



**Town of Surfside
Town Commission Meeting
February 8, 2011
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154
AMENDED 2-4-2011

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 Presentation – Ruth K. Broad Bay Harbor K-8 Center 100th Birthday Celebration – Roger M. Carlton, Town Manager**
- H. Special Presentation - Police Civilian of the Year – Elinor Joseph and Police Officer of the Year – Sgt. Rory Alberto, Police Chief David Allen**
- I. Call for Executive Session – Lynn Dannheisser, Town Attorney**
- *J. Water, Sewer, Drainage Project Plan of Finance Presentation – Roger M. Carlton, Town Manager (*linked with 5B and 5C*) (30 minutes) Page 1-15**

2. Quasi-Judicial Hearings (None)

3. Consent Agenda (*Set for approximately 8:00 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 – December 14, 2010 Regular Commission Meeting Page 16-28**

**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. Resolution Unsafe Structures – Paul Gioia, Building Official Page 29-33**
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA DECLINING THE ESTABLISHMENT OF ADMINISTRATIVE PROCESSES TO ADDRESS UNSAFE STRUCTURES WITHIN MUNICIPAL BOUNDARIES AND TO CONTINUE TO PROCESS UNSAFE STRUCTURES THROUGH THE MIAMI-DADE COUNTY UNSAFE STRUCTURES BOARD AND PROCESSES PURSUANT TO SECTION 8-5 OF THE MIAMI-DADE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.
- C. Parks and Recreation Committee Appointment – Barbara McLaughlin – Commissioner Edward Kopelman**
- D. Budget to Actual Summary as of November 30, 2010 – Martin Sherwood, Finance Director Page 34-35**
- *E. Town Manager’s Report (Points of Light) – Roger M. Carlton, Town Manager Page 36-47 (Replacement page 36)**
- *F. Town Attorney’s Report – Lynn M. Dannheisser, Town Attorney ATTACHED**
- G. Projects Progress Report – Calvin, Giordano and Associates, Inc. Page 48-50**

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

- *1. Outside Employment Ordinance – Lynn Dannheisser, Town Attorney Page 51-54**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 2 “ADMINISTRATION” AND SPECIFICALLY CRATING SECTION 2-152 “OUTSIDE EMPLOYMENT BY TOWN EMPLOYEES” 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 prohibits outside employment unless approved by the Town Manager. It is based on the Code of Miami-Dade County.]

- *2. Curb Cuts – Sarah Sinatra Gould, Town Planner Page 55-65**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90.61 CURB CUTS OF THE

TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

[This Ordinance places curb cut regulations currently in the building code into the zoning code and allows for additional curb cuts on large single family lots.]

B. First Readings Ordinances

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

***1. Boat Storage - Sarah Sinatra Gould, Town Planner Page 66-71**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90.65 BOAT STORAGE, INCLUDING ZONING CODE DEFINITIONS OF "SETBACKS" AND "YARDS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

[This Ordinance permits boats to be parked in the front, side and rear yards of a lot, but not in the side or rear setbacks and requires screening of boats in the side or rear yard from neighboring properties.]

5. Resolutions and Proclamations

(Set for approximately 9:30 p.m.) (Note: Depends upon length of Good and Welfare)

***A. Resolution Approving Copier Lease – Debra Eastman, Town Clerk Page 72-78**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, WAIVING THE BID PROCESS AND APPROVING A PURCHASE ORDER FOR A 36 MONTH TERM WITH DELTA BUSINESS SOLUTIONS, PIGGYBACKING ON THE STATE OF FLORIDA CONTRACT NO. 600-000-11-1, AUTHORIZING EXECUTION OF PURCHASE ORDERS; AND PROVIDING FOR AN EFFECTIVE DATE.

***B. Resolution Approving List of Pre Qualified Contractors and Authorization to Continue the Bid Process – Roger M. Carlton, Town Manager Page 79-82**

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE LIST OF PRE QUALIFIED CONTRACTORS FOR THE INFRASTRUCTURE REHABILITATION PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE. *(linked with 1J)*

***C. Infrastructure Rehabilitation Project Public Meeting – Chris Giordano, Calvin, Giordano & Associates, Inc. Page 83-87**

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE WATER, SEWER AND STORMWATER FACILITIES PLAN AFTER A PUBLIC MEETING ON SAME. *(linked with 1J)* ATTACHED

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 9:45 p.m.)

A. Bottle Bill Resolution – Vice Mayor Joe Graubart Page 88-92

***B. Five Year Financial Forecast for the Town of Surfside - Roger M. Carlton, Town Manager (linked with 9G and 9H) Page 93-122**

***C. Land Acquisition of Two Parcels Immediately South of Town Hall - Assistant Police Chief John DiCenso Page 123-124**

***D. Acquisition of Single Family Home at 9333 Harding Avenue Property – Roger M. Carlton, Town Manager Page 125-126**

***E. Surfside Beach Maintenance – Tim Milian, Parks and Recreation Director and Bill Evans, Director of Public Works Page 127-129**

F. Household Dry Cell Battery Recycling at Town Hall – Bill Evans, Director of Public Works Page 130-132

***G. Budget High Level Direction – Roger M. Carlton, Town Manager (linked with 9B and 9H) Page 133-145**

H. (i) Report from Esslinger-Wooten- Maxwell (EWM) Realty Report on Sales in The Town of Surfside

(ii) Report from Esslinger-Wooten- Maxwell (EWM) Realty Report on Short Sales in Surfside

(iii) Report from Esslinger-Wooten- Maxwell (EWM) Report on Foreclosures In Surfside – Roger M. Carlton, Town Manager

ATTACHED (linked with 9B and 9G)

I. Sustainable Initiatives – Bill Evans, Director of Public Works Page 146-149

10. Adjournment

Respectfully submitted,



Roger M. Carlton

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.



Town of Surfside, Florida

Water, Sewer & Drainage Projects

Plan of Finance

prepared by
Public Financial Management, Inc.
2121 Ponce de Leon Boulevard
Suite 510
Coral Gables, FL 33134
305-448-6992 (tel)
305-448-7131 (fax)



Introduction to PFM

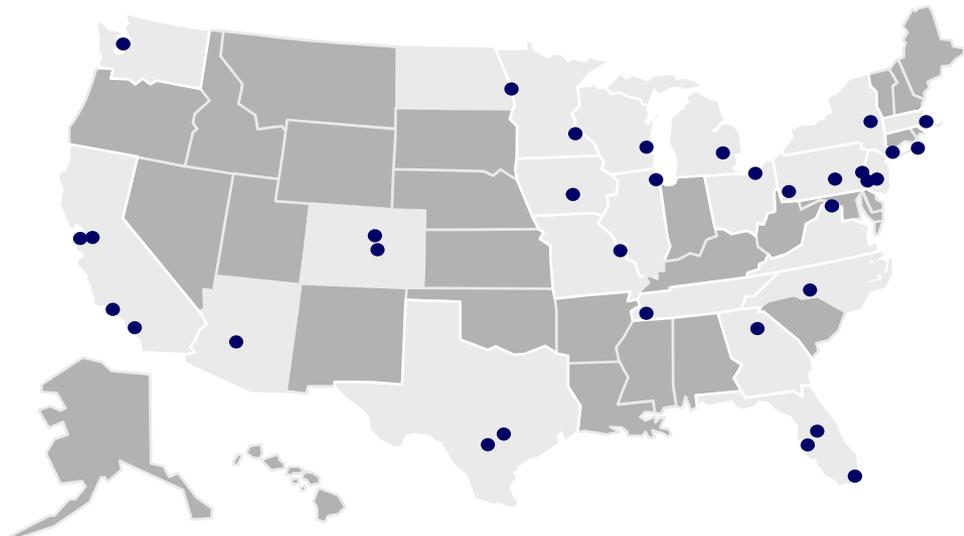


PFM was founded in 1975 on the principle of providing sound *independent* financial advice to state and local governments. Today PFM is the nation's leading advisory firm with 34 offices strategically located throughout the United States.

PFM's Mission Statement

“Our goal is to provide the highest quality advice to our clients so they are able to raise, invest and manage the resources they need in the most cost-effective manner possible.”

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| Albany | Miami |
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| Arlington | Minneapolis |
| Atlanta | Newport Beach |
| Austin | New York |
| Boston | Oakland |
| Charlotte | Orlando |
| Chicago | Philadelphia |
| Cleveland | Phoenix |
| Denver | Pittsburgh |
| Des Moines | Princeton |
| Fargo | San Antonio |
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| Long Island | St. Louis |
| Los Angeles | Tampa |
| Malvern | |
| Memphis | |



**PFM is the Nation's Leading
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Advisor to Public Agencies**

PFM's Market Stature



PFM is Continually Ranks as a Leader in Public Finance

Rankings provide a shorthand method of measuring success; however the length of service and level of satisfaction we provide is a better measure of true success. PFM's decade-long association with many of our clients is an affirmation of our ability to service their needs thoughtfully and efficiently. Whether calculated based on the number or the size of transactions, PFM is the most experienced player in the capital markets.

2010 Year End Overall Long-Term Municipal New Issues

National Municipal Financial Advisory Ranking
Source: The Bond Buyer/Securities Data Company

	# transactions	dollars in millions
PFM	988	57,534.9
Public Resources Advisory Group	165	31,091.7
FirstSouthwest	721	27,855.4
Montague, DeRose & Associates LLC	40	9,753.0
Govt. Development Bank for Puerto Rico	16	9,512.5

2010 Year End Florida Overall Long-Term Municipal New Issues

National Municipal Financial Advisory Ranking
Source: The Bond Buyer/Securities Data Company

	# transactions	dollars in millions
PFM	77	4,412.8
Raymond, James & Associates	3	2,575.9
FirstSouthwest	21	2,250.0
Public Resources Advisory Group	13	1,156.3
Spectrum Municipal Services	4	809.5

2000 – 2009 Florida Overall Long-Term Municipal New Issues

National Municipal Financial Advisory Ranking
Source: The Bond Buyer/Securities Data Company

	# transactions	dollars in millions
PFM	562	35,677.1
Raymond, James & Associates Inc.	12	14,826.2
FirstSouthwest	129	10,334.6
Fidelity Financial Services	76	7,876.6
Public Resources Advisory Group	84	7,032.4

PFM's Florida Market Presence



PFM has a large and diverse Florida Presence

PFM's Florida practice includes every type of issuer, ensuring our clients that we are up to date on the most recent trends in public finance.

PFM has been the financial advisor for over 562 transactions in Florida amounting to over \$35 billion since 2000. PFM is in the market so often that we have experience with and have helped develop numerous innovative advanced refunding techniques, such as forward swaps and forward settlement bonds and contingent bond purchase agreements.

PFM's Florida Clients

Cities

Alachua
 Bay Harbor Island
 Boca Raton
 Boynton Beach
 Brooksville
 Clermont
 Coral Gables
 Crystal River
 Dade City
 Delray Beach
 Doral
 Flagler Beach
 Fort Lauderdale
 Gainesville
 Golden Beach
 Jacksonville
 Jupiter
 Key West
 Lake Wales
 Longboat Key
 Melbourne
 Melbourne Beach
 Miami
 New Port Richey
 Ormond Beach
 Oviedo
 Panama City Beach
 Plant City
 Pompano Beach
 St. Cloud
 St. Petersburg
 Sanibel
 Sebring
 Stuart
 Sunrise
 Surfside
 Tallahassee
 Tarpon Springs
 Titusville
 West Palm Beach
 Winter Haven
 Winter Garden
 Winter Springs

Counties

Alachua
 Brevard
 Broward
 Clay
 Collier
 Flagler
 Glades
 Hendry
 Highlands
 Hillsborough
 Leon
 Marion
 Miami-Dade
 Monroe
 Orange
 Osceola
 St. Johns
 St. Lucie
 Volusia

School

Districts

Broward
 Citrus
 Columbia
 Flagler
 Hernando
 Lake
 Manatee
 Marion
 Martin
 Miami-Dade
 Orange
 Palm Beach
 Sarasota
 Santa Rosa
 Seminole
 Volusia

Other Authorities

First Florida Governmental
 Financing Commission
 South Florida Water Management
 District
 Sunshine State Governmental
 Financing Commission
 Tampa Bay Water

Healthcare

Health Central
 Jackson Health System
 North Broward Hospital District
 Orange County Health Facilities
 Authority

Transportation

Central Florida Regional
 Transportation Authority
 Florida High Speed Rail
 Authority
 Jacksonville Aviation Authority
 Jacksonville Seaport Authority
 Jacksonville Transportation Authority
 Tampa Port Authority

The State of Florida

Florida Department of
 Transportation
 Division of Bond Finance



Higher Education

Broward County Educational
 Facilities Authority
 Embry-Riddle Aeronautical
 University
 Flagler College
 Jacksonville University
 New College
 Nova Southeastern University
 Ringling School of Art
 and Design
 Rollins College
 Saint Leo University
 Stetson University
 University of South Florida
 University of West Florida

Utilities

Bonita Springs Utilities
 Gainesville Regional Utilities
 Jacksonville Electric
 Authority
 Orlando Utilities Commission

Special Districts

Alachua Library District
 Blueprint 2000
 Sun 'n Lake of Sebring Improvement District

Introduction to Bryant Miller Olive P.A.



- ▶ Bryant Miller Olive was founded by former Governor C. Farris Bryant, Wilton R. Miller, W. Robert Olive and Benjamin H. Dickens.
- ▶ Bryant Miller Olive started as a public finance firm in 1970. We are the first existing Florida law firm to be listed in the Red Book.
- ▶ We have a history and a legacy in public finance and are known for completing complex transactions.



