Dietch called for the vote and all were in favor.

D. **Monthly Budget to Actual Summary** - Martin Sherwood, Finance Support Services Department Head
Interim Town Manager Roger Carlton explained that the report has been revised to include revenue.

E. **Take Home Vehicles and Vehicle Allowances** – Roger Carlton, Interim Town Manager
Interim Town Manager Roger Carlton explained the report is in full disclosure. There was no action taken.

F. **Additional Audit Options and Request for Direction** – Roger Carlton, Interim Town Manager
Interim Town Manager Roger Carlton requested that the Town Commission provide...
direction if they want any additional types of audits to be done. No action was taken.

Interim Town Manager Roger Carlton explained that the report is informational for
the Town Commission.

H. Committee Appointments – Commissioner Edward Kopelman
Code Enforcement Ad Hoc Committee – Rick Zambrano
Communications Committee – Marc Imberman
The appointment of Kathy Imberman to the Communications Ad Hoc Committee
was duly noted. Commissioner Michael Karukin announced that he is looking for
volunteers who might be interested in serving on the Beautification Committee.
Interim Town Manager Roger Carlton added that we are still in need of a
coordinator for Baynanza.

I. Multispace Parking Meter Implementation Plan – Assistant Chief John DiCenso
Interim Town Manager Roger Carlton explained the methodology of implementing
the parking meter pay stations. Assistant Police Chief John DiCenso explained what
has been done and that he is also saving some old meters for fund raisers.

10. Adjournment The meeting adjourned at 10:30 p.m.

Accepted this ____ day of ____, 2010.

_______________________________
Daniel Dietch, Mayor

Attest:

_______________________________
Debra E. Eastman, MMC
Town Clerk
# TOWN OF SURFSIDE, FLORIDA
## MONTHLY BUDGET TO ACTUAL SUMMARY
### FISCAL YEAR 2009/2010
#### As of SEPTEMBER 30, 2010 (UNAUDITED)
##### 100% OF YEAR EXPIRED (BENCHMARK)

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**Agenda Date:** December 14, 2010

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<th>ACTUAL</th>
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### GENERAL FUND

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### RESORT TAX

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### POLICE FORFEITURE/CONFISCATION

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### TRANSPORTATION SURTAX

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<td>$4,665,417</td>
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**NOTES:**

A. Overage due to collection of prior years Value Assessment Board hearings ($145,000), increased permit volume and other fee/tax collections ($140,000)
B. Underage primarily attributable to: Legal ($50,000), Police ($250,000), Parks & Recreation ($184,000) and other departmental spending less than budgeted
C. Overage due to increased compliance efforts
D. Underage primarily due to staff vacancy left unfilled upon departure
E. Overage due to higher than expected forfeiture funds received
F. Underage primarily due to utilization of voluntary (unpaid) instructors along with a decrease in the expense of marketing/promotional literature
G. Overage primarily due to gasoline for the community bus shuttle not originally budgeted
H. Revenue received to date reflect interest income only. The budgeted remainder pertains to an ARRA grant ($130,000) that is expected to be received during the next fiscal year
I. Overage primarily due to late start date for Community Center construction ($5 mil - $650K incurred = $4.350 mil remaining)
### WATER & SEWER

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### MUNICIPAL PARKING

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<th>Actual</th>
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### SOLID WASTE

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### STORMWATER

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**NOTES (cont')**

* the change in net assets excludes financial impact from Capital Assets

J. underage due to delay in commencement of Infrastructure/Capital Outlay projects ($2.1 mill for water/sewer, $77K for Stormwater)

K. overage due to rate and compliance increase ($80,000) and permit parking volume ($20,000)

L. underage due to lower land acquisition and capital costs than budgeted ($1.03 mill)

M. underage due to lower disposal costs due to economic climate and decision to delay the acquisition of a new garbage truck

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Finance Support Svcs Depl Head

Town Manager
1. City of Excellence: At the request of Mayor Daniel Dietch, Town Manager, Roger Carlton designated Tourist Bureau Director, Duncan Tavares and Parks and Recreation Director, Tim Milian, to prepare a report on the process the Town will take to become a “City of Excellence”. The report is to be on the agenda for the November Town Commission meeting. Dennis Giordano, CGA, offered to assist Mr. Tavares. Town Clerk, Debra Eastman will help prepare the draft.

Current Status: Research is underway regarding various award programs available to the Town to reflect improved performance, communication with citizens and strategic planning. The new rules for potential award programs should be available during February 2011.

2. Downtown Vision project: Tourist Bureau Director, Duncan Tavares will prepare a report for the November Commission agenda with recommendations on how to move the Downtown Vision project forward.

Current Status: The report appears on the December 14, 2010 agenda. Should the Town Commission accept the report, the Downtown Vision project can move forward.

3. Maranon property: In order to accelerate the sale of the Maranon property as previously directed by the Town Commission, Finance Director, Martin Sherwood and Building Official, Paul Gioia will order an update to the appraisal of the Maranon property. Town Manager, Roger Carlton will move forward with the sale process subject to final approval of the sale when the bids are received.

Current Status: An appraisal has been received in the amount of $298,000. Town Attorney Lynn Dannheisser and Town Manager Roger Carlton have completed the bid documents and advertisement in the Daily Business Review and in the Miami Herald has been placed. A mandatory pre-bid inspection was held at the property on December 1, 2010. Five potential bidders attended. An optional pre-bid conference was held at Town Hall on December 3, 2010 and there were no attendees. The bids were due on December 8, 2010. Final determination regarding sale or an alternative strategy to be made by the Town Commission in January 2011.

4. Vacant lot: Finance Director, Martin Sherwood and Building Official, Paul Gioia will order a new appraisal of the small piece of property south of the Town Hall trailers and an updated appraisal of the vacant lot which the Town currently rents and is used for the parking of police cars. A strategy recommendation to appear on the November 9, 2010 Town Commission meeting agenda.
Current Status: Appraisals have been received. A meeting was held with the owner of the property the Town rents for police vehicles on December 6, 2010. A recommendation on all available properties south of Town Hall will be made by the Town Manager in the January Town Commission meeting.

5. Town Commission and Planning and Zoning Board joint meeting: A resolution of the Town of Surfside, Florida, calling for a joint meeting between the Town Commission and Planning and Zoning Board to create a process to identify the issues to be reconsidered in the Zoning Code (Ordinance no. 10-1558); authorizing Commissioner Michael Karukin to enter into negotiations with the Petition Committee challenging Ordinance no. 10-1558; authorizing the Town Manager and Town Attorney to do all things necessary to effectuate the terms of this resolution; providing for an effective date.

Current Status: The first joint meeting was held November 4, 2010. After substantial discussion, the Town Manager, Town Attorney and Town Planner were directed to prepare specific recommendations for action at its second joint meeting scheduled for December 9, 2010. These recommendations appear as an attachment to this report and will be discussed at the second joint meeting on December 9, 2010.

6. Water, sewer and storm drainage project: Town Manager, Roger Carlton will report to the Town Commission at the November 9, 2010 meeting on financing the water, sewer and storm drainage project. Mayor, Vice Mayor and Commissioners to provide names for a citizen review committee to assist the Town Manager in the review of the alternatives.

Current Status: The minutes of the first meeting of the Town Manager’s project management committee appears as an attachment to this report. The minutes include a proposed schedule for project implementation. Citizens who have volunteered for the Citizens Overview Committee include Walter Lugo, Gerald Chenevert, Irving Levine and Jason Nevader.

7. Concession stand: Town Manager, Roger Carlton provided an advertisement for an RFP for a concession stand to Parks and Recreation Director, Tim Milian for review. Tim Milian to obtain the RFP for use in the selection of the vendor for the Community Center. Timing of the procurement to coincide with planned opening of the facility.

Current Status: Retaining a vendor for operating the concession stand with Town employees was recommended by the Parks and Recreation Committee in their December 2010 meeting. Staff has concluded that the best approach is to obtain a vendor through the competitive selection process. A report from Parks and Recreation Director Tim Milian appears on this agenda.

8. Part time Maintenance Worker: Human Resources Coordinator, Yamiletth Slate-McCloud reported that a new position of part time Maintenance Worker II, will be posted in order to hire by mid November. The position will address cleaning parking lots and when time available, downtown areas.
Current Status: In addition to working on the parking lots and the downtown area, the employee will work on the beach walk one day per week. A report regarding the dual responsibility for beach walk maintenance shared with Miami Dade County Parks and Recreation department appears as an attachment to this report.

9. Red light cameras: Police Chief David Allen and Assistant Chief John DiCenso will manage the implementation of red light cameras now reduced to five for completion by February 1, 2011 and the installation of parking meter pay stations which will be completed by early December, 2010.

Current Status: The following implementation requirements have been completed or are underway:

Red Light Cameras – automated Intersection Safety Program
- all five approaches have been submitted to Miami-Dade County and FDOT for permitting
- two of the five approaches were approved
- the other three approaches are set for Dec 13 for approval
- construction of foundation and pole scheduled for December
- installation of cameras and communications equipment to be completed by end of Dec for the first two approaches
- if other three approaches are approved they may also be completed by the end of Dec
- we are hosting automated intersection program training for numerous municipalities Dec 7, 8, and 9 in training room
- warning period scheduled for January 2011
- enforcement begins for February 1, 2011
- Mayor Dietch has requested that staff take another look at the SB Harding and 95th Street intersection due to the SB to WB right turn on red movement. The process is underway

Multi-Space Meters – Status Report
Current Status: The system went live on November 22, 2010 ten days before committed. Rates have been fine tuned in order to eliminate the minimum time requirement and the customers no longer have to “wake up” the sleeping” screen by pushing a button. There are also “bugs” being worked out relative to a few of the dollar bill acceptors and communication with the credit card processors. All in all, the system implementation has been a great success and “thanks” to John Di Censo and his team for a great job.

10. Code enforcement amnesty program: Building Official, Paul Gioia will give an update at the November Town Commission meeting on the status of the code enforcement amnesty program.

Current Status: The final report is attached. Enforcement action on the non-compliant violations began in December. There will be an increase in the number of cases going to the Hearing Officer in January.

11. Bal Harbour Comprehensive Plan Amendment hearing: Town Manager, Roger Carlton and Commissioner Edward Kopelman will attend the Comprehensive Plan
Amendment hearing at the Village of Bal Harbour on October 19, 2010 at 7 pm. A report to the Town Commission will be made after the Bal Harbour meeting.

Current Status: The Bal Harbour Council deferred this item for at the first public hearing. Vice Mayor Joe Graubart, Commissioner Ted Kopelman and Town Manager attended the meeting of the Village Council and requested that the project not move forward until the impacts on Surfside could be discussed. Town Manager Roger Carlton has met with Bal Harbour Shops attorney. See attached Miami Herald Neighbors article which denotes that the item continues to be deferred. Thanks to the Vice Mayor and Commissioner Kopelman for helping to “waive the Surfside flag” at the Bal Harbour meetings. This is important to show we are earnest about our concerns.

12. Photo/film permit program: Town Manager, Roger Carlton will prepare a policy for the photo/film permit program in conjunction with input from Surfside citizens. A report will be prepared by Parks and Recreation Director Tim Milian, Police Chief David Allen and Tourist Bureau Director, Duncan Tavares for the December 14, 2010, Town Commission agenda.


13. Circulator bus: Town Manager, Roger Carlton will review the potential linking of the Surfside circulator bus with other communities to allow residents transportation to the Sunny Isles library and possible other destinations. A report will be made to the Town Commission at their November meeting.

Current Status: The managers of Bal Harbour, Surfside, Bay Harbor Islands and Sunny Isles Beach have agreed to meet in December 2010 to discuss potential linkages of their respective bus systems. A report on the results of the meeting will be made during the January 2011 Town Commission meeting.

14. Process for ordinance hearings: Town Manager, Roger Carlton and Town Attorney, Lynn Dannheisser will review and suggest a more efficient process for ordinances to be heard by both the Town Commission and Planning and Zoning Board. A report will be made to the Town Commission at their November meeting.

Current Status: Item completed.

15. Water saving program: Town Manager, Roger Carlton instructed Public Works Director, Fernando Rodriguez with the assistance of John Messarian, Engineer with Calvin, Giordano and Associates to obtain information regarding a water saving program that would provide reduced water usage in toilets. A report will be presented to the Town Commission at their November meeting.

Current Status: With staff changes in the Public Works Department and a new water and sewer relationship manager in Calvin Giordano and Associates, this report will be delayed until January 2011.
16. After action document mailing: Town Manager, Roger Carlton to review former Vice Mayor Marc Imberman’s newsletter and determine if the newly created after action document could be mailed to that email group.

**Current Status:** The email address list of this group was provided in Word format. The list contained approximately 400 addresses. Each email address on the list has to be individually typed into a database to create a usable list. This process is projected to be complete during November 2010. Item completed.

17. Salary increases/performance review: Town Manager, Roger Carlton and Human Resources Coordinator, Yamileth Slate-McCloud will review the request of Commissioner Marta Olehyk to tie salary increases to a performance review and will report back by January, 2011.

**Current Status:** Research in progress. Report to be presented in January 2011.

18. Investigate whether it is worthwhile to employ a grant coordinator

**Current Status:** Staff is also reviewing an automated grant research tool as suggested by Commissioner Karukin as an alternative to retaining a part time employee or consultant. A final recommendation will be made in January 2011.

19. Prepare a Five Year Financial Plan

**Current Status:** Carl Berkey-Abbott, budget consultant has submitted a draft of the Five Year Financial Plan. The draft is under review and the goal is to present it to the Town Commission in January 2011.

20. Kindle Wireless reading devices available in the reading room of the Community Center Addition

**Current Status:** A small area with comfortable furniture will be provided in the Community Center addition for residents to use Kindles or an alternative devise. This item is now part of the Community Center Change Order No. 2 addition which is presented separately on the December 2010 agenda.

21. Study of Impact Fees

**Current Status:** Imposition of impact fees is being reviewed to assess cost and funding of required studies. Report to the Commission in January 2011. The assignment has been given to Town Planner, Sarah Sinatra.

22. Install on-line utility billing system

**Current Status:** Being investigated along with other payment options. The multi-space meter contract for credit card payment processing allows payment for utilities by credit card to be added. A report on various payment options for utilities and other Town services will be made in January 2011.
23. Seek permission to use Bal Harbour basketball court and Sunny Isles skate park

Current Status: Town Manager Roger Carlton will add this goal to the discussion mentioned in earlier item regarding cooperative opportunities for the bus systems. Report to be made in January 2011.

24. Pension audits

Current Status: Audits for FY 08/09 were distributed to Town Commission. Audits for FY 09/10 are underway by Alyce Jones, CPA. The Town of Surfside pension program remains fully funded. There may be a need to amend the pension plan to allow the Town Manager to opt out. This will appear on the next Pension Board agenda if necessary.

25. Community garden and farmers market

Current Status: There is FY 10/11 budget allocation of $5000 for this project. Town Manager Roger Carlton will meet with the Beautification Committee and other supportive individuals to initiate this project in January 2011.

26. Explore broadcasting Channel 77 on ATT U-Verse

Current Status: Town Manager Roger Carlton will meet with AT&T officials to determine technical requirements and bring a recommendation to the Town Commission in January 2011.

27. Feral cat concern

Current Status: Concern regarding feral cats continues. The concerns have morphed to a much larger scope due to the hookworm issue in Miami Beach and related publicly. Matters of this nature and how they are resolved will be included in the discussion by the Code Enforcement Committee. Concerned individuals on all sides of this issue should rest assured that the Administration will work closely with the Health Department to ensure the safety of our citizens and visitors while remaining sensitive to the concerns of the cat advocates. See article attached to the report, “Feral Pigs in Dallas, Texas”, demonstrates that we are not alone.

28. First reading of Commercial Vehicle Restricted Parking Ordinance

Current Status: Ordinance has been prepared by Town Attorney Lynn Dannheisser for inclusion on December 14, 2010 Town Commission agenda. Numerous changes suggested by Town Manager Roger Carlton will require a second look at the Planning and Zoning Board. Ordinance should be before the Town Commission in January 2011.

29. Keep America Beautiful

Current Status: Tim Milian, Parks and Recreation Director has investigated and the report attached to this document recommends moving forward with the program in cooperation with the Beautification Committee.
30. Recycle containers for glass and aluminum in downtown and beach areas and used small battery containers at Town Hall

**Current Status:** Public Works Director Fernando Rodriguez has investigated this process and eight recycle containers have been installed downtown. Staff will work on an expanded public information program to ensure that the containers are not used for non recyclables. Staff is also reviewing the potential of battery recycling container program and additional glass/aluminum recycling containers on the beach.

31. Bal Harbour Juice Bar

**Current Status:** Town Attorney Lynn Dannheisser has investigated this situation and will report on her portion of the agenda. Item completed.

32. Lot on 96th Street owned by Young Israel complaints of trash

**Current Status:** Lot has been cleaned up and chained off. Item completed.

33. Baynanza – yearly event in need of new chairperson

**Current Status:** The Town Clerk has posted the vacancy and names are still being sought.

34. PACE program – special assessment districts for home energy efficiency improvements

**Current Status:** See issue paper attached to this report regarding concerns of the Federal Housing Finance Agency for this program. A report and recommended actions will appear on the January 2011 agenda.

35. Canine feces bag receptacles installation

**Current Status:** Duncan Tavares will coordinate a study including potential sponsorships. Report back in January 2011. Receptacles have been placed in Veterans Park at the 93red Street entrance to the beach behind the Community Center.

36. Plaque in Veteran’s Park for J. Coto Eagle Scout beautification effort

**Current Status:** Plaque has been ordered and will be installed when received. Item completed.

37. PILOTS – Payments In Lieu of Taxes

**Current Status:** Town Attorney and Town Manager will complete research and report regarding cost and potential funding sources for required studies to implement a PILOT program. Report will be provided in January 2011.

38. Mobility Study: This project is allocated $75,000 in the FY 10/11 Budget
Current Status: Shelley Eichner and Sarah Sinatra will review and report in January 2011. The work will be awarded to the one of new engineering contractor(s) and should commence in Spring 2011.

39. Community Center Supporters “Buy a Brick” program

Current Status: A sample brick will be shown to the Town Commission during the December 14, 2010 meeting. Residents Cheryl Arnold and Pamela Behar have agreed to volunteer to head up this program with Commissioner Karukin as the Town Commission liaison.

The following section of the Point of Light Report relates to items funded in the budget which are on-going. If a budgeted item has been completed, it will not appear in the report:

40. Establish a reserve policy for all fund types for capital outlay projects and smoothing rate increases

Current Status: This will be analyzed in the development of the Five Year Financial Plan and recommendations will be made. The Plan is scheduled to be brought to the Town Commission in January 2011.

41. Complete expired permit closeout in the Building Department

Current Status: Owners have been notified and closeout effort is underway.

42. Parking Study: This project which is necessary to establish a Parking Trust Fund, which has an allocation in the FY 10/11 Budget will go out to RFP in early 2011.

Current Status: Preparation of the RFP will be completed in January 2011.

43. Review property and casualty insurance coverage

Current Status: Finance Director Marty Sherwood has requested price quotations from the Florida League of Cities program to increase coverage levels. A report will be made in January 2011 regarding this program.

44. Lien Special Counsel: This will help in meeting the goal of placing and collecting liens for extreme violations

Current Status: Town Attorney Lynn Dannheisser has selected Special Counsel and will report on this during her portion of the December 14, 2010 agenda.

45. Flag replacement: There is an allocation of $1000 with the Parks and Recreation Department FY 10/11 Budget

Current Status: The funds will be utilized for the reinstallation of the three flag poles at the Community Center.
46. Tourist Resort Tax Auditor program received a $6000 allocation in the FY 10/11 Budget

**Current Status:** The Town Manager will discuss this program with the Tourist Board in the December meeting and move forward after receiving their input.

47. Municipal parking lot renovation program: $428,000 has been allocated in the FY 10/11 Budget for paving, sealing, restriping, concrete curb repairs, litter receptacles, improved lighting and landscaping and drainage services.

**Current Status:** This project will be awarded to the new engineering/architectural vendor(s) after a mini competition. Work should commence during Spring 2011.

48. Interior and exterior repainting of Town Hall

**Current Status:** Changer Order No. 3 to the Community Center project was approved during the November Town commission meeting. Color selection was approved upon advice from the Beautification Committee. Scheduling for the interior and exterior painting on weekends is being prepared by Building Director Paul Gioia and is estimated to require nine weekends.

49. Solid waste collection vehicles: Staff was directed to prepare the RFB for October 2011 delivery of a new collection vehicle.

**Current Status:** Commissioner Olchyk has requested the Town Manager to review the frequency of collection on the December 14, 2011 agenda. Depending on the outcome of that study, the schedule and/or need for an RFB for a new collection vehicle will be determined. Further, any savings that may result from a revised schedule of collection could be used to enhance beach walk maintenance.

50. Document imaging and scanner software: This $26,500 project was funded in the FY 10/11 Budget

**Current Status:** RFP under review. Will be advertised in late December for a February 2011 award by the Town Commission.

51. Phone system upgrade: This $54,000 project was funded in the FY 10/11 Budget

**Current Status:** Town Clerk Debra Eastman and Town Manger Roger Carlton are currently reviewing the RFP. This project is assisted by Calvin Giordano and Associates. The RFP has been reviewed by the Miami Dade County Procurement Department and many valuable comments were made. Our thanks to Director Miriam Singer and her staff for this pro bono assistance. Contract award is expected in Spring 2011.

52. E-mail Archive Spam Filter project: This $8000 project was funded in the FY 10/11 Budget
Current Status: This project will be included in the phone system upgrade and will not appear separately in future “Points of Light” reports.

The following items have been completed. Items have been deleted from the December 2010 Points of Light.

1. Special Presentation – Downtown Improvements Master Plan – Scarlet Tenen, Chairman, Planning and Zoning Board
   Town Manager, Roger Carlton requested that Tourist Bureau Director, Duncan Tavares arrange to have the student survey team gather information on Saturday and an additional day to ensure coverage for residents/shoppers who would not be in the Downtown on Saturday.

3. Public Works Director, Fernando Rodriguez will post the recently amended notification of chlorination of water on the Town website and channel 77 as soon as possible.

4. Parks and Recreation Director, Tim Milian will follow up on the installation of the life guard rings as funded by County Commissioner, Sally Heyman. The expected completion date is November 5, 2010. Mr. Milian will arrange for a formal dedication ceremony.

6. Town Manager, Roger Carlton instructed information technology consultant, Jose Feliz to post photographs of the progress of the Community Center construction on the cable channel 77, as is already done on the Town website. Chris Giordano will arrange for the posting of photographs.

7. Finance Director, Martin Sherwood, Building Official, Paul Gioia and Public Works Director, Fernando Rodriguez will prepare and provide a detailed report of monies paid to Calvin, Giordano and Associates for inclusion in the November Town Commission agenda. The report will include recommendations for modifying the relationship with the firm during FY 2010/2011. Town Manager, Roger Carlton to meet with Vice Mayor Joe Graubart to define his ideas.

8. Discs of the regular Town Commission meeting are available for that month at no charge at the front desk of Town Hall. One citizen has utilized the service in August and September, 2010.

   John Messarian, CGA, will prepare an email to the Town Manager with details of grants actually committed (not just applications made) in the past two years. This report will be presented during the November Town Commission meeting.

10. Yamileth Slate-McCloud, Human Resources Coordinator will prepare a memo, for review by the Town Manager, to accompany the Fraternal Order of Police (FOP), contract that will give a detailed explanation of pay practice concerns during the last contract period.

11. Town Clerk, Debra Eastman will investigate the Miami-Dade County home page to be sure that all Surfside Commissioners are properly listed and take action to ensure that any missing information is provided and posted.
12. Town Clerk, Debra Eastman will enhance the agenda pages in the Town Commission monthly agenda packets with the page numbers for each item and will reference any linked agenda items.

13. Public Works Director, Fernando Rodriguez will prepare an item for the November Commission agenda for the bid award and contract award for construction of the municipal parking lot assuming the required second reading design ordinance is approved by the Town Commission.

14. Dennis Giordano, Calvin, Giordano and Associates, inc. will provide the Town Manager with a memo by October 22, 2010 explaining water pressure and any water pressure impacts to existing homes. This will be forwarded to Town Commission and Shirley Baker who requested the information during the October, 2010 Commission meeting.

15. Town Clerk, Debra Eastman will be responsible for posting the After Action items document on channel 77 within three days of the meeting.

16. Tourist Bureau Director, Duncan Tavares will investigate and prepare a report on the request to air the 5,000 Books CD on channel 77. The report will be on the November Town Commission agenda.

17. Town Clerk, Debra Eastman will provide demo CDs from proposed League of Cities vendor, e-cities, a website hosting company, to the Communication Committee for their review.

18. Building Official, Paul Gioia and Code Enforcement Officer, Michael Garcia were assigned to the Code Enforcement Committee and Police Chief Allen will also provide a representative. The first meeting will be scheduled as soon as possible.

19. Police Chief David Allen will contact the Miami Herald to request that they include more information about police incidents in Neighbors and prepare a brief email to the Town Commission regarding the results by October 22, 2010.

27. Tourist Bureau Director, Duncan Tavares will prepare a report on the strategy for the complete disposition of library materials for the November Town Commission agenda.

28. Town Attorney, Lynn Dannheisser was authorized to cease further action regarding F&P Aluminum Screen, Inc. purchase of impact windows for the lifeguard stand. This action was taken due to the low probability of any compensation in relation to potential legal costs. Town Manager, Roger Carlton instructed to implement procedures that will avoid any recurrence of this problem.

31. The Town Commission authorized Martin Sherwood, Finance Director to pay total reimbursement of $100 per household for the purchase of Miami-Dade Public Library system cards for Surfside residents to a total of $12,000 for the 2010-2011 budget year.
32. Town Manager, Roger Carlton in conjunction with Town Attorney, Lynn Dannheisser will finalize the informational mailer to Town residents regarding the Charter change question on the November 2, 2010 ballot.

34. Mayor Daniel Dietch will schedule a Town Hall meeting to introduce Interim Town Manager, Roger Carlton to the community.

35. Tourist Bureau Director, Duncan Tavares will make a formal request to follow up on the offer of Miami-Dade County Commissioner Sally Heyman to bring the book mobile to Surfside.