1914 - 2002

About the Firm



- ▶ Bryant Miller Olive has expanded into the following specialty areas:
 - Public Policy Group
 - Public Private Partnership
 - Real Property
 - State and Local Government
 - Governmental Consulting
 - Affordable Housing
 - Energy & Utility
 - Corporate Trust & Default
 - Land Use
 - Labor & Employment
 - Government Procurement
 - Litigation
 - Environment & Climate Change

Bond Counsel Experience



- ▶ Served as Bond Counsel, Disclosure Counsel, Underwriter's Counsel, Special Counsel or Swap Counsel on more than 1,000 financings aggregating over \$50 billion in principal amount of debt.
- ▶ With 22 public finance attorneys, Bryant Miller Olive has more Florida-based bond attorneys than most major law firms.
- ▶ Bryant Miller Olive has two public finance attorneys which concentrate their practices in the tax area and we do not subcontract with other firms for tax law expertise.
- ▶ We are under continuing contract with over 70 governmental entities.

Debt Issuance Process Flow Chart



Structuring the Deal



- ▶ **Decide on the scope of the project and the cost.**

- ▶ **Hold an initial meeting with the Financial Advisor, Engineer, the Town Attorney and Bond Counsel to discuss the following:**
 - project and its viability
 - structuring the deal
 - purpose of the borrowing
 - use of the proceeds
 - timing
 - pending litigation
 - other pertinent issues

Overview of Financing Options – Publicly Offered Bonds



<u>Type of Financing</u>	<u>Pros</u>	<u>Cons</u>
Publicly Offered Bond	<ul style="list-style-type: none"> • Can issue bonds out to 30-years • Very efficient for longer term transactions – 30 years (rates fixed for entire term) • Can accommodate innovative and creative financial solutions beneficial to the issuer • Risk of future changes in tax laws passed in investors (i.e., no “gross up” language) • Sold either competitively or negotiated • Flexible call features (10 year par call is standard) 	<ul style="list-style-type: none"> • Need ratings or credit enhancement • Higher costs of issuance • Greater administrative requirements • Highest cost of issuance • Debt rating and/or credit enhancement (bond insurance) may be required. Less so in today’s market versus pre-credit crisis. • Funding of Debt Service Reserve Fund required for most credits • Continuing disclosure required after bonds are sold • Initial disclosure requirements (official statement) can be burdensome

Overview of Financing Options – Bank Loan



<u>Type of Financing</u>	<u>Pros</u>	<u>Cons</u>
<p>Bank Loan</p>	<ul style="list-style-type: none"> • Does not require that transaction be rated or insured • No offering documents or registration required • Banks usually do not require a Debt Service Reserve Fund • Disclosure usually limited to receipt of CAFR and budget (no official statement) • Minimal cost of issuance • The purchase of tax-exempt loans by non-bank subsidiaries and affiliates of commercial banks debt has resulted in more efficient “nonbank qualified” pricing (Leasing Corporation) 	<ul style="list-style-type: none"> • Typically longest allowable term is 15-20 years • Interest rate subject to increase if tax laws change or loan is deemed taxable in the future • Risk of future tax law changes retained by the issuer. Bank loans usually contain interest rate “gross up” language; providing the bank the right to increase the loan rate should tax law changes negatively impact the bank’s after tax yield • Term limited to 20 years and some banks will not provide a fixed rate for the entire term. Instead, the bank would have a “put” option during the term of the loan (5 , 10, or 15 years). This gives the bank the option to “put” the loan back to the issuer and force them to refinance at the then current market rates.

Financing Options – Estimated Rates



- Below is a summary of the estimated rates and Annual Debt Service on a \$16MM transaction. It compares publicly offered bonds and privately placed bank loans. All numbers are estimates and are for discussion purposes only.

<u>Type of Financing</u>	<u>15-Year</u>	<u>20-Year</u>
Privately Placed Bank Loan (Tax-Exempt)	<ul style="list-style-type: none"> TIC = 4.82% All-In TIC = 4.89% Avg. Annual DS = \$1,522,195 	<ul style="list-style-type: none"> TIC = 5.11% All-In TIC = 5.17% Avg. Annual DS = \$1,295,734
Publically Offered Bond Issue (Tax-Exempt)	<ul style="list-style-type: none"> TIC = 4.96% All-In TIC = 5.15% Avg. Annual DS = \$1,522,783 	<ul style="list-style-type: none"> TIC = 5.49% All-In TIC = 5.65% Avg. Annual DS = \$1,325,225

Ordinance



- ▶ **To authorize the Bonds, the Town will need to do the following:**
 - enact an ordinance authorizing the issuance and providing details of the bonds
 - enactment will require two readings of the ordinance with a public hearing
 - ordinance will need to be advertised in a newspaper or general circulation in the municipality at least 10 days prior to second reading
 - adopt a resolution containing the provisions requested by the Bank and details of the transaction

Closing



- ▶ **After the ordinance has been enacted and the resolution adopted:**
 - Bond Counsel will circulate drafts of the proposed closing documents
 - Bond Counsel, Bank's Counsel and the Town Attorney will receive all applicable documentation and determine that the bonds are valid in State of Florida
 - pre-closing is scheduled the day prior to the actual "closing date"
 - Bond Counsel will hold all the documents in escrow until the day of closing when they will be released upon Bond Counsel's satisfaction that everything that is required to happen, has happened according to Florida law.
 - On the day of the closing, the Bank will wire the funds into the appropriate accounts in accordance with the Closing Memorandum
 - When Bond Counsel has official notification that all funds have been wired and received by the City, they will declare the transaction officially closed.

Transaction Management



- ❑ Develop Financing Timetable (*see key dates below*)
- ❑ Procure bank loan
- ❑ Draft and Review Financing Documents
- ❑ Finalize Financing Documents
- ❑ Final Council Approval for Financing
- ❑ Establish Closing Date
- ❑ Close Financing/Receive Project Funds

Tentative Financing Schedule – Key Milestones

February 2011: Draft Bank Loan RFP; prepare attachments

March 1, 2011: Circulate Request for Proposals to Loan Providers

March 2011: Town Council Meeting –

1st Ordinance Reading

April 1, 2011: Received Bank Proposals; Evaluate Responses

April 2011: Town Council Meeting –

2nd Ordinance Reading, Approve Loan Documents

May 1, 2011: Close Financing



**Town of Surfside
Town Commission Meeting
December 14, 2010
7 p.m.**

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

MINUTES

1. Opening

- A. Call to Order:** Mayor Daniel Dietch called the meeting to order at 7:05 pm.
- B. Roll Call of Members:** Town Clerk Debra Eastman called the roll and the following members of the Commission were present upon roll call: 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. Mayor and Commission Remarks –** Mayor Daniel Dietch thanked Town Manager Roger Carlton and the Town staff for coming together with so many initiatives for the town. He also thanked the Planning and Zoning and Design Review Boards for their work on the challenges of the zoning codes. The Mayor also thanked the residents of the Town of Surfside for all their suggestions and involvement in the town.
- E. Agenda and Order of Business Additions, deletions and linkages –** Vice Mayor Joe Graubart requested to link agenda items 9(C) and 9(L), which relates to making information more available to the public. Town Manager Roger Carlton noted that item 9 (C) is done and briefly discussed that item 9(L) relates to the requirement for the town to post 5 years worth of budgets and audits for residents to review.

Town Clerk Debra Eastman briefly discussed the changes to the agenda that resulted in the amended agenda.

- F. Community Notes –** Mayor Daniel Dietch spoke about the winter camp and the second Surfside Police Department blood drive. The Mayor also thanked Duncan Tavares for the work done to clean out the library. The Mayor also noted to residents that there are coupons for residents to claim library books in the Gazette and on the website. Vice Mayor Graubart also added that the K-8 Center chorus will be performing downtown on December 15th and December 16th. He further reminded the residents about the Surfside Business Association and the Tourist Board holiday lights competition. He also added that business list is in production.
- G. Special Recognition –** Assistant Chief John DiCenso – Chief David Allen

Chief David Allen reminded the residents about the holiday toy collection drive in the Police Department.

Chief Allen was presented Assistant Chief John DiCenso a plaque for taking the lead and following through on town wide programs for the parking pay stations. Assistant Chief John DiCenso recognized Sgt. William, Elinor Joseph, the three parking enforcement officers and the weekend volunteers for their assistance. Assistant Chief DiCenso also noted that the police department will continue improvements in the parking lots.

H. Legislative Update – Fausto Gomez, Town Lobbyist

Town Lobbyist Fausto Gomez spoke about the changing environment in Tallahassee. He also noted that the coming year will see reapportionment and all these delegates will have to run again in districts that they do not currently represent with the approval of amendment 5 and 6.

Mr. Gomez noted that he has prepared draft items for the commission to consider along with a set of legislative principles.

I. Presentation Traffic Calming on Collins and Harding Avenues – Luis Ajamil, Bermello Ajamil

Town Manager Roger Carlton spoke about the paving that will be done on Collins and Harding that will be a transformational opportunity. He added that he will be meeting with FDOT to talk about the intersection where kids will be crossing from the new community center to see what can be done to make it safer.

Mr. Bermello Ajamil made a presentation on thoroughfares in downtown area. He noted that there is a way to leverage traffic.

Mr. Carlton expressed to the commission that there is no reason why Collins and Harding cannot be much better. He mentioned that he will be working closely with FDOT to achieve more innovative things and make that part of town more pedestrian-friendly.

I. Census Final Report – Barbara Cohen

Ms. Barbara Cohen reported that 74% of US households filled out and returned the census. She added that in Miami-Dade County 72% of households filled out and returned the census and that 63% of Surfside residents filled out and returned the census.

2. Quasi-Judicial Hearings

3. Consent Agenda

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 -

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

B. Monthly Budget to Actual Summary as of September 30, 2010 - Martin Sherwood, Finance Support Services Department Head

C. Town Manager's Report- "Points of Light"

D. Town Attorney's Report

E. Projects Progress Report – Calvin, Giordano & Associates, Inc.

F. Resolution Certifying Charter Amendment Election Results from November 2, 2010 Election

G. Administrative Grievance Policy on Non-Bargaining Unit Employees

H. Communications Ad Hoc Committee Progress Report – Commissioner Michael Karukin

I. Code Enforcement Ad Hoc Committee Progress Report – Paul Gioia, Building Official

J. Proclamation – Janice Thomas, Ruth K. Broad Bay Harbor K-8

K. Code Enforcement Update Report – Michael Garcia, Code Enforcement Officer

L. Community Center Concession Report – Tim Milian, Parks and Recreation Director

Commissioner Karukin made a motion to approve the consent agenda. Commissioner Kopelman seconded the motion, which carried unanimously.

4. Ordinances

A. Second Readings (Ordinances and Public Hearing)

1. Off-Street Parking Ordinance – Shelley Eichner, Town Planner

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.]

Town Clerk Debra Eastman read the Ordinance by title into the record.

Commissioner Karukin made a motion to adopt the ordinance on second reading. Commissioner Kopelman seconded the motion.

Mayor Dietch opened the public hearing. Being that no residents wished to speak, the Mayor closed the public hearing.

Upon roll call, the motion carried 4-1 with Vice Mayor Graubart voting in opposition.

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 “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.]

Town Clerk Debra Eastman read the ordinance by title into the record.

Commissioner Kopelman made a motion to approve the ordinance on first reading. Commissioner Olchyk seconded the motion.

Town Manager Roger Carlton noted that the direction from the commission was to find a balance between people with commercial vehicles used to make a living. He added that many folks registered complaints about the aesthetics. Mr. Carlton then explained the process to register a vehicle and noted that only one vehicle can be registered. He further added that this vehicle must be parked in the driveway and not on the street.

Alan Gourme stated that he attended the code enforcement meetings. He stated that the ordinance is well thought out and noted that he agrees with it.

Peter Glynn inquired if a person who brought their work truck home for the night would get a ticket. Mr. Carlton stated that if the person registers the car and parks it in the driveway, he will not have a problem. He added that the weight limit for the vehicle is one ton. Mr. Glynn expressed concern about moving trucks. Mr. Carlton stated that if the commission wants an exception he can bring back an amendment.

Ken Arnold inquired about the current code. Mayor Dietch noted that this goes beyond the current code and added that this helps with enforcement issue.

Upon roll call the motion to approve carried 4-1 with Vice Mayor Graubart voting in opposition.

2. Amend Town Code to add Psychic Reading and Consultation As a Permitted Use – Lynn Dannheisser, Town Attorney

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.]

Town Clerk Debra Eastman read the ordinance by title into the record.

Attorney Lynn Dannheisser explained the amendment. Mayor Dietch passed the gavel to make the motion.

Mayor Dietch made a motion to approve the ordinance. Commissioner Olchyk seconded the motion. The motion carried three to two with Commissioner Kopelman and Vice Mayor Graubart voting in opposition.

3. Change in Town Commission Rules of Procedure – Commissioner Marta Olchyk

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING RULE 4.01 OF ARTICLE VI. “RULES OF PROCEDURE FOR TOWN MEETINGS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE;

PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the ordinance by title into the record.

Commissioner Olchyk made a motion to approve the ordinance. Vice Mayor Graubart seconded the motion.

Manager Carlton explained the ordinance. Commissioner Olchyk stated that the change will make for more manageable and brief meetings. She added that this will give people an incentive to watch or attend the meetings and know they will be efficient and brief. She added that she does not want the meetings extended after 11 pm.

Vice Mayor Graubart expressed concern. He noted that the agendas are long, but can perhaps be shortened. Commissioner Kopelman agreed with the Vice Mayor. Vice Mayor Graubart asked that the agendas be kept short. Manager Carlton mentioned that this is just a recommendation from the attorney, the manager and the clerk. He added that an emergency provision would be needed for the meetings to be limited to 11 pm.

Upon roll call, the motion failed to carry with Commissioner Olchyk casting the sole vote in favor.

5. Resolutions and Proclamations

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.