39. Town Manager, Roger Carlton and Town Clerk, Debra Eastman will work with Vice Mayor Joe Graubart to extend an invitation to Robert Meyers from Miami-Dade County Commission on ethics to come to the November Commission meeting to discuss concerns with public debt.

49. Town Clerk to research how the Town of Surfside voted on the People’s Transportation Plan approximately 4 years ago

50. Town Manager to meet with Rabbi Lipskar of the Shul of Bal Harbour

51. No handicap ramps on 90th Street and 92nd Street (Commissioner Kopelman)

52. Status of Town of Surfside Evaluation and Appraisal Report (EAR)

54. Make street ends more attractive (Mayor Dietch)

56. R. Zambrano – Feral Cat Issue

57. Information on website re: completion of Community Center

61. SOBER House status

67. Rumor of early Community Center building permit signatures by unauthorized officials

71. Whitefly Infestation: Vice Mayor Graubart requested information relative to possible Town program
Memo

To: Mayor Daniel Dietch  
   Vice Mayor Joe Graubart  
   Commissioner Michael Karukin  
   Commissioner Marta Olchyk  
   Commissioner Edward Kopelman  
From: Roger M. Carlton  
CC: Tony Blate  
    Barbara McLaughlin  
    Randal Rubin  
    Mitchell Kinzer  
    Rick Zambrano  
    Paul Gioia  
    Michael Garcia  
Date: 12/2/2010  
Re: Code Compliance Committee Report  

Short Term Rentals  
The board decided that for the December 8, 2010 meeting, Mrs. McLaughlin would present additional information to the board on how other communities handle this issue.  

Chain Link Fence Ordinance  
The board made a motion to extend the "Chain Link Fence" amnesty program for an additional six months.  

Power Blowers  
The board made a motion to change the code to allow power blowers to be used to blow from the street onto the property, taking this action will prevent grass cuttings from entering our catch basins. It will also make it easier for the landscapers to clean area. The board also suggested that all landscapers that work in the town register with the town.  

Take Home Commercial Vehicles  
The board made a motion to recommend directing Mr. Paul Gioia to come up with a guide line referencing take home commercial vehicles.
Council puts off plans to expand mall

**BY RODOLFO ROMAN**
Special to the Miami Herald

The Bal Harbour council once again put the brakes on plans to expand the village's upscale shopping mall — for now.

The council voted unanimously to defer two proposals that would amend land usage for two locations: Church By The Sea, 501 96th St., and Bal Harbour's Village Hall, 655 96th St. The parcels of land are key to the Bal Harbour Shops proposed expansion plans.

The council also voted to defer the item at last month's meeting.

Council members agreed that representatives of the Bal Harbour Shops, the village and Church By The Sea should meet in a workshop before presenting the matter to the council again.

"Personally, I would love to see the shops expand," Councilman Martin Packer said at the Nov. 16 meeting. "It's good for the village because we would get increased taxes, however, the sense of the council and I am sure it has come across is that the council wants to see something concrete not specifically something." A date for the workshop has yet to be set.

The owners of Bal Harbour Shops would like to purchase both sites to possibly expand the mall to include retail stores, a high-end movie theater and a banquet facility, said attorney John Shubin, representing the Whitman family, which owns the mall. Developer and owner Stanley Whitman opened Bal Harbour Shops in 1965 on the site of the former World War II army barracks. Whitman persuaded Neiman Marcus to open its first store outside of its native Texas in 1976. Saks Fifth Avenue followed.

In September, the Bal Harbour Shops submitted its application to amend the land usage on the Church By The Sea's site of just over a half acre from institutional to commercial, and Village Hall's site, about a third of an acre, from municipal to commercial.

A contract to purchase both properties and a site plan has not been finalized, Shubin said.

Also at the meeting, Bal Harbour has chosen to change its election date process in order to save money.

The village council voted unanimously on second reading to change the election date to be held in conjunction with the national elections on the first Tuesday in November of even numbered years.

Currently, elections are held on the first Tuesday in April of odd numbered years.

The change would save the village money — and boost turnout, Mayor Jean Rosenfeld said.

"Other benefits for our residents include a greater interest in the November nationwide election, as well as the opportunity for our residents to participate in the early voting option," she said. "We hope that these factors will translate into greater participation by our residents in the voting process."

The village must reimburse the Miami-Dade County Elections Department for all its costs associated with the election by hosting elections in April, said Jay Smith, community outreach director.

Bal Harbour resident Brian Mulhern applauded the action. "We save money," he said. "It is a good thing."

Approving the ordinance means that the term for current council members would be extended by 19 months. Terms for council members are four years. Candidates qualifying period will also be adjusted.
Texas Calls in the Law in Its Beef With Feral Porkers

Continued from Page One

Herd of feral pigs are menacing urban areas around the country. In Ga. Hawaii's most popular island, the hogs descend on forests into nearby subdivisions, encountering humans, house pets, and — before the season ended in May — the 'lost' Oliver Lunasco, president of a local pig-hunters association, says he captured dozens of animals from the sow's set.

Florida suburbs have also suffered from swine-wrought destruction. But in Panama City, on the Florida Panhandle, residents harmed by a feral pig that hung out at a yacht club disabled traps set by animal-control officers and created a Facebook page devoted to the porcine visitor.

In Michigan, fugitives from snare-hunting ranches are populating all over the state, even in Detroit, wildlife officials say. Earlier this year, the state made it legal for licensed gun owners to shoot stray pigs on sight on public land.

But Texas claims to have about as many wild hogs as the rest of the nation combined. Experts put the pig count at 5 million and growing, since a wild sow can deliver anywhere from 4 to 20 piglets in a year. State officials estimate that pigs cause $400 million a year in property damage.

The state hopes to encourage swine control by holding a "Get the Hog Outta Texas" contest. The prize for the highest number of captured hog: $25,000.

Hog-ripped landscaping has been reported in almost every city and suburb in the densely populated Dallas-Fort Worth area, says Brett Johnson, an urban biologist who works for the state. The hogs are animated roto-tillers — and they love lavish landscaping.

"That highly manicured lawn is really easy to dig around in," Mr. Johnson says.

Fred and Sharie La Vail, who live in a red-brick Tudor on a tree-lined cul-de-sac in Irving, another Dallas suburb, can attest to that. A sow and her six piglets — which were the size of German shepherds, according to Mr. La Vail — gouged their front yard in October, unearthing flowers and crushing their irrigation system.

The piggies returned again and again, once setting the retired contractor off on a wild hog chase in his sport-utility vehicle. He tracked the culprit pig at 130 one morning and called the police, but the vandals got away because patrolmen are forbidden to discharge their weapons at stray animals.

"We will have to coexist," Mr. La Vail says — but he isn't happy about it.

Meanwhile, Irving's animal-control officials took a crash course on how to corral the feral offenders, some which can weigh 300 pounds.

"We're accustomed to cats and dogs," says Fred Sanderson, Irving's animal services manager.

Armed with four-by-eight-foot metal traps and buckets of corn, Mr. Sanderson's department captured 10 pigs in October and shipped them to a meatpacker to become pork chops. But in the past few weeks, he says, the remaining pigs seem to have caught on to him, because the cages remained empty even though hoof prints proved hogs had foraged nearby. He removed the traps after one of them was stolen.

In nearby Arlington, home to Dallas-Cowboys Stadium, animal-services officer Ray Rentschler is experimenting with a larger pen-like trap. Mr. Rentschler leaves corn out for several nights, waiting for the swine to lower their guard and gather in big numbers. Then he strikes.

High-school students, in nearby Trophy Club, Texas, are manufacturing special gates for the pig traps in shop class. Their products will be distributed through the new Dallas-Fort Worth Feral Hog Initiative, a network of wildlife experts and city officials joining forces against the swine.

Teacher Kevin Deal says he hopes the gates will help with "trying to control those boogers because they're so damn destructive."

But the porcine outlaws have their defenders. Chris Hinterman has set up a shelter for feral piglets, including one who survived by eating restaurant leftovers in Dallas alleys.

Her 70 residents can root to their hearts' content in her 75-acre property in Ennis, about 40 miles south of Dallas. Mrs. Hinterman, who works at a bakery, often brings her pigs leftovers and Celebrates each of their birthdays.

One afternoon, Manning, a 300-pound hog with black spots, snorted in delight as Mrs. Hinterman gave him a bottle of root beer. "They're very personable," she says of her charges.

But she can't save them all. The adult ones, she says, "are too hard to tame."

Though pigs usually avoid people, trapped hogs can turn feisty. So in Southlake, Cpl. Salas sets his traps in secluded locations and posts orange signs reading "Danger! Stay Back." He hopes his county will win the state contest and get some of the $25,000 bounty.

WSJ.com

ONLINE TODAY: See a video about the feral pigs of Texas at WSJ.com/PageOne.
Texas Calls in the Law
In Its Beef With Feral Porkers

You Can't Shoot Them From Helicopters
In Dallas Proper; Subtlety Is Required

By Ana Campoy

SOUTHLAKE, Texas—Police officer Ric Salas is mounting a
sting operation to catch a gang
of vandals terrorizing this afflu-
ent Dallas suburb.

His plan: lure them with corn,
trap them in a pen—and avoid
their pointy
tusks.

The police of-
ricular officer is on feral-
pig patrol,
charged with
fighting back the
stout, smart,
snouted invaders
that are tearing
up flower beds and street medi-
sans in search of roots and grubs.

One evening recently, they dined
at—and trashed—the parking lot
of a Verizon office building.

Wild pigs, descendants of ani-
mals brought by the Spanish
conquistadors, have foraged in
Texas for centuries and have
long been a pest on ranches. But
as cities and suburbs swallow up
more land, they are becoming an
urban nuisance as well.

Eradiation methods common
in rural Texas, such as shooting
feral pigs from helicopters, don't
lend themselves to a more urban
setting. So police departments
and animal-con-
trol officers are
trying new ways
to stymie the wily
wild swine, me-
thodically track-
ing the maraud-
ers' hoofprints
and setting up
night-vision cam-
eras to monitor their move-
ments.

"If you had told me I would be
doing this when I joined the po-
lice force, I would have said,
'yeah, right,'" says Cpl. Salas,
who has been in law enforce-
ment for 13 years.

Please turn to page A16
FHFA Statement on Certain Energy Retrofit Loan Programs

After careful review and over a year of working with federal and state government agencies, the Federal Housing Finance Agency (FHFA) has determined that certain energy retrofit lending programs present significant safety and soundness concerns that must be addressed by Fannie Mae, Freddie Mac and the Federal Home Loan Banks. Specifically, programs denominated as Property Assessed Clean Energy (PACE) seek to foster lending for retrofits of residential or commercial properties through a county or city’s tax assessment regime. Under most of these programs, such loans acquire a priority lien over existing mortgages, though certain states have chosen not to adopt such priority positions for their loans.

First liens established by PACE loans are unlike routine tax assessments and pose unusual and difficult risk management challenges for lenders, servicers and mortgage securities investors. The size and duration of PACE loans exceed typical local tax programs and do not have the traditional community benefits associated with taxing initiatives.

FHFA urged state and local governments to reconsider these programs and continues to call for a pause in such programs so concerns can be addressed. First liens for such loans represent a key alteration of traditional mortgage lending practice. They present significant risk to lenders and secondary market entities, may alter valuations for mortgage-backed securities and are not essential for successful programs to spur energy conservation.

While the first lien position offered in most PACE programs minimizes credit risk for investors funding the programs, it alters traditional lending priorities. Underwriting for PACE programs results in collateral-based lending rather than lending based upon ability-to-pay, the absence of Truth-in-Lending Act and other consumer protections, and uncertainty as to whether the home improvements actually produce meaningful reductions in energy consumption.

Efforts are just underway to develop underwriting and consumer protection standards as well as energy retrofit standards that are critical for homeowners and lenders to understand the risks and rewards of any energy retrofit lending program. However, first liens that disrupt a fragile housing finance market and long-standing lending priorities, the absence of robust underwriting standards to protect homeowners and the lack of energy retrofit standards to assist homeowners, appraisers, inspectors and lenders determine the value of retrofit products combine to raise safety and soundness concerns.
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On May 5, 2010, Fannie Mae and Freddie Mac alerted their seller-servicers to gain an understanding of whether there are existing or prospective PACE or PACE-like programs in jurisdictions where they do business, to be aware that programs with first liens run contrary to the Fannie Mae-Freddie Mac Uniform Security Instrument and that the Enterprises would provide additional guidance should the programs move beyond the experimental stage. Those lender letters remain in effect.

Today, FHFA is directing Fannie Mae, Freddie Mac and the Federal Home Loan Banks to undertake the following prudential actions:

1. For any homeowner who obtained a PACE or PACE-like loan with a priority first lien prior to this date, FHFA is directing Fannie Mae and Freddie Mac to waive their Uniform Security Instrument prohibitions against such senior liens.

2. In addressing PACE programs with first liens, Fannie Mae and Freddie Mac should undertake actions that protect their safe and sound operations. These include, but are not limited to:
   - Adjusting loan-to-value ratios to reflect the maximum permissible PACE loan amount available to borrowers in PACE jurisdictions;
   - Ensuring that loan covenants require approval/consent for any PACE loan;
   - Tightening borrower debt-to-income ratios to account for additional obligations associated with possible future PACE loans;
   - Ensuring that mortgages on properties in a jurisdiction offering PACE-like programs satisfy all applicable federal and state lending regulations and guidance.

Fannie Mae and Freddie Mac should issue additional guidance as needed.

3. The Federal Home Loan Banks are directed to review their collateral policies in order to assure that pledged collateral is not adversely affected by energy retrofit programs that include first liens.

Nothing in this Statement affects the normal underwriting programs of the regulated entities or their dealings with PACE programs that do not have a senior lien priority. Further, nothing in these directions to the regulated entities affects in any way underwriting related to traditional tax programs, but is focused solely on senior lien PACE lending initiatives.

FHFA recognizes that PACE and PACE-like programs pose additional lending challenges, but also represent serious efforts to reduce energy consumption. FHFA remains committed to working with federal, state, and local government agencies to develop and implement energy retrofit lending programs with appropriate underwriting guidelines and consumer protection standards. FHFA will also continue to encourage the establishment of energy efficiency standards to support such programs.

###

The Federal Housing Finance Agency regulates Fannie Mae, Freddie Mac and the 12 Federal Home Loan Banks. These government-sponsored enterprises provide more than $5.9 trillion in funding for the U.S. mortgage markets and financial institutions.
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###

The Federal Housing Finance Agency regulates Fannie Mae, Freddie Mac and the 12 Federal Home Loan Banks. These government-sponsored enterprises provide more than $5.9 trillion in funding for the U.S. mortgage markets and financial institutions.
1. **Community Center** – The Contractor has completed the installation of the required shoring to complete the concrete pour for the roof slab. The roof slab was poured in early December. This concrete pour required 350 cubic yards, or 35 truck loads, of concrete to complete. The roof slab will need to cure in the forms for a few weeks. The forms for the roof slab and support framing will be removed prior to the end of December. Simultaneously with the roof work, the piping and excavation for the pool and spa will begin.

2. **Planning and Community Development** – Staff transmitted the Capital Improvements Element update, which was adopted on November 9, 2010, to the Department of Community Affairs. Staff also prepared ordinances relating to changes for boats and curb cuts on lots resulting from the code hearing in August. Staff researched Land Use Plan amendments in Bal Harbour attended the Village’s meeting to state the Town’s concerns on the record. Staff completed an analysis and prepared recommendations for the joint meeting on December 9th. Planning staff continues to answer general zoning calls and emails from the public and to review building permits for conformance with the zoning code.

3. **Website, Information Technology, TV Broadcasts** - The town has been provided with quotes to replace three network switches currently installed that belong to Calvin, Giordano & Associates, Inc. (CGA). The IT Department investigated the possibility of adding AT&T’s U-Verse service to the broadcast feed and we are continuing to work with the new Interim Town Manager Roger Carlton to determine the cost and possibility for making the town channel available for U-Verse broadcast.

The communications committee is meeting with the town clerk to bring up new ideas for the website and the electronic communication used by the town. The clerk is communicating with the IT Staff on the proposed ideas.
CGA has completed RFP’s for the new phone system and the replacement of the front office copier and given them to the clerk. IT Staff is gathering quotes for wireless microphones for the commissioners to use for meetings.

4. **Public Utilities / Engineering**

**Stormwater System**

Construction plans and specifications – 95% complete. Submitted for City review on 11/18/10 with comments expected 12/10/10

Permits – All permits obtained except contractor DERM permit and contractor FDEP well permit.

Construction schedule – Advertisement goal of 01/15/10 with anticipated construction duration goal of 15 months. Note: contractor feedback indicates 24 month duration.

Grant status -  
FDEP $873,500 – In place
FDEP $125,000 – In place
FDEP $2,949,550 – In process.
SFWMD $570,000 – In process

**Sanitary Sewer Collection System**

Construction plans and specifications – 90% complete for collection system upgrades and sewage lift station refurbishment. Submitted for City review on 11/18/10 with comments expected 12/10/10

Permits – WASAD approval pending City approved plans 12/10/10.

Construction schedule – Advertisement goal of 01/15/10 with anticipated construction duration goal of 15 months. Note: contractor feedback indicates 24 month duration.

Grant Status – FDEP $100,000 – In place

**Water Distribution System**

Construction plans and specifications – 95% complete. Submitted for City review on 11/18/10 with comments expected 12/10/10

Permits – WASAD and DERM approved. HRS pending; response expected by 1/1/2011.

Construction schedule – Advertisement goal of 01/15/10 with anticipated construction duration goal of 15 months. Note: contractor feedback indicates 24 month duration.

Grant status -  FDEP Bond $829,000 – In place
Stormwater Master Maintenance

The stormwater drainage system is being cleaned and maintained on a yearly basis as required by the National Pollution Discharge Elimination System Permit. Repairs and replacement program coincide with the Florida Department of Environmental Protection Stormwater project and grants.

Florida Department of Transportation Local Agency Program

CGA assisted the Town with the Florida Department of Transportation Local Agency Program (LAP), which allows access to additional funding within the State right of ways, such as the replacement of handicap ramps, bus stop pads and solar lights along 92nd Street between Harding and Collins Avenue. This project is under construction with no matching funds required from the Town.

5. Capital Improvement Projects - Calvin Giordano has provided the Town with a list of concerns regarding safety issues and American Disability Act access for several Beach Walk Access points in the Capital Improvement Projects reports. Upon request by The Town, the Landscape Architecture Department will provide detailed plans to address these deficient areas.
RESOLUTION NO. 10-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF SURFSIDE SPECIAL ELECTION HELD ON NOVEMBER 2, 2010 FOR CONSIDERATION OF A CHARTER AMENDMENT TO ELIMINATE THE PERSONNEL APPEALS BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on Tuesday, November 2, 2010 a Special Election was held to ascertain the will of the people regarding a Charter Amendment question, to wit:

"The Town Charter currently provides for the existence and operation of a Personnel Appeals Board. It is proposed this Board be eliminated. Shall the above-described amendment be adopted?"

WHEREAS, pursuant to Section 108 of the Town of Surfside Charter, the results of the voting have been certified by the Miami Dade County Supervisor of Elections and Miami Dade County Canvassing Board; and

WHEREAS, the Canvassing Board has canvassed such returns, tabulated the ballots of absentee voters, early voters and votes cast on Election Day and have determined the total ballots cast as such election.

WHEREAS, said results have been delivered to the Town and are attached hereto as exhibit "A"; and

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

Section 1. That the above and foregoing recitals are true and correct.
Section 2. That the Commission finds, declares and certifies the total of ballots cast on the question and the number of votes received as set forth on the attached “Exhibit A”.

Section 3. It is hereby certified and declared that the question set forth was not approved by the electorate.

Section 4. That the Town Clerk is hereby authorized and directed to perform any and all incidental duties in connection herewith as required by law.

PASSED AND ADOPTED this 14th day of December, 2010.

Daniel Dietch, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk

Approved as to form and legal sufficiency:

Lynn M. Dannheisser
Town Attorney
CERTIFICATE OF COUNTY CANVASSING BOARD

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

We, the undersigned, County Court Judge SHELLEY J. KRAVITZ, Chairperson, County Court Judge, NURIA SAENZ, Substitute Member, and Supervisor of Elections LESTER SOLA, Member, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the 2nd day of November, A.D., 2010, and proceeded to publicly canvass the votes cast for the charter amendment question herein specified at the Surfside Special Election held on the 2nd day of November, A.D., 2010, as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

Charter Amendment

The Town Charter currently provides for the existence and operation of a Personnel Appeals Board. It is proposed this Board be eliminated.

Shall the above-described amendment be adopted?

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<table>
<thead>
<tr>
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<td>592</td>
</tr>
<tr>
<td>NO</td>
<td>696</td>
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</tbody>
</table>
** Official **

MIAMI-DADE COUNTY CANVASSING BOARD:

[Signature]
County Court Judge SHELLEY J. KRAVITZ
Chairperson

[Signature]
County Court Judge NURIA SAENZ
Substitute Member

[Signature]
Supervisor of Elections LESTER SOLA
Member
Commission Communication

Agenda #: 3G

Date: December 14, 2010

Subject: Grievance Procedures

Background: Attached is a Grievance Procedure for non unionized Town employees which documents a process for resolving issues or encourages suggestions. When the referendum to amend the Town’s Charter Section 2-151 was before voters, I asked whether there was a grievance procedure in place. Learning that a procedure was not in place, I asked the Human Resources Director, Yamileth Slate-McCloud to prepare one.

The procedure has been reviewed by the Town Attorney and was presented to the Personnel Appeals Board in their organizational meeting.

Budget Impact: N/A

Analysis: This grievance procedure will facilitate expanded communication and improve the potential for resolution of issues before the Personnel Appeals Board becomes involved.

Staff Impact: There will be some staff time involved in resolving grievances. This is time well spent.

Recommendation: It is not necessary for the Town Commission to approve this new procedure. We want you to know about it and raise any concerns that might exist in the public forum.

Roger M. Carlton
Interim Town Manager
ADMINISTRATIVE POLICY

NUMBER: 2000-10-04
DATE: December 6, 2010

REVISIONS:

ISSUED BY: Town Manager
SIGNED: [Signature]

SUBJECT: GRIEVANCE PROCEDURES

PURPOSE: The purpose of this policy is to establish guidelines for employees regarding the grievance procedure as a mechanism to resolve disciplinary actions taken against any non union employee. Conversely, each employee is expected to extend the same treatment to his/her associates, supervisors and to the public.

POLICY:

I. **Step 1:** Employees who believe they have a grievance may address their concerns in writing, within five (5) work days from the event causing the dispute. The written statement shall contain the date, time, place and nature of the dispute and relief requested and shall be filed with their department head. Within five (5) days of the receipt, the department head after consultation with the Human Resources Director and the Town Attorney, shall inform the employee, in writing, of the disposition of the appeal, or failing in that, advise the employee, in writing, of his/her inability to settle the dispute. At this point, the employee may proceed to Step 2

II. **Step 2:** An employee who is not satisfied with the response to Step 2 may, within three (3) working days following the Step 2 response, file the written statement along with copies of the department head’s response with the Town Manager with a copy to the Human Resources Director. The Town Manager shall, within fifteen (15) work days of receipt, meet with the employee. The Town Manager shall respond in writing ten (10) working days from the date of the meeting.
III. Employees who have continuously employed by the Town for at least two (2) years, after receiving the Town Manager’s determination, may appeal a termination or reduction in pay or rank to the Town’s Personnel Appeals Board if he/she feels that his/her termination or reduction in pay or rank was without cause.

IV. Withdrawing of Grievance: An employee may withdraw a Grievance at any point in writing or by permitting the time requirements to lapse without appeal and without consequence.

V. Employees subject to a collective bargaining agreement are excluded from this process. Bargaining employees are to follow the provisions of the collective bargaining agreement.

VI. Any employee that does not have two years of continuous employment with the Town is excluded from this process.

VII. Department Directors are excluded from this process and may appeal directly to the Personnel Appeals Board. Per Town Charter Section 2-151, the Town Attorney, the Town Manager, and Town Clerk are exempt from appealing to the Personnel Appeals Board.

VIII. While the employee grievance procedure referred to above is used to appeal disciplinary actions taken by management, a less formal alternative is available to resolve other employee problems, concerns, or to put forth suggestions.

1. The vast majority of employee problems or complaints involve misunderstandings that can be resolved informally through discussion with immediate supervisors. The Town of Surfside believes strongly that open communication promotes mutual understanding and provides management with valuable information about working conditions and the quality of service we give to the residents of Surfside.

2. When an employee has a problem or complaint that is not the subject of a formal written dispute, or a suggestion, he or she should schedule a mutually agreeable time to discuss the matter with his or her immediate supervisor.
3. In the event that an employee feels that their complaint, problem, or suggestion has not been answered to their satisfaction, they have the right to discuss it with successively higher levels of supervision, up to the Town Manager if necessary.

They simply notify their supervisor that they want to discuss their problem, complaint, or suggestion with the next level of supervision. The supervisor will instruct the employee where and with whom to make the appointment. All levels of the Town Management are available to listen to employee complaints, problems, or suggestions.

It is the Town policy that such informal complaints, suggestions, or problems needing resolution move along the chain as quickly as possible.

4. Problems arise within any organization. The Town of Surfside encourages you to attempt to resolve any that may occur as quickly and simply as possible. No one exercising his or her right to the chain of command is subjected to any form of retaliation by any Town employee, supervisor, manager, or other official.
1. Background

The Surfside Town Commission established an ad-hoc communications committee to develop a set of recommendations to assure the availability and delivery of town records and community activities in a manner that is comprehensive and cost effective.

The commission recognizes the need to optimize resources that make more efficient use of technology and traditional methods of communicating with residents. The Commission formed this committee to review the design, function, capacity and maintenance requirements of the town’s website, identify features and functions of interest to the town but not currently provided and develop a set of policy recommendations that will improve the way the town communicates with residents using both traditional and web based delivery methods.

This document represents a progress report on the committee’s activities to date. A final report and recommendations is scheduled for the March 2011 Commission meeting.

2. Goals and Objectives

The overall goal of the committee is to develop a set of policy recommendations to the town commission on ways to improve access, awareness and transparency of town business and activities.

Objective 1: Review current communication methods
Objective 2: View demo’s from website vendors
Objective 3: Develop user requirements and content specifications for the website.
Objective 4: Develop options and recommendations for Commission

3. Status Report

The committee was established on October 12th 2010 and as of the date of this report, has met 3 times: October 19th, October 27, and November 18th. The 4th meeting is scheduled for December 7th.

The first 2 objectives were completed:

Objective number 1 (Review as-is environment).
Currently, information about town business is delivered by:
- Newsletter (Gazette)
- Website (www.townofsurfsidefl.gov)
- Channel 77 for Atlantic broadband subscribers,
- Mailings
- Code Red notification system for emergencies

Objective number 2 (View Website Demos)
- Committee members attended presentations by CGA and E-City Services
- Many examples from other municipalities were submitted and discussed
4. Current Observations/Issues

**General**
- CGA is the current vendor: Costs for current services to be identified.
- There is no formal communications / content clearinghouse
- Content comes from a variety of sources, mostly department heads.
- Integration and collaboration with branding effort and other town websites: Tourist board, business association, civic association.

**Email List Management**
- Legal research: Are town subscriber lists subject to public records?
- Opt-in / Opt out requirements
- Development segmentation requirements (e.g., condo, association, single family)
- Agree on registration attributes (e.g., email, name, date of birth, gender)

**Gazette**
- Modify advertisement policy: too much clutter.
- Offer delivery options (e.g., create opt out/opt in): will save money but require integration with website
- Change layout/format: Style preferences to be discussed.
- Change calendar format (done)

**Channel 77 (Atlantic Broadband Community Access)**
- Limited to AB subscribers: Develop agreement with ATT UVerse
- Discontinue display of illegible content
- Increase timing between screen transitions (Done - 30s max)
- Convey broadcast schedule

**Social Media**
- Deferred

**Code Red**
- No Change

**Website**
- Vendor Demo’s to date (CGA; E-City Services)
- Website features and functions list to compare options (See table below)
- Content requirements (e.g., on-line bill pay, town check book, live streaming)
- Decision on what will be on-line as opposed to near-line – that is, accessible only via electronic document management system (EDMS).
- Technical Architecture (Storage capacity, document management system, content management system, back-up, and disaster recovery) to be discussed.
## 5. Sample Website Vendor Comparison

<table>
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<th>Required Feature</th>
<th>CGA</th>
<th>E-City Services</th>
<th>Comment</th>
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<tr>
<td>1. Custom Design</td>
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<tr>
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<td>3. Content Management</td>
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<td>4. Email Posting of Content (News, Agendas, Minutes)</td>
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<td>5. SMS Text Alerts</td>
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<td>6. Email Subscriber Service</td>
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<td>7. Multiple Web Calendars</td>
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<td>8. On-line Bill Pay</td>
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<td>9. Real Time Streaming</td>
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<td>10. Archive Streaming</td>
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<td>11. Web Statistics</td>
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<td>12. Site Security</td>
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<td>13. EDMS Integration (Search and Retrieval)</td>
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<td>14. Adequate storage for on-line and near line document retrieval</td>
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<td>15. Consulting/Training Services</td>
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<td>4. Google Search Function</td>
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<td>5. Citizen Request Management</td>
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### Impact on Headcount

### Start up Costs

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<td>Year 2</td>
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<td>Year 3</td>
<td></td>
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</table>

### Three Year Cost Projection
6. Action / Discussion Items For Subsequent Meetings

- Legal research: Are town subscriber lists subject to public records?
- Agree on Proposed User Requirement Specification
- Development segmentation requirements (e.g., condo, association, single family)
- Agree on registration attributes (e.g., email, name, date of birth, gender)
- Discuss if Tourist Board website should be independent and linked or integrated with same branding.
- Decision on what will be on-line as opposed to near-line – that is, accessible only via electronic document management system (EDMS)
- Discuss content distribution worksheet (see attached)

7. List of Recommendations so far

- Modify advertisement policy in Gazette: too much clutter.
- Develop agreement with ATT UVerse
- Provide Town Check Register on Town website

COPY OF CONTENT DELIVERY TEMPLATE FOR DISCUSSION PURPOSES ONLY IS ON THE NEXT PAGE
**Content Delivery Policy Template**

This template can be used to inventory distribution requirements of content by department or for the development of a communication policy. Such a policy can include standard distribution requirements resulting in a more consistent and directed flow of information.

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<th>Chan77</th>
<th>Code Red</th>
<th>Email</th>
<th>SMS</th>
<th>Advert</th>
<th>Brochure</th>
<th>Poster</th>
<th>Banner</th>
<th>Letter</th>
<th>Report</th>
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Memo

To: Mayor Daniel Dietch
Vice Mayor Joe Graubart
Commissioner Michael Karukin
Commissioner Marta Olchyk
Commissioner Edward Kopelman

From: Roger M. Carlton

CC: Tony Blate
Barbara McLaughlin
Randal Rubin
Mitchell Kinzer
Rick Zambrano
Paul Gioia
Michael Garcia

Date: 12/8/2010

Re: Code Compliance Committee Report

Short Term Rentals
The board decided that for the December 8, 2010 meeting, Mrs. McLaughlin would present additional information to the board on how other communities handle this issue.

Chain Link Fence Ordinance
The board made a motion to extend the “Chain Link Fence” amnesty program for an additional six months.

Power Blowers
The board made a motion to change the code to allow power blowers to be used to blow from the street onto the property, taking this action will prevent grass cuttings from entering our catch basins. It will also make it easier for the landscapers to clean area. The board also suggested that all landscapers that work in the town register with the town.

Take Home Commercial Vehicles
The board made a motion to recommend directing Mr. Paul Gioia to come up with a guide line referencing take home commercial vehicles
Proclamation

Whereas, Janice Thomas served most of her 36 year teaching career at Ruth K, Broad Bay Harbor K-8 Center; and

Whereas, Janice Thomas began and headed the Mathematics Super Star Program; and

Whereas, Janice Thomas has worked diligently to establish the criteria for Honor Roll and the awards program; and

Whereas, Janice Thomas has faithfully and conscientiously served Ruth K, Broad Bay Harbor K-8 Center and the Town of Surfside and its citizens for nearly 36 years; and

Whereas, Janice Thomas is conscientious and trustworthy; and her devotion to her job has had a valuable impact on her coworkers and many students;

Now, Therefore, I, Daniel Dietch, Mayor of the Town of Surfside, Florida on behalf of the Town Commission, do hereby extend our sincere appreciation to Janice Thomas for her distinguished service to the community, and highly commend her for the manner in which she carried out her duties and responsibilities.

In witness thereof I have hereunto set my hand this 10th day of December, 2010.

______________________________
Daniel Dietch, Mayor
Town of Surfside, Florida
# MONTH OF NOVEMBER 2010 (Code Compliance Cases)

<table>
<thead>
<tr>
<th>New Cases</th>
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MONTH OF NOVEMBER 2010 (Code Compliance Cases)

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<th>New Cases</th>
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<td>40 YEAR RECERTIFICATION</td>
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PREVIOUS TOTAL CASES (October 31, 2010) 139

NEW CASES OPENED DURING NOVEMBER 2010 148 Includes 58 Amnesty Cases *

SUB-TOTAL 287

CASES RESOLVED NOVEMBER 2010 135

CASES PENDING NOVEMBER 2010 152

*Note: There were 114 amnesty cases of which 56 cases were resolved during the amnesty period. Of the 58 remaining amnesty cases 31 cases are showing progress and 27 cases are showing no intention to comply. Courtesy Notices were issued to the remaining 58 amnesty cases in late November. The next step for property owners showing no intention to comply are fines and Special Master hearing.
Town of Surfside
Commission Communication

Agenda Item #: 3L

Agenda Date: 12/14/10

Subject: Community Center Concessionaire Services

Objective: To provide quality concessionaire services to the patrons of the Surfside Community Center.

Recommendation: Advertise by RFP (Request for Proposals) to hire a qualified vendor to handle the year round concession responsibilities required by the Town of Surfside for the new Community Center.

Background: During numerous public meetings in regards to the operations of the new facility a concession facility was requested by residents to be included in the plans. The new Community Center will include a 248 square feet concession facility with equipment.

Analysis: A competitive RFP will provide the best opportunity for a high quality concessionaire service with the possibility of generating additional revenue for the Town. It is staff’s recommendation that we contract out to provide quality concessionaire services.

Budget Impact: Annual revenue and any cost assumed by the Town will be based on the proposals received during the open bid process.

Growth Impact: The contract will include the possibility of expanding services if and when needed.

Staff Impact: An RFP will be advertised after the holiday season. A selection committee which will include staff and a representative of the Parks and Recreation Committee will prioritize the process to allow the Town Manager to make a recommendation to the Town Commission in sufficient time for the vendor to be ready for the May 15, 2011 scheduled opening ceremonies. There will be an impact on staff resources to manage the selection process, implement the agreement and oversee the vendor’s obligations. This impact will be far less than actually operating the facility with Town employees.

[Signatures]
Department Head
Town Manager
Town of Surfside
Commission Communication

Agenda Item #: 4A1

Agenda Date: December 14, 2010

Subject: Clarify Off-Street Parking Design Standards, relative to onsite and offsite circulation.

Objective: Clarify the standards utilized by Town Staff to review site plans for onsite and offsite vehicular circulation

Background: The Zoning Code does not specifically state the standards of review utilized by Staff for onsite and offsite vehicular circulation.

Analysis: The Town's Zoning Code includes regulations regarding parking lot lay out, parking space size, and parking lot location. Due to the adjacency to state roadways, Staff has utilized Miami-Dade County standards for review of offsite and onsite vehicular circulation. However, this reliance on County standards was not specifically stated in the Zoning Code. Staff felt it was appropriate to amend the Off-Street Parking Design Standards to specify the Miami-Dade County standards. Further, additional language was added to give Town Staff the flexibility to impose stricter standards when the County standards do not result in adequate queuing and circulation space. Finally, language clarifying review and approval by FDOT for projects that have direct access to and from the state roadways was also included.

Budget Impact: Planning Staff's time was funded under the general services contract between the Town and CGA. Therefore the Town did not incur an additional budget impact for CGA's time.

Growth Impact: N/A

Staff Impact: N/A

Recommendation: The Planning and Zoning Board recommended approval of this item to the Town Commission at its September 30, 2010 meeting and the Town Commission approved this ordinance at first reading on October 12, 2010. It is recommended that the Surfside Town Commission adopt on second reading the attached Ordinance, amending sections 90.82 of the Town of Surfside Zoning Code.

Shelley Eichner, Town Planner

Roger Carlton, Interim Town Manager
ORDINANCE NO. 10-_______

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90, DIVISION 1. OFF-STREET PARKING, SECTION 90-82 “DESIGN STANDARDS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO CLARIFY THE STANDARDS USED FOR VEHICULAR QUEUING, ACCESS TO STATE ROADWAYS; AND ON-SITE CIRCULATION; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to allow parking as a use when subordinate to a main use in all districts; and

WHEREAS, The Town Commission held its first public reading on October 12, 2010 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, The Planning and Zoning Board, as the local planning agency for the Town, held a public hearing on September 30, 2010 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on December 14, 2010 and further finds the proposed change to the Code necessary and in the best interest of the community.
NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF
THE TOWN OF SURFSIDE, FLORIDA as follows:

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

Section 2.  Code Amendment.  The code of the Town of Surfside, Florida and
specifically Division 1. OFF-STREET PARKING, Section 90-82 Design Standards is hereby
amended to add Sections (j), (k), and (l) as follows:

DIVISION 1. OFF-STREET PARKING

Sec. 90-82. Design standards.

(j)  Vehicular Queuing.  On-Site vehicular queuing shall conform as a minimum to the
following standards.  The Town Manager or his designee reserves the right to modify vehicular
queuing requirements if deemed necessary based on individual circumstances and so as to cause
the least practical interference with the use of adjacent Property and with the movement of
pedestrian or vehicular traffic.

1.  Vehicular Queuing for Public Charter School Facilities.  Automobile stacking
space, defined as that space in which pickup and delivery of children can take place, may
be provided in the form of specified parking stalls and/or areas clear of vehicular drive
aisles. Stacking space shall be provided for a minimum of two (2) automobiles for charter
schools with twenty (20) to forty (40) children; schools with forty-one (41) to sixty (60)
children shall provide four (4) spaces; thereafter there shall be provided a space sufficient
to stack five (5) automobiles.

2.  Vehicular Queuing for Educational and Child Care Facilities, nonpublic.
Automobile Stacking space, defined as that space in which pickup and delivery of
children can take place, shall be provided for a minimum of two (2) automobiles for
schools with twenty (20) to forty (40) children; schools with forty (40) to sixty (60)
[children] shall provide four (4) spaces; thereafter there shall be provided a space sufficient
to stack five (5) automobiles.

(k)  Access to State Roadways. Projects that have direct or immediate access or is within one-
half block of Collins Avenue, Harding Avenue or 96 Street shall be subject to the review and
approval by FDOT for compliance with FDOT standards. Site Plan Applications subject to this
provision shall include a letter from FDOT as part of the site plan submittal.

(l)  On-site Circulation. There shall be safe, adequate, logical and convenient arrangement of
pedestrian walkways, bikeways, roadways, driveways, driving aisles and off street parking and
loading spaces on-site. The Town Manager or his designee reserves the right to modify on-site

Ordinance No.
circulation if deemed necessary based on individual circumstances and so as to cause the least practical interference with the use of adjacent Property and with the movement of pedestrian or vehicular traffic.

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

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

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

**Section 6. Effective Date.** This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this 12\textsuperscript{th} day of October, 2010.

PASSED and ADOPTED on second reading this ___ day of ____________, 2010.

________________________________________
Daniel Dietch, Mayor

Attest:

______________________________
Debra E. Eastman, MMC

Ornance No.
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

________________________
Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: ________________________________

On Second Reading Seconded by: ________________________________

Vote:

Mayor Dietch yes___ no___
Vice Mayor Graubart yes___ no___
Commissioner Karukin yes___ no___
Commissioner Kopelman yes___ no___
Commissioner Olchyck yes___ no___
MEMORANDUM

TO: Town Commission

FROM: Lynn M. Dannheisser, Town Attorney

cc: Roger Carlton, Interim Town Manager
    Debra E. Eastman, M.M.C., Town Clerk

DATE: December 14, 2010

RE: Commercial Vehicle Parking Restriction Ordinance

**Recommendation:** It is recommended the Commission pass this amendment to Section 74-1, 74-2, and 74-3 relating to Commercial Vehicle Parking Restrictions on first reading.

**Reasons:** Parking of commercial vehicles on public streets in the residential neighborhoods of Surfside has become a problem for many residents. In addition to having an adverse affect on the maintenance of the aesthetics of a residential neighbor, the parking of these vehicles creates a shortage of street parking available to our residents. A prior code provision that was somewhat vague banned commercial vehicles on residential streets but two events have intervened: the Third District Court of Appeal has put its imprimatur of approval on this kind of truck ban and it makes sense to track the language the courts have already opined is acceptable, thereby minimizing our risk of any future challenge and b) the newly formed code enforcement committee has met and decided to exercise some leniency in favor of homeowners.

The amended code language defines commercial vehicles specifically by weight and description. It imposes hours when parking is permitted, designates the district where the restriction is not applicable, gives the Police the power of enforcement, and allows for one commercial vehicle to be parked in a residential driveway provided the resident has obtained a commercial vehicle parking permit from the Town. The new language also provides a procedure the issuance and revocation of the commercial vehicle parking permit and allows for revocation if conditions are violated.
ORDINANCE NO. 10- ________

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 74 AND SPECIFICALLY SECTION 74-1 "COMMERCIAL VEHICLES" CREATING SECTION 74-2 "USE OF COMMERCIAL VEHICLES" AND SECTION 74-3 "ISSUANCE OF COMMERCIAL VEHICLE PARKING PERMIT" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to define commercial vehicles.

WHEREAS, The Town Commission held its first public reading on December 14, 2010 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on January 11, 2011 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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

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

ARTICLE I. IN GENERAL

Ordinance No. _____
Sec. 74-1. Use of commercial vehicles restricted. Commercial vehicle.

(a) No person shall park, stop, stand, idle or operate any truck, trailer and other commercial vehicle, or any other equipment used for commercial purpose, or any vehicle displaying advertising signs at any time upon any of the streets or parts of streets in the boundaries of the town, except zoning district designated B-1 (business district) and CO-1 (commercial office overlay districts) and street immediately adjacent to these districts, except that such vehicles may be operated or parked upon any street for the purpose of expeditiously delivering or picking up materials or merchandise or rendering of expeditious service within the boundaries of the town and then only by entering at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.

(b) Any person violating any of the provisions of this section shall, upon conviction, be punished as provided in section 1-8.

(a) Commercial Vehicle. As herein used, shall mean a motor vehicle of one-ton capacity or more or a motor vehicle or trailer of any size or capacity which is used in commerce. A motor vehicle shall be conclusively presumed to be used in commerce if the vehicle bears a sign, insignia, trademark, tradename or business designation of any nature, wherever the same may be located on the vehicle; or the vehicle is used for the transportation of persons or property for compensation. A motor vehicle will be presumed to be used in commerce if, upon visual inspection, it contains equipment and other personal property regularly, normally and ordinarily used in commerce business or trade, such as, for example, construction tools and equipment, commercial lawn mowers, tractors, ladders, paint, auto mechanics' tools, such as hydraulic jacks, tire changing equipment and towing equipment. Such presumption shall be subject to rebuttal by competent evidence.

(b) The fact that a motor vehicle used in commerce as above-described is designed for private use or is only used commercially on a part-time basis shall not abrogate or reduce the presumption of use in commerce. Provided, however, that the placement of a temporary (magnetic or otherwise) cover over the sign, insignia, trademark, trade name or business designation shall cause the vehicle to be in compliance so long as there is compliance with Section 74-2 and 74-3 hereinafter.

Sec. 74-2. Use of commercial vehicles restricted.

(a) No person shall park, stop, stand, idle or operate any truck, trailer and other commercial vehicle, or any other equipment used for commercial purpose, at any time upon any of the streets or parts of streets in the boundaries of the town, except zoning district designated SD-B40 and street immediately adjacent to these districts, except that such vehicles may be operated or parked upon any street for the purpose of delivering, picking up materials, merchandise, or rendering of service with the weekday hours of 8 AM to 6 PM or Saturday between 8 AM and 1 PM (except for vehicles parked for the purposes of emergency plumbing, roofing, or electrical repairs which may occur outside of these prescribed hours) within the boundaries of the town and then only by entering at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.

(b) Provided it is owned by a Surfside resident, one commercial vehicle as defined hereinabove, may be permitted to park in a residential area provided the commercial

Ordinance No. _____
vehicle is parked in a driveway and has been issued a conditional permit registered with the Town pursuant to section 74-3,

(c) Any person, violating any of the provisions of this section shall, upon conviction be punished as provided in Section 1-8.

**Sec. 74-3. Issuance of commercial vehicle parking permit.**

(a) The application for a conditional permit for commercial vehicles to park in a residential area shall contain the name of the owner or operator of the motor vehicle, residential address, phone number, make and model of the motor vehicle, a copy of applicants driver’s license, and a photo static copy of the vehicle registration. Additionally, documentation established by the Town of Surfside will be required as proof of residency. The applicant shall apply in person for the initial permit and shall present all required documentation. Personal appearances shall not be required for permit renewals. Renewal of a permit shall annually or semiannually and in accordance with the conditions and procedures as specified by the Town Manager or designee and approved by the Town Commission.

(b) The permit shall be displayed on the lower left corner of the front windshield (driver's side) of the vehicle.

(c) The Town Manager or designee is hereby authorized to make provisions for the issuance and collection of fees, if any, and for temporary permits.

(d) The Town Manager or designee is authorized to revoke the conditional commercial vehicle parking permit if the permit holder is found to be in violation of the provisions of this code.

(e) Failure to surrender a revoked permit within ten (10) working days of written notification from Town shall carry the following penalties:
   1. The violator shall not be allowed to reapply for another permit for six (6) months.
   2. Once restored, if the permit holder should once again have the permit revoked by the Town, the resident would be restricted from applying for one year.

**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

Ordinance No. _____
renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this _____ day of __________, 2010.

PASSED and ADOPTED on second reading this ___ day of __________, 2011.

Daniel Dietch, Mayor

Attest:

_________________________________________
Debra E. Eastman, M.M.C., Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

________________________________________
Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: __________________________

On Second Reading Seconded by: ____________________________

Vote:
Mayor Dietch yes____ no____
Vice Mayor Graubart yes____ no____
Commissioner Karukin yes____ no____
Commissioner Kopelman yes____ no____
Commissioner Olchyk yes____ no____

Ordinance No. ______
MEMORANDUM

TO: Town Commission
FROM: Lynn M. Dannheisser, Town Attorney
CC: Roger M. Carlton, Town Manager
     Debra E. Eastman, M.M.C., Town Clerk
DATE: December 14, 2010
SUBJECT: Psychic Reading and Consultation as Permitted Use in SD-B40 District

Recommendation: It is recommended that the Commission adopt this Ordinance allowing psychic reading and consultation as a Permitted Use in the SD-B40 District pursuant to the Settlement Agreement approved on November 9, 2010.

Reasons: The Town Commission directed the Town Attorney to enter into settlement negotiations to resolve this matter which was completed. Last month, the Commission approved a Settlement Agreement wherein among other things the Town agreed to reinstate the Plaintiff’s Business Tax Receipt, under the classification “personal consulting” and allow the Plaintiff to resume business operations at the premises in the same manner in which she had conducted those operations prior to the revocation in consideration of a dismissal of the litigation and the exchange of releases.

Accordingly, this Ordinance amends Section 90-41 “Regulated Uses” to add psychic reading and consultation as a permitted use in the SD-B40 District (Downtown business district) on the second floor only in keeping with the expressed desire of the Planning and Zoning Board and the Town Commission to preserve the first floor for retail establishments.
ORDINANCE NO. 10-_______

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-41 “REGULATED USES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADD PSYCHIC READING AND CONSULTATION AS PERMITTED USE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Surfside (“Town”) proposes to amend its Code of Ordinances to address psychic reading, advising, consultation, palmistry, clairvoyance, astrological interpretation, tarot card reading, spiritual consultation, and fortune telling in the business district and permit psychic reading and consultation in areas allowing professional services and service agencies above the first floor.

WHEREAS, The Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on December 16, 2010 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission held its first public reading on December 14, 2010 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on January 11, 2011 and further finds the proposed change to the Code necessary and in the best interest of the community.

Ordinance No. _____

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

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

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

ARTICLE IV. DISTRICT REGULATIONS

Sec. 90-41. Regulated uses.

(c) Table--Regulated uses.

TABLE INSET:

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Ordinance No. _____

Page 78
| Employment agencies          | -  | -  | -  | -  | P(9, 17) |
| General ticket agencies     | -  | -  | -  | -  | P         |
| Interior decorator           | -  | -  | -  | -  | P         |
| Loan or mortgage office      | -  | -  | -  | -  | P(9)      |
| Medical or dental clinic     | -  | -  | -  | -  | P(9)      |
| Psychic reading, advising, and consulting, palmistry, clairvoyance, astrological interpretation, tarot card reading, spiritual consultation, or fortune telling | -  | -  | -  | -  | P(9)      |

... 

Key: P: Permitted (#): Refer to Notes  Blank: Not Permitted

(d) Uses table notes.

... 

(9) Shall only be allowed above the first floor. This shall apply to all service agency categories.

Section 3. No Zoning in Progress. Section 90-6 and the zoning in progress doctrine shall not be applicable to the first reading of this ordinance as the settlement of the relevant litigation has not yet been completed but shall have been completed by adoption on second reading.

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.

Ordinance No. _____

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**Section 6. Effective Date.** This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this _____ day of __________, 2010.

PASSED and ADOPTED on second reading this ____ day of __________, 2010.

_____________________
Daniel Dietch, Mayor

Attest:

_____________________
Debra E. Eastman, MMC
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____________________
Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: ________________________________

On Second Reading Seconded by: __________________________

**Vote:**

| Mayor Dietch | yes____ no____ |
| Vice Mayor Graubart | yes____ no____ |
| Commissioner Karukin | yes____ no____ |
| Commissioner Kopelman | yes____ no____ |
| Commissioner Olchyck | yes____ no____ |

Ordinance No. ______
Town of Surfside
Town Commission Meeting
December 14, 2010
7 p.m.
Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

COVER MEMORANDUM

Title: Town Manager Employment Agreement

Objective: To ratify the proposed employment agreement with Roger Carlton to serve as Town Manager (see attached)

Consideration: We have now been in office nine months and while there has been constructive debate on many points, one thing that has become absolutely clear is the importance of having a highly qualified, motivated and leadership-oriented Town Manager. I am sure that we can all agree that the Town Manager is a critically important position through which our Commission, individually and collectively, is able to realize our goals and policy direction for the benefit of Surfside.

To that end, when Mr. Word resigned effective September 30, 2010, I began a process to inquire with current and former elected officials in Miami-Dade County and others to solicit suggestions for qualified Town Manager candidates. Roger Carlton was identified as a highly regarded and seasoned public administrator in South Florida by every person that I engaged. I subsequently met with Mr. Carlton and found that his broad range of experience, depth of knowledge, relationships throughout Miami-Dade County and understanding of the role a Town Manager should play in Surfside was very impressive. He became available to take the assignment on an interim 90 days basis for which was approval by the Town Commission was given September 14, 2010. By every standard we could apply, Mr. Carlton has proven his ability to serve the people of Surfside well during the past 90 days. Many projects are moving quickly, including the Community Center, the Water/Sewer/Storm Drainage project, the multi space meters and the red light cameras. Other projects are soon to begin, such as closing out the library inventory in a sensitive manner and reinvigorating the downtown vision process. From the stand point of transparency our monthly Town Commission agendas are much improved, we receive usable financial data, the “Points of Light” Manager’s Report keeps us abreast of projects and collective or individual Commission directives in a manner never seen before, check registers are now posted on the web, tours are given of the Community Center construction to citizens and so much more.
Therefore, it is time to stabilize our relationship with the Town Manager and the manner to achieve this is to remove the “interim” from his title and enter into an employment agreement.

At my direction, independent counsel, Jim Crosland of Bryant Miller Olive, who assisted in the separation of the prior Town Manager was retained to negotiate with Mr. Carlton comparable benefits to our previous manager while clarifying certain concerns particularly in the area of severance and payment of accumulated leave that were not clear in the previous agreement. The Agreement, as negotiated and drafted by Mr. Crosland, was then reviewed and revised as necessary for legal sufficiency by Town Attorney Lynn M. Dannheisser.