Town Clerk Debra Eastman read the resolution by title into the record.

Commissioner Kopelman moved to approve the resolution. Commissioner Karukin seconded the motion.

Mayor Dietch explained the process of meeting and recommending a town manager. He noted that now he is seeking the acceptance of his contract.

Vice Mayor Graubart spoke about the former town manager's agreement. He noted that this agreement is comparable. He also spoke about the date of evaluation. He added that it was done in July and now 15 days prior to yearly contract. Mayor Dietch noted that it can be done on or before anniversary date. Vice Mayor Graubart also noted that the conflict of interest prohibition that was in the previous contract is not in this new one.

Vice Mayor Graubart stated that there might be philosophical differences regarding bond issues, garages and a view of Surfside that Mr. Carlton might not share.

Commissioner Olchyk mentioned that she is impressed with Mr. Carlton and added that he has done marvelously dealing with her. She spoke about lowering Town expenses as being a priority and asked the manager to look into the budget to see how expenses can be diminished. Commissioner Olchyk also stated that she would have preferred a one year contract with a possible extension of a second year.

Commissioner Kopelman mentioned that his only comparison is with the former Town Manager. He added that he is impressed, pleased and excited about the future with the current town manager and noted that he is in favor of the contract.

Commissioner Karukin stated that they should hire the expert and thanked Mr. Carlton and Attorney Dannheisser for helping deal with items.

Upon roll call the motion to approve the resolution carried 4-1 with Vice Mayor Graubart voting in opposition.

B. Keep America Beautiful Report – Tim Milian, Parks and Recreation Director
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.

Town Clerk Debra Eastman read the resolution by title into the record.

Commissioner Karukin made a motion to approve the resolution. Vice Mayor Graubart seconded the motion.

Town Manager Roger Carlton explained that the program gives guidance in beautifying the community. He stated that it has upfront and annual fees, but added that it is a good thing to become part of national network because the town can gain a lot of knowledge on what other people do. He mentioned that he has been working closely with the beautification committee on this.

Commissioner Olchyk stated that she has no problem with this, but does have a problem with the beautification on the beach. She added that the town needs to give it more importance since it is our biggest resource. She suggested that the waste baskets be changed. She noted that the town needs to spend money to do this and that can cost approximately \$2,000.00. Commissioner Olchyk added that she has been told that Bay Harbor, Bal Harbor and Sunny Isles have purchased their own baskets. She inquired why it is easy to spend money on beautification and not spend money on the beach containers. Town Manager Roger Carlton expressed agreement with Commissioner Olchyk and stated that he had breakfast with the county official who oversees the beaches. Manager

Carlton mentioned that if the town receives a fair share of baskets from the county, it will replace the rest. He noted that he will bring a proposal to the commission for the new baskets.

The motion to approve the resolution carried unanimously.

C. Parking Trust Fees – Roger M. Carlton, Interim Town Manager

Attorney Lynn Dannheisser explained that the Commission passed a parking trust ordinance. She spoke about the shortage of parking in certain areas of town and added that there has not been a methodical way to deal with fulfillment of parking requirements in the downtown district. She noted that the new ordinance allows for the town to create a special fund into which new approvals can satisfy parking requirements by paying a fee to be used to create a garage for additional parking. Ms. Dannheisser mentioned that the ordinance allows the Manager to set by Resolution the amount of the contribution.

Lou Cohen spoke before the Commission and suggested that the town give businesses tax incentives to build garages. He added that he was unable to find a space to park today.

The motion to approve carried 4-1 with Vice Mayor Graubart voting in opposition.

***D. Drug and Alcohol Free Workplace – Roger M. Carlton, Interim Town Manager**

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.

Town Clerk Debra Eastman read the resolution by title into the record.

Vice Mayor Graubart made a motion to approve the resolution. Commissioner Olchyk seconded the motion.

Town Manager Roger Carlton mentioned that this resolution will save approximately \$8,000 per year by implementing the new regulations.

Upon roll call, the motion carried unanimously.

E. Code Enforcement Officers – Roger M. Carlton, Interim Town Manager

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.

Town Clerk Debra Eastman read the resolution by title into the record.

Town Manager Roger Carlton stated that this resolution relates to commercial vehicles, for example, but other cases as well. He added that this results from limitatiempowers police in limited situations. He added that the police will be used as back up.

Vice Mayor Graubart asked Chief Allen if other communities do this. Chief Allen noted that while Miami Beach does not do this because they have a large code enforcement department, Bal Harbor does this.

Mayor Dietch inquired if the town has the equipment necessary to enforce noise limits after hours. Chief Allen responded that the police can do this.

Building and Zoning director Paul Gioia stated that he attended 3 roll call training and stressed quality of life type problems.

Vice Mayor Graubart stated that he wants to amend the resolution to sunset in two years as a trial.

Commissioner Karukin stated that he is not in favor of the resolution as written and added that it can use officers to enforce any code, even if they have a policy.

Vice Mayor Graubart inquired if the provisions can be adopted as amended and made to sunset by next commission. Town Manager Roger Carlton suggested that the commission require quarterly reports on agenda and if they are dissatisfied they can rescind the resolution by motion. He further mentioned that a list with 7 items be included as an amendment that defines items for police.

Vice Mayor Graubart recommends that the resolution sunset February, 2012. Commissioner Karukin agreed.

Attorney Lynn Dannheisser read the amendment to the resolution to Amend section 2, requiring authorization and requiring for an effective date to sunset at the Commission meeting February 2012.

Motion as amended and acceptable to seconder Commissioner Karukin.

Lou Cohen spoke before the commission and mentioned that he agrees with the amendment, but added that the wording is vague. He added that it needs a distinction between civil disobedience and code enforcement.

Commissioner Karukin requested to defer the item. Vice Mayor Graubart withdrew his motion.

Vice Mayor Graubart amended his motion to add that the resolution sunset February 2012 and specify authority of officers and come before the Commission next time. Commissioner Kopelman seconded the motion. All were in favor and the motion carried.

F. Retainer Agreement with Weiss Serota Helfman Pastoriza Cole and Boniske, P.A. – Lynn Dannhessier, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AGREEMENT WITH WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKE, P.A. TO REPRESENT THE TOWN IN THE CASE CAPTIONED YOUNG ISRAEL OF BAL HARBOUR, INC. V. TOWN OF SURFSIDE CASE NO. 10-CV-24392 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the resolution by title into the record.

Attorney Lynn Dannheisser stated that the town was served by Young Israel and added that they need to respond in 20 days. She suggests Weiss, Serota, Helfman, Pastoriza, Cole and Boniske because of their historical involvement in the process and will come back with other issues not addressed by Weiss, Serota, Helfman, Pastoriza, Cole and Boniske.

Commissioner Karukin made a motion to approve the resolution. Commissioner Kopelman seconded the motion.

Mark Blumstein stated that he was involved as a representative for the commission the first time. He stated that litigation of this matter can cost a million dollars or more. He did not know if the Manager had inquired of any other firm or sought enlargement of time.

Vice Mayor Graubart explained that Weiss, Serota, Helfman, Pastoriza, Cole and Boniske were involved the first time and helped with RLUIPA Map. Attorney Lynn Dannheisser added that they have experience and that is why she is recommending them.

The motion carried 4-1 with Vice Mayor Graubart voting in opposition.

Town Attorney Lynn Dannheisser requested an Executive Session to secure advice concerning Young Israel vs. Surfside case number in the US District Court for Southern District. She suggested that it be approximately one hour outside counsel in attendance. She suggested January 6th at 6:30 pm.

All were in favor.

6. Good and Welfare

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

January, 2011 Town Commission Meeting Date Change – Debra Eastman, Town Clerk

Commissioner Kopelman made a motion to approve changing the January 11, 2011 Town Commission Meeting to January 18, 2011. Commissioner Karukin seconded the motion. The motion carried unanimously.

9. Mayor, Commission and Staff Communications

A. Amendments to Agenda Process to Increase Efficiency – Roger M. Carlton, Interim Town Manager, Lynn Dannheisser, Town Attorney and Debra Eastman, Town Clerk

Commissioner Kopelman made a motion to accept the report. Commissioner Karukin seconded the motion which carried unanimously.

B. Beautification Committee Appointment, Adam Markow – Commissioner Michael Karukin

The appointment was so acknowledged.

C. Accounts Payable on Website – Vice Mayor Joe Graubart

As the Manager mentioned in the commencement of the meeting, this item is done. Vice Mayor Graubart mentioned that he is hoping to expand the website during election time and cited campaign finance reporting.

Commissioner Karukin mentioned that the website committee has already adopted it as a recommendation.

D. Garbage Collection Reduction of One Day Per Week – Commissioner Marta Olchyk

Commissioner Olchyk stated that she does not want the garbage to be picked up on Fridays and added that she would like to use the crew to clean up the beach while being supervised. Mayor Dietch stated that he would like to see an analysis of what kind of impact this will have.

Town Manager Roger Carlton noted that these are two items and promised the report for January. He will discuss the pros and cons of one less collection and a second broad base report on the beach.

E. Livable Streets and Pedestrian Safety – Roger M. Carlton, Interim Town Manager

This item is tied to Bermello Ajamil's presentation earlier in the evening. Town Manager Roger Carlton expressed safety concerns as community center opens. He noted that the crossing needs to be made safer. He added that he will make a more global report soon.

F. Countrywide Real Estate Facts and Trends – Roger M. Carlton, Interim Town Manager

Town Manager Roger Carlton mentioned that he will get an exact report for Surfside. He also directed the commission to the financial report and noted that the town finished the year with additional money generated in almost every fund. He asked to save money to smooth the impact on the millage rate. Town Manager Roger Carlton further stated that he would like to start the budget process next month and would also like to address policy alternatives.

G. Ensuring the Survival of the Surfside Post Office – Roger M. Carlton, Interim
Town Manager

Manager Carlton reported that the Surfside Post Office will stop Saturday deliveries. He also noted that he wants to work with the Congressional Delegation to keep the post office open.

H. Beach Maintenance Report – Tim Milian, Parks and Recreation Director

Town Manager Roger Carlton recommended attention to detail and to ensure that the agencies all work together.

I. Environment Florida Community Solar Letter – Mayor Daniel Dietch and Vice
Mayor Joe Graubart

Mayor Dietch and Vice Mayor Graubart presented the item asking to join Environment Florida to sign onto a letter to keep rebates going for solar initiatives.

Vice Mayor Graubart made a motion to approve the item. Commissioner Karukin seconded the motion. All were in favor.

**J. AECOM Modification Number 4 Design and Permit Additional Space for
Community Center** – Roger M. Carlton, Interim Town Manager

Town Manager Roger Carlton gave preliminary direction to go forward with the additional space. Mr. Paul Gioia mentioned that he estimated the prices and the prices from AECOM are fair and came in under his estimate.

Commissioner Karukin moved to accept amendment number 4 from AECOM. Commissioner Kopelman seconded the motion.

All were in favor and the motion carried unanimously.

**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

Town Manager Roger Carlton mentioned that he would like authority on this item.

Commissioner Karukin made a motion to approve the item. Commissioner Olchyk seconded the motion, which carried unanimously.

L. Resolution Sponsored by County Commissioner Carlos Jimenez - Roger M.
Carlton, Interim Town Manager

Town Manager Roger Carlton will report back next month on this item.

M. Photo/Film Permit Program – Roger M. Carlton, Interim Town Manager

Town Manager Roger Carlton spoke about the photo shoot policy. He asked if the town should try to generate more activity.

Peter Glynn spoke in favor of this item and suggested a multi-tier permit fee structure to generate \$30,000 to \$50,000 per year. He mentioned that he interviewed people on Biscayne Drive and they all want to see films being made to make money.

Vice Mayor Graubart expressed concern about the benefits to the residents. Mr. Glynn suggested that the town make the permit fees high enough, rent parking spaces and hire police officers.

Town Manager Roger Carlton mentioned that if the Town would like to look at the Film Commissioner idea, he will review it and come back with a more detailed ordinance.

Mayor Dietch noted that he will be out of town and needs a volunteer for the Planning and Zoning Board on Thursday. Vice Mayor Graubart will take his place.

10. Adjournment

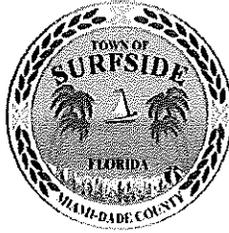
The meeting adjourned at 10:25 pm.

Accepted this ____ day of _____, 2011

Daniel Dietch, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk



Town of Surfside Commission Communication

Agenda Item #: 3B

Agenda Date: February 8, 2011

Subject: Miami-Dade Unsafe Structures Option

Objective: Miami Dade County has given the Town of Surfside the option to implement an "Unsafe Structures Board".

Background: Miami Dade County has provided this service satisfactorily for the Town of Surfside for over 50 years. Our code enforcement responsibilities do not extend to citing Unsafe Structures cases. Code enforcement deals with zoning and maintenance code only. The responsibility of dealing with unsafe structures cases is exclusively a building official activity, as set forth in the Florida Building Code. In the past 10 years the Town of Surfside has not had an Unsafe Structures case.

Analysis: All costs are the responsibility of the Town of Surfside, whether the case is developed by the County or the Town of Surfside. Since there are no savings and there would be additional cost to the Town to manage each case, it's recommended that we do not assume the responsibility.

Budget Impact: None if we continue with the present arrangement and allow the County to provide this service.

Growth Impact: N/A

Staff Impact: N/A

Recommendation: It is recommended that the Surfside Town Commission instruct the Town Manager to continue to utilize Miami-Dade County to provide this service.

Department Head

Roger M. Carlton, Town Manager

RESOLUTION NO. 11- _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA DECLINING THE ESTABLISHMENT OF ADMINISTRATIVE PROCESSES TO ADDRESS UNSAFE STRUCTURES WITHIN MUNICIPAL BOUNDARIES AND TO CONTINUE TO PROCESS UNSAFE STRUCTURES THROUGH THE MIAMI-DADE COUNTY UNSAFE STRUCTURES BOARD AND PROCESSES PURSUANT TO SECTION 8-5 OF THE MIAMI-DADE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 8-5 of the Miami-Dade County Code, the Unsafe Structures Board and Unsafe Structures Appeal Panels has jurisdiction in the unincorporated areas of Miami-Dade County and within the municipalities; and

WHEREAS, the Town of Surfside declines to adopt an ordinance to establish its own administrative processes to address unsafe structures within its municipal boundaries, including a process for appeal of a decision from the Building Official that structures are unsafe; and

WHEREAS, it is in the best interest of the Town to continue to process unsafe structures through the Miami-Dade County Unsafe Structures Board pursuant to Section 8-5 of the Miami-Dade County Code.

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 continue to utilize the processes of the Miami-Dade County Unsafe Structures Board in accordance with Section 8-5 of the Code and to decline to establish independent town processes in accordance with the newly adopted exception to said code section.

Section 3. Direction to Town Clerk. The Town Clerk is hereby directed to send a certified copy of this Resolution to the Miami-Dade County Clerk.

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

Motion by Commissioner _____, Second by Commissioner _____.

PASSED AND ADOPTED this _____ day of _____, 2011

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. 11- _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA DECLINING THE ESTABLISHMENT OF ADMINISTRATIVE PROCESSES TO ADDRESS UNSAFE STRUCTURES WITHIN MUNICIPAL BOUNDARIES AND TO CONTINUE TO PROCESS UNSAFE STRUCTURES THROUGH THE MIAMI-DADE COUNTY UNSAFE STRUCTURES BOARD AND PROCESSES PURSUANT TO SECTION 8-5 OF THE MIAMI-DADE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the Town of Surfside declines to adopt an ordinance to establish its own administrative processes to address unsafe structures within its municipal boundaries, including a process for appeal of a decision from the Building Official that structures are unsafe; and

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

Motion by Commissioner _____, Second by Commissioner _____.

PASSED AND ADOPTED this _____ day of _____, 2011

FINAL VOTE ON ADOPTION

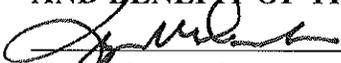
Commissioner Michael Karukin _____
Commissioner Edward Kopelman _____
Commissioner Marta Olchyk _____
Vice Mayor Joseph Graubart _____
Mayor Daniel Dietch _____

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

TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2010/2011
As of NOVEMBER 30, 2010
17% OF YEAR EXPIRED (BENCHMARK)

Agenda Item # 3D

Page 1 of 2

Agenda Date: February 8, 2011

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET	
GENERAL FUND				
REVENUE	\$911,227	\$8,769,081	10%	A
EXPENDITURES	\$846,984	\$8,769,081	10%	B
Net Change in Fund Balance	\$64,243			
Fund Balance-Beg. of Fiscal Year (unaudited)	\$3,081,807			
Fund Balance-November 30, 2010	<u>\$3,146,050</u>			
RESORT TAX				
REVENUE	\$8,144	\$123,010	7%	C
EXPENDITURES	\$10,867	\$123,010	9%	D
Net Change in Fund Balance	-\$2,723			
Fund Balance-Beg. of Fiscal Year (unaudited)	\$178,096			
Fund Balance-November 30, 2010	<u>\$175,373</u>			
POLICE FORFEITURE/CONFISCATION				
REVENUE	\$22	\$25,000	0%	E
USE OF RESTRICTED FUND BALANCE	N/A	\$20,000	N/A	
EXPENDITURES	\$7,547	\$45,000	17%	
Net Change in Fund Balance	(7,525)			
Fund Balance-Beg. of Fiscal Year (unaudited)	\$71,823			
Fund Balance-November 30, 2010	<u>\$64,298</u>			
TRANSPORTATION SURTAX				
REVENUE	\$12,682	\$175,100	7%	F
USE OF RESTRICTED FUND BALANCE	N/A	\$48,161	N/A	
EXPENDITURES	\$15,571	\$223,261	7%	
Net Change in Fund Balance	(2,889)			
Fund Balance-Beg. of Fiscal Year (unaudited)	\$416,500			
Fund Balance-November 30, 2010	<u>\$413,611</u>			
CAPITAL PROJECTS				
REVENUE (excluding Transfers)	\$180	\$139,660	0%	
USE OF COMMITTED FUND BALANCE	N/A	\$4,000,000	N/A	
EXPENDITURES	\$596,372	\$4,139,660	14%	
Net Change in Fund Balance	(596,192)			
Fund Balance-Beg. of Fiscal Year (unaudited)	\$4,888,357			
Fund Balance-November 30, 2010	<u>\$4,292,166</u>			

NOTES:

- A. Timing Difference - FY 2011 ad valorem property tax revenues are not remitted to the Town until mid-November. The actual revenues shown are primarily non-ad valorem.
- B. Timing Difference - Departmental discretionary purchases are ordered in Oct/Nov then paid in December.
- C. Timing Difference - Includes only Oct - the Nov resort taxes are collected starting in December.
- D. Timing Difference - Nov commencement of resort promotion activities paid in December.
- E. Timing Difference - Revenue received to date reflects interest income only.
- F. Timing Difference - Includes only Oct - the Nov CITT revenue is not received until late Feb 2011.

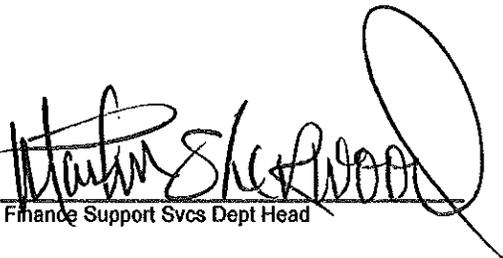
ENTERPRISE FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET
WATER & SEWER			
REVENUE	\$451,229	\$3,331,303	14%
USE OF NET ASSETS/LOAN PROCEEDS	N/A	\$8,138,300	N/A
EXPENDITURES	\$233,856	\$11,469,603	2%
Change in Net Assets*	\$217,372		
Unrestricted Net Assets-Oct 1 (unaudited)	\$440,000		
Unrestricted Net Assets-Nov 30, 2010	<u>\$657,372</u>		
MUNICIPAL PARKING			
REVENUE	\$59,369	\$305,600	19%
USE OF NET ASSETS	N/A	\$2,179,836	N/A
EXPENDITURES	\$35,950	\$2,485,436	1%
Change in Net Assets*	\$23,419		
Unrestricted Net Assets-Oct 1 (unaudited)	\$1,942,364		
Unrestricted Net Assets-Nov 30, 2010	<u>\$1,965,783</u>		
SOLID WASTE			
REVENUE	\$546,853	\$1,291,343	42%
EXPENDITURES	\$145,113	\$1,291,343	11%
Change in Net Assets*	\$401,740		
Unrestricted Net Assets-Oct 1 (unaudited)	\$77,312		
Unrestricted Net Assets-Nov 30, 2010	<u>\$479,051</u>		
STORMWATER			
REVENUE	\$83,993	\$487,000	17%
USE OF NET ASSETS/LOAN PROCEEDS	N/A	\$1,353,442	N/A
EXPENDITURES	\$31,726	\$1,840,442	2%
Change in Net Assets*	\$52,266		
Unrestricted Net Assets-Oct 1 (unaudited)	\$40,622		
Unrestricted Net Assets-Nov 30, 2010	<u>\$92,888</u>		

NOTES:(con't)

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

G. Underage due to delay in commencement of Infrastructure/Capital Outlay projects (\$8.1 mill for water/sewer, \$1.4 mill for stormwater, \$2.1 mill for parking)

H. Timing difference: Billing (and the resulting revenue) for the entire fiscal year pertaining to Residential (non-condominium) customers are recorded in October



 Finance Support Svcs Dept Head



 Town Manager



**Town of Surfside
Town Commission Meeting
February 8, 2011 - 7:00 p.m.**
Town Hall Commission Chambers - 9293 Harding Ave, 2nd Fl
Surfside, FL 33154

**AFTER ACTION ITEMS
"Points of Light"
(Correction item 3)**

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: The Florida League of Cities is still in the process of changing this program. It will now be the Municipal Achievement Awards and is still scheduled to be rolled out in February 2011 with an application deadline of May 2011. Staff will review the regulations and report to the Town Commission as soon as the application materials become available.

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 establishing the outline of the process and the members of the committee was accepted by the Town Commission on the January 18, 2011 agenda. The first meeting of the advisory committee is scheduled for February 15, 2011 at 7 p.m. in the Chambers. The meeting is open to the public and there will be a portion of the agenda for the public to speak.

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: The Town Commission approved the sale in the amount of ~~\$288,000~~ \$188,000 during the January 18, 2011 Town Commission meeting. Town Attorney Lynn Dannheisser is moving forward with the closing to be scheduling during March 2011. A recommendation regarding use of the proceeds will be made by the Town Manager after closing when the funds are in hand.

4. Vacant lot: Finance Director, Martin Sherwood and Building Official, Paul Gioia will order a new appraisal of the two pieces 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 will 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 verbal offer in the amount of \$296,500 was made and appeared to be accepted. A few days later, the owner got cold feet and stated that he would retain a real estate agent to market the property. Based on the owner's bad faith, a strategic lower offer was made

in the amount of \$278,710. Staff is still in discussions with the owner and the real estate agent has not been retained. We have also received an appraisal for the single family home located between 94th and 93rd on Harding and will soon make an offer. Further, we have made an offer for the two parcels located immediately south of Town Hall which are in foreclosure. All of the land acquisitions will be funded with parking fund reserves and the cost of all four parcels should be within the \$1.05 million set aside in the FY 10/11 budget. The Town Commission should be aware that all acquisitions are subject to your final approval.

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 the second joint meeting scheduled for December 9, 2010. The detailed changes to the code resulting from the joint meeting were presented to the Planning and Zoning Board during their January 27, 2011 meeting. The result was a deferral to the February 24, 2011 meeting in order to allow Staff time to answer questions presented by citizens and Board members at the Planning and Zoning meeting. The Planning and Zoning Board stated that they wanted to make their final recommendations to the Town commission in February.

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 second meeting of the Water/Sewer and Drainage Project Citizen Oversight Committee (Gerald Chenevert, Walter Lugo, Irving Levine, Jason Nevader, Marty Oppenheimer, Pete Hernandez, and Bertha Goldenberg) was held January 27, 2011 and a detailed presentation regarding the financing element of this project was made. The Town Commission approved five design orders during the January 18, 2011 meeting which will allow engineering completion of the project. There are a number of items related to the project appearing on the February 8, 2011 Town Commission meeting. These include a presentation regarding project financing by the Town financial advisor, Sergio Masvidal and the bond counsel, Jolinda Herring and a public meeting to discuss the partial project financing using the State of Florida Revolving Loan Fund. Staff and the consultants may use the public meeting as the vehicle to explain the entire project in a single session by reviewing what steps have already been approved by the Town Commission, what steps are currently being completed and what additional steps are necessary. Finally, there is an item on the February 8, 2011 Town Commission meeting approving a short list of prequalified contractors and authorizing the bid process to move forward.

We are also working with Bal Harbour to determine the feasibility of cooperating with the Village in the construction of a new sewer force main on Collins Ave from the Bal Harbour town limit to the northern limit of Miami Beach. A more detailed report on this will be made to the Town Commission in the near future.

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. The RFP is nearly complete and will be advertised by mid February. It is projected that the award will be recommended in the April Town Commission meeting.

8. 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:

Completed Milestones:

- Warning period January 1 -31, 2011 (two intersections live 88 and Harding, 88 and Collins)
- Press Release, Warning Period, Frequently Asked Questions, and How Red Light Cameras Work placed on website and in the Gazette
- Video of red light runners with resultant near miss or actual accidents placed on website police link
- Last three intersections (90, 93, 96 and Collins) went live on January 24, 2011
- Chief Allen appointed to Miami-Dade Chiefs of Police Association red light camera committee to review legal questions with Miami-Dade County court officials
- Citizen complaints of camera flash resolved by using strobe shields installed on cameras at 93 and Collins and 90 and Collins
- Enforcement (citation issuance) begins February 1, 2011 on all five cameras
- Chief Allen to attend legal issues conference on red light camera on February 3

Multi-Space Meters – Status Report

- Staff is responding to issues as they arise but overall the pay stations are performing very well
- Staff has ordered five (5) additional pay stations with a delivery date of mid February. The vendor has agreed to the same pricing as the first machines the Town purchased. The pay stations will be installed at the following locations:
 - 200 block of 95th Street (south side)
 - 9500 block of Abbott Avenue (3 machines) – these will serve the on street spaces as well as the West row of spaces in the lot
 - 9450 Collins Avenue (new parking lot)
- Staff has ordered a language software program for each machine at a onetime cost of \$340 per machine. The program will provide instructions in several languages including: English, Spanish and French
- The maintenance and collection service from LAZ Parking has not been satisfactory and we are working with the vendor to determine if improvements can be made rapidly. If not, Staff will determine the advisability of taking over the LAZ functions and make a recommendation to the Town Commission in March

9. 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: In a recent meeting with Bal Harbour Village Manager Al Trepedda, information was provided that this project is on hold until the land acquisition necessary seems more realistic. A public meeting to discuss the project has been scheduled by Bal Harbour for March 1, 2011 at 7 p.m. Staff will attend and all members of the Town Commission are invited to join.

10. 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.

Current Status: A meeting was held with Peter Glynn on January 10, 2011 and the provisions of a program were blocked out. A recommended ordinance will be presented in the March 8, 2011 Town Commission meeting.