The main points of the proposed agreement and a comparison to the previous Town Manager agreement is included in paren's ( ) where appropriate.

1. Salary will be $121,105 per annum. (same)
2. COLA’s provided to Town employees will be given to the Manager. (same)
3. Annual evaluation by December 15 each year for possible merit/performance salary adjustment. (same)
4. Monthly report to the Town Commission required. (new)
5. Holidays, annual leave, sick leave (same). If the manager’s termination is voluntary and positive, full value will be paid. If termination is negative, full value will not be paid. (clarified)
6. Health insurance will be reimbursed in accordance with Town Manager’s spouse coverage with Miami Dade County or if she is no longer employed, Manager and spouse will be covered by the Town’s policy. (comparable)
7. Life insurance cost for a one year’s salary policy will be calculated by the Town’s insurance consultant and paid to Mr. Carlton who will then use the funds to contribute to an existing policy. (comparable)
8. Cell phone allowance of $60 per month; car allowance of $550 per month. (same)
9. Term of Agreement is two years with a one year renewal and which both Mr. Carlton and the Town Commission must approve. (Previous Manager’s agreement was automatically renewed unless either party terminated)
10. Termination without cause provides a six month salary payment to the Town Manager, however, the number of months payment collapses by one month each month in the last six months of the two year interval period and the one year renewal period. In other words, the closer to the end of each period, the less the payment. No payment if termination is for cause (with tight definition), conviction of a felony, misconduct, gross insubordination, willful neglect of duty or ethics violation. If the Town Manager resigns with 60 days notice there will be no payment of severance; however, accrued leave should be paid. (These provisions clarify ambiguities in the previous manager’s agreement)

I have also taken the liberty to compare the proposed base salary to those of our neighboring communities. Without getting into great detail regarding the total compensation packages provided in our neighboring communities, the base salary for the Bal Harbour manager is $146,000, the Bay Harbor Islands manager is
$142,116, and the Indian Creek manager part time salary is $87,000. These salaries reflect that the proposed salary to be paid to our manager is below market in this area.

In conclusion, we have an extraordinary asset in Mr. Carlton and he has proven that in the past 90 days. The proposed Employment Agreement negotiated by independent counsel is fair to both the Town and Mr. Carlton and clarifies ambiguities in the former manager’s agreement. For these reasons and to maintain the momentum that the Town now has clearly demonstrated, your support for the proposed agreement is strongly recommended.
RESOLUTION NO. ______

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN EMPLOYMENT AGREEMENT BETWEEN TOWN MANAGER, ROGER M. CARLTON AND THE TOWN; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on September 14, 2010 by Resolution No.1952, the Town Commission approved Roger M. Carlton as Interim Town Manager; and

WHEREAS, the Town Commission desires to continue to employ the services of Roger M. Carlton as Town Manager and Roger M. Carlton wishes to serve as the Town Manager; and

WHEREAS, Roger M. Carlton has agreed to accept the terms and conditions set forth in 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 and foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Approval of Employment Agreement. The Employment Agreement between Roger M. Carlton and the Town attached hereto as Exhibit “A” be and the same is hereby approved. The terms of said Employment Agreement shall be effective December 15, 2010.

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

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

Motion by Commissioner _____________, Second by Commissioner ______________.

Resolution No. _____
PASSED AND ADOPTED this ______ day of_______, 2010

FINAL VOTE ON ADOPTION

Commissioner Michael Karukin
Commissioner Edward Kopelman
Commissioner Marta Olchyk
Vice Mayor Joseph Graubart
Mayor Daniel Dietch

_________________________
Daniel Dietch, Mayor

ATTEST:

___________________________________________
Debra E. Eastman, MMC
Town Clerk

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

___________________________________________
Lynn M. Dannheisser
Town Attorney

Resolution No. _____
EMPLOYMENT AGREEMENT
TOWN MANAGER

This Employment Agreement ("Agreement") is made and entered into this ______ day of ______, 2010, between the Town of Surfside, a Florida municipal corporation, (the "Town") and Roger M. Carlton ("Town Manager").

RECITALS:

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

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

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

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

Section 1. Recitals.

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

Section 2. Duties.

2.1 The Town Manager shall have all powers and perform all duties and responsibilities required by this Agreement, prescribed in the Charter and applicable sections of the Town Code.
2.2. The Town Manager shall carry out the policy directives of the Town Commission.

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

2.4 The Town Manager shall perform such other duties as may be assigned by the Town Commission from time to time.


3.1 The Town Manager shall receive an initial annual salary in the amount of $121,105.00 payable in equal installments in accordance with the Town’s existing pay periods. The salary shall be adjusted from time to time by cost of living adjustments consistent with other Town employees.

3.2 For purposes of this Agreement, the Town Manager’s anniversary date shall be December 15 of each year.

Section 4. Relocation Expenses.

Should the Town Manager, in his discretion, relocate within the limits of the Town, the Town during the first twelve months of the contract shall provide up to $2,500 in relocation expenses. Such expenses to be reimbursable based on receipts furnished by the Town Manager.
Section 5. Performance Evaluations.

5.1 The Town Commission shall evaluate the performance of the Town Manager at least once annually on or before December 15 of each year. This evaluation can be accomplished in individual sessions, orally or in writing, or publicly at the discretion of the Commission. It is understood and agreed that if the Town Manager receives a positive evaluation from the Commission, the Town Manager may receive a salary or benefit increase but this is solely within the discretion of the Commission, approved at a public meeting.

5.2 The evaluation specified in Sections 5.1 shall be based upon (i) the Town Manager’s performance of the duties specified in Section 2 and (ii) the Town Manager’s achievements of the Town Commission’s policy directives.

Section 6. Holidays.

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

6.2 The Town Manager shall not use more than five (5) consecutive business days of vacation leave without prior approval of the Mayor.

6.3 Annual leave shall accrue on a calendar year basis.

Section 7. Annual Leave.
The Town Manager shall annually receive a total of twenty (20) business days of annual (vacation) leave. Such annual leave shall accrue equally per pay period.

**Section 8. Sick Leave.**

The Town Manager shall annually receive twelve (12) business days sick leave.

**Section 9. Retirement Plan.**

The Town will contribute, on a pay period basis, an amount equal to the pay period contribution it makes for its employees covered by the Town’s defined benefit plan, to the ICMA retirement plan.

**Section 10. Health Insurance.**

The Town will pay Town Manager, on a bi-weekly basis, an amount equal to the bi-weekly contribution made by Town Manager’s spouse to the Miami-Dade County medical and dental plans, i.e., $295.95 for employee and spouse for health; $22.89 for employee and spouse for dental. Should the Town Manager’s spouse no longer be employed by Miami-Dade County, then the Town Manager at his option may a) continue to receive payment as specified herein or b) forego said payment and in lieu thereof may add himself and his spouse as participants in the Town’s health insurance policy at no cost to the Town Manager.
Section 11. Life Insurance.

The Town shall pay the Town Manager annually in advance on the anniversary date an amount equal to the premium for a term life insurance policy equal to his annualized salary. The amount will be established by the Town’s insurance consultant.

Section 12. Professional Dues and Expenses.

12.1 The Town shall pay for all reasonable and customary professional dues and subscriptions necessary for Town Manager’s participation in municipal associations and organizations, as approved in the Town’s annual budget.

12.2 The Town will pay for Town Manager’s participation in those local civic and non-profit job-affiliated organizations that the Town Manager is authorized to participate in by the Town Commission.

12.3 The Town, through its Controller, shall pay reasonable non-personal job related expenses incurred by Town Manager, if incurred as part of his duties. Such payments shall be made on a reimbursement basis, based upon submittal by Town Manager’s actual receipts and expense vouchers.

12.4 The Town will pay, on a bi-weekly basis, an amount equivalent to $550 per month for automobile expenses.

Section 13. Cellular.

The Town will provide Town Manager with a cellular telephone allowance of $60.00 per month.
Section 14. Travel.

The Town shall pay for the reasonable and customary travel expenses of Town Manager for meetings and seminars, as annually budgeted by the Town Commission or as may be directed by the Town Commission.

Section 15. Days.

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

Section 16. Bonds.

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

Section 17. Term.

This Amended Agreement shall commence on December 15, 2010 ("Commencement Date"), and continue year to year thereafter, unless terminated earlier, provided however, in no event shall the term of this Agreement exceed two years from December 15, 2010 unless extended annually by mutual agreement.

Section 18. Termination.

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

18.2 In the event the Town Commission wishes to terminate the Town Manager prior to the expiration of the Term specified in Section 17, the Town Manager shall receive severance payment as follows: (i) if terminated between December 15, 2010, through and including the month of July, 2012, a severance payment equal to six (6) months salary; (ii) in the month of August, 2012, a severance payment equal to five (5) months salary; (iii) in the month of September, 2012, a severance payment equal to four (4) months salary; (iv) in the month of October, 2012, a severance payment equal to three (3) months salary; (v) in the month of November, 2012, a severance payment equal to two (2) months salary; (vi) in the month of December, 2012, a severance payment equal to one (1) month salary; (vii) if terminated between January 1, 2013 through and including the month of July, 2013, a severance payment equal to six (6) months salary; (viii) in the month of August, 2013, a severance payment equal to five (5) months salary; (ix) in the month of September, 2013, a severance payment equal to four (4) months salary; (x) in the month of October, 2013, a severance payment equal to three (3) months salary; (xi) in the month of November, 2013, a severance payment equal to two (2) months salary; (xii) in the month of December, 2013, a severance payment equal to one (1) month salary. For purposes of this Section, “severance payment” shall be based upon the salary specified in Section 3.1 as may be amended from time to time. All
severance payments shall be paid to Town Manager in a lump sum upon his termination or within thirty (30) days thereafter at the Town Commission's option.

18.3 Notwithstanding the provisions of Section 18.2, in the event Town Manager is terminated for cause, the Town shall have no obligation to pay Town Manager any severance pay. For the purposes of this Section "for cause" shall be defined as: (i) breach of any material term or condition of this Agreement; (ii) conviction of a felony; (iii) misconduct; (iv) gross insubordination; (v) willful neglect of duty; or (vi) adjudicated violation of the Florida Code of Ethics for Public Officers and employees, the Miami-Dade Conflict of Interest and Code of Ethics, the Town Charter, or the Town's Conflict of Interest Ordinance.

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

18.5 In the event that the Town Manager voluntarily resigns during the Term of this Agreement, the Town Manager shall provide the Town with 60 days advance written notice, unless the parties agree in writing to a different period of time. In the event of resignation by the Town Manager under this Section, the Town Manager shall
not be entitled to receive the severance package specified in Section 18.2, but the Town shall pay the Town Manager all accrued unused vacation and sick leave calculated at the Town Manager’s rate of pay in effect upon the date of termination.

18.6 In the event that the Town Manager voluntarily resigns with less than 60 days advance written notice, the Town Commission may elect to terminate the Town Manager immediately or allow the Town Manager to continue to serve until the date specified in the Town Manager’s resignation. In the event of a resignation or termination under this paragraph, notwithstanding any other provisions of this Section, the Town Manager shall not be entitled to receive either severance payment or vacation or sick leave unless the Town Commission authorizes payment of same.

18.7 If the Town Manager is unable to perform his duties as specified in Section 2 of this Agreement for a period of 30 consecutive days, or a period of 60 non-consecutive days during the Term of this Agreement, due to either disability, sickness, accident, or injury as certified by a physician, this Agreement shall be deemed terminated. In the event of the Town Manager’s death, this Agreement shall be deemed terminated. If the Agreement is terminated under this Section, then the severance payment specified in Section 18.2 shall not be applicable.

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


19.1 Complete Agreement. It is understood and agreed that this document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein and that the parties agree that there are no commitments, agreement, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

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

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

19.4 Severability. If any provision, or any portion thereof, contained in this Agreement is held to be unconstitutional, illegal, invalid, or unenforceable, the remainder of this Agreement, or portions thereof, shall not be affected and shall remain in full force and effect.
19.5  **Non-Assignment.** The rights and obligations herein granted are personal in nature and cannot be transferred or assigned by the Town Manager.

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

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

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

With a copy to:  Lynn M. Dannheisser, Esquire  
Town Attorney  
Town of Surfside  
9293 Harding Avenue  
Surfside, Florida 33154  
(305) 993-1065 (Telephone)  
(305) 993-5097 (Fax)

For the Town Manager:  Roger M. Carlton  
888 Brickell Key Drive  
#1011  
Miami, Florida 33131
Section 20. WAIVER OF JURY TRIAL.

BOTH THE TOWN AND THE TOWN MANAGER KNOWINGLY, VOLUNTARILY, AND IRREVOCABLY WAIVER 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. _____ passed on December 14, 2010, and Town Manager have signed an executed this Agreement the day and year first above written.

TOWN OF SURFSIDE

By:_________________________________________
Daniel Dietch, Mayor

ATTEST:

_________________________________________
Debra E. Eastman, M.M.C.
Town Clerk

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

_________________________________________
Lynn M. Dannheisser, Town Attorney
TOWN MANAGER

______________________________
Roger M. Carlton
Date_________________________
Town of Surfside
Commission Communication

Agenda Item # 5B

Agenda Date: December 14, 2010

Subject: Keep America Beautiful

Objective: To become an affiliate of the "Keep America Beautiful" program (Keep Surfside Beautiful)

Recommendation: Work with "Keep America Beautiful" to become an affiliate known as Keep Surfside Beautiful. Mayor Dietch has requested that staff review this proposal and we have concluded that participation would benefit the Town of Surfside at limited expense.

Background: Keep America Beautiful is a reputable organization which provides community education and hands-on approaches to reduce litter and waste, promotes volunteerism, and makes improvements possible for communities. Keep America Beautiful sets up affiliate sites to bring the meaningful changes to our communities through their time-tested approach. If Surfside was to become an affiliate of Keep America Beautiful, we would be the fourth community in Miami Dade County.

Analysis: Through an affiliate of "Keep America Beautiful", the town will be able to continue to provide education for a healthy community. As a town, we would be affiliated with a national organization and have the ability to apply for grant opportunities from the organization which has $3 million dollars worth of grants to offer per year. Through a beautification committee, they would be able to make recommendations and set forth projects for the town.

Budget Impact: Initial certification fee - $1,000; Annual Network Service Fee - $50.00 (determined by population)
*Additional fees could be accrued based on team recommendations.

Growth Impact: Having the capability of working with an organization such as "Keep America Beautiful" the town would have the opportunity to be recognized through a national organization. With potential grant opportunities, the beautification and environment of Surfside would be enhanced.

Staff Impact: One designated town employee to attend mandatory trainings required by Keep America Beautiful for the initial trainings and yearly conferences. This employee would be the liaison between the beautification committee and "Keep America Beautiful", providing the organization with reports which are completed every 6 months.

[Signatures]
Department Head

[Signature]
Town Manager
RESOLUTION NO. 10-___

A RESOLUTION OF THE TOWN COMMISSION OF THE
TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE
TOWN TO COMPLETE THE TRAINING AND
CERTIFICATION TO BECOME AN AFFILIATE OF
“KEEP AMERICA BEAUTIFUL” AND TO BE
DESIGNATED AS ‘KEEP SURFSIDE BEAUTIFUL,” AND
PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, “Keep America Beautiful” is a reputable organization which provides
community education and hands-on approach to reduce litter and waste, promotes volunteerism,
and makes improvements possible for communities; and

WHEREAS, the Town of Surfside would be the fourth community in Miami Dade
County to be an affiliate of “Keep America Beautiful;” and

WHEREAS, after completion of the training and payment of the initial certification fee
of $1,000.00, and the annual network service fee of $50.00 (determined by population), the
Town of Surfside will be designated as “Keep Surfside Beautiful;” and

WHEREAS, the Town of Surfside will be affiliated with a national organization and
have the ability to apply for grant opportunities from the organization, which has $3 million
dollars worth of grants to offer per year; and

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

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

Section 2. Approval. The Town Commission of the Town of Surfside approves the
Town’s participation in the “Keep America Beautiful” organization.
Section 3. Authorization of Town Manager. The Town Commission authorizes the Town Manager to execute and do whatever is necessary to effectuate the terms of participation in the "Keep America Beautiful" organization and to complete the training and certification to designate the Town of Surfside as "Keep Surfside Beautiful."

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

Motion by Commissioner ____________, Second by Commissioner ____________.

PASSED AND ADOPTED this ______ day of_______, 2010

FINAL VOTE ON ADOPTION

Commissioner Michael Karukin
Commissioner Edward Kopelman
Commissioner Marta Olchyk
Vice Mayor Joseph Graubart
Mayor Daniel Dietch

Daniel Dietch, Mayor

ATTEST:

Debra E. Eastman, MMC
Town Clerk

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

Lynn M. Dannheisser
Town Attorney
Affiliation Information

What is Keep America Beautiful’s formula for success? Since 1953, our organization has provided a replicable framework for community education and hands-on stewardship that reduces litter and waste, promotes grassroots volunteerism, and makes sustainable improvement possible for communities of all sizes, from coast to coast. This is only one side of the equation. At the local level, affiliates have built upon this framework to create innovative, locally-focused programs that address the specific needs of their diverse geographies and populations. Using the fundamentals of our time-tested approach, our affiliates are reaching deep into their communities to effect meaningful, positive changes.

Who Should Attend the KAB Pre-Certification Training Workshop?

The Pre-Certification Team shall consist of:
- 6-9 members
- representatives from business, government and civic sectors
- individuals knowledgeable in the following areas:
  - business and organizational administration and governance
  - financial management
  - city/county government
  - geography of the community
  - litter, beautification and waste reduction organizational efforts

Each team member must commit to the 4 hour Pre-Certification Training Workshop. The Team will be assigned tasks and agree to accomplish the tasks within the four to six months necessary for certification. The following profiles are provided to assist you in identifying people to serve on your team.

Team Leader
Each Pre-Certification Team must have a Team Leader. The Team Leader must be a good manager and a results-oriented leader. The Team Leader will hold team members accountable for assigned tasks.
- Supervises arrangements for meetings
- Submits monthly progress reports to KAB National Trainer, State Leader (if applicable) and National Office until certification.

Organizational Team
The Organizational Team will be responsible for creating the organizational structure and administration in order to ensure the long-term success for the affiliate. Team will be responsible for:

Structure:
- Nonprofit Corporation (commonly 501(c)(3)
- Government Entity

Governance Documents
- Determine documents needed
- Draft and submit for approval
- Articles of Incorporation (if applicable nonprofit corporation)
- Bylaws (if applicable nonprofit corporation)
- Resolution/Executive Order/Ordinance (if applicable government entity)
- Guidelines/Procedures (if applicable government entity)

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Identity
- Mission Statement
- Logo

Administration
- Determine board member responsibilities
- Member recruitment
- Executive Director job description
- Financial Plan
- Secure start-up funds
- Design one year operational budget
- Prepare potential donor packet

Technical Team
Team members will be responsible for overseeing the completion of the Litter Index, the Focus Area Survey and Observations and Recommendations. The Litter Index is a visual assessment of your community and the Focus Area Survey is a fact-gathering document that examines existing ordinances and enforcement practices, current technology and educational programs relating to litter, beautification and community improvement and waste reduction. City or county governmental representatives are especially suited for this area of work. However, civic representatives are also valuable Team members for these tasks. Together, the Technical Team will be responsible for:

Litter Index:
- Selecting a target date for conducting KAB Litter Index
- Preparing your local scoring map
- Enlist 3-6 volunteers to perform the Litter Index
- Secure a van that is large enough to afford similar views for all scorers
- Secure (may be available from government entity) or create a "Slow Moving" sign to place in rear of van for increased safety
- Determine who will act as scoring leader; usually this is the coordinator for the Litter Index
- Obtain a driver for the van. This should be someone who is familiar with the streets of your service area. The driver will not score. Provide the driver with a copy of the scoring map.
- Secure a location for approximately 30 minutes of classroom training, including the availability of a VCR and monitor or DVD player
- Identify a practice scoring location where scorers will not record their scores, but will simply share how they would score the area
- Prepare scorers' training and scoring materials

Focus Area Survey
- Set deadline
- Identify relevant resources in government agencies, businesses and civic organizations
- Complete and compile survey

Observations
- Review information
- Make observations in each focus area within the four areas for change (Education, Technology (resource and tools), Ordinances, Enforcement)
- Litter prevention
- Beautification and Community Improvement
- Waste Reduction

Recommendations
- Make recommendations in each focus area within the four areas for change to be used during the certification training
- Litter prevention
- Beautification and Community Improvement
- Waste Reduction

5/26/09
Keep Miami Beautiful
Juanita Shanks
Miami, FL 33142
Email: jshanks@keepmiamibeautilful.org
Web site: http://www.keepmiamibeautilful.org
Phone: 305.960.2816

Keep Miami Gardens Beautiful
Tsahai Codner
Beautification Director
Miami Gardens, FL 33169
Email: tcodner@miamigardens-fl.gov
Web Site: http://miamigardens-fl.gov/
Phone: 305.622.8009
Keep America Beautiful

Affiliate Locations

- Several municipalities and counties throughout Florida
- Locally, City of Miami, Miami Gardens, and North Miami, Broward County

Fees

- Fees are set based on population; the one-time certification fee is $1,000 with a $50 annual fee thereafter.

Affiliate Program

- Initial training pre-certification team with 6 – 9 members, each member must commit to the 4 hour pre-certification workshops and agree to complete tasks within four to six months in order to complete certification.
- Each pre-certification team, must have a team-leader, this individual holds the training team responsible for the work and submits appropriate reports.
- An organizational team is implemented to ensure the long-term success for the affiliate. This team is responsible for the administrative aspect of the program.
- A technical team is responsible for overseeing the litter index, observations and recommendations among other tasks.

Different Teams

- Pre-certification team (6 - 9) people with a team leader
- Organizational Team
- Technical Team
Certification Fee and Annual Fee

The one-time fee supports the initial development of the Keep America Beautiful affiliate including:

- Training your Pre-Certification Team at a half-day workshop including travel expenses for the National Trainer to your community
- Pre-certification training materials, including manuals, step-by-step instructions on developing your local organization, and other resources to assist in initial affiliate development
- Training new Board by National Trainer after completion of certification materials including travel expenses for National Trainer to return to your community
- Conducting affiliate planning and goal setting session to develop an action plan for the first year;
- Training for the executive director
- Participating in the announce the official affiliation during the Certification Ceremony
- Certification training materials including training manuals for the executive director and affiliate board/committee
- Education and resource materials
- The first year's annual network service fee

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Annual Network Service Fee
Due One Year After Certification

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<tr>
<td>Over 1 million</td>
<td>$ 500</td>
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MANAGER’S MEMO
RECOMMENDING RATES
FOR PARKING TRUST
FUND WILL BE
DISTRIBUTED
UNDER SEPARATE COVER
MEMORANDUM

TO: Town Commission
FROM: Lynn M. Dannheisser, Town Attorney
cc: Gary Word, Town Manager
DATE: June 13, 2010

SUBJECT: Parking Trust ordinance

The Town Commission has expressed a desire to foster the creation of a pedestrian-friendly mixed-use downtown environment within the Town of Surfside ("Town"), by supporting the attraction of businesses and general revitalization of properties in the traditional downtown area within the Town's SD-B40 Zoning District. One of the impediments to such an effort in Surfside (and in any traditional downtown business area within a geographically constrained beachfront community) is the lack of parking. The Town has not been able to enforce (and has not enforced) parking requirements to provide new spaces on site as a matter of custom and practice precisely because there is little available land to devote to this purpose. Instead, it has attempted to provide alternatives around the Town including shared parking, and joint use and off site facilities, among other things.

In continuing to work through this problem, Staff would suggest that the centralized location and proximity of the SD-B40 Zoning District to the Town's beachfront district and residential neighborhoods makes the area well-suited to the creation and imposition of another parking mitigation option per the Town Comprehensive Plan, and specifically, to allow new businesses and development projects to meet off-street parking requirements through the payment of fees into a Town Parking Trust Fund, which shall then be utilized to finance one or more capital projects that support the creation and provision of public parking. Such proposals will be described in more detail by the Town Manager.

This Ordinance proposes to amend Section 90-77 "Off-street parking requirements" of its Code of Ordinances to provide an exception from the requirements for provision of off-
street parking for changes of occupancy within the SD-B40 Zoning District, and to allow new
development and renovations within the district to comply with the off-street parking
requirements through payment of a parking fee into the Town's Downtown Parking Trust
Fund, in addition to other methods of compliance.

This entails the ability of any new business or development to pay into the Downtown
Parking Trust Fund an established fee per parking space determined by the Town Manager,
approved by resolution of the Town Commission, as may be amended from time to time. The
required parking fees are to be paid prior to the issuance of a building permit. The monies
collected may be used in the aggregate to acquire land for parking purposes; and construct,
maintain, operate, lease, manage, purchase, or otherwise provide off-street parking facilities
for public use among other parking related efforts such as a possible parking shuttle. No
funds will be expended without a recommendation by the Town Manager to the Town
Commission and approval by the Town Commission.