11. 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 met in December 2010 to discuss potential linkages of their respective bus systems. The consensus was that a coordinated routing system would benefit all communities. A final report on the new system has been delayed due to the transition of leadership in Sunny Isles Beach which had agreed to accept the lead analytical role.

12. Water saving program: Town Manager, Roger Carlton instructed former 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: The program has been expanded to include other “green” issues. A report from the Town’s consultant, Calvin Giordano and Associates appears on this agenda.

13. Prepare a Five Year Financial Plan

Current Status: The Five Year Financial Plan appears on the February 8, 2011 Town Commission meeting agenda. Staff will move forward as directed by the Town Commission. Item completed, however, the process has just begun.

14. Study of Impact Fees

Current Status: Imposition of impact fees is being reviewed to estimate cost and funding of required studies. Based on the outcome of the combined Planning and Zoning/Town Commission meeting, it may be more appropriate to have the proposed Development Impact Committee negotiate the off-site improvements to be funded by significant developments.

15. 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 and a sewer force main. With the resignation of the Sunny Isles city manager the skate park item will be deferred for a brief time.

16. Community garden and farmers market

Current Status: The Tourist Bureau Director met with Miami-Dade County Office of Community Health and Planning on December 21, 2010. The county has received a Federal Stimulus Grant to initiate community gardens and farmers markets. Staff believes that Surfside could participate in the grant program. Further updates will be forthcoming as the Town works with the County on being included in their plan of action.

- On December 23, 2010 the Tourist Bureau Director met with The Green Market Management Company about the possibility of reinstating the Surfside Farmers Market. A proposal was received in mid-January. Possible tri-community sponsorship of the market with Bal Harbour and Bay Harbor Islands is being explored.

- Discussions ongoing with Farm Fresh Miami produce buying club about a possible Surfside branch. The club distributes fresh produce from area farms to a fee paying subscriber base. A visit and review of an existing program in Miami Beach was made on February 3, 2011. More information will be forthcoming.

- Met with the Director of Public Works regarding the possibility of turning one of the Town's Pump Station areas into a Community Garden. The site was reviewed. Two residents suggested by Mayor Dietch will be contacted for input regarding a Community Garden and Garden Club. More information will be forthcoming.

17. Explore broadcasting Channel 77 on ATT U-Verse

Current Status: Town Manager Roger Carlton met with AT&T officials to discuss bringing ATT U-verse to the Town. This will be a long process that may require more detailed discussion with the Town Commission in the future. Item completed until AT&T responds.

18. Feral cat and dog feces concerns

Current Status: A report will be provided to the Town Commission in the March 8, 2011 meeting. Staff did not have sufficient time to schedule meetings with appropriate groups on both issues before the February meeting.

19. Recycle containers for glass and aluminum in downtown and beach areas and used small battery containers at Town Hall

Current Status: 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 has reviewed the potential of a battery recycling container program. A report will be made on the battery recycling program on the February 8, 2011 Town Commission agenda.

20. Canine feces bag receptacles installation

Current Status: Duncan Tavares will coordinate the process to obtain sponsorships. Receptacles have been placed in Veterans Park at the 93rd Street entrance to the beach behind the Community Center. In the clean-up of the Public Works storage area by Acting Director John DiCenso, four additional new receptacles were found. These receptacles have been installed, two at the lift station at 93rd and Byron Avenue, and 89th and Dickens and one at the Hawthorne Tot lot. One more will be installed at a beach entrance to be determined.

21. 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 March 8, 2011 Town Commission meeting.

22. Mobility Study: This project is allocated \$75,000 in the FY 10/11 Budget

Current Status: Shelley Eichner and Sarah Sinatra of Calvin Giordano and Associates, will review and report in March 2011. The work will be awarded to the one of new engineering contractor(s) and should commence in Spring, 2011. The Mobility Study requirement came from Senate Bill 360. However, the Court found Senate Bill 360 unconstitutional. It is now going through the appeal process and all municipalities are waiting to hear the decision of the Appellate Court. If they uphold the decision that SB 360 is unconstitutional, then the Mobility Study will not be applicable.

23. Community Center Supporters “Buy a Brick” program

Current Status: A sample brick was shown to the Town Commission during the December 14, 2010 meeting. Residents Cheryl Arnold and Pamela Behar agreed to volunteer to head up this program with Commissioner Karukin as the Town Commission liaison. We are behind on this program and the volunteer committee will redouble its efforts to ensure that the bricks are funded and installed before the May 15, 2011 proposed opening date. Commissioner Michael Karukin has expressed concern that the \$250 proposed cost per brick is too high. There is more to follow subsequent to a meeting Commissioner Karukin will work with the volunteers.

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:

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

Current Status: This will be analyzed in the Five Year Financial Plan and recommendations will be made. The Plan appears on the February 8, 2011 Town Commission agenda in draft form.

25. Complete open permit closeout in the Building Department

Current Status: Owners have been notified and closeout effort is underway. Approximately 45 percent of the open permits have been closed out by the Building Department.

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

Current Status: Report provided by Town Attorney Lynn Dannheisser during the December 14, 2010 Town Commission meeting. Item completed.

27. 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. Item completed.

28. Tourist Resort Tax Auditor program received a \$6000 allocation in the FY 10/11 Budget

Current Status: After consulting with the Finance Director and the Town's Audit firm, three proposals will be sought the beginning of February for an 'Agreed Upon Procedure Audit' to commence as soon as possible.

29. 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.

30. 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. The interior project will be accomplished on weekends and weekday evenings. The exterior painting is nearly completed with a slight delay to seal the planter on 93rd Street. The cost has been increased by approximately \$5600 to completely clean and paint the Public Works/Motor Pool area after significant rust was found on roof trusses and other areas.

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

Current Status: Commissioner Olchyk requested the Town Manager to review the frequency of solid waste collection on the December 14, 2011 agenda. A report appears on the February 8, 2011 Town Commission agenda and a more detailed review of service levels will be incorporated in the FY 11/12 Budget development process.

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

Current Status: Due to more pressing procurement items, (VOIP, Maranon property and expiration of photocopier lease) this project has been delayed until Summer 2011.

33. Bike Racks/Bus Benches/Shelters

Current Status: Town Manager Roger Carlton and Parks and Recreation Director Tim Milian have met to discuss the development of a comprehensive bicycle program for Surfside. We also have the bus benches and shelters on our horizon and will report on all three amenities within 90 days.

34. Whitefly

Current Status: An inspection of Surfside was conducted on January 7, 2011 with the Commercial Urban Horticulture agent for Miami-Dade. The Vice Mayor attended. The determination: Surfside presently does not have whitefly but will in the near future. Public Works Director Bill Evans is including an inspection and treatment clause in the Town's landscaping RFP. He will also bring a resolution regarding infested plants on private property before the Town Commission in April.

35. Library Assets

Current Status: On Saturday January 22, 2011, Beach High Community Service Volunteer Students and the Boy Scouts helped pack 400 boxes of books earmarked for Miami Dade Library and Goodwill. These were distributed on February 2, 2011.

- January 26, 2011 the six pods of stored Library books were loaded onto a Better World Books truck and the contract with Neighbors Storage in Pompano Beach was terminated.
- Library shelving units were dismantled the week of January 31, 2011
- The Library Modular is set for removal the week of February 22, 2011

36. Set a "Meet the Town Manager" date

Current Status: The Mayor and Dana Kulvin are working to find a date for this event.

37. FAQ's related to what a resident can expect during a permit inspection

Current Status: A draft is being prepared by Paul Gioia.

38. Clean up/update/enhance Town Website content

Current Status: Calvin Giordano and Associates has been given direction to clean up old information. The Communication Committee is working on the larger issue of improving the site and will most likely recommend a new RFP to procure web content/web management services.

39. Future of independent Employee Holiday Fund

Current Status: Town Manager Roger Carlton met with Julia Magnani on January 21, 2011 to discuss alternative methods to reward Town Employees during the holiday season. A number of items were discussed. A report will follow within 60 days.

40. Status of Surfside's Santa Claus (currently at the Log Cabin Nursery)

Current Status: Investigation completed. The Town Commission approved "loaning" the Santa Claus to the Log Cabin Nursery. The Town Manager recommends that the loan become permanent and if funds become available, we update our holiday decorations.

41. Explore development of local preference provision in service-related solicitations

Current Status: There is already a procedure in place which will be reinforced. Town Clerk/Procurement Director Debbie Eastman will be responsible to ensure that this requirement is met whenever practical.

42. Respond to inquiry related to the history of Surfside's volunteer fire department

Current Status: See attached research regarding the Volunteer Fire Department. Item completed.

43. Electric car charging stations

Current Status: Staff has obtained the City of Sunny Isles Beach RFP and will meet with the selected vendor to determine if we should use the Sunny Isles Beach contract. A report will be presented in the March 8, 2011 Town Commission meeting.

Additional Points of Light added in February:

44. Crossing Barrier at 96th and Harding

Current Status: Surfside and Bal Harbour have joined in opposition to the lack of a crosswalk at the south side of the intersection. Meetings have been held with FDOT District Engineer Gus Pego and the issue has been sent back for further study.

45. Crossing Safely at 93rd and Collins/Harding

Current Status: Assistant Chief of Police John DiCenso, Public Works Director Bill Evans and Town Manager Roger Carlton met with FDOT pedestrian safety coordinator Carlos Sarmento to seek an immediate pedestrian safety upgrade to the two intersections prior to opening of the Community Center. The request was well received and a project is being planned.

The following items have been completed. Items have been deleted from the February 2011 Points of Light.

8. Part time Maintenance Worker: Human Resources Coordinator, Yamileth 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 and the beach.

Current Status: This item has been completed and this work provided by the employee is excellent.

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

Current Status: A report was presented on the January 18, 2011 Town Commission meeting agenda. Staff will move forward with various elements of the performance measurement improvement program and report as appropriate. Item completed.

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

Current Status: A report appeared on the January 18, 2011 Town Commission meeting agenda. Staff was directed to move forward with the eCivis grant search engine and retain grant writing assistance when feasible. Item completed.

18. Install on-line utility payment system

Current Status: A report appeared on the January 18, 2011 Town Commission meeting agenda and was accepted. Staff will move forward as directed. Item completed.

20. Pension audits

Current Status: Audits for FY 08/09 were distributed to Town Commission. Audits for FY 09/10 have been completed by Alyce Jones, CPA and a Valuation Report (determines the Town's contribution to the Pension Plan) and were accepted at the January 27, 2011 Pension Board meeting. These audit and valuation report will be presented to the Town Commission in the near future with the goal of creating greater knowledge of how the Town and employees costs are determined. Item completed.

24. First reading of Commercial Vehicle Restricted Parking Ordinance

Current Status: The Town Commission adopted the ordinance on second reading during the January 18, 2011 Town commission meeting. The Town manger has met with the Police Chief and Assistant Police Chief regarding implementation and a report will be provided in the near future. Item completed.

25. Keep America Beautiful

Current Status: A resolution was adopted by the Town Commission in December, 2010. The Parks and Recreation Director presented the program at the January 11, 2011 meeting of the Beautification Committee. The Beautification Committee endorsed the program. Staff will now move forward to implement the program (Keep Surfside Beautiful). Item completed.

27. Baynanza – yearly event in need of new chairperson

Current Status: A volunteer Chairperson has been found for this year's Baynanza to be held on Saturday, April 16, 2011 from 9:00 - Noon. The Chairperson is Surfside Resident and Beautification Committee Member Adam Markow. Item completed.

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

Current Status: Based on the Federal Housing Agency's position negative to this type of financing, staff will monitor any revision of their position before any further pursuit of this concept. Item completed.

35. Parking Study

Current Status: The Town Manager recommended \$22,500 per space and the Town Commission adopted the recommendation in the December 14, 2011 meeting. Item completed.

36. Review property and casualty insurance coverage

Current Status: Finance Director Marty Sherwood and Town Manager Roger Carlton met with and requested price quotations from the Florida League of Cities program to increase coverage levels. Staff will ensure that adequate coverage levels are provided for all facilities. Item completed.

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

Current Status: Town Clerk Debra Eastman and Town Manager Roger Carlton have reviewed 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. Item completed until bid award comes back to the Town Commission.

46. Illegal right turns on red – Harding Ave

Current Status: Three No Right Turn on Red signs in the center of 95th, 94th and 93rd streets have been installed and the problem has been greatly reduced. Item completed.

48. Florida National Guard Statement of Support

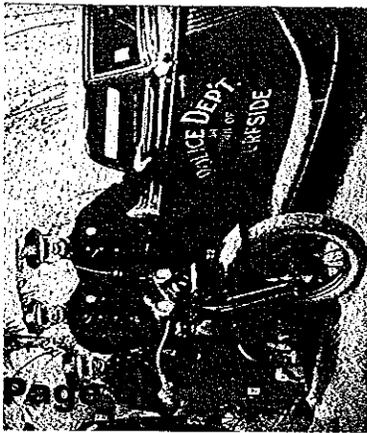
Current Status: Postponed from the December Commission agenda. This item appeared on the January 18, 2011 Town Commission meeting agenda. Item completed.

49. National Day of Service (MLK Jr. Birthday Public Holiday)

Current Status: The Police Department utilized their Senior Assistance Program database to produce a list of projects to help the Town's seniors. The students from Ruth K Broad K-8 Center will complete the tasks through the coordination of residents Richard Jacobacci and Dana Kulvin, Ruth K Broad K-8 Center PTA Chair. The Tourist Bureau Director will work with the Parks and Recreation Director on integrating an annual event on this date into the America the Beautiful initiative. Item completed.

54. Status of distribution of Ruth K. Broad K-8 Center District Boundary Resolution

Current Status: Debbie Eastman has sent out all required copies. Item completed.



Stalwart and true were the boys in blue—circa 1935 Surfside's police force included 4 men, a motorcycle, and a souped-up convertible.

The Men Who Guard Our Town

The Police Department

Safeguarding life and property of the townspeople of Surfside is a first-rate police force, led by Chief Andrew Murcia, Jr., a retired Lieutenant of the New York City police department.

Organized originally by Alfred Barton, one of the Town's founders 25 years ago, the Surfside police force has increased in number from three in 1935 when the municipality was chartered to a complement today of 14, including Chief Murcia, three sergeants, nine patrolmen and one parking meter supervisor.

Barton relinquished the chief's post in 1938 when Frank Hackett was appointed. Hackett, formerly with the police department of Washington, D. C. held the position until 1954 when he retired and was succeeded by Murcia.

Chief Murcia served as a criminal investigator and Deputy Sheriff with the Dade Sheriff's department for a number of years and is a member of the International Chiefs of Police and Dade County Chiefs Association and of the Police Benevolent Association.

Serving with him in the department are Sergeants William F. Terry, Wiley B. Barefoot and George Curti and Patrolmen Alfred Mayo, Willis Riggs, Warren A. Dalrymple, James Armstrong, Kenneth Gusha, Michael Stabika, Morton Arno, Joseph Daziel and John Oakley, and the supervisor of parking meters, Norma Fay Johnson. Two radio-equipped patrol cars are on duty in Surfside around-the-clock.

The Fire Department

The Surfside Fire Department, organized in 1954, boasts of one of the finest records in fire prevention of any South Florida community.

Consisting of a complement of regulars, including Chief Peter Nilsen, Lt. Vincent F. Shea and Fireman Raymond F. Dierich, and backed up by an effective and skilled team of 39 volunteers, the Surfside Fire Department has an enviable six-year record of being called upon to bring under control only three major blazes within the Town's boundaries, testifying to the effectiveness of fire prevention education.

With the establishment of the regular Fire House Station and the acquisition of fire-fighting apparatus including a Sea-grave pumper the same year, the municipality's fire insurance rate was cut in half effecting a general saving for the community of an estimated \$50,000 annually.

Chief Nilsen is a veteran Miami firefighter serving with the City of Miami Fire Department for 28 years. He also instructed at the Miami Fire College for eight years. He is past president of the Dade County Fire Chiefs' Association, the City of Miami Retired Employees Association and Miami Quarter Century Club.

He and his wife, Elizabeth, and son, Norman, live in Miami.

The Volunteer Fire Department

Remember the old-fashioned volunteer fire department of yesteryear?

It plays as integral a part of community life in Surfside today as a daily constitutional along any of the Town's busy thoroughfares.

Surfside's volunteer fire fighting force in reality is a highly trained and readily prepared group of 39 distinguished citizens whose ranks include lawyers, bankers, doctors, contractors, merchants, etc.

Drills for the entire group are held every second and fourth Monday night of the month. A force of at least six volunteers is on call every night for standby duty in case of emergency.

The volunteers also contribute to community life in other fields and list among their pet projects help to the local Boy Scout troops and Muscular Dystrophy Association, and spearheading observance of Fire Prevention Week.

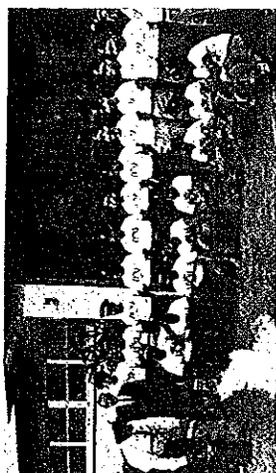
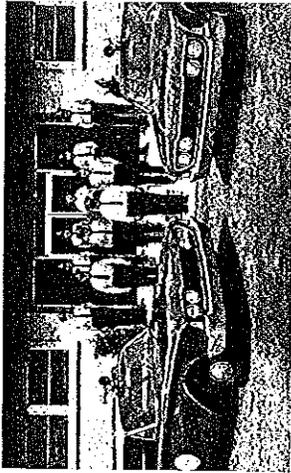
Heading the volunteer force is Chief Alvin Schlesinger, assisted by Deputy Chief Martin Kurzwel, Captains Howard Betz and Robert Bloch, Lieutenants Sam Berger and Sidney Friedman, Secretary George Valentine and Chief-of-Training Frank Nankin, J. E. Barber, Jack Elich and John Fontana.

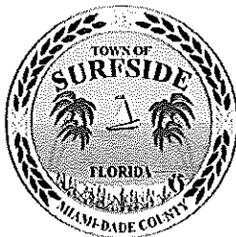
And, if there is any doubt as to the seriousness of the task at hand, the volunteers have responded to emergency and fire calls each month since organizing in 1954.

Top photo (l. to r., top row) are Patrolmen Morton Arno, Michael Stabika, Willis Riggs, parking meter supervisor Norma Johnson, Patrolmen Kenneth Gusha and Joseph Daziel; (second row) Sergeants Wiley Barefoot, William Terry and George Curti and in the foreground (center) Captain Andrew Murcia, Jr.

Middle picture, above, (l. to r.) are Fire Chief Peter Nilsen, Capt. Sam W. Richmond, Lt. Vincent F. Shea and Fireman Raymond Dierich.

Pictured (l. to r., standing) are Fire Chief Peter Nilsen, Mayor Irving Schulman, Joe Rich, Mel Levin, Lt. Sidney Friedman, Sampson D. Winn, Rauben Pfefferman, K. A. Wolf, Bernard Joyce, Lt. Sam Berger, Frank Nankin, Capt. Robert Bloch, Julius Goldberg and Jack Elich, kneeling (l. to r.) includes volunteer chief Alvin Schlesinger, H. R. Coopman, Eugenio Beck, Dr. Saul Purcell, Judge Louis Stallman, David Davis, J. E. Barber and John Fontana. Not pictured are Capt. Howard Betz, M. Beckerman, Bernard Edelstein, Norman Epstein, George Valentine, Joe Hecht, Arthur Kahn, Martin Kurzwel, Sidney Lobbvitz, Bob Mendelson, W. Oppenheimer, Jack Patimen, Benjamin Patrick, Alton Seavey, Larry Justin and Myron Zeisant.





TOWN OF SURFSIDE
Office of the Town Attorney

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser
Town Attorney

Telephone: 305 993-1065

MEMORANDUM

TO: Town Commission

FROM: Lynn M. Dannheisser, Town Attorney *[Signature]*

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

DATE: February 8, 2011

SUBJECT: Town Attorney Monthly Update for February, 2011

This report has been detained so that I could attach copies of the Motion to Dismiss and Motion to Srike filed in the Young Israel litigation described in more detail below.

The following Ordinances and Resolutions have been prepared (and/or reviewed and researched) or other advice rendered regarding the issues contained in them. In the case where agreements are attached, those contracts have also been drafted and/or reviewed and revised this month:

Ordinances:

1. Boat Parking
2. Outside Employment
3. Curb Cuts

Resolutions:

1. Unsafe Structures
2. Copier Lease
3. Pre Qualified Contractors For The Infrastructure Rehabilitation Project
4. Facilities Plan

Planning & Zoning Board:

The Town Attorney has met with the Town Manager and Planners for follow-up to address issues relating to the Special Commission Meeting held Jointly with the Design Review Board on December 9, 2010. The Joint Committee voted to accept the recommendations of the Joint Report as amended to include the consideration of parking and/or accessory uses to be included in H-30C.

The amendatory legislation has been researched and prepared by the Planners and this Office and was reviewed by the Planning and Zoning Board at the January 27, 2011 meeting. The Board Members will send their additional comments on the Joint Meeting Results Memo to the Town Attorney for her review and analysis, and she will provide feedback at the February 24, 2011 Planning and Zoning Meeting. The January 27, 2011 Planning and Zoning meeting included the following items on the agenda:

DRB

1. 9072 Froude Avenue – Carport Enclosure
2. 9200 Bay Drive – Solar Panel
3. 9450 Collins Avenue – Town Parking Lot

P & Z sitting as the LPA

1. Boat Parking (Board modified the boat ordinance)
2. Joint Meeting Results

P & Z discussion items

1. Solar Panel Zoning Requirements

This Office continues to work with the Town Manager regarding creation of improvements to the overall vision of the Town including downtown planning, streetscape issues and the like. Research is underway relating to regulations on solar collectors and panels.

Meetings have been held with planners, the Town Manager, the property owners and their counsel regarding resolution of outstanding issues related to the proposed hotel for 9200 Collins Avenue.

Work has also been done relative to the pending sale of the Beach House property and other oceanfront properties.

The sign application for the psychic consultation business has been recently submitted for review and comment by the planners and attorney and will be prepared for hearing at the DRB in February.

Building Department/Code Enforcement:

The Town Attorney continues to work with the Building Official relating to historic preservation issues, issuance of zoning permits under the current zoning code, parking lot requirements, monitor lien issues violations, continues to give advice and handle calls from staff and residents relative to Community Center issues, boat storage and the feral cat concerns.

Personnel Appeals Board (“PAB”):

Continuing monitoring meetings, call and advice relative to the investigation arising from the appeal of termination of Jose J. Perea.

Human Resources Department:

The Town Attorney has worked with the Town Manager and Human Resource director on several issues relating to Town personnel and policies and procedures.

Finance Department:

Review and analysis of facilities improvement funding and Financial Advisor Contract/ supporting documents.

Police Department: strategize, analyze and review with Police various issues including: Red light camera video screening and monitoring of new litigation resulting from enforcement and privacy issues related to surveillance and publication of same

Public Works:

Assist and advise new Public Works Director on any new issues.

Parks and Recreation:

Analysis of liability for beach clean-up and issue of waiver.

Tourist Bureau:

Analysis and advice re Tourist Bureau Downtown Development issues.
Review contract for library modular.

Community Center:

Review issues relative to Community Center and construction requirements.

Special Matters:

Analysis and continued research of historic preservation tax issue.
Parking Trust Fund; review of other cities handling of this issue
Closing of Library
Hatzalah
Advice relative to Maranon property closing which shall occur on or about March 14th
Land Acquisition of Two Parcels Immediately South of Town Hall
Potential Acquisition of 9333 and Harding Avenue Property
Surfside Beach Dune Maintenance
Sustainability Initiatives
Five Year Financial Forecast

Litigation:

John Davis v. Town of Surfside Case No. 07-17286 CA 08, Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. This case has been consolidated with a previous case filed by a former sergeant in the Town's police department. Settlement discussions have been unfruitful. The Town has recently filed a Motion to Consolidate both cases for trial and this has been set for hearing. The Court had ordered consolidation of both cases for purposes of discovery only. The Town believes it is unnecessary to incur additional legal fees and costs in defending two separate trials when the same legal issues will be determined in both cases. The Non-Jury Trial has been scheduled for March 14, 2011. Trial preparation is ongoing. Exhibit and witness lists have been filed by Davis' lawyers.

Candy Miller v Surfside Case No. 10- 49676 filed in Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. This case alleges the Town has prohibited Candy Miller from operating a business and revoked her occupation license for failure to disclose her occupation engaging in astrological consultation, tarot card reading, psychic reading and palmistry. Per the Settlement Agreement approved at the November 9, 2010 Commission meeting, we have amended 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. Ms. Miller's business application has been approved, her business tax receipt has been issued and she has submitted a sign application for approval before the design review board which will be heard at the February 24, 2011 Planning and Zoning meeting. Per the Settlement Agreement, Plaintiff filed a Notice of Dismissal. We have also been dealing with enforcement issues that are now resolved.

Young Israel of Bal Harbour, Inc. v. Town of Surfside Civil Action No. 1:10-cv-24392 in the United States District Court for the Southern District of Florida. On December 10, 2010, Young Israel served a complaint alleging the Town Zoning Code imposes a substantial burden on Young Israel in violation of the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA). Young Israel asks the Court to grant the following: a preliminary and permanent injunction against the Town and to enjoin the Town from taking any action to prevent, hinder or interfere in any manner with construction of the proposed synagogue; a permanent injunction ordering the Town to adopt amendments to the Town Zoning Code and to issue permits and licenses as are necessary to permit construction of the proposed synagogue; a judgment for \$5,000,000 plus interest and costs for actual and punitive damages; a judgment for attorney's fees; and any further relief the Court deems just and proper.

Recently, we requested and received approval for coverage by The Florida League of Cities. The League has approved counsel to assist in the defense of this case. A Motion to Strike and Motion to Dismiss have been filed and is attached to this report. On Tuesday, February 15, 2011 at 5:30 p.m. the Town Attorney and outside counsel will meet in a special executive (Attorney-Client) Session to discuss litigation strategy.

Hapuarachchi v Surfside Miami -Dade Case No. (F98-450) Hapuarachchi filed for a re-hearing of the Court's order denying her motion for return of property. The Court refused to re-hear the motion unless she pays the fee to reopen the underlying case before the Court will consider her most recent Motion.

Florida League of City Cases:

We monitor, coordinate witnesses and assist with requests for discovery with League counsel on cases that are covered by the FMIT. In addition to Young Israel (see above), we assist counsel with the following FMIT cases:

Warren Blum v. Town of Surfside Case No. 02-19134 CA 08

This action commenced in 2001 against the Town, former Town Manager, Rodriquez and former Police Chief, Boemler. Blum, a former police officer alleges breach of contract, violation of policeman's bill of rights and fraud in the inducement. A Motion for Continuance has been filed and we await a new trial order. Pursuant to the FMIT policy, the Town is responsible for only the \$5,000 deductible. FMLA counsel and the Town Attorney's office have been in frequent contact to discuss this matter and as of this date, no settlement has been reached.