**RECOMMENDATION:** It is recommended by Staff that you adopt this Ordinance.
ORDINANCE NO. 10-15-6

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFside, FLORIDA AMENDING CHAPTER 90 “ZONING,” ARTICLE VII “OFF-STREET PARKING AND LOADING,” DIVISION 1 “OFF-STREET PARKING,” SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS” OF THE TOWN OF SURFside CODE OF ORDINANCES REGARDING OFF-STREET PARKING COMPLIANCE FOR THE SD-B40 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Surfside, Florida ("Town Commission") desires to foster the creation of a pedestrian-friendly mixed-use downtown environment within the Town of Surfside ("Town"), by supporting the redevelopment and revitalization of properties in the traditional downtown area within the Town’s SD-B40 Zoning District; and

WHEREAS, the Town adopted amendments to the Future Land Use Element of the Town of Surfside Comprehensive Plan which support the use of a Parking Trust Fund as a method for funding the construction of public parking garages and other facilities and programs to provide needed parking within the Town’s business district; and

WHEREAS, the Town Commission finds that, as a traditional downtown business area within a geographically constrained beachfront community, vehicle parking is substantially limited within the SD-B40 Zoning District; and

Ordinance No.10-15-6
WHEREAS, the parking limitations within the SD-B40 Zoning District hinder the ability of businesses and other nonresidential uses to develop, improve and redevelop properties; and

WHEREAS, the Town desires to encourage businesses to gravitate to the downtown business district and/or create opportunity for redevelopment within the SD-B40 Zoning District and for the past several years has not been able to enforce parking requirements to provide new spaces as a matter of custom and practice because there is little available land to devote to this purpose and instead has attempted to provide alternatives around the Town including shared parking, joint use and off site facilities; and

WHEREAS, the centralized location and proximity of the SD-B40 Zoning District to the Town’s beachfront district and residential neighborhoods makes the area well-suited to the creation and imposition of another parking mitigation option per the Town Comprehensive Plan, and specifically, allowing new businesses and development projects to meet off-street parking requirements through the payment of fees into a Town Parking Trust Fund, which shall then be utilized to finance one or more capital projects that support the creation and provision of public parking; and

WHEREAS, the Town proposes to amend Section 90-77 “Off-street parking requirements” of its Code of Ordinances to provide an exception from the requirements for provision of off-street parking for changes of occupancy within the SD-B40 Zoning District, and to allow new development and renovations within the district to comply with the off-street parking requirements through payment of a parking fee into the Town’s Downtown Parking Trust Fund, in addition to other methods of compliance; and

Ordinance No. 10-1532
WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments to the district regulations on June 24, 2010 with due public notice and input; and

WHEREAS, the Town Commission shall have conducted a duly noticed public hearing on these regulations as required by law on July 13, 2010, having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Town Commission finds that this Ordinance is consistent with the Town’s Comprehensive Plan and furthers the public health, safety and welfare.

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

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

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

Sec. 90-77. Off-street parking requirements.

(a) Except as otherwise provided herein, when any building or structure is hereafter constructed; or structurally altered so as to increase the number of dwelling units or hotel/motel rooms; or structurally altered so as to increase its total commercial floor area, including provision of outdoor seating; or when any building or structure is hereafter converted to any of the uses listed in subsection 90-77(b) (c) off-street parking spaces shall be provided in accordance with the requirements of subsection 90-77(b) (c) or as required in subsequent sections of this article. The requirement for an increase in the number of required parking spaces shall be provided on the basis of the enlargement or change of use.

(b) Off-street parking compliance for properties and uses located in SD-B40 Zoning District. The following shall apply to properties and uses within the SD-B40 Zoning District:

Ordinance No. 10-15826
(1) **Applicability.** Compliance with the off-street parking requirements shall be required for all projects and developments consisting of new construction. It shall also be required for renovations with an aggregate job value which equals or exceeds any of the following:

(i) $40,000, or
(ii) for interior renovations (may include exterior signage or façade improvements), 10% of current building value, or
(iii) for interior and exterior renovations (excluding signage), 10% of the current assessed value of the property.

Assessed value and building value shall be determined from the Miami-Dade County Property Appraiser’s Office tax rolls. All permits issued for projects and development within a 365-day period shall be aggregated to determine if this threshold is met. Normal repairs and maintenance shall not trigger compliance. Changes of use or changes of business in an existing building that are not accompanied by construction or renovations meeting the thresholds of this subsection shall be exempt from the off-street parking requirements of Section 90-77.

(2) **Options to satisfy parking requirements.** Satisfaction of the off-street parking requirements of this subsection (b) may be achieved through compliance with any combination of the following options:

(i) Subsection 90-77(c) On site provision of parking spaces;
(ii) Subsection 90-77(d) Tandem parking;
(iii) Section 90-80 "Joint use and off-site facilities;"
(iv) Section 90-81 "Shared parking;" or
(v) Section 90-77(b)(3) Payment of parking trust fee.

(3) **Parking trust fee.** The off-street parking requirements may be complied with by paying into the Downtown Parking Trust Fund the sum of money that is the product of the number of parking spaces required but not provided, multiplied times the amount of the established fee per parking space. The parking fee amount shall be calculated on a "per parking space" standard, based upon a portion of the cost of the land, combined with the cost of design and construction, for a single structured off-street parking space. The established fee per parking space shall be determined by the Town Manager and approved by resolution of the Town Commission, as may be amended from time to time. All required parking fees shall be paid prior to the issuance of a building permit.

(4) **Parking trust fund.** There is hereby established a trust fund to be entitled the "Town of Surfside Downtown Parking Trust Fund," to be maintained and administered by the Town Manager. Parking fees collected pursuant to subsection (b)(3) shall and any other monies may be deposited into this fund. The fund shall be used to facilitate the provision of public off-street parking and infrastructure.

Ordinance No. **10-158**
improvements related to parking including, but not limited to, the following activities:

a. Acquire fee simple or other interests in land and other real property for parking purposes;

b. Construct, maintain, operate, lease, manage, purchase, or otherwise provide off-street parking facilities for public use including all labor and materials, cost of interest and financing etc;

c. Provide public information to enhance parking utilization including publicity campaigns, graphics and signage, and other informational devices;

d. Coordinate plans for parking facility improvements and expansion with public transportation plans and operations in the vicinity;

e. Provide accessibility to off-street parking facilities by suitable means such as public shuttle, tram or trolley service and related physical improvements such as bus shelters and right-of-way modifications; and

f. Perform such other related activities as may be necessary to carry out the intent of this subsection.

The success and financial feasibility of providing any such shuttle, tram, bus, or trolley service, as provided in subsection (b)(4)e., shall be subject to annual evaluation by the Town Commission. Funds deposited in the Downtown Parking Trust Fund shall be made available to the Town Commission for the purposes set forth in this subsection, after review and recommendation by the Town Manager to the Town Commission and approval by the Town Commission.

(5) Required parking table. The number of off-street parking spaces that shall be required to serve each building or structure and use shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Type of Residential Unit/Type of Use</th>
<th>Minimum Space Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family or Two-family</td>
<td>2 spaces</td>
</tr>
<tr>
<td>Multi-family--Efficiency and 1-bedroom</td>
<td>1.5 spaces</td>
</tr>
<tr>
<td>Multi-family--2-bedroom and 3-bedroom</td>
<td>2.0 spaces</td>
</tr>
<tr>
<td>Multi-family--4-bedrooms or more</td>
<td>2.25 spaces</td>
</tr>
<tr>
<td>Hotel</td>
<td>1 space for each room</td>
</tr>
</tbody>
</table>

Ordinance No. 10-153
<table>
<thead>
<tr>
<th>Suite-Hotels</th>
<th>1.25 space for each room</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotel and Suite-Hotel ancillary uses</td>
<td>100% of code required parking for place of public assembly for square footage in excess of 20 square feet of gross floor area per hotel room</td>
</tr>
<tr>
<td>Restaurants</td>
<td>1 space per 100 square feet of gross floor area</td>
</tr>
<tr>
<td>Place of Public Assembly: Where seats and/or benches are provided</td>
<td>1 space for every 4 seats, or 1 space for every 6 linear feet or part thereof of bench</td>
</tr>
<tr>
<td>Place of Public Assembly: Where fixed seats are not provided</td>
<td>1 space for each 50 square feet of non-administrative and congregation space</td>
</tr>
<tr>
<td>Grocery, fruit or meat market</td>
<td>1 space each 250 gross floor area</td>
</tr>
<tr>
<td>Retail store or Personal service establishment</td>
<td>1 space each 300 gross floor area</td>
</tr>
<tr>
<td>Office or Professional services use, except Financial institutions</td>
<td>1 space each 400 gross floor area</td>
</tr>
<tr>
<td>Medical or Dental uses</td>
<td>1 space each 300 gross floor area</td>
</tr>
<tr>
<td>Restaurants or other establishments for the consumption of food and beverages on the premises</td>
<td>1 space for every 4 seats</td>
</tr>
<tr>
<td>Financial institutions</td>
<td>1 space each 300 gross floor area</td>
</tr>
<tr>
<td>Educational services</td>
<td>1 space per classroom, plus 1 per 250 gross floor area</td>
</tr>
</tbody>
</table>

* * *

(§3) Tandem parking.

(1) For residential projects of greater than 60 dwelling units, parking spaces may be provided as tandem spaces, provided, however, a minimum of one unencumbered parking space, tandem or regular, must be provided for each dwelling unit and valet parking service shall be provided at all times. One visitor parking space for each 15 dwelling units unless tandem parking with valet services is provided in which case one visitor space for each 20 units is required.

(2) For hotel and suite-hotel uses, tandem parking spaces within a parking structure may be permitted for 100 percent of the required off street parking other than handicapped spaces, provided, however, all uses having tandem spaces must provide 24-hour valet parking service and all applications for use of tandem

Ordinance No. 16-15376

Page 115
parking must be approved by the town commission and the applicant must enter into an agreement, recorded in the public records at the expense of the owner, which shall run with the land and shall bind the heirs, successors, and assigns of said owner, which requires all developments having any tandem parking spaces to provide 24-hour valet parking service.

* * *

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

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

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

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this 8 day of June, 2010.

PASSED and ADOPTED on second reading this 13 day of July, 2010.

Daniel Dietch, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk

Ordinance No. 10-1536
APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Lynn M. Dannheisser, Town Attorney

On Second Reading Moved by: Commissioner Kopelman

On Second Reading Seconded by: Commissioner Karukhin

Vote:

Mayor Dietch yes ✓ no 
Vice Mayor Graubart yes ✓ no 
Commissioner Karukhin yes ✓ no 
Commissioner Kopelman yes ✓ no 
Commissioner Olchyck yes ✓ no 

Ordinance No. _____
MEMO WILL BE DISTRIBUTED UNDER SEPARATE COVER
RESOLUTION NO. 2010 - ___

A RESOLUTION OF THE TOWN COMMISSION
FOR THE TOWN OF SURFSIDE, FLORIDA,
APPROVING REVISED ADMINISTRATIVE
POLICY NUMBER 102, DRUG AND ALCOHOL
FREE WORKPLACE AND SUBSTANCE ABUSE
TESTING PROCEDURES; PROVIDING FOR AN
EFFECTIVE DATE.

WHEREAS, the Town of Surfside’s (“Town”) revised Drug And Alcohol Free
Workplace and Substance Abuse Testing Procedures Administrative Policy No. 102 is
implemented pursuant to the Drug Free Workplace Program as codified within the laws of the
State of Florida at § 440.102, the Florida Administrative Code, Drug Free Workplace Standards
found at Chapter 59A-24 of the State of Florida Administrative Code, the rules of the
Department of Labor and Employment Security, Division of Workers’ Compensation, as well as
the Federal Drug Free Workplace Act of 1988 and 1989; and

WHEREAS, the Town Commission believes that it is in the best interest of the Town to
approve the revised Drug and Alcohol Free Workplace and Substance Abuse Testing Procedures
Administrative Policy No. 102 attached 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 and foregoing recitals are true and correct and
are incorporated herein by reference.

Section 2. Authorization. The Town Commission hereby authorizes the Town
Manager and Town Attorney to do all things necessary to effectuate the revised Drug and
Alcohol Free Workplace and Substance Abuse Testing Procedures Administrative Policy No.
102 attached as Exhibit “A.”
Section 3. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED and ADOPTED on this _____ day of ____________, 2010

Motion by Commissioner ________________, second by Commissioner ________________.

FINAL VOTE ON ADOPTION

Commissioner Michael Karukin
Commissioner Edward Kopelman
Commissioner Marta Olchyk
Vice Mayor Joseph Graubart
Mayor Daniel Dietch

Daniel Dietch, Mayor

ATTEST:

__________________________
Debra E. Eastman, MMC
Town Clerk

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

__________________________
Lynn M. Dannheisser
Town Attorney
ADMINISTRATIVE POLICY

NUMBER: 102

DATE: October 17, 2007

REVISIONS: 11/12/2010

ISSUED BY: Town Manager

SIGNED:

SUBJECT: DRUG AND ALCOHOL FREE WORKPLACE

PURPOSE: In a strong commitment to safeguard the health of our employees, to provide a safe working environment for both our employees and invitees, and to set an example for the citizens of the Town of Surfside, Florida, especially its youthful residents, we have established a Drug and Alcohol Free Workplace Policy and Substance Abuse Testing Procedures which comply and comport with both federal and state laws, regulations and judicial rulings.

This policy is implemented pursuant to the Drug Free Workplace Program as codified within the laws of the State of Florida at § 440.102, the Florida Administrative Code, Drug Free Workplace Standards found at Chapter 59A-24 of the State of Florida Administrative Code, the rules of the Department of Labor and Employment Security, Division of Workers' Compensation, as well as the Federal Drug Free Workplace Act of 1988 and 1989.

Under the policy it is a condition of employment for all Town of Surfside employees to refrain from ingesting illegal substances at all time and from reporting to work or working with presence of drugs or alcohol endangers not only the health and safety for its employees, in addition to causing poor moral and employee relations problems, but most importantly, such use and/or abuse directly impairs the employee’s ability to safely and efficiently perform his or her assigned tasks and job functions by contribution to tardiness and increasing employee accidents, absenteeism, and substandard job performance.

POLICY:

The essential component parts of this policy are:

1. The Town of Surfside has a "zero tolerance" and therefore prohibits the illegal use, possession, sale, manufacture or distribution of drugs, alcohol or other controlled substances on its property or in its vehicles.
It is also against the Town of Surfside’s policy to report to work or to work under the influence of illegal, non-prescribed drugs or alcohol. Employees who violate this policy are subject to disciplinary action up to an including termination. Any employee who is taking any prescription drug which might impair safety, performance, or any motor functions must advise his or her immediate supervisor or the Human Resources Director before reporting to work while on such a medication.

II. **Drug Testing of Applicants:** The Town of Surfside recognized employees have a constitutional right under the Fourth Amendment against unreasonable searches; however, all applicants considered final candidates for a position, to the extent permitted by Florida law, will be tested for the presence of drugs as part of the application process. All applicants for positions requiring a commercial drivers’ license will be tested for drugs pursuant to federal law.

1. Applicants will be required to sign a Consent to Pre-Employment Screening form;

2. if the applicant refuses to sign the form or refuses to submit to the screening when asked, he or she will not be considered for employment and the employment application process will be concluded at that time; and

3. if an applicant’s test is confirmed positive, the applicant will not be considered for employment at that time and will be informed that he or she has failed to meet standards.

III. **Reasonable Suspicion Substance Abuse Testing:** The Town will require any employee to submit to a drug or alcohol test when it has a reasonable suspicion that the employee to be tested is thought to be under the influence of or possibly using illegal drugs, narcotics and/or alcohol. The term “reasonable suspicion” for the purposes of this policy, shall be defined as follows:

1. Aberrant or unusual on duty behavior or deportment of an employee;

2. Behavior which is a recognized and accepted symptoms(s) of intoxication or impairment caused by a controlled substance, including alcohol; and
3. The behavior of the employee is not reasonably explained as resulting from causes other than the use of a controlled substance, including alcohol.

Inappropriate employee behavior as described above must be personally observed by a Town managerial or supervisory employee and witnessed by at least one (1) other employee witness, who may or may not be a supervising employee.

When confronted by a supervisor/managerial employee, the employee under suspicion will be offered an opportunity to explain to the supervisor/manager, prior to being ordered to take the drug and/or alcohol test, why the aberrant or unusual behavior is noticeable. Drug and/or alcohol testing based upon reasonable suspicion will be conducted only with either the request of a Department Head or his/her designee and the Human Resources Department with the consent of the Town Manager or his/her designee. Such approval shall be memorialized in writing and indicate the subject matter of the test, why the test was ordered and listing the specific objective fact(s) constituting “reasonable suspicion.” A copy of this written order will be provided to the employee as soon as it is practicable to do so.

Any refusal on the part of the suspected employee to immediately comply with a valid “reasonable suspicion” substance abuse testing order will result in the immediate causal termination of the employee.

IV. Substance Abuse Testing Procedures: The following procedures shall apply to the substance abuse testing administered to employees who meet the above stated conditions:

1. The Town may request urine and/ or blood samples. The employee may, at his/her sole option and expense, upon request receive a blood test in addition to a urine test if none were ordered. The sample will be split to preserve a portion of the sample for future testing.

2. Analysis of specimens will be collected and performed only by laboratories, hospitals or clinics certified by the State of Florida, Agency for Health Care Administration (AHCA) of the Federal Substance Abuse and Mental Health Services Administration (SAMHSA), utilizing qualified sites and employing collectors trained to follow custodial collection protocols and properly maintain legal specimen chain-of-custody.
3. Urine or blood specimens shall be drawn or collected at a laboratory, hospital, doctor's office, certified medical facility or even on Town premises by a certified health care professional. Employees being tested may request a representative of their choice to accompany the employee to the substance abuse test and observe the collection of other specimen. If the Town or the collector requires an observer when the urine specimen is given, the observer shall be of the same sex as the employee being tested. All specimen containers and vials shall be sealed with evidence tape and labeled in the presence of the employee and his/her witness.

4. All substance abuse testing will be conducted using recognized technologies and recognized testing standards. The following standards shall be used to determine what level of detected substance shall constitute a POSITIVE test result.

<table>
<thead>
<tr>
<th>Substance</th>
<th>Screening Test</th>
<th>Confirmation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amphetamines</td>
<td>1000 ng/mL</td>
<td>1000 ng/ML</td>
</tr>
<tr>
<td>Barbiturates</td>
<td>300 ng/mL</td>
<td>300 ng/mL</td>
</tr>
<tr>
<td>Benzodiazepines</td>
<td>300 ng/mL</td>
<td>300 ng/mL</td>
</tr>
<tr>
<td>Cocaine</td>
<td>300 ng/mL</td>
<td>300 ng/mL</td>
</tr>
<tr>
<td>Cannabinoids (Marijuana)</td>
<td>50 ng/mL</td>
<td>50 ng/mL</td>
</tr>
<tr>
<td>Methadone</td>
<td>300 ng/mL</td>
<td>300 ng/mL</td>
</tr>
<tr>
<td>Methaqualone</td>
<td>300 ng/mL</td>
<td>300 ng/mL</td>
</tr>
<tr>
<td>Opiates</td>
<td>300 ng/mL</td>
<td>300 ng/mL</td>
</tr>
<tr>
<td>(Heroin, Morphine, Codeine)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phenecyclicine (PCP)</td>
<td>25 ng/mL</td>
<td>25 ng/mL</td>
</tr>
<tr>
<td>Propoxyphene</td>
<td>300 ng/mL</td>
<td>300 ng/mL</td>
</tr>
<tr>
<td>Alcohol (Ethanol)</td>
<td>0.02 g%</td>
<td>0.02 g%</td>
</tr>
</tbody>
</table>

The levels used will be same as those set by the Federal Government CDL Program. As those levels change so will the levels in this policy. Levels found below those set above shall be determined as negative indicators. Tests for other non-presented controlled substances will be in accordance with federal government screening and confirmation standards.

5. A Certified Medical Review Officer (MRO) will review all negative and confirmed positive laboratory results. Positive results will be communicated to the Town's designated human resources professional after the MRO has ascertained that personal prescriptions or other legal substances do not account for the laboratory findings. Investigations may include, as appropriate,
telephone contact with the employee and any prescribing physician. Employees may consult the Town appointed MRO concerning drugs and/or drug groups that may be tested for under this procedure.

6. An employee who tests positive will be sent a "Notice of Positive Drug Test Result" letter containing the laboratory and the MRO's telephone numbers as well as pertinent information concerning the drug test result challenge/appeal process. Within five (5) working days after receiving written notification of a confirmed positive test result which has been verified, an employee may request a further test for the split sample and may submit information to the Town and/or the MRO contesting the test results. If the explanation or challenge of the employee or job applicant is unsatisfactory to the Town, the Town, within fifteen (15) days of receipt, will provide a written explanation as to why the employee or job applicant's explanation is unsatisfactory, and a copy of the report of positive confirmed test results. Such documents shall be kept confidential and maintained by the Town for at least one (1) year.

7. The results of all urine and blood tests performed hereunder will be held confidential to the extent permitted by law.

8. Any adulteration of specimens before during or after the substance abuse test, will constitute immediate grounds for employee discharge from employment.

V. **Post - Accident Testing:** Employees will be required to undergo urine and/or breath testing if the Town has reason to believe the employee's act or failure to act is a direct or proximate cause of a work related accident that has caused a death or any personal injury or property damage in excess of $500.

1. Employees must adhere to post-accident specimen collection requirements as a condition of employment.

VI. **Disciplinary Consequences for Positive Substance Abuse Test:** Disciplinary consequences for violating the Town’s Drug and Alcohol Free Workplace Policy may include termination of employment and denial of Unemployment Compensation benefits. An employee injured and subsequently confirmed positive for drug or alcohol abuse based upon post-accident testing may not get Workers’ Compensation benefits under State law.
VII. **Voluntarily Acknowledgment of Substance Abuse Problem:** Nothing in the Town’s Drug and Alcohol Free Workplace Policy shall prohibit an employee from voluntarily self-identifying as having a substance abuse problem to either his/her immediate supervisor or a representative of the Human Resources Department. Requests from employees for assistance in this regard shall remain confidential to the extent permitted by law. Employees enrolled in substance abuse programs as outpatients, shall be subject to all Town rules, regulations and job performance standards. There will not be discipline for voluntary requests for assistance involving a personal substance abuse problem if such request is made before drug/alcohol abuse leads to disciplinary problems.

VIII. Drug and alcohol abuse are serious personal concerns for many individuals. The Town of Surfside provides employees in such circumstances with the services of an Employee Assistance Program which may be called to obtain confidential professional referral assistance.

**THIS POLICY SUPERSEDES ANY INFORMATION PROVIDED TO APPLICANTS AND/OR EMPLOYEES, EITHER WRITTEN OR ORAL. THE TOWN RESERVES THE RIGHT TO CHANGE THE PROVISIONS OF THIS POLICY AND TESTING PROGRAM AT ANY TIME IN THE FUTURE, CONSISTENT WITH APPLICABLE LAW.**

This policy contains updates to the original policy issued in 2007. This policy shall take effect immediately upon its execution and issuance by the Town Manager.
DOCUMENTATION OF REASONABLE SUSPICION FORM
FOR REASONABLE SUSPICION OF THE PRESENCE OF ALCOHOL AND/OR DRUGS

This form is to be completed by the supervisor who believes reasonable suspicion exists. It must be completed as soon as practicable upon suspicion and no later than the end of the workday. A copy of this form will be provided to the employee upon request.

Employee Name: ___________________________ Department: __________________

Date of Suspicion: _________________________ Time of Suspicion: ____________

Please indicate with an “X” as appropriate. Please use the bottom of this form for additional comments.

1. Smell of alcohol on breath or person? YES NO
2. Slurred Speech? YES NO
3. Disorientation: Is the employee confused about:
   Where he or she is? YES NO
   What day it is? YES NO
   What time it is? YES NO
4. Altered motor functions? YES NO
   (i.e. inability to stay awake, poor condition, staggering gait)
5. Mood
   Belligerent? YES NO
   Ecstatic? YES NO
   More open or nervous than usual? YES NO
   Other: ____________________________ YES NO
6. Erratic and/or reckless behavior? YES NO
7. Skin color:
   Pale? YES NO
   Flushed? YES NO
8. Excessive perspiration? YES NO
9. Excessive trips to restroom? YES NO
10. Bloodshot eyes? YES NO
11. Dilated pupils? YES NO
12. Traces of alcohol in any containers? YES NO
13. Observation of individual consuming what appears to be an illegal drug or alcohol? YES NO
14. Confession of employee that he or she was drinking alcohol or ingesting drugs? YES NO
15. Confession of other employees? YES NO
16. Traces of drugs? YES NO
17. Traces of drug paraphernalia YES NO
18. Smell of marijuana or other controlled substance? YES NO
19. Congregation of employees in remote areas of facilities
   Or job sites in area employees usually do not frequent? YES NO
<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>20. Weariness, fatigue or exhaustion?</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>21. Deteriorating physical appearance?</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>22. Yawning excessively?</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>23. Blank stare or expression?</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>24. Sunglasses worn at inappropriate times?</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>25. Changes in appearance after lunch or break?</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>26. Withdrawing and avoiding peers?</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>27. Complaints from co-workers?</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>28. Excessive absenteeism or patterns or sick leave abuse</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>Especially on Mondays, Fridays, and days before or after holidays?</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>29. Unauthorized or unscheduled absences?</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>30. Unusually high incident of colds, flu, upset stomach &amp; headache?</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>31. Prolonged lunch hours?</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>32. Tardiness?</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>33. Unexplained departures from work or disappearances from job areas?</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>34. More than average number of job-related mistakes, injuries, or accidents?</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>35. Decrease in efficiency or productivity?</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>36. Has the employee been given a chance to explain any of the above observations? If yes, what was the employee's response?</td>
<td>___</td>
<td>___</td>
</tr>
</tbody>
</table>

37. Other (attach additional pages if necessary):

---

List Witnesses: ________________________________

______________________________

______________________________

______________________________

Employee Signature ___________________ Date ___________ Time ________

Supervisor's Signature ______________ Date ___________ Time ________
FORM A - NOTICE TO EMPLOYEE OF
ALCOHOL AND/OR CONTROLLED SUBSTANCE TEST

TO: ________________________________

You are hereby notified by the Program Administrator that pursuant to Town’s Policy and Procedures Regarding Alcohol and Controlled Substance Testing you are required to submit:

_____ an alcohol breath test

_____ a controlled substance urine test

Your breath specimen will be analyzed for the presence of alcohol. Your urine specimen will be tested at a laboratory approved by the U.S. Department of Health and Human Services for the following drug substances: Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids (marijuana), Cocaine, Opiates (Heroin, Morphine, Codeine), Phencyclidine, Propoxyphene and Alcohol (Ethanol).

You are now required to proceed directly to the collection site for the purpose of providing the above-requested breath and/or urine samples. Upon reaching the site you will be asked to consent to the requested testing. You must follow the instructions given to you and any instructions given to you by the collection site technician. Your cooperation is greatly appreciated.

I, ________________________________, have read and understand the terms contained in this notice. I understand I will may be terminated should my breath alcohol test indicate a presence of alcohol in my body greater than 0.04 or should my urine test indicate the presence of any of the above-listed controlled substances. Further, I understand I may be terminated should I refuse to submit to the required testing.