Dina Agin v. Town of Surfside Case No. 07-41974 CA 30

Dina Agin filed a complaint seeking damages for injuries allegedly arising from a trip and fall accident due to a defective condition on the property/premises/sidewalk near the corner of 96th Street and Bay Drive in the Town of Surfside. League counsel has informed our office that a motion for summary judgment is scheduled for March 3, 2011, and the Town has filed a motion for attorney's fees against FDOT.

Piedad Uejbe and Americo Wehbe:

Claims by Piedad Uejbe and Americo Wehbe are filed pursuant to Florida Statute 768.28. These claims are currently under pre-suit investigation by the Florida League of Cities in accordance with the Town's insurance policy and subject to the attorney-client privilege. It appears the primary allegations in the claims arise from an arrest of both Claimants by the Surfside Police Department on September 27, 2007. This office worked with the Police Department and Florida League of Cities to sort out the facts. The Florida League investigated this matter and determined there was no liability on the Town or any of the officers, and the League stated there was probable cause for the arrest.

Research Issues:

Outside Employment

Municipal regulation of solar collector panels

Charter School Land Use Regulations

PILOT (Payment in lieu of taxes)

Continued monitoring of legislation out of Tallahassee and Miami Dade County.

The December/January outside counsel invoices are attached per the Vice Mayor's request.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:10-CV-24392-JORDAN/McALILEY

YOUNG ISRAEL OF BAL HARBOUR,
INC.,

Plaintiff,

v.

TOWN OF SURFSIDE,

Defendant.

DEFENDANT, TOWN OF SURFSIDE'S, CORRECTED MOTION TO
DISMISS AND INCORPORATED MEMORANDUM OF LAW

Defendant, TOWN OF SURFSIDE ("Town"), by and through its undersigned attorneys and pursuant to Rule 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, moves for the entry of an Order dismissing the Complaint filed by Plaintiff, YOUNG ISRAEL OF BAL HARBOUR, INC. ("Young Israel"), as follows:

I. INTRODUCTION

The Complaint asks the Court to find that the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §§ 2000cc, et seq. ("RLUIPA"), and its Florida counterpart, the Florida Religious Freedom Restoration Act, § 761.01, et seq. Fla. Stat. ("FRFRA"), affirmatively require the Town to exempt Young Israel from its facially-neutral and consistently-applied land use standards and treat Young Israel in a special manner.

Since before 2004, Young Israel has successfully operated as a synagogue and conducted its religious services in a space occupying about 2,164 square feet on the second floor of a commercial building in the Town's business district. In 2008, Young Israel purchased the subject property located solely within a "residential" zoning district. Under the existing residential zoning, Young Israel concedes it has the right to use the subject property for its religious worship so long as it complies with the zoning restrictions applicable to every other parcel within this "residential" zoning district. DE 1 at ¶ 12. Instead of complying with the Town's existing restrictions, Young Israel now seeks to build an oversized structure (23,242 square feet) (hereinafter the "Proposed Structure") and to avoid compliance with the residential zoning restrictions (relating, without limitation, to the height of the building, the number of required parking spaces, and the set-back requirements) which the

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Town has uniformly and consistently applied to all parcels of real property within this same zoning district.

As part of that effort, Young Israel has requested that the Town change its Code of Municipal Ordinances (“the Code”). Among other requests, Young Israel has requested that the Town change the zoning of the residentially-zoned real property at issue (“the Property”), amend the Town’s Comprehensive Future Land Use Map, and amend various provisions of the Code relating to setbacks, building height, parking, and places of public assembly. When the Town failed to approve some of these extraordinary measures, Young Israel ignored the prescribed methods of seeking review and, instead, filed this lawsuit.

It is fundamental that RLUIPA does not amount to immunity from local land use regulation. Just like any other land user, religious institutions are required to apply for special exemptions, to file complete applications, and to follow existing zoning requirements. This reasonable approach is consistent with its legislative intent:

This Act does not provide religious institutions with immunity from land use regulations, nor does it relieve religious institutions from applying for variances, special permits or exceptions, hardship approval, or other relief provisions in land use regulations, where available without discrimination or unfair delay.

146 Cong. Rec. S7776 (2000).

In Primera Iglesia Bautista Hispana of Boca Raton, Inc. v. Broward County, 450 F.3d 1295, 1313 (11th Cir. 2006), Circuit Judge Marcus also emphasized that claims seeking religious favoritism will not be tolerated: “The bottom line, fatal for Primera’s statutory claim, is that RLUIPA’s Equal Terms provision requires equal treatment, not special treatment.” (emphasis added). In addressing a situation similar to the claims here, the Eleventh Circuit specifically noted that RLUIPA does not protect religious institutions from typical zoning restrictions like those at issue here:

In addition to these burdens, the congregations suggest that they will not be able to find land or a facility sizable enough to accommodate their congregations in the permitted RD-1 district. That the congregations may be unable to find suitable alternative space does not create a substantial burden within the meaning of RLUIPA. As the Seventh Circuit noted, “whatever specific difficulties [the plaintiff church] claims to have encountered, they are the same ones that face all [land users], not

merely churches. The harsh reality of the marketplace sometimes dictates that certain facilities are not available to those who desire them.” Love Church v. City of Evanston, 896 F.2d 1082, 1086 (7th Cir. 1990).

The congregations also contend that the burden of requiring them to apply for a CUP constitutes a substantial burden on religious exercise. Requiring churches and synagogues to apply for CUPs allows the zoning commission to consider factors such as size, congruity with existing uses, and availability of parking. We have found that such reasonable “run of the mill” zoning considerations do not constitute substantial burdens on religious exercise.

Midrash Sephardi, Inc. v. Town of Surfside, 366 F.3d 1214, 1227, n11 (11th Cir 2004).

As a preliminary matter, the Complaint suffers from several procedural and substantive defects which deprive Young Israel of standing and the Court of subject matter jurisdiction. Procedurally, (1) the RLUIPA claims are not ripe for judicial review, (2) Young Israel has failed to exhaust its administrative remedies, and (3) Young Israel lacks standing. Substantively, the Complaint fails to state a claim upon which relief may be granted under RLUIPA, FRFRA, or section 43 U.S.C. 1983. In particular, Young Israel’s “substantial burden” claims in Counts I and IV are facially improper based upon the application of the Eleventh Circuit’s analysis in Midrash. Young Israel’s “equal terms” claims in Counts II and IV only establish conduct on the part of the Town to enforce its facially-neutral and consistently-applied land use standards to a specific proposed structure, and not conduct which subjected Young Israel to “unequal treatment” as required in Primera Iglesia, 450 F.3d at 1304. Finally, Young Israel’s First Amendment claim in Count III fails to allege the deprivation of a federally protected right by a final policy maker. Because the Complaint is facially defective, it should be dismissed.

II. BACKGROUND

A. The History

1. Surfside is a small coastal town north of the City of Miami Beach and south of Bal Harbour. DE 1 at ¶ 9. It comprises roughly one square mile.

2. Young Israel is a Florida non-profit corporation that was incorporated on February 26, 1999, “to conduct a synagogue in strict accordance with the Orthodox Halachic interpretation of Judaism.” DE 1 at ¶¶ 1, 13.

3. Because Young Israel believed it had outgrown its current location, it determined that it “must move and should construct a synagogue building.” DE 1 at ¶¶ 14, 16 (emphasis added).

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4. In December 2008, Young Israel purchased a parcel of real estate within the Town located on 96th Street between Abbott Avenue and Byron Avenue (“Property”).¹ DE 1 at ¶¶ 17, 25.

5. The Property is designated on the Comprehensive Future Land Use Map as “low density residential,” and it is zoned residential, or H30B. DE 1 at 27; DE 1-6 at 2; SURFSIDE, FLA., CODE § 90-41.²

6. “Places of public assembly,” whether religious or secular, including “places of worship” are permitted in the “low density residential” and H30B districts pursuant to Ordinance Number 07-1479. See DE 1, Ex. at 3; SURFSIDE, FLA., CODE §§ 90-2, 90-41.

7. Despite inclusion within the area designated for “public places of assembly,” any property so designated must comply with the zoning restrictions (such as the height, setback, and parking restrictions) applicable to the underlying residential zoning district in which the Property is located. See SURFSIDE, FLA., ORD. NO. 2007-1479, § 90-245.

8. The maximum height for any structure in the “low density residential” designation (and the H30B district) is 30 feet. DE 1-6 at 2; SURFSIDE, FLA., CODE § 90-39.1.

9. Young Israel’s Proposed Structure would seat 371 people, be 40 feet in height, and include, among other features, a “social hall” on the third level. DE 1 at ¶ 3; DE 1-4 at 6.

10. To construct the Proposed Structure on the subject Property in the manner requested by Young Israel, at least four material changes to the Code must be implemented, including:

- a. An amendment to the Property’s designation on the Comprehensive Future Land Use Map from “low density residential” to “general retail/services.” DE 1 at 27; DE 1-6 at 2;
- b. A rezoning of the Property from the H30B residential zoning district to the

¹ Young Israel had identified the Property as early as 2005, and it entered into a conditional contract to buy it in 2006. DE 1 at ¶¶ 17, 19. The initial purchase contract was conditioned on re-zoning of the Property or issuance of special use permit or variance for the Property that would “permit construction of improvements on the Real Property for use of a synagogue acceptable to [the Plaintiff] in its sole and absolute discretion.” DE 1 at ¶ 19. However, when Young Israel completed its purchase in December 2008, it did so without having obtained a special use permit or variance for the Proposed Structure. DE 1 at ¶ 25.

² The Town’s Code may be found at Municode.com. For ease of reference, the relevant portions of the zoning regulations are attached hereto as **Exhibit A**.

SD-B40 commercial zoning district to allow, among other things, the construction of a 40 feet high structure.³ See Ex. A; SURFSIDE, FLA., CODE § 90-41;

c. An amendment to the SD-B40 commercial zoning district so that the first floor prohibition on “places of assembly” would not apply to a single purpose building outside of the traditional downtown area.⁴ See DE 1 at ¶ 30;

d. An amendment to the Town’s “Landscape Ordinance” to reduce the required setback for buildings in the SD-B40 commercial zoning district. See DE 1 at ¶ 33.

11. Applications for amendments to the Comprehensive Future Land Use Map and for rezonings are adjudicated through the same procedures as required by ordinance adoptions. SURFSIDE, FLA., CODE § 90-35(7)

12. Young Israel’s application for the amendment to the Comprehensive Future Land Use Map was removed from the agenda for the January 2010 meeting of the Town’s Planning and Zoning Board. DE 1 at ¶¶ 27-28. Young Israel does not allege that its application for the amendment to the Comprehensive Future Land Use Map was ever denied by the Town. See DE 1.

13. On May 10, 2010, the Town voted to reject a proposed Landscape Ordinance that would have reduced the setback requirements in the SD-B40 commercial zoning district . DE 1 at 33.

14. On May 11, 2010, the Town voted to reject a proposed amendment to the SD-B40 commercial zoning district which would have provided an exception to the first floor prohibition. DE 1 at ¶ 30.

³ A reclassification on the Comprehensive Future Land Use Map and a rezoning of the Property are necessary because, among other reasons, the Town Charter provides that the density, intensity, and height of structures in the Comprehensive Future Land Use Map and the Code are only subject to change by being placed on the ballot at a regularly scheduled election of the Town and approved by a vote of the electors of the Town. SURFSIDE, FLA., CHARTER § 4; CODE § 90-36.1(2)(b).

⁴ Currently in the SD-B40 commercial zoning district, “places of worship” are only permitted on the second floor or higher. DE 1 at ¶ 12; SURFSIDE, FLA., ORD. NO. 07-1479. For ease of reference, this requirement is known as the “first floor prohibition.” Young Israel’s current facility complies with the first floor prohibition.

B. The Relief Provision In the Code

15. Prior to Young Israel's application, the Town adopted a specific administrative procedure for individuals and entities that believe a zoning or land use decision rendered by the Town violated rights protected by RLUIPA or by FRFRA. SURFSIDE, FLA., CODE § 90-99 (hereinafter referred to as the "Religious Relief Procedure").

16. A person, including a religious assembly or institution, may request relief under the Religious Relief Procedure in writing by completing a religious land use relief request form. SURFSIDE, FLA., CODE § 90-99(1).

17. Under the Religious Relief Procedure, the Town Commission has the authority to consider and act on requests for reasonable relief including the power to (1) grant the relief requested, (2) grant a portion of the request and deny a portion of the request, and/or impose conditions upon the grant of the request, or (3) deny the request, in accordance with federal law. SURFSIDE, FLA., CODE § 90-99(2).

18. The Town does not impose any fees in connection with a request for reasonable relief under the Religious Relief Procedure. SURFSIDE, FLA., CODE § 90-99(5).

19. Young Israel did not utilize the Religious Relief Procedure. DE 1 at ¶ 35.

III. ANALYSIS

A. The Complaint Fails to Present a Justiciable Claim

A party asserting federal jurisdiction must carry the burden of satisfying the case-or-controversy requirement of Article III of the United States Constitution. DaimlerChrysler Corp. v. Cuno, 126 S. Ct. 1854, 1861 (2006). Both ripeness and standing are derived from the case-or-controversy requirement. Midrash, 366 F.3d at 1223 (11th Cir. 2004); Fla. Assoc. of Rehab. Facilities, Inc. v. State of Florida Dept. of Health & Rehabilitative Servs., 225 F.3d 1208, 1216 (11th Cir. 2000).