______________________________      ________________________
Employee Signature                Date

______________________________      ________________________
Employee Name (Please Print)        Parent’s Signature if Employee is under age 18

______________________________      ________________________
Witness Signature                  Witness Name (Please Print)
FORM B - CONSENT TO ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING
BASED UPON REASONABLE SUSPICION

I, ____________________________, have received a copy of Town’s Policy and Procedures Regarding Alcohol and Controlled Substance Testing, and I understand that refusing to provide a breath and/or a urine specimen, as requested by the Town, tampering with a specimen, or providing false information on a specimen collection and control form constitute grounds for termination of employment with Town. I understand that failure to pass either the requested alcohol test or the requested drug test may result in disciplinary action up to and including termination from employment.

I hereby consent to provide a breath and/or a urine specimen, as requested by the Town, for the purpose of testing for the presence of alcohol and controlled substances at a laboratory designated by Town. I authorize the release of such test results to the medical review officer designated by Town and to the Program Administrator who is responsible for the Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Testing.

__________________________________________________________________________
Employee Signature

__________________________________________________________________________
Employee Name (Please Print)

________________________
Date

________________________
Parent’s Signature if Employee is under age 18

__________________________________________________________________________
Witness Signature

__________________________________________________________________________
Witness Name (Please Print)

I do not consent to provide either a breath or a urine specimen, as requested by the Town, for the purpose of testing for the presence of alcohol and controlled substances. I understand that my refusal to participate in testing may result my termination from employment.

__________________________________________________________________________
Employee Signature

__________________________________________________________________________
Employee Name (Please Print)

________________________
Date

________________________
Parent’s Signature if Employee is under age 18

__________________________________________________________________________
Witness Signature

__________________________________________________________________________
Witness Name (Please Print)
FORM C - CONSENT TO POST-ACCIDENT
ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING

I, ________________________________, have received a copy of Town’s Policy and
Procedures Regarding Alcohol and Controlled Substance Testing, and I understand that
refusing to provide a breath and/or a urine specimen, as requested by the Town,
tampering with a specimen, or providing false information on a specimen collection
and control form constitute grounds for termination of employment with Town. I
understand that failure to pass either the requested alcohol test or the requested drug
test may result in disciplinary action up to and including termination from employment.

I hereby consent to provide a breath and/or a urine specimen as requested by
Town for the purpose of testing for the presence of alcohol and/or controlled
substances at a laboratory designated by Town. I authorize the release of such test
results to the medical review officer designated by Town and to the Program
Administrator who is responsible for the Statement of Procedures and Policy Regarding
Alcohol and Controlled Substance Testing.

____________________________________  _______________
Employee Signature                      Date

____________________________________  _______________________
Employee Name (Please Print)              Parent’s Signature if Employee is
                                          under age 18

____________________________________  _______________________
Witness Signature                        Witness Name (Please Print)

I do not consent to provide either a breath or a urine specimen as requested by Town for
the purpose of testing for the presence of alcohol and controlled substances. I
understand that my refusal to participate in testing may result in my termination from
employment.

____________________________________  _______________
Employee Signature                      Date

____________________________________  _______________________
Employee Name (Please Print)              Parent’s Signature if Employee is
                                          under age 18

____________________________________  _______________________
Witness Signature                        Witness Name (Please Print)
OVER-THE-COUNTER AND PRESCRIPTION DRUGS THAT COULD ALTER OR AFFECT THE OUTCOME OF A DRUG TEST

This sheet is for your information only.

ALCOHOL
All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. For example, Vick's Nyquil is 25% (50 proof) ethyl alcohol; Comtrex, 20% (40 proof); Listerine, 26.9% (54 proof).

AMPHETAMINES
Obetral, Biphetimine, Desoxyn, Dexedrine, Didrex.

CANNABINOIDS
Marinol (Dronabinol, THC).

COCAINE
Cocaine HCl topical solution (Roxanne).

PHENCYCLIDINE
Not legal by prescription.

OPIATES
Paragoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxinol (morphine sulfate), Percodan, Vicodin, etc.

BARBITURATES
Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, LOTUSATE, Fiorinal, Fiorecet, Esgic, Butisol, Mebarbal, Butabarbitals, Phrenilin, Triad, etc.

BENZODIAZEPINES
Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.

METHADONE
Dolophine, Methadose.

PROPOXYPHENE
Darvocet, Darvon N, Dolene, etc.

Should you have any questions regarding this information you may contact:

Drug Free Workplaces, Inc.

27 W. Romana Street Pensacola, FL 32502
850-434-3782 or 800-430-3782
help@drugfreeworkplaces.com
DRUG AND ALCOHOL FREE WORKPLACE POLICY
AND SUBSTANCE ABUSE TESTING PROCEDURES
ACKNOWLEDGMENT FORM

By Signing below, the employee acknowledges receiving and understanding the Town of Surfside's Drug and Alcohol Free Workplace Policy. This signature (or a facsimile thereof) also authorized all health care providers to release information requested by the Medical Review Officer to corroborate legal prescription use following a positive drug and/or alcohol laboratory finding.

__________________________________________________________________________  ________________
Employee Signature                                                             Date

__________________________________________________________________________  ________________
Employee Name (Please Print)                                                   Date

__________________________________________________________________________  ________________
Witnessed by Signature                                                         Date

__________________________________________________________________________
Witness Name (Please Print)
Town of Surfside
Commission Communication

Agenda Item #: 5E

Agenda Date: December 14, 2010

Subject: Code Compliance Authority for Police Officers

Background: Florida State Statute 162.21 authorizes law enforcement officers to be designated as code enforcement officers. Surfside Town Code Section 15-2 authorizes the Town Manager to appoint code enforcement officers for the Town who may include law enforcement officers.

Analysis: Code violations may occur during the evening hours or weekends when the Town Code Enforcement Officer is not working. Over past few weeks all Surfside Police Officers have been trained in code compliance enforcement by the Town Building Official. Code Compliance authority for Police Officers will allow 24 hour, seven day a week, coverage for the Town.

Budget Impact: None

Staff Impact: None

Recommendation: Town Staff recommends that the Town Commission approve a resolution authorizing the Town Manager to appoint Surfside Police Officers with Town Code Enforcement duties.

David Allen, Chief of Police

Roger M. Carlton, Town Manager
RESOLUTION NO. ____________

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER TO APPOINT CODE ENFORCEMENT OFFICERS FOR THE TOWN WHO MAY INCLUDE LAW ENFORCEMENT OFFICERS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statute Section 162.21 provides that law enforcement officers may be designated by the municipality as a “Code Enforcement Officer;” and

WHEREAS, Section 15-2 of the Code of the Town of Surfside authorizes the Town Manager to appoint Code Enforcement Officers for the Town who may include law enforcement officers; and

WHEREAS, code violations may occur during the evening hours or weekends when the Town Code Enforcement Officer is not working.

WHEREAS, over the past few weeks all Surfside Police Officers have been trained in code compliance enforcement by the Town Building Official.

WHEREAS, code compliance authority for Police Officers will allow 24 hour, seven day a week, coverage for the Town.

WHEREAS, the Town of Surfside Town Commission recognizes and opportunity for Code Enforcement to maintain reasonable aesthetic and quality of life standards for a safe community.

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.

Section 2. Authorization. The Town Commission hereby authorizes the Town Manager to appoint all Surfside Police Officers trained in code enforcement as Code Enforcement Officers for the Town of Surfside.
Section 3. Effective Date. This Resolution shall become effective immediately upon its adoption.

Motion by Commissioner___________, Second by Commissioner ____________.

PASSED AND ADOPTED this______ day of__________, 2010

FINAL VOTE ON ADOPTION

Commissioner Michael Karukin
Commissioner Edward Kopelman
Commissioner Marta Olchyk
Vice Mayor Joseph Graubart
Mayor Daniel Dietch

________________________
Daniel Dietch, Mayor

ATTEST:

________________________
Debra E. Eastman, MMC
Town Clerk

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

________________________
Lynn M. Dannheisser
Town Attorney
To: The Honorable Mayor, Vice Mayor and Town Commission

From: Roger M. Carlton, Town Manager
       Lynn M. Dannheisser, Town Attorney
       Debra E. Eastman, Town Clerk

Subject: Town Commission Agenda Format

Date: December 14, 2010

Since the election of the Town Commission in March, 2010 staff has adopted suggestions made by Town Commission members to assist in the timely management of priorities and meeting subject matter. Training sessions, telephone conferences, and agenda briefings have been held to provide information to the Town Commission to assist in making informed decisions on the meeting day. Staff and the Town Attorney have made themselves available before and after each agenda has been posted to meet with members of the Town Commission to brief and answer questions. In addition, a time clock was installed to assist in focusing discussion.

The Town Manager, Town Attorney and Town Clerk have met to discuss possible additional assistance that staff could offer to the Town Commission to further streamline the agenda. The following ideas will be implemented starting with the December 14, 2010.

Town Commission agenda:

- The Town Manager will flag agenda items as to what is most critical. These items will be flagged as “must haves” and the justification will be made known. Generally, the reason for a “must have” is a calendar deadline imposed by an entity beyond our control.
- If by 10 p.m. the critical items have not been addressed, in the normal course of the agenda, the Town Commission will take up those items.
- The agenda will include the estimated time for each item to be brought before the Town Commission as in the example attached from Bay Harbor Islands Town Commission agenda. (Attachment 1)
- The Town Attorney will include the plain English explanation after each proposed ordinance title.
- We will place items on the Consent Agenda which are routine or appear to be non-controversial. The Mayor and all members of the Town Commission are encouraged to “pull” any item for which you have concerns or questions.

It is our hope that the incorporation of these items in the agenda, along with previously implemented practices, will assist the Town Commission to accomplish their goal of swift efficient meetings.

Attachment
TOWN OF BAY HARBOR ISLANDS
REGULAR MEETING OF THE TOWN COUNCIL

AGENDA

December 13, 2010

CALL TO ORDER: Set for approximately 7:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENTATION - Public Works Department - North Miami

ROLL CALL

REPORTS:

1. Town Manager
   A. Public Relations status report

2. Town Attorney - BHI vs. Wendy Fong update - Unsafe Structure Board Order

3. Town Council matters

CONSENT AGENDA: Set for approximately 7:35 p.m. (Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request of an individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.)

4. Approval of minutes of the following meeting:
   A. Regular Council Meeting held September 13, 2010 - Corrected
   B. Regular Council Meeting held October 11, 2010 - Corrected
   C. Public Hearing held November 8, 2010 - Corrected

STAFF RECOMMENDATION: Approval of Consent Agenda.

UNFINISHED BUSINESS: Set for approximately 7:45 p.m.

5. Consideration and approval on second reading of an ordinance amending the RBA District. Town Planner Michael Miller has worked with the Planning and Zoning Board and the Town Council to finalize the proposed ordinance. The revised proposed ordinance contains the Board's and Council recommendations. Enclosed is a memorandum of explanation from Town Planner Miller and a copy of the proposed ordinance.
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN’S ZONING AND PLANNING CODE BY AMENDING SECTION 23-6 OF THE CODE OF ORDINANCES ENTITLED USE REGULATIONS TO RENAME THE RBA-TRACT DISTRICT TO THE RM-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT; TO PROVIDE UPDATED REFERENCES TO OTHER ZONING DISTRICTS AND TO SPECIFICALLY DEFINE CERTAIN PERMITTED USES; AMENDING SECTION 23-11(D) OF THE CODE OF ORDINANCES CURRENTLY ENTITLED RBA-TRACT AREA TO RENAME THE DISTRICT; DELETE THE EXISTING LAND DEVELOPMENT REGULATIONS AND CREATE NEW LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approval.

6. Consideration and approval on second reading of an ordinance amending Chapter 18 1/2, Taxation, Creating a new Article entitled Senior Citizen Homestead Tax Exemption requested by Councilman Leonard. Enclosed is a memorandum from Finance Director Short, a copy of the proposed ordinance, and information provided by Councilman Leonard.

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AMENDING CHAPTER 181/2 TAXATION, CREATING A NEW ARTICLE I ENTITLED SENIOR CITIZEN HOMESTEAD TAX EXEMPTION; INCLUDING A SUNSET PROVISION; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approval

7. Discussion requested by Councilman Ruder for an update on progress made to make it possible for citizens to have the option to pay their Town bills on-line or by using a credit card.

STAFF RECOMMENDATION: Discussion

8. Discussion and possible action on options regarding the lease of the ground floor space (approx. 4,200 sq. ft.) in the Town’s Municipal Parking Garage. Enclosed is a memorandum from Town Manager Wasson.

STAFF RECOMMENDATION: Council Discretion

9. Discussion of the contract for landscaping service to Vila and Son Landscaping Corporation, previously approved to perform landscaping in the Town by the Council. Enclosed is a copy of a memorandum of explanation from Town Manager Wasson.

STAFF RECOMMENDATION: Approval

10. Discussion and approval of an emergency award for the 98th Street Park to Magna Construction in the amount of $74,607.00. Magna Construction was previously awarded the project, but additional items needed to be included in the scope of services. The majority of the funding for this project comes from the Safe Neighborhood Parks Grant and the Parks and Recreation Impact Fees. The motion needs to include an appropriation from General Fund Reserves. Enclosed is a memorandum of explanation from Assistant Manager Jimenez.

STAFF RECOMMENDATION: Approval  POLL VOTE
NEW BUSINESS: Set for approximately 7:55 p.m.

11. **Consideration** and possible approval of a business tax receipt (occupational license) to operate a coffee shop and laundry facility at 1111 Kane Concourse (Gracie's Coffee Bar/Chic Suds). Enclosed is the business description and proposed layout from Rebecca McGrotty, owner. Ms. McGrotty will be attending the meeting to answer questions.

**STAFF RECOMMENDATION:** Council Discretion

12. **Discussion and Review** of the Florida Power and Light Franchise Agreement requested by Town Manager Wasson. Enclosed is a memorandum from Town Manager Wasson with a copy of the draft franchise agreement.

**STAFF RECOMMENDATION:** Council Discussion and Input.

GOOD AND WELFARE: Set for approximately 9:00 p.m.

ADJOURNMENT

_Pursuant to Florida Statutes 286.0105, the Town hereby advises the public that should any person decide to appeal any decision of the Town Council with respect to any matter to be considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based._
Agenda/Discussion Item
December 2010 Commission Meeting
Submitted: November 24, 2010
Submitted by: Joe Graubart, Vice Mayor

**TITLE: Putting Town Check Register on the Town’s Website**

Objective:
In keeping with good governance and a goal of complete, open and full transparency, I suggest that the checkbook register go public by ‘posting’ it online to the Town’s website. This to include Town Officials and employee submitted expenses, reimbursements and credit card charges (items paid for by the Town).

Consideration:
In order to have a well informed public, the Town must provide public access to public information. Many communities have done this by putting their check book register online.

Best regards,

Joseph 'Joe' Graubart
Vice-Mayor
Town of Surfside
9293 Harding Ave
Surfside, FL 33154
(305) 861-4863
Email: JGraubart@townofsurfsidefl.gov
www.townofsurfsidefl.gov

"Be the change you wish to see in the world" Gandhi
From: Marta Olchyk  
Sent: Monday, November 22, 2010 3:00 PM  
To: Roger Carlton  
Subject: RE: Trash Baskets on Hard Pack  

I would like to propose that one day a week instead of picking up garbage as it is scheduled, that the crew be required to clean up the walk path. I would like to be sure that the task is being done though and that it is supervised.  

Marta
Town of Surfside
Commission Communication

Agenda Item: 9E

Agenda Date: December 14, 2010

Subject: Livable Streets and Pedestrian Safety

Objective: While the attached Miami Herald article (attachment A) reflects serious concerns for pedestrian safety in the Brickell area, the issues are comparable for Collins and Harding Avenues with the Surfside town limits. As our Downtown upgrades and as the Community Center reopens, pedestrian safety and livability issues should concern all of us greatly.

We have a wonderful opportunity to upgrade both Collins and Harding Avenues within the impending repaving projects in 2012 and 2011 respectively. We will also begin negotiating soon with Bal Harbour Village on their goal of placing a new 20 inch sewer line the entire length of Collins within our Town limits. How we articulate landscaping, pedestrian areas, traffic calming, street signage and furniture and improve pedestrian access to our beach access areas and the Community Center for our residents and visitors is critically important.

It’s important that we begin discussions with Gus Pego, District Engineer for FDOT and Jose Mesa, Director of the Metropolitan Planning Organization regarding funding sources, schedules, drain features and many other issues. This item has been placed on the December 14, 2010 Town Commission for direction. It would also be appreciated if a member of the Town Commission would participate in this process as a representative of the elected officials.

Roger M. Carlton, Interim Town Manager
Walkers and cars clash on Brickell

On booming Brickell Avenue, pedestrians must dodge cars to get across the street, but a big state resurfacing project contemplates few improvements for them.

BY ANDRES VIGLUCI
avigluci@miamiherald.com

Along Miami's Brickell Avenue, a tower-lined urban boulevard booming with thousands of new office workers and condo residents, jaywalking and car-dodging is the order of the day — and often the only convenient way to get across the busy street on foot.

The sight of people in business attire bushwhacking through the thickly planted median in the city's premier commercial district has become commonplace. Women pushing baby strollers must break into a jog to avoid onrustling autos. To get from bus stop to work, transit riders are often forced into the Brickell four-lane dash.

Don't blame the pedestrians, though. According to city planners and elected officials, residents and activists, the reason is simple: Brickell Avenue, the spine of Miami's densest pedestrian district, lacks sufficient marked crosswalks and traffic signals.

But according to the Florida Department of Transportation and its traffic-engineering manuals, that's not reason enough to undertake substantial pedestrian-friendly changes on Brickell.

TURN TO BRICKELL, 18A
5. It’s walkers vs. cars in busy Brickell

Urban Planning
Town of Surfside
Commission Communication

Agenda Item:  9F

Agenda Date: December 14, 2010

Subject: Countywide Real Estate Facts and Trends

Objective: Lest anyone think our ad valorem tax roll is safe next year, please review the attached countrywide Facts and Trends provided by EWM International. The most striking figure is that the median price of a single family home was $386,000 in February 2007 (peak) and is $173,000 in September 2010. That statistic reflects a 55 percent drop and is a number not seen since 2002. It is also interesting that 23 percent of single family sales are for less than $100,000 a number not seen in more than 10 years as well. For single family homes in excess of $1 million there is a 36 month supply on the market and for homes in excess of $5 million, there is a 14 year supply. Sixty one (61) percent of single family sales were short sales of repossessed homes.

Condominiums reflect worse numbers. The median price was $270,000 in February 2008 and has dropped to $97,000 in September 2010. Supplies are shrinking...eight months for condos valued less than $100,000; 10 months for less than $300,000 and 43 months for more than $1 million. 69 percent of condo sales are either foreclosure or short sales.

For all residential real estate transactions, 47 percent are sales and 53 percent are rentals. In Miami-Dade County, 25.6 percent of all jumbo mortgages are in foreclosure and another 12.2 percent are delinquent. The number is 5.6 percent nationally.

My take away from this is that we need to build the cash carryover to the highest level possible during FY 10/11 to utilize carryover funds plus a portion of reserves to reduce or eliminate any need for a millage increase for FY 11/12.

There will be a report on cost containment and revenue enhancement in the Town Commission December 14, 2010 agenda.

EWM has also been requested to provide the countrywide Facts and Trends report for Surfside alone. This should be enlightening and at will be forwarded to you as soon as available.

Roger M. Carlton, Interim Town Manager
**Facts and Trends**

- Published October 2010

**Location:** Dade County

**Property Types:** Single Family Homes - All Properties - All Properties

**Price Range:** $0 - No Limit

**SQFT Range:** 0 - No Limit

---

### Miami-Dade

**Single Family Quarterly Inventory & Sales**

**8 years**

---

#### Number of Homes For Sale vs. Sold - Last 8 years (Quarterly)

<table>
<thead>
<tr>
<th>Date</th>
<th>Jan 10</th>
<th>Feb 10</th>
<th>Mar 10</th>
<th>Apr 10</th>
<th>May 10</th>
<th>Jun 10</th>
<th>Jul 10</th>
<th>Aug 10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sold</td>
<td>1059</td>
<td>1063</td>
<td>1063</td>
<td>1060</td>
<td>1059</td>
<td>1059</td>
<td>1059</td>
<td>1059</td>
</tr>
<tr>
<td>For Sale</td>
<td>1065</td>
<td>1065</td>
<td>1065</td>
<td>1065</td>
<td>1065</td>
<td>1065</td>
<td>1065</td>
<td>1065</td>
</tr>
</tbody>
</table>

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**Average Active Price:** $330,000

**Average Sold Price:** $277,000

**Avg. Sq. Ft. Price:** $169,421

**Avg. List Price:** $157,898

**Sold/List Diff. %:** 10.3%

**Days on Market:** 69

**Median:** 186

---

**Copyright © Trendgraphix, Inc.**
### Median Prices

**Single Family**

**Quarterly Average**

8 years

#### Median Price of Last 8 years (Quarterly)

<table>
<thead>
<tr>
<th>Median Price (in $,000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>200</td>
</tr>
<tr>
<td>250</td>
</tr>
<tr>
<td>300</td>
</tr>
<tr>
<td>350</td>
</tr>
<tr>
<td>400</td>
</tr>
</tbody>
</table>

- **Feb 2007**
  - $386,000

- **Sept 2012**
  - $183,000

- **Sept 2010**
  - $173,000
  - (55%)

---

#### Table: Median vs. Prev Qtr, Currt vs. Same Qtr 1 Yr Ago, Currt vs. Same Qtr 8 Yrs Ago, Currt vs. Same 12 Months 1 Yr Ago, Currt vs. Same 12 Months 7 Yrs Ago

<table>
<thead>
<tr>
<th>Date</th>
<th>Median vs. Prev Qtr</th>
<th>Currt vs. Same Qtr 1 Yr Ago</th>
<th>Currt vs. Same Qtr 8 Yrs Ago</th>
<th>Currt vs. Same 12 Months 1 Yr Ago</th>
<th>Currt vs. Same 12 Months 7 Yrs Ago</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul. 10 to Sep. 10</td>
<td>175</td>
<td>175</td>
<td>175</td>
<td>175</td>
<td>175</td>
</tr>
<tr>
<td>Jul. 10 to Jun. 10</td>
<td>183</td>
<td>183</td>
<td>183</td>
<td>183</td>
<td>183</td>
</tr>
<tr>
<td>Apr. 10 to Jun. 10</td>
<td>183</td>
<td>183</td>
<td>183</td>
<td>183</td>
<td>183</td>
</tr>
</tbody>
</table>

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**For Sale**

- 4712
- 5433
- 5099
- 4362
- 3741
- 3205
- 3817
- 6851
- 10324
- 12241
- 14525
- 16002
- 16892
- 17186
- 17672
- 17038
- 20988
- 2113

**Sold**

- 1904
- 2016
- 1907
- 1810
- 1605
- 16721
- 1844
- 2645
- 2815
- 3166
- 2954
- 3075
- 2713
- 2163
- 1703
- 2098
- 2113

**Pended**

- 1058
- 894
- 1157
- 938
- 1033
- 922
- 395
- 811
- 781
- 698
- 496
- 389
- 953
- 613
- 884
- 720
- 771

**Months of Inventory (Closed Sales)**

- 4.4
- 6.4
- 4.4
- 4.7
- 3.6
- 3.1
- 3.4
- 8.3
- 12.3
- 16.3
- 21.6
- 26.5
- 31.3
- 36.1
- 40.9
- 45.7
- 50.5
- 55.3

**Absorption Rate (Closed Sales) %**

- 22.6
- 16.5
- 22.8
- 21.5
- 27.6
- 28.8
- 25.1
- 11.8
- 7.6
- 5.1
- 3.4
- 2.3
- 3.3
- 4.8
- 5.9
- 8.9
- 11.7
- 14.5

**Absorption Rate (Pended Sales) %**

- 23.9
- 21.1
- 23.3
- 31.6
- 30.2
- 39.7
- 27.3
- 15.4
- 8.2
- 6.2
- 3.2
- 2.2
- 3.3
- 4.6
- 3.1
- 12.1
- 15.1
- 14.5

**Avg. Active Price**

- 633
- 671
- 716
- 758
- 860
- 971
- 1012
- 1298
- 2971
- 277
- 273
- 270
- 663
- 609
- 652
- 313
- 705
- 707

**Avg. Sold Price**

- 290
- 277
- 324
- 377
- 420
- 434
- 519
- 326
- 528
- 547
- 529
- 424
- 292
- 366
- 293

**Avg. Sq. Ft. Price**

- 139
- 142
- 157
- 183
- 199
- 211
- 242
- 258
- 263
- 254
- 253
- 240
- 194
- 146
- 149
- 145

**Sold/Lst Diff. %**

- 95
- 95
- 94
- 94
- 94
- 95
- 96
- 95
- 95
- 95
- 93
- 90
- 90
- 89
- 88
- 95

**Days on Market**

- 61
- 65
- 66
- 72
- 58
- 62
- 49
- 67
- 73
- 97
- 103
- 112
- 115
- 106
- 98
- 88
- 95

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*All reports are published October 2010, based on data available at the end of September 2009. This presentation is based on data supplied by the Miami Association of Realtors in Miami-Dade County or its Multiple Listing Service, Realtor Association of Greater Miami and the Beaches, Realtor Association of Greater Fort Lauderdale and Western Dade Association of Realtors. Neither the Board nor its MLS guarantees or are in any way responsible for its accuracy. Data obtained by the Association or its MLS may not reflect all real estate activity in the market. This statistical information is not produced by and for the exclusive use of the厌恶 - 热爱 - 海湾 - 海湾的。Report reflects activity by all brokers participating in the MLS.*

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http://www.trendgraphix.com/FactsAndTrends/Member/FTReportPreview.aspx?Print=1

10/20/2010
## Facts and Trends™ - Published October 2010*

**Location:** Dade County  
**Property Types:** Single Family Homes - All Properties - All Properties  
**Price Range:** $0 - $299,999  
**SQFT Range:** 0 - No Limit

### Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)

![Graph showing number of homes for sale and sold with supply calculations.]

### Curt vs. Prevo Month

<table>
<thead>
<tr>
<th>Date</th>
<th>For Sale</th>
<th>Aug. 09</th>
<th>% Change</th>
<th>Sold</th>
<th>Aug. 09</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sep. 10</td>
<td>4965</td>
<td>4623</td>
<td>3.3%</td>
<td>501</td>
<td>675</td>
<td>-19.8%</td>
</tr>
<tr>
<td>Aug. 10</td>
<td>4965</td>
<td>4623</td>
<td>3.3%</td>
<td>501</td>
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### Curt vs. Same Month 1 Yr Ago

<table>
<thead>
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<th>Date</th>
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<th>% Change</th>
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<td>501</td>
<td>675</td>
<td>-19.8%</td>
</tr>
</tbody>
</table>

### Curt vs. Same Qtr 1 Yr Ago

<table>
<thead>
<tr>
<th>Date</th>
<th>For Sale</th>
<th>Sep. 10</th>
<th>% Change</th>
<th>Sold</th>
<th>Sep. 10</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sep. 10</td>
<td>4965</td>
<td>4623</td>
<td>3.3%</td>
<td>501</td>
<td>675</td>
<td>-19.8%</td>
</tr>
<tr>
<td>Aug. 09</td>
<td>4965</td>
<td>4623</td>
<td>3.3%</td>
<td>501</td>
<td>675</td>
<td>-19.8%</td>
</tr>
</tbody>
</table>

### Number of Homes

- 4,602 homes are for sale, with a supply of 4,774 months.
- 5,915 homes are sold, with a supply of 5,981 months.

### (10%) Decrease in Sales

**Median**

- Days on Market: 103
- Active Price: $140,000
- Avg. Sold Price: $140,000
- Asp. Sq. Ft. Price: $87
- Sold/Ust. Diff: 24%

**For Sale**

- Active Price: $4774
- Pended: 4623
- % Change: 3.3%

**Sold**

- Active Price: 4774
- Pended: 4623
- % Change: 3.3%

---

*All reports are published October 2010, based on data available at the end of September 2010. This representation is based in whole or in part on data supplied by the Realtor Association of Greater Miami and the Beaches, Realtor Association of Greater Fort Lauderdale and North Broward, MIBOR, and MRED. Real estate association, Multiple Listing Service, and/or any other source, neither by the state nor by MLS guarantees its accuracy, reliability, or completeness. The information is provided as a service by our members only, and is not intended for redistribution as a real estate activity. This statistical information has been produced by and the exclusive use of the Real Estate - Wooten - Maxwell Real Estate Report reflects activity by all brokers participating in the MLS.

**Facts and Trends**

Location: Dade County

Property Types: Single Family Homes - All Properties - REO

Price Range: $0 - No Limit  SQFT Range: 0 - No Limit

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)

<table>
<thead>
<tr>
<th>Date</th>
<th>7/09</th>
<th>8/09</th>
<th>9/09</th>
<th>10/09</th>
<th>11/09</th>
<th>12/09</th>
<th>1/10</th>
<th>2/10</th>
<th>3/10</th>
<th>4/10</th>
<th>5/10</th>
<th>6/10</th>
<th>7/10</th>
<th>8/10</th>
<th>9/10</th>
</tr>
</thead>
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<td>454</td>
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<td>457</td>
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<td>444</td>
<td>480</td>
<td>613</td>
<td>732</td>
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<td>916</td>
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<td>353</td>
<td>286</td>
<td>381</td>
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<td>494</td>
<td>543</td>
<td>595</td>
<td>651</td>
<td>574</td>
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<tr>
<td>Sold</td>
<td>480</td>
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<td>404</td>
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<td>311</td>
<td>318</td>
<td>270</td>
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<td>394</td>
<td>439</td>
<td>429</td>
<td>335</td>
<td>311</td>
<td>308</td>
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<tr>
<td>Pended</td>
<td>458</td>
<td>408</td>
<td>400</td>
<td>373</td>
<td>254</td>
<td>297</td>
<td>295</td>
<td>319</td>
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<td>365</td>
<td>377</td>
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<td>1.2</td>
<td>1.2</td>
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<td>1.5</td>
<td>1.5</td>
<td>1.5</td>
<td>1.4</td>
<td>1.3</td>
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<td>79.3</td>
<td>83.7</td>
<td>81.7</td>
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<td>69</td>
<td>63.3</td>
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<td>81.3</td>
<td>83.5</td>
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<td>Avg. Sold Price</td>
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<td>136</td>
<td>133</td>
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<td>81</td>
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<td>80</td>
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<td>46</td>
<td>46</td>
<td>41</td>
<td>46</td>
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<td>Median</td>
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<td>115</td>
<td>114</td>
<td>115</td>
<td>175</td>
<td>115</td>
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<td>117</td>
<td>120</td>
<td>114</td>
<td>115</td>
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</tr>
</tbody>
</table>

Median Price = $115,000

http://www.trendgraphix.com/FactsAndTrends/Member/FTReportPreview.aspx?Print=1

10/20/2010
Single-Family Short Sales
33% of Inventory
22% of Sales

\[
\text{Supply} = \frac{2,781}{174} = 16 \text{ months}
\]

{\text{Median Price} = $184,000}

http://www.trendgraphix.com/FactsAndTrends/Member/FTReportPreview.aspx?Print=1

10/20/2011
Facts & Trends Report

Facts and Trends™ - Published October 2010*

Location: Dade County
Property Types: Single Family Homes - All Properties - Non REO, Non Short Sale
Price Range: $0 - No Limit
SQFT Range: 0 - No Limit

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)

5,331 = 12 month supply
4,594 = 15 month supply

SINGLE-FAMILY NON-DISTRESSED
55% of Inventory
39% of Sales

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Date
7/09
8/09
9/09
10/09
11/09
12/09
1/10
2/10
3/10
4/10
5/10
6/10
7/10
8/10
9/10
Med
For Sale
6,933
6,124
5,331
5,131
5,107
4,855
4,815
4,780
4,721
4,723
4,603
4,626
4,590
4,594
4,594
4,594
Median
264
253
264
230
265
280
259
256
278
270
281
276
285
294
276

Avg. Active Price
934
1,010
1,118
1,128
1,125
1,145
1,156
1,156
1,146
1,134
1,109
1,089
1,087
1,085
1,079

Avg. Sold Price
417
401
485
413
446
550
476
487
570
494
499
493
499
493
493

Avg. Sq. Ft. Price
186
179
269
189
192
202
203
210
238
198
209
206
206
206
206

% Sold/List Diff.
87
88
88
87
86
86
85
88
89
91
97
97
99
99
99

Days on Market
130
139
143
120
137
125
117
136
109
95
94
97
97
97
97

% Change
Sep. 10
Aug. 10
% Change
Sep. 10
Sep. 09
% Change
Jul. 10 to Sep. 10
Jul. 09 to Sep. 09
% Change

For Sale
4,594
4,590
-0.1%▼
4,594
5,331
-13.8%▼
4,584
4,594
-2.2%▼
5,321
6,250
-17.2%▼

Sold
245
344
-32.8%▼
245
481
-49.4%▼
302
453
-39.4%▼

(32%) Decrease in Sales

Median Price = $270,000

http://www.trendgraphix.com/FactsAndTrends/Member/FTRReportPreview.aspx?Print=1

10/20/2010
Miami-Dade Condos
Quarterly Inventory & Sales
8 Years

Number of Homes For Sale vs. Sold - Last 8 years (Quarterly)

FOR SALE  SOLD

Peak Inventory: May 2008
24,905 condos

Sept 2010
16,019 condos
(36%)

Lowest Inventory: April 2005
4,983 condos

<table>
<thead>
<tr>
<th>Date</th>
<th>Jul 09</th>
<th>Aug 09</th>
<th>Sep 09</th>
<th>Oct 09</th>
<th>Nov 09</th>
<th>Dec 09</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Sale</td>
<td>16005</td>
<td>19945</td>
<td>16005</td>
<td>17754</td>
<td>16005</td>
<td>17754</td>
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<tr>
<td>Sold</td>
<td>1127</td>
<td>1208</td>
<td>1127</td>
<td>935</td>
<td>1127</td>
<td>935</td>
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<table>
<thead>
<tr>
<th>Date</th>
<th>Jul 09</th>
<th>Aug 09</th>
<th>Sep 09</th>
<th>Oct 09</th>
<th>Nov 09</th>
<th>Dec 09</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Sale</td>
<td>1063</td>
<td>949</td>
<td>1153</td>
<td>1106</td>
<td>1170</td>
<td>1264</td>
</tr>
<tr>
<td>Sold</td>
<td>1074</td>
<td>1160</td>
<td>1228</td>
<td>1354</td>
<td>1321</td>
<td>1770</td>
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</table>

<table>
<thead>
<tr>
<th>Date</th>
<th>Jul 09</th>
<th>Aug 09</th>
<th>Sep 09</th>
<th>Oct 09</th>
<th>Nov 09</th>
<th>Dec 09</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Listing</td>
<td>1926</td>
<td>2428</td>
<td>1978</td>
<td>2146</td>
<td>1996</td>
<td>2467</td>
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<tr>
<td>Sold</td>
<td>1063</td>
<td>949</td>
<td>1153</td>
<td>1106</td>
<td>1170</td>
<td>1264</td>
</tr>
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</table>

<table>
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<tr>
<th>Date</th>
<th>Jul 09</th>
<th>Aug 09</th>
<th>Sep 09</th>
<th>Oct 09</th>
<th>Nov 09</th>
<th>Dec 09</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absorption Rate</td>
<td>10.2</td>
<td>13.7</td>
<td>17.6</td>
<td>17.1</td>
<td>22</td>
<td>24.1</td>
</tr>
<tr>
<td>(Closed Sales)</td>
<td>10.2</td>
<td>13.7</td>
<td>17.6</td>
<td>17.1</td>
<td>22</td>
<td>24.1</td>
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<table>
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<tr>
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<td>17.1</td>
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<tr>
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<td>22</td>
<td>24.1</td>
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<table>
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<tr>
<th>Date</th>
<th>Jul 09</th>
<th>Aug 09</th>
<th>Sep 09</th>
<th>Oct 09</th>
<th>Nov 09</th>
<th>Dec 09</th>
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</thead>
<tbody>
<tr>
<td>Avg. Active Price</td>
<td>450</td>
<td>444</td>
<td>466</td>
<td>498</td>
<td>581</td>
<td>620</td>
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<td>Avg. Sold Price</td>
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<td>215</td>
<td>235</td>
<td>264</td>
<td>276</td>
<td>344</td>
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<th>Oct 09</th>
<th>Nov 09</th>
<th>Dec 09</th>
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<tr>
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<td>107</td>
<td>107</td>
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http://www.trendgraphix.com/FactsAndTrends/Member/FTReportPreview.aspx?Print=1
**Facts and Trends™ - Published October 2010**

**Location:** Dade County  
**Property Type:** Condo/Townhomes - All Properties - All Properties  
**Price Range:** $0 - $99,999  
**SQFT Range:** 0 - No Limit  
**Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)**

<table>
<thead>
<tr>
<th>Date</th>
<th>For Sale</th>
<th>Sold</th>
<th>% Change</th>
<th>For Sale</th>
<th>Sold</th>
<th>% Change</th>
<th>For Sale</th>
<th>Sold</th>
<th>% Change</th>
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<td>3236</td>
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<td>3236</td>
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<td>3321</td>
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<td>4976</td>
<td>553</td>
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<td>543</td>
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<td>5426</td>
<td>543</td>
<td>0.1%</td>
<td>5426</td>
<td>543</td>
<td>0.1%</td>
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**Miami - Dade Condos**

- **$100,000 Budget**
  - 28% of Inventory
  - 48% of Sales

**8 months supply**

- **FOR SALE**
- **SOLD**

**+36%**

**+58% Increase in sales**

---

**Table:**

- **Date:** 7/09, 8/09, 9/09, 10/09, 11/09, 12/09, 1/10, 2/10, 3/10, 4/10, 5/10, 6/10, 7/10, 8/10, 9/10
- **For Sale:** 3236, 3265, 3287, 3421, 3390, 3390, 3482, 3617, 3666, 3806, 3872, 3985, 4069, 4350, 4976, 5151, 5340, 5426, 5426
- **Sold:** 490, 342, 342, 342, 342, 342, 342, 342, 342, 342, 342, 342, 342, 342, 342, 355, 355, 355, 355

---

**Charts:**

- Number of Homes
- Inventory
- Sales

---

**Notes:**

- All reports are published October 2010, based on data available at the end of September 2010.
- This representation is based in whole or in part on data supplied by the Greater Miami Association of Realtors® and the Florida Gulf Coast Association of Realtors®. Neither the Board nor its MLS guarantees or is in any way responsible for its accuracy. Data maintained by the Association or its MLS may not reflect all real estate activity in the market. This statistical information is produced by and for the exclusive use of the EWM-Woton - Maxwell Realtors. Report reflects activity by all brokers participated in the MLS.

---

**Source:**

http://www.trendgraphix.com/FactsAndTrends/Member/FTReportPreview.aspx?Print=1

10/20/2010
Miami-Dade<br>
$300,000<br>65% of Inventory<br>86% of Sales

10,460 = 10 months supply

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)

10,894 = 15 months supply

Dade County

Curt vs. Prev Month<br>Curt vs. Same Month 1 Yr Ago<br>Curt vs. Same Qtr 1 Yr Ago

FOR SALE<br>SOLD

Miami Association of Realtors - Multiple Listing Service, Realtor Association of Greater Miami, and the Beaches, Realtor Association of Greater Fort Lauderdale and North Broward Dade Association of Realtors. Neither the Board nor its MLS guarantees or are in any way responsible for its accuracy. Data maintained by the Association or its MLS may not reflect all real estate activity in the market. This statistical information is produced by and for the exclusive use of the Estate - Woolen - Maxwell Realtors. Report reflects activity by all brokers participated in the MLS.

http://www.trendgraphix.com/FactsAndTrends/Member/FTReportPreview.aspx?Print=1

Page 161
Miami-Dade
REO Condos
9% of Inventory
44% of Sales

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)

Month vs. Previous Month

<table>
<thead>
<tr>
<th>Month</th>
<th>For Sale</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sep. 10</td>
<td>459</td>
<td></td>
</tr>
<tr>
<td>Aug. 10</td>
<td>571</td>
<td>6.2%</td>
</tr>
</tbody>
</table>

Month vs. Previous Year Aggregated

<table>
<thead>
<tr>
<th>Month</th>
<th>For Sale</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sep. 10</td>
<td>1468</td>
<td></td>
</tr>
<tr>
<td>Sep. 09</td>
<td>501</td>
<td>2%</td>
</tr>
</tbody>
</table>

Month vs. Same Quarter Last Year Aggregated

<table>
<thead>
<tr>
<th>Month</th>
<th>For Sale</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul. 10 to Sep. 10</td>
<td>1468</td>
<td></td>
</tr>
<tr>
<td>Sep. 10</td>
<td>1391</td>
<td></td>
</tr>
</tbody>
</table>

Month vs. Previous Year Aggregated

<table>
<thead>
<tr>
<th>Month</th>
<th>Sold</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sep. 10</td>
<td>459</td>
<td></td>
</tr>
<tr>
<td>Aug. 10</td>
<td>560</td>
<td>-18%</td>
</tr>
</tbody>
</table>

Month vs. Same Year Ago

<table>
<thead>
<tr>
<th>Month</th>
<th>Sold</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sep. 10</td>
<td>501</td>
<td></td>
</tr>
<tr>
<td>Aug. 10</td>
<td>351</td>
<td>30.5%</td>
</tr>
</tbody>
</table>

Median Price = $66,000

http://www.trendgraphix.com/FactsAndTrends/Member/FTPReportPreview.aspx?Print=1

10/20/2010
Miami-Dade Short Sale Condos
34% of Inventory
25% of Sales

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)

Date
For Sale
5347 | 5657 | 6251 | 6625 | 5807 | 5936 | 5853 | 5864 | 5701 | 5575 | 5638 | 5470 | 5477 | 5437
New Listing
935 | 907 | 822 | 803 | 759 | 811 | 1194 | 1149 | 1373 | 1216 | 1109 | 1065 | 930 | 962 | 915
Sold
124 | 169 | 206 | 270 | 217 | 245 | 237 | 284 | 304 | 386 | 364 | 335 | 354 | 336 | 327
Pended
562 | 602 | 643 | 642 | 576 | 575 | 699 | 743 | 643 | 675 | 699 | 658 | 708 | 617 | 618
Months of Inventory (Closed Sales)
43.1 | 35.6 | 39.3 | 43.1 | 28.3 | 21.1 | 25.1 | 24.7 | 20.6 | 18.4 | 19.2 | 15.3 | 15.3 | 16.3 | 18.5
Absorption Rate (Closed Sales) %
2.3 | 2.8 | 3.3 | 3.1 | 3.5 | 4.7 | 3.8 | 4 | 4.8 | 5.3 | 5.2 | 6.5 | 6.1 | 5.4 | 4.2
Absorption Rate (Pended Sales) %
10.5 | 10.6 | 10.3 | 10.4 | 9.4 | 8.3 | 10.8 | 12.5 | 14.9 | 15.9 | 13.3 | 11.4 | 10.2 | 12.6 | 12.1
Avg. Active Price
180 | 175 | 171 | 170 | 166 | 163 | 159 | 157 | 155 | 156 | 157 | 158 | 157 | 156 | 150
Avg. Sold Price
183 | 159 | 169 | 167 | 169 | 150 | 146 | 143 | 144 | 155 | 155 | 153 | 147 | 141 | 151
Avg. Sq. Ft. Price
152 | 139 | 142 | 138 | 146 | 137 | 133 | 126 | 120 | 129 | 139 | 132 | 124 | 128 | 129
Avg. List/Pct. %
51 | 93 | 93 | 94 | 94 | 92 | 93 | 92 | 92 | 93 | 93 | 93 | 93 | 93 | 97
Days on Market
199 | 184 | 181 | 181 | 183 | 171 | 174 | 162 | 173 | 171 | 172 | 159 | 162 | 191 | 172
Median
130 | 130 | 130 | 129 | 130 | 118 | 120 | 105 | 119 | 108 | 109 | 110 | 110 | 110 | 110

Median Price = $95,000

http://www.trendgraphix.com/FactsAndTrends/Member/FTReportPreview.aspx?Print=1

10/20/2010
**Facts and Trends**

- **Published October 2010**
- **Location:** Dade County
- **Property Type:** Condo/Townhouses - All Properties - Non REO, Non Short Sale
- **Price Range:** $0 - No Limit

### Miami-Dade Non-Distressed Condos

- 57% of Inventory
- 31% of Sales

### Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)

<table>
<thead>
<tr>
<th>Date</th>
<th>7/09</th>
<th>8/09</th>
<th>9/09</th>
<th>10/09</th>
<th>11/09</th>
<th>12/09</th>
<th>1/10</th>
<th>2/10</th>
<th>3/10</th>
<th>4/10</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Sale</td>
<td>12396</td>
<td>11548</td>
<td>10500</td>
<td>10172</td>
<td>10094</td>
<td>9710</td>
<td>9510</td>
<td>9585</td>
<td>9598</td>
<td>9599</td>
</tr>
<tr>
<td>Sold</td>
<td>410</td>
<td>402</td>
<td>379</td>
<td>416</td>
<td>427</td>
<td>485</td>
<td>534</td>
<td>324</td>
<td>336</td>
<td>543</td>
</tr>
<tr>
<td>New Listing</td>
<td>1290</td>
<td>1204</td>
<td>1277</td>
<td>1255</td>
<td>1210</td>
<td>1286</td>
<td>1614</td>
<td>1425</td>
<td>1607</td>
<td>1407</td>
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<tr>
<td>Pended</td>
<td>404</td>
<td>436</td>
<td>497</td>
<td>490</td>
<td>454</td>
<td>472</td>
<td>459</td>
<td>497</td>
<td>527</td>
<td>611</td>
</tr>
<tr>
<td>Months of Inventory (Closed Sales)</td>
<td>30.2</td>
<td>28.7</td>
<td>27.7</td>
<td>24.5</td>
<td>23.0</td>
<td>20.0</td>
<td>29.6</td>
<td>28.6</td>
<td>17.5</td>
<td>19.2</td>
</tr>
<tr>
<td>Absorption Rate (Closed Sales) %</td>
<td>3.3</td>
<td>3.5</td>
<td>3.6</td>
<td>4.1</td>
<td>4.2</td>
<td>5.4</td>
<td>3.5</td>
<td>5.7</td>
<td>5.2</td>
<td>5.5</td>
</tr>
<tr>
<td>Avg. Active Price</td>
<td>567</td>
<td>536</td>
<td>542</td>
<td>614</td>
<td>617</td>
<td>623</td>
<td>633</td>
<td>630</td>
<td>625</td>
<td>620</td>
</tr>
<tr>
<td>Avg. Sold Price</td>
<td>374</td>
<td>395</td>
<td>426</td>
<td>390</td>
<td>344</td>
<td>400</td>
<td>373</td>
<td>373</td>
<td>396</td>
<td>448</td>
</tr>
<tr>
<td>Days on Market</td>
<td>147</td>
<td>148</td>
<td>135</td>
<td>146</td>
<td>179</td>
<td>107</td>
<td>104</td>
<td>136</td>
<td>124</td>
<td>131</td>
</tr>
<tr>
<td>Median</td>
<td>230</td>
<td>230</td>
<td>254</td>
<td>233</td>
<td>215</td>
<td>223</td>
<td>225</td>
<td>210</td>
<td>210</td>
<td>225</td>
</tr>
</tbody>
</table>

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**Median Price = $208,000**

U.S. Credit Conditions

The Federal Reserve considers the record rate of mortgage delinquencies, foreclosures and their impacts on communities an urgent problem. The New York Fed uses its expertise and knowledge to provide detailed data on U.S. credit conditions to the public to establish a body of factual data for use in forming policy decisions and developing mortgage foreclosure mitigation efforts.

NEWS AND ANNOUNCEMENTS


Auto Loans  Bank Cards  Mortgages  Student Loans  Charts  Economic Data  Household Debt & Credit

Jumbo Mortgages  % in foreclosure

(*) Current (August 2010)  ▼ Year-Year Change  (②) States  (③) Counties

Florida
Dade: +25.6%

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>Rate</th>
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<tbody>
<tr>
<td>Alachua</td>
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<tr>
<td>Baker</td>
<td>No Data</td>
</tr>
<tr>
<td>Bay</td>
<td>+21.8%</td>
</tr>
<tr>
<td>Bradford</td>
<td>No Data</td>
</tr>
<tr>
<td>Brevard</td>
<td>+15.7%</td>
</tr>
<tr>
<td>Broward</td>
<td>+21.6%</td>
</tr>
<tr>
<td>Calhoun</td>
<td>No Data</td>
</tr>
<tr>
<td>Charlotte</td>
<td>+19.7%</td>
</tr>
<tr>
<td>Citrus</td>
<td>No Data</td>
</tr>
<tr>
<td>Clay</td>
<td>+10.3%</td>
</tr>
<tr>
<td>Collier</td>
<td>+16.2%</td>
</tr>
<tr>
<td>Columbia</td>
<td>No Data</td>
</tr>
<tr>
<td>Dade</td>
<td>+25.6%</td>
</tr>
<tr>
<td>Delray</td>
<td>No Data</td>
</tr>
</tbody>
</table>

Link to the section of the Federal Reserve of New York website that tracks foreclosures and delinquent mortgages: http://data.newyorkfed.org/creditconditions

Miami-Dade County Jumbo Mortgages (> $423,750) as of Aug 31, 2010

Currently in foreclosure  - 25.6%
30-60 days delinquent    - 2.5%
60-90 days delinquent    - 1.2%
90+ days delinquent      - 8.5%
Total Distressed         - 37.8%
% Mortgage Current       - 62.2%
Town of Surfside
Commission Communication

Agenda Item: 9G

Agenda Date: December 14, 2010

Subject: Ensuring the Survival of the Surfside Post Office

Objective: The attached Miami Herald article (attachment A) presents a great concern for the future of our Surfside Post Office. This facility is of extreme importance to our Town residents and visitors and must be preserved.

This matter is being placed on the December 14, 2010 Town Commission meeting for discussion. Resolution No. 2009-1899 (attachment B) requesting our federal Congressional delegation to protect our Post Office has already been approved on August 11, 2009. It would also be appreciated if the Town Commission would appoint a member to lead this effort.

Roger M. Carlton, Interim Town Manager
Postal service says it will be broke by 2011

With an $8.5 billion loss, the United States Postal Service warned it will go broke by 2011 if Congress doesn't make some changes.

Washington Post Service

WASHINGTON — The financially troubled U.S. Postal Service reported an $8.5 billion loss in its fiscal year that ended in September and said it will run out of money in 2011 if economic conditions don't improve and Congress doesn't act.

A drop in first-class mail deliveries contributed to an overall 5 billion-piece decline in mail volume last fiscal year, cutting volume to 170.6 billion pieces overall, officials said Friday. Financial losses also came from about $5.4 billion in obligations to fund health benefits and about $2.5 billion in recent retirees' compensation insurance fund.

All federal agencies and the USPS, a quasi-federal outfit, have worker compensation obligations to help fund major disability programs.

The Postal Service also announced Friday that it plans to deplete its $15 billion line of credit with the U.S. Treasury by borrowing the remaining $3.5 billion. Although the Postal Service does not use taxpayer funding, it has tapped the credit line since the early 1970s. Depleting it means the Postal Service probably will go broke at the end of fiscal 2011 unless Congress takes action, members of the Postal Service Board of Governors said Friday.

HISTORIC LOSSES

"The historic losses occurred despite more than 99 billion in cost cuts in the past two years, including the elimination of about 103,000 full-time jobs, " more than any other organization anywhere," USPS Chief Financial Officer Joe Corbett said Friday.

"We will continue our relentless efforts to innovate and improve efficiency. However, the need for changes to legislation, regulations and labor contracts has never been more obvious," Corbett said.

ASKED TO DUG DEEPER

But Rep. Darrell Issa, R-Calif., the presumptive future chairman of the House committee overseeing postal affairs, said USPS should urgently seek deeper cost cuts. "Congress has an obligation to ensure that effective solutions are implemented and taxpayers don't get stuck paying for a bailout," Issa said.

In March, the Postal Service proposed a series of changes that would allow top officials to set delivery schedules and routes and close post offices without congressional approval. Postal leaders also want lawmakers to rewrite a 2006 postal reform law that requires USPS to pay about $5 billion each year to fund retiree health benefits.

Frederic Rolando, president of the National Association of Letter Carriers, said Congress also could remedy the Postal Service's financial situation by transferring money it has overpaid to the Civil Service Retirement Fund since 1971. The overpayment ranges from $5 billion to $75 billion, according to two government estimates.

"This internal transfer would not involve a dime of taxpayer money, not unlike other proposals - would it entail cutbacks in service to American customers or layoffs of American workers during a recession," Rolando said.

Friday's Board of Governors meeting was the last for outgoing Postmaster General John Potter, who plans to step down Dec. 3, after 9 ½ years, to make way for Deputy Postmaster General Patrick Donahoe.

"I will always bleed postal blue," Potter told the board.

"Donahoe is scheduled to testify at a congressional hearing in early December," officials said.
RESOLUTION NO. 2009-1829

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, EXPRESSING SERIOUS CONCERN AT THE POSSIBLE CLOSING OF THE SURFSIDE BRANCH OF THE UNITED STATES POST OFFICE LOCATED 250 95TH STREET, SURFSIDE, FLORIDA 33154

WHEREAS, the 5,838 residents of Town of Surfside, a Florida municipal corporation ("Town") regularly depend upon the United States Postal Service (USPS) Surfside Branch which was established in 1954 and has served the community through the years with friendly, reliable, and helpful employees;

WHEREAS, the Surfside Branch is also heavily used by the Town of Surfside tourists, and businesses on a daily basis as well as the municipalities of Bay Harbor Islands, Florida and Bal Harbour, Florida. (Bay Harbor has a residential population of 5,146 and Bal Harbour has a residential population of 3,400 and each municipality has a thriving business and tourist sector);

WHEREAS, the Town Commission believes that it is in the best interest of the Town and the United States Postal Service Office to maintain the branch located in Surfside, Florida and wishes to request that the Postmaster General, John E. Potter recognize the huge impact such a closure will have on South Florida residents and tourists;

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

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

Section 2. Expression of Concern and Authorization. The Town Commission hereby expresses its grave concern at the closure of the Surfside Branch and wishes to encourage the
United States Postal Service to do whatever is necessary to ensure the Surfside Branch remains open. The Town Manager is hereby authorized to work with the United States Postal Service Office and assist them in any non monetary manner in any effort to remain open.

Section 3.  Direction to the Town Clerk.  The Town Clerk is hereby directed to send a certified copy of this resolution to:

Postmaster General: John E. Potter (202)268-2550 john.e.potter@usps.gov with a copy to:
Manager, Post Office Operations: James Brown (954)436-4406 james.l.e.brown@usps.gov
Postmaster Miami Beach: Phil Cascio (305)531-9359 (retiring 12/2009) phil.cascio@usps.gov
Surfside Branch Coordinator: Lorraine Jimenez (305)865-5475

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

PASSED and ADOPTED on this 11 day of August, 2009.

Charles W. Buikett, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk

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

Lynn M. Dannheisser, Town Attorney
Vote:

Mayor Burkett       yes
Vice Mayor Imberman yes
Commissioner Calderon yes
Commissioner Levine yes
Commissioner Weinberg yes
Town of Surfside
Commission Communication

Agenda Item #  9H

Agenda Date: 12/14/10

Subject: Beach Maintenance

Objective: Clarify the maintenance responsibilities for the beach and beach walkway areas for which Miami Dade County and the Town of Surfside are responsible. Bring forth for discussion an expanded beach maintenance program for the areas maintained by the Town of Surfside.

Recommendation: Consider expanded beach maintenance program by the Town of Surfside. Continue to develop and maintain a quality working partnership with Miami Dade County on beach maintenance.

Background: At the present time there is no written contract/agreement between Miami Dade County and the Town of Surfside on specific responsibilities for beach and beach walkway maintenance. A meeting was held on November 22, 2006 between representatives of the Town of Surfside and Miami Dade County in regards to what is currently in place for beach and beach walkway maintenance. Please see the email for Miami Dade County responsibilities for beach maintenance and the Town of Surfside responsibilities.

Analysis: The Parks and Recreation Department along with the Public Works Department have implemented a joint program to provide maintenance to the areas on the beach and beach walkway that are required by the Town of Surfside. Forms for Beach Area Weekly Inspections collected on a weekly basis by the Parks and Recreation staff are attached (Att.1). Feral animal feeding containers are collected on a daily basis. With the addition of the new part-time maintenance worker provided by the Police Department the dunes and hard-pack are cleaned once a week. The edging, weed removal and weed spraying are set to be done on a quarterly basis. The west side of the beach walk is maintained by the Public Works Department and the west sides of the dunes are contracted out for this service. Miami Dade County provides this service to the east side of the dunes. This rather unique arrangement and the multiple responsibilities contribute to a lack of maintenance. Attachment 2 graphically depicts the areas of responsibilities from the shoreline to the condominiums.

Budget Impact: The cost for contracting out the quarterly weed removal, spraying and trimming on an annual basis is $6,000. The estimated cost for rope repairs on an annual basis is $1,200. Additional miscellaneous repairs are estimated to be $750 annually. At this time the additional costs are budgeted within the Public Works Department and Parks and Recreation Department. A more extensive
maintenance program could be developed with a single responsibility given to the Parks and Recreation Department. A cost estimate and budget impact will be provided in January 2011.

To be more specific, Commissioner Olchyk has requested that we analyze the following:

1. Place trash receptacles at each beach entrance on the beach walk and collect the cans daily with the Public Works collection vehicles.
2. Create a three foot clean zone on the west side of the beach walk and the east side of the hard pack (Town's area of responsibilities) and achieve more frequent weed control and removal of leaves and trash.
3. Replace or repair the rope delineators more frequently.
4. Placement of dogpots at every beach entrance and enforce a "pooper scooper" rule on the beach and the walkways.

Staff will be costing out these specific ideas and will develop a "single responsibility center" concept. It should be clear that Commissioner Olchyk wants these improvements to be funded with savings in other areas.

Growth Impact: N/A

Staff Impact: Analysis to be developed.

[Signatures]

Department Head

Town Manager
# TOWN OF SURFSIDE WEEKLY INSPECTION CHECKLIST

## Beach Area

### COVERING DATES -

#### KEY
- X = Unsatisfactory
- OK = Satisfactory
- R = Reported to
- W = Work Order

#### WEATHER CONDITIONS
- Rain
- Wind
- Cloudy
- Breezy

<table>
<thead>
<tr>
<th>ITEMS</th>
<th>STATUS AND COMMENTS</th>
<th>ACTION</th>
<th>DATE COMPLETED</th>
</tr>
</thead>
<tbody>
<tr>
<td>walking path - safe / clear</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ropes - West and East side</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Signs - Secure/Not faded</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lifeguard tower</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Windows - Operating Properly</td>
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<td></td>
</tr>
<tr>
<td>First Aid supplies</td>
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</tr>
<tr>
<td>Ocean flags</td>
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<tr>
<td>Lifeguard supplies</td>
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<tr>
<td>Lounges and umbrellas</td>
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</tr>
<tr>
<td>Locking Mechanism Operating</td>
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</tr>
<tr>
<td>Emergency post #1 - 17</td>
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<td></td>
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</tbody>
</table>

**COMMENTS:**

_________________________________________________________________
_________________________________________________________________
_________________________________________________________________

Signature/Date Person Completing Inspection

REV - 5/30/10
## TOWN OF SURFSIDE WEEKLY INSPECTION CHECKLIST

### Beach Area

**COVERING DATES -**

<table>
<thead>
<tr>
<th>KEY</th>
<th>WEATHER CONDITIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>X = Unsatisfactory</td>
<td>Rain</td>
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<tr>
<td>OK = Satisfactory</td>
<td>Wind</td>
</tr>
<tr>
<td>R = Reported to</td>
<td>Cloudy</td>
</tr>
<tr>
<td>W = Work Order</td>
<td>Breezy</td>
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</table>

<table>
<thead>
<tr>
<th>ITEMS</th>
<th>STATUS AND COMMENTS</th>
<th>ACTION</th>
<th>DATE COMPLETED</th>
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</thead>
<tbody>
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<td>Beach Showers</td>
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<td></td>
</tr>
<tr>
<td>Ropes - West and East side</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Emergency post #1 - 17</td>
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<td></td>
</tr>
<tr>
<td>Trash removal including Cat feeding containers on East side of dunes and walking path</td>
<td></td>
<td></td>
<td>Daily</td>
</tr>
</tbody>
</table>

**COMMENTS:**

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Signature/Date Person Completing Inspection

REV - 5/30/10
From: Joe Graubart
Sent: Thursday, November 18, 2010 10:35 AM
To: Roger Carlton; Debra Eastman
Subject: FW: Environment Florida Community Solar Letter
Attachments: SolarLetter.docx

Roger:  
Kindly forward this to Mayor and Commission – to determine if it is something we should sign...did the entire Comm receive it?  
We all want a cleaner environment – solar is a good alternative...etc.  
Is this legit?  

Best regards,

Joseph 'Joe' Graubart  
Vice-Mayor  
Town of Surfside  
9293 Harding Ave  
Surfside, FL 33154  
(305) 861-4863  
Email: JGraubart@townofsurfsidefl.gov  
www.townofsurfsidefl.gov  

"Be the change you wish to see in the world" Gandhi 

From: Jenna Stern [mailto:jenna@environmentflorida.org]  
Sent: Thursday, November 18, 2010 10:16 AM  
To: Joe Graubart  
Subject: Environment Florida Community Solar Letter  

Dear Vice Mayor Graubart,  

I am writing in regards to a community letter that Environment Florida is putting together. We would love for you to add your name to the letter. The letter calls on State Senate President Mike Haridopolos and House Speaker Dean Cannon to support funding of the solar rebate program in the next legislative session.  

Environment Florida is a state-wide, citizen-based, environment advocacy organization. We are dedicated to preserving Florida’s clean air, clean water, and open spaces. There is a lot of work to be done when it comes to solar power in the Sunshine State, but the power of the sun holds so much clean energy potential.  

Please let me know if you have any questions at all. The letter is attached. To sign on please email me back with your name, title, address, and phone number. I look forward to hearing from you.  

Sincerely,  
Jenna Stern
November 17, 2010

Dear State Senate President Mike Haridopolos and House Speaker Dean Cannon,

Thank you for your support of solar power. Your work so far to promote green jobs has positively impacted our environment and helped grow our state economy.

The sun generates more energy in an hour than the world's coal mines and natural gas wells do in a year. Yet, we have far to go before we tap the sun's potential to generate pollution-free energy and tens of thousands of jobs. Strong leadership from Tallahassee will be critical to turning this solar opportunity into a reality.

Much of the solar industry's recent growth was made possible by Florida's solar rebate program. Established in 2006, the program provides people with $500 rebates for solar water heaters, $100 rebates for solar swimming pool heaters, and $4 per watt of energy from solar panels, limited to $20,000 for homes and $100,000 for businesses. Unfortunately, funding ran out and many of the participants have still only received less than half of the intended rebate.

Please support a permanent dedicated funding source for Florida's solar rebate program. At a time when whole sectors of our economy are struggling, solar energy has the potential for rapid growth. Solar employers expect to increase the number of workers by 26 percent, representing nearly 24,000 net new jobs by August 2011. This rate is significantly higher than both the expected three percent net job loss in fossil fuel power generation and the economy-wide expectation of two percent growth over the same period. The industry needs a push that could only be possible with strong incentives.

Florida is the Sunshine State, so it's past time we embarked down the road towards a cleaner energy future. Clean energy will not only power our world but will power Florida's long-term prosperity. Please stand strong in support of permanently funding Florida's solar rebate program.

Sincerely,

Jenna Stern
Environment Florida Legislative Associate
TOWN OF SURFSIDE
COMMISSION COMMUNICATION

Agenda Item #: 9 J

Agenda Date: December 14, 2010

Subject: AECOM Modification No: 4
Design and Permit for Additional Space for Community Center

Background: During the October 12, 2010 Town Commission meeting, the Town Manager briefed the Town Commission regarding the potential for providing additional meeting space in the area of the Community Center that may be utilized in the future for the stairwell and elevator to the second floor. The Town Commission gave authorization to the Staff to investigate and report back at the November 9, 2010 Town Commission meeting.

That report stated that the cost could be approximately $225,000 and suggested that the design be authorized so as to maintain the construction schedule. Such authorization was granted. The December 14, 2010 agenda includes both the West construction change order No. 2 and the AECOM modification No. 4 to fully authorize the extra space to be built.

Analysis: The extra space will increase meeting space by approximately 50 percent. The additional programming potential will be very helpful in peak season and will generate an estimated $6000 in annual revenue. The design cost of $19,800 for this space is 9 percent of the cost of the construction. The fee increase has been reviewed by Town of Surfside Building Official Paul Gioia and determined to be a reasonable.

Budget Impact: The $19,800 cost of the design will come from the Resort Tax which has an unaudited balance of $178,097 as of September 30, 2010. The justification is the provision of additional a tourism amenity through the reading room and the greeting/information area for our visitors in the Community Center.
Staff Impact: N/A
Recommendation: Provide the $19,800 from Resort Tax for the design and permitting of the approximately 1000 square feet meeting space addition to the Community Center.

[Signatures]
Department Head
Roger M. Carlton, Interim Town Manager
Owner-Architect Additional Service Authorization Form

Project: Surfside Community Center

Date of agreement: 10/20/07

Project No.: 00028604

Modification No.: 4

Modification date: 11-22-10

PIC Lawrence Kline

PM Nina Gladstone

EPM Ronald Hunt

The services described below are included in Basic Services and they shall be paid for by the Owner in accordance with the Owner-Architect Agreement and as stipulated below.

☐ Hourly as per contract terms
☒ Lump Sum

Change in fee as a result of this additional service modification: $19,800.00

This fee is to add a glass enclosure of approximately 1,000 Gross SF as per attached sketch. Design includes revisions to existing drawings to include the following:

- Addition of 5 ton air conditioning unit to be located in ceiling space.
- Power fed from concession area
- Power data and telephone in floor boxes with empty conduits and spare.
- Finishes and storefront to match main building
- Planter and fence to be adjusted.
- Space is considered open plan, with no partitions and no furniture

Our understanding from meetings with the Town, is that there is no DEP jurisdiction over this new program area because it is West of the CCCL. In addition, we were told by the Town that they would minimize the local permit review process to speed the effort.

As such, AECOM will include in the quoted fee, local permit review revision to the drawings. However, if permitting becomes more intensive, we will request our time to be compensated at our hourly rates with a not to exceed of $3,000. Standard hourly rates are attached with this form.

In addition, construction administration efforts, associated with this new area, or if an extension to the construction schedule is required because of this new area, will be billed at the standard hourly rates.

Schedule Impact*: ☐ No
☒ Yes** ☐ Unknown at this time

Time required to complete this work will be 15 working days once we receive a notice to proceed. We acknowledge that time is critical and will make every effort to complete the work within a shorter time frame.
The services described above shall only be provided if authorized by the Owner's Representative with the completion and signing of this form.

Please acknowledge your acceptance by signing each original document provided. Retain one original and return the other original to our office.

Owner's Representative

(Signature)

(Roger M. Carlton)

(Printed Name and Title)

(Date)

Spilis Candela DMJM

(Signature)

(Craig Kenyon, Vice President)

(Printed Name and Title)

(November 22, 2010)

(Date)
Town of Surfside
Commission Communication

Agenda Item #: 9K

Agenda Date: December 14, 2010

Subject: West Construction, Inc. Change Order #2 – Approval to construct 1,000 sf of additional multipurpose room space at the Community Center.

Objective: Effectively increase the Community Center’s multipurpose room space by approximately 50 percent.

Background: Current space to be utilized is an unused open breezeway area. This particular area of the breezeway is located above the future elevator pit pile cap and is currently covered by the previously designed roof. By utilizing this location, savings are obtained by using the already poured pile cap and already designed and budgeted roof. By enclosing this space, a 50 percent increase in the amount of multipurpose room space will be achieved at a price of $221,220. Please note that the price is the best estimate available until the design is completed. The estimate has been reviewed by Paul Gioia and has been determined to be accurate.

- Location: North side of building under walkway roof
- Proposed Size: 1,000 sf
- Enclosure Type: Impact glass floor to bottom of room, aesthetically the same as the balance of the space.

Analysis: The additional space will ensure that multiple meetings and programming can be held simultaneously. It will also help with peak loads during the summer season. When this area is not in use for meetings or programming, it will be home to reading chairs and lamps to allow residents a quiet place to read or enjoy the proposed "E Readers" program.

Budget Impact: Funds will come from the following sources. The approved contingency for construction will be used ($150,000 or 75 percent). The remaining $71,220 will come from the savings achieved from the direct purchase option tax savings initiative and soft cost contingency, thus not affecting the $5 million total cost. It is estimated that an additional $6,000 in Parks and Recreation revenue per year will be recognized due to the additional rental and programming space.

Staff Impact: N/A

Recommendation: It is recommended that the Surfside Town Commission approve this resolution to allow the Town Manager to execute proposed Change Order #2 with West Construction, Inc. and expend the funds listed above to increase the total air conditioned space of the Community Center from 6,831 sf to 7,831 sf.

Department Head
Roger M. Carlton, Town Manager

Page 185
<table>
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<tr>
<th>Description</th>
<th>Unit</th>
<th>Qty w/waste</th>
<th>Total</th>
<th>Cost/UOM</th>
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<td>Deduct for existing Pavers</td>
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<tr>
<td>Insulation R-19 Batt above ceiling</td>
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<td>Storefront System</td>
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<td>Bonds/Insurance</td>
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<td>By Owner</td>
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<tr>
<td>Contingency</td>
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<td>TBD</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td>$221,220</td>
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Note #1: This Conceptual Budget Estimate is a "probable cost estimate" based on sketches provided (floor plan outline 250' x 400' & two elevation views); NO SPECIFICATIONS PROVIDED.

Note #2: City of Surfside shall provide a complete set of documents for West Construction to review and price to establish the final budget amount. West shall not be responsible for any cost increases incurred during final pricing.
November 23, 2010

Mayor Charles W. Burkett
Town of Surfside
9293 Harding Avenue
Surfside, FL 33154

Dear Mayor Burkett:

I recently sponsored the following resolution:

RESOLUTION DIRECTING MAYOR OR DESIGNEE TO OBTAIN AND POST ON MIAMI-DADE COUNTY’S WEBSITE PROPOSED MUNICIPAL BUDGETS FOR EACH FISCAL YEAR AS WELL AS ADOPTED MUNICIPAL BUDGETS AND ANNUAL FINANCIAL AUDITS FOR THE PRECEDING FIVE-YEAR PERIOD

This item passed with a favorable recommendation at the November 9th Government Operations Committee and will be heard by the full Board of County Commissioners at the December 7, 2010 meeting.

It is my understanding that the Administration did not notify municipalities of this resolution prior to the committee meeting. Therefore, I have attached a copy of the resolution for your information.

If you would like to speak before the Board at the December 7th meeting about this resolution, please contact my office, so that you will be recognized as this is not a public hearing item.

If you should have any questions regarding this resolution, please feel free to contact Inson Kim in my office.

Thank you very much.

Sincerely,

[Signature]

c: Roger Carlton, Manager
MEMORANDUM

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners
FROM: R. A. Cuevas, Jr. County Attorney
DATE: November 9, 2010
SUBJECT: Resolution directing Mayor to obtain and post on Miami-Dade County’s website proposed municipal budgets for each fiscal year as well as adopted municipal budgets and annual financial audits for the preceding five-year period

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Carlos A. Gimenez.

[Signature]
R. A. Cuevas, Jr. County Attorney

RAC/jls
MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: October 5, 2010

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

_____ "3-Day Rule" for committees applicable if raised
_____ 6 weeks required between first reading and public hearing
_____ 4 weeks notification to municipal officials required prior to public hearing
_____ Decreases revenues or increases expenditures without balancing budget
_____ Budget required
_____ Statement of fiscal impact required
_____ Ordinance creating a new board requires detailed County Manager’s report for public hearing
_____ No committee review
_____ Applicable legislation requires more than a majority vote (i.e., 2/3’s ____, 3/5’s ____, unanimous _____) to approve
_____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required
RESOLUTION NO. ____________________________

RESOLUTION DIRECTING MAYOR OR DESIGNEE TO OBTAIN AND POST ON MIAMI-DADE COUNTY’S WEBSITE PROPOSED MUNICIPAL BUDGETS FOR EACH FISCAL YEAR AS WELL AS ADOPTED MUNICIPAL BUDGETS AND ANNUAL FINANCIAL AUDITS FOR THE PRECEDING FIVE-YEAR PERIOD

WHEREAS, the Miami-Dade County Citizens’ Bill of Rights provides that municipalities in Miami-Dade County shall make all audits, documents and other public records open for inspection at reasonable times and places convenient to the public; and

WHEREAS, each municipality in Miami-Dade County considers a proposed budget prior to adopting a budget for the upcoming fiscal year; and

WHEREAS, state law provides that if a municipality has not been notified that a financial audit for that fiscal year will be performed by the Auditor General, each municipality shall have an annual financial audit of its accounts and records completed within twelve (12) months after the end of its fiscal year by an independent certified public accountant (“annual municipal financial audit”); and

WHEREAS, the internet has revolutionized the ability of governments to make important documents, such as proposed budgets and annual financial audits, accessible to the public; and

WHEREAS, section 215.985, Florida Statutes, directs the Governor of the State of Florida to establish a website providing information relating to, among other things, each appropriation in the General Appropriations Act and requiring governmental entities, including
counties and municipalities, to provide information as necessary relating to, among other things, revenues received by such governmental entity from the State of Florida; and

WHEREAS, the Commission believes that it is in the best interest of the citizens of Miami-Dade County to have proposed and actual municipal budgets as well as annual municipal financial audits posted on the internet,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the County Mayor or his or her designee is directed to obtain and post on Miami-Dade County’s website: (a) proposed municipal budgets for each fiscal year prior to the adoption of the budget; (b) actual budgets adopted by each municipality; and (c) adopted municipal budgets and annual municipal financial audits for the preceding five-year-period.

The Prime Sponsor of the foregoing resolution is Commissioner Carlos A. Gimenez. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro  Audrey M. Edmonson
Carlos A. Gimenez  Sally A. Heyman
Barbara J. Jordan  Joe A. Martinez
Dorrin D. Rolle  Natacha Seijas
Katy Sorenson  Rebeca Sosa
Sen. Javier D. Souto
The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of October, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: ____________________________
   Deputy Clerk

Approved by County Attorney as to form and legal sufficiency. Gks

Gerald K. Sanchez
Memorandum

To: Elected Officials
From: Roger Carlton / Town Manager
Date: 12/7/2010
Re: Photo / Film Permit Program

Introduction

The objective of the proposed Photo / Film Permit Program is to outline clear policies and procedures to address interest in using Surfside as a production location.

There exists a need to strengthen Surfside’s existing policies and procedures. This will provide a clear path for interested production companies and for Town staff. These policies can reasonably accommodate a request while protecting the quality of life for Surfside’s residents.

The following neighboring communities all have defined approaches to this matter:

1) Bal Harbour: Only requires a Beach Access Permit, Indemnity Document and that the Village is named as an additional insured.

2) Bay Harbor Islands: A dedicated ordinance outlining the requirements for a permit including applicability, permissible hours and fees.

3) Miami Beach: Due to the extensive use of their locales by production companies, the City has the most comprehensive set of policies and procedures. Through their dedicated Film Division there is an application accompanied by a listing of prerequisites and guidelines. They also have a small incentive program to help sell their destination to production companies.

4) Miami-Dade County: www.filmiami.org is the dedicated website that production companies can access permitting processes for the county, City of Miami and Miami Beach.

Background

Presently there is a simple procedure traditionally followed when a film company or photo shoot is interested in working in Surfside assuming they contact the Town in advance.
The Town’s basic Special Events permit is required. This is reviewed by the Building Official who discusses the application with the Town Manager. If Police assistance is needed there does exist, in their contract, an outline of related costs associated with the use of officers for special events.

The need to strengthen the Town’s policy was recently made evident when a video production company wanted to film a music video in a single family residential area of Surfside on a Sunday. We were able to reschedule the event to a weekday due to a cooperative effort.

A number of movies, television programs, music videos and fashion shoots have taken advantage of our region’s attributes and weather. The greater Miami Beach area continues to attract such endeavors evident by the news of a new Charlie’s Angels television show set to film here.

Application Review Team

Proposed Town Administration Photo / Film Permit Review Committee: Town Manager, Chief of Police, Building Official and Tourist Bureau Director.

Program Initiatives

1) By conducting outreach to the Miami-Dade Office of Film & Entertainment, a more cohesive relationship can be achieved to address interest in Surfside as a production location. This will be accomplished by the Town Manager, Town Attorney and Tourist Bureau Director. Other municipalities in the county have entered into an inter-local permitting agreement with the County concerning permitting. This form of cooperation will be reviewed as a possible initiative.

Further outreach will also be conducted with State’s Governor’s Office of Film and Entertainment (www.filminflorida.com). In essence, this will serve to inform these regional film agencies that the Town of Surfside has a process that they can identify to entities looking to film in Surfside.

2) Using Miami Beach as a model, the following will be developed:

a) A dedicated Film and Print Application for Surfside.

b) A Film and Print Requirements and Guidelines document that will outline such issues as

- permits required and corresponding fees

- parking and traffic obstruction policies

- the use of off-duty police

- code of conduct

- permissible days/hour and guidelines for exceptions
- residential neighborhood notifications and agreements
- use of town property, facilities and services
- promotional use of appropriate material through Town issued marketing materials

c) A required Indemnity Agreement
d) All documents will be available through the Town and Tourist Bureau’s websites. There will be a monthly report regarding Photo / Film permits to the Town Commission and advance notice will be given in the event of a major production that could have impact on a neighborhood or the community at large.

*Potential Additional Initiative*

Recent publicity regarding the filming of an updated Charlie’s Angels television series in Miami, coupled with the success of the new Hawaii Five 0 series, energized my aging grey matter to remember the Surfside Six show which was successful for three years in the 1960s (see attachment 1). With permission from the Town Commission, staff could make contacts in the industry to determine if there is any interest in updating that show. This would certainly give a boost to our tourism revenues and to our image.

Cc: David Allen, Chief of Police
    Paul Giaia, Building Official
    Duncan Tavares, Tourism Director