1. Young Israel's RLUIPA Claims Are Not Ripe

Article III requires courts to consider whether a plaintiff's claims are ripe. U.S. Const. Art. III, § 2, cl. 1; Nat'l Park Hospitality Ass'n v. Dep't of Interior, 538 U.S. 803, 808 (2003); see also Konikov v. Orange County, 410 F.3d 1317, 1322 (11th Cir. 2005). The ripeness doctrine keeps federal courts from deciding cases prematurely. Digital Props. v. City of Plantation, 121 F.3d 586, 589 (11th Cir. 1997). It "protects federal courts from engaging in speculation or wasting their

resources through the review of potential or abstract disputes.” *Id.*; see also *Konikov*, 410 F.3d at 1322 (alteration and internal quotation marks omitted). “Courts must resolve . . . whether the claim is sufficiently mature, and the issues sufficiently defined and concrete, to permit effective decisionmaking by the court.” *Digital Props.*, 121 F.3d at 589 (internal quotation marks omitted).

To determine whether a claim is ripe courts evaluate: (1) “the fitness of the issues for judicial decision;” and (2) “the hardship to the parties of withholding court consideration.” *Coalition for the Abolition on Marijuana Prohibition v. City of Atlanta*, 219 F.3d 1301, 1315 (11th Cir. 2000) (internal quotation marks omitted). In *Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City*, 473 U.S. 172 (1985), the Supreme Court developed specific ripeness requirements for land use disputes. It held that the takings claim at issue was “not ripe until the government entity charged with implementing the regulations has reached a final decision regarding the application of the regulations to the property at issue.” *Id.* at 186. Subsequent decisions applied this ripeness requirement to land use disputes implicating other constitutional and RLUIPA claims. See *Grace Cmty Church v. Lenox Township*, 544 F.3d 609 (6th Cir. 2008); *Murphy v. New Milford Zoning Comm’n*, 402 F.3d 342 (2d Cir. 2005); *Congregation Anshei Roosevelt v. Planning & Zoning Bd. of the Borough of Roosevelt*, 338 Fed. Appx. 214, 2009 U.S. App. LEXIS 16266 (3d Cir. July 22, 2009).

In connection with land use regulations in general and RLUIPA cases specifically the “finality requirement” has been identified as “critical.” *Grace Cmty*, 544 F.3d at 615 (citing *Insomnia Inc. v. City of Memphis*, 278 Fed. Appx. 609, 2008 WL 2121053, at *3 (6th Cir. 2008)). “The finality requirement has been applied to various constitutional claims arising out of land use disputes and requires that the ‘governmental entity charged with implementing the regulations must have reached a final decision regarding the application of the regulations to the property at issue.’” *Grace Cmty*, 544 F.3d at 615 (6th Cir. 2008) (quoting *Insomnia* 278 Fed. Appx. at *3).

The Second, Third, and Sixth Circuits have all applied the finality requirement in RLUIPA cases to find that claims were not ripe for judicial review where the plaintiffs either failed to appeal a zoning decision or failed to seek a variance of a zoning restriction. In *Murphy v. New Milford Zoning Commission*, 402 F.3d 342 (2d Cir. 2005), the zoning officer issued a cease-and-desist order which the plaintiffs failed to appeal before filing a complaint alleging violations of the First Amendment and RLUIPA. *Id.* at 347. The Second Circuit determined that the claims were not ripe

because the plaintiffs did not appeal to the board. *Id.* at 352. The court also noted that the failure to apply for a variance deprived the court of certainty as to future permitted future use of the property. *Id.* at 353.

The Second Circuit explained that, in land use cases, the finality requirement of the ripeness inquiry: (1) aids in the development of a full record; (2) provides the court with knowledge as to how a regulation will be applied to a particular property; (3) may obviate the need for the court to decide constitutional disputes if a local authority provides the relief sought; and (4) shows “the judiciary’s appreciation that land use disputes are uniquely matters of local concern more aptly suited for local resolution.” *Id.* at 348 (internal citations omitted).

The Third and Sixth Circuit found the Second Circuit’s reasoning persuasive and applied its reasoning in two cases finding RLUIPA’s claims were not yet ripe for adjudication. In Congregation Anshei Roosevelt, 338 Fed. Appx. 214, the Third Circuit found that a congregation’s RLUIPA and state law claims were not ripe where a zoning board had determined that the congregation’s use of its facilities as a residential school (a yeshiva) violated certain zoning ordinances. *Id.* at *2-4. The court determined that since the zoning board permitted the congregation to apply for a variance, the congregation’s failure to do so rendered the congregation’s federal claims premature and subject to dismissal: “We thus affirm the District Court’s dismissal of the complaint.” *Id.* at *5.

Similarly, in Grace Community Church v. Lenox Township, 544 F.3d 609 (6th Cir. 2008), the Sixth Circuit determined that a church’s failure to seek reconsideration of or to appeal a planning commission’s revocation of a variance rendered the church’s RLUIPA and equal protection claims subject to dismissal for lack of ripeness: “Accordingly, the district court’s judgment dismissing the Church’s action as nonjusticiable for lack of ripeness is **AFFIRMED.**” *Id.* at 618 (emphasis and capital letters in original text).

Here, Young Israel’s claims are not ripe for judicial determination because Young Israel cannot satisfy the “finality requirement.” First, **no decision** has yet been made by the Town with respect to a critical component of Young Israel’s Proposed Structure: the change in zoning. DE 1 at ¶¶ 27-28; DE 1-6 at 2; Zoning Map; 2; SURFSIDE, FLA., CODE § 90-41. According to the face of the Complaint, Young Israel’s applications to amend the Comprehensive Land Use Map (to change the Property’s designation to “general retail/services”) and to rezone the property (from H30B to SD-B40) have never been considered by the Town. *See* DE 1 at ¶¶ 27-28. Young Israel is therefore

asking the Court to find an alleged injury before the Town actually engaged in any conduct with respect to a potential rezoning of the Property. In the end, the Complaint alleges a premature controversy that is not yet ripe for adjudication. No decision has been made on the zoning issue, let alone a final one subject to review. See Midrash, 366 F.3d at 1224-25 (holding that a challenge to the Town's procedure requiring applications for a conditional use permit was not yet ripe where plaintiffs had not applied for a conditional use permit).

Significantly, Young Israel cannot even meet the "finality requirement" with respect to the Town's actual conduct in (1) rejecting Young Israel's proposed amendment to the setback requirements and (2) rejecting Young Israel's proposed amendment to the first floor prohibition on places of assembly in the SD-B40 zoning district. DE 1 at ¶¶ 30, 33. As confirmed in Complaint, although the Town has implemented a specific Religious Relief Procedure, Young Israel elected not to avail itself of that process. DE 1 at ¶ 35. Young Israel's admitted failure to utilize the available review procedure is fatal to its claim of ripeness. See Grace Cmty Church, 544 F.3d at 612, 617; Murphy, 402 F.3d at 352-53; Congregation Anshei Roosevelt, 338 Fed. Appx. 214; Shenkel United Church of Christ v. North Coventry Township, No. 09-1823, 2009 U.S. Dist. LEXIS 106314 (E.D. Penn. Nov. 13, 2009).

Given the absence of any Town decision on the rezoning request, and given Young Israel's failure to employ the Religious Relief Procedure, all of the factors identified in Murphy weigh in favor of a dismissal. As to the first factor, the Complaint presents the Court with an undeveloped record. It cannot be known how the Town would have ruled on the zoning change or how it would have ruled when presented with additional information during the Religious Relief Procedure. See SURFSIDE, FLA. CODE § 90-99(2) ("The commission may request additional information from the requesting party, specifying in sufficient detail what information is required.")

Additionally, by requiring Young Israel to file suit only after Young Israel received the Town's response to its proposed amendments, applications, and submissions under the Religious Relief Procedure, the Court ensures that any adjudication would be based upon the Town's actual application of its Code and not merely the speculation suggested in the Complaint. In fact, permitting the Town to act may obviate the need for the Court to decide any dispute because the Code gives the Town the authority to provide various forms of relief. See SURFSIDE, FLA. CODE § 90-99. This approach also addresses the federalism concern raised by the fourth factor under

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consideration. See Shenkel United Church, U.S. Dist. LEXIS 106314 at *26 (finding federalism concerns strong because “[t]he Township is in the best position to interpret and apply its ordinances, and [court] will not deprive it of the chance to do it.”).

In contrast, the Complaint establishes that no hardship prevents the administrative process from being completed. See Coalition for the Abolition on Marijuana Prohibition, 219 F.3d at 1315. Young Israel currently provides religious services and has done so consistently since at least 2004. DE 1 at ¶ 1. Having already purchased the Property, Young Israel cannot claim any risk of losing a unique opportunity based on time constraints. Finally, the Town charges no fee for parties seeking relief under the Religious Relief Procedure. Given the undisputed status of the administrative process, the Court should dismiss the Complaint because the claims are not yet ripe for adjudication.

2. Young Israel Failed To Exhaust Administrative Remedies

Under RLUIPA, a municipality “may avoid the preemptive force of any provision of [the act] . . . by providing exemptions from the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.” 42 U.S.C. § 2000cc-3(e).

Here, pursuant to § 2000-cc-3(e), the Town adopted its Religious Relief Procedure as part of a specific administrative effort to address zoning decisions that allegedly violate RLUIPA. See SURFSIDE, FLA., CODE § 90-99. The Religious Relief Procedure permits any religious assembly or institution that believes it may have been the subject of an alleged RLUIPA violation to request relief in writing. SURFSIDE, FLA., CODE § 90-99(1). The Town Commission has the authority to consider and act on requests for reasonable relief, including the power to (1) grant the relief requested, (2) grant a portion of the request and deny a portion of the request, and/or impose conditions upon the grant of the request, or (3) deny the request, in accordance with federal law. SURFSIDE, FLA., CODE § 90-99(2). Young Israel admits it failed to take advantage of this procedure.

Given the Town’s adoption of the Religious Relief Procedure pursuant to § 2000cc-3(e), Young Israel should not be permitted to assert its RLUIPA claims until that remedy has been exhausted. Congress expressly determined that local zoning entities could avoid alleged RLUIPA violations by providing for specific exemptions. Young Israel’s RLUIPA claims are at odds with the statutory language and Congress’s stated intent. Moreover, by requiring completion of the Religious Relief Procedure, courts preserve judicial resources and avoid the risk of assuming roles

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as “super land-use boards of appeals.” See Congregation Anshei Roosevelt, 338 Fed. Appx. at 219 (stressing “the importance of the finality requirement and our reluctance to allow the courts to become super land-use boards of appeals. Land-use decisions concern a variety of interests and persons, and local authorities are in a better position than the courts to assess the burdens and benefits of those varying interests.”) (internal citation omitted).

3. Young Israel Lacks Standing

“It is by now axiomatic that ‘[i]n every federal case, the party bringing the suit must establish standing to prosecute the action.’” Primera Iglesia, 450 F.3d at 1304 (quoting Elk Grove Unified School Dist. v. Newdow, 542 U.S. 1, 11 (2004)). Standing is the most significant doctrine of the case-or-controversy requirement. Midrash, 366 F.3d at 1223.

In essence the question of standing is whether the litigant is entitled to have the court decide the merits of the dispute or of particular issues. Warth v. Seldin, 422 U.S. 490, 498 (1975). The Supreme Court has identified three constitutional requirements for standing, all of which must be satisfied: (1) an injury in fact, meaning an injury that is concrete and particularized, and actual or imminent, (2) a causal connection between the injury and the causal conduct, and (3) a likelihood that the injury will be redressed by a favorable decision. Granite State Outdoor Advertising, Inc. v. City of Clearwater, 351 F.3d 1112, 1116 (11th Cir. 2003).

As currently pled, the RLUIPA claims fail with respect to the “injury in fact” and “redressibility” requirements for standing. “An ‘injury in fact’ requires the plaintiff to ‘show that he **personally** has suffered some actual or threatened injury.’” Id. (quoting Valley Forge Christian Coll. v. Ams. United for Separation of Church & State, 454 U.S. 464, 472(1982) (emphasis added) (internal quotations omitted)). An injury, in the context of standing, “requires infringement of an interest . . . protected by statute or otherwise.” Primera Iglesia, 450 F.3d at 1304. It “must consist of obtaining compensation for, or preventing, the violation of a legally protected right.” Vt. Agency of Natural Res. v. United States ex rel. Stevens, 529 U.S. 765, 772 (2000) (citation omitted).

In Midrash, two synagogues (one being Young Israel) challenged several portions of the Town’s Code arguing the ordinances violated various provisions of RLUIPA. 366 F.3d at 1218. The Code at the time prohibited places of worship from the business and tourists districts, while allowing private clubs in both. Id. at 1219-20. The synagogues rented space in the business district, and the Town attempted to enforce its zoning ordinance against them. Id. at 1222.

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In addressing standing, the Eleventh Circuit held that the synagogues could only challenge the ordinance pertaining to the business district because it had actually been applied to them. Id. at 1223-24. With respect to the tourist district, the Eleventh Circuit found that neither synagogue had standing to challenge that ordinance because “[n]either party [was] located in the tourist district, and neither party [had] concrete and specific plans to locate in there.” Id. at 1224 n9.

Here, the Property at issue is located in a residential zoning district and, according to the Complaint, Young Israel has failed to apply for a rezoning⁵. As a result, although Young Israel may be “close” to establishing its standing with respect to the enforcement of rights relating to property located in a commercial zoning district, according to the Complaint, Young Israel has not yet reached that significant legal threshold and will not be there until an application for rezoning has been rejected and the other administrative remedies exhausted. Under the Eleventh Circuit’s reasoning in Midrash, Young Israel simply lacks standing to challenge those sections of the Code that pertain to a commercially zoned property (as compared to its residentially-zoned Property).

“Redressibility” requires a likelihood that the injury will be redressed by a favorable decision.” Granite State Outdoor Advertising, 351 F.3d at 1116. In the context of land use decisions, the Eleventh Circuit has held that a plaintiff whose application was denied on the basis of one provision in a municipality’s zoning ordinance, but which could have been denied on the basis of some alternate but unchallenged regulation, does not have a redressable injury. See Maverick Media Group, Inc. v. Hillsborough County, 528 F.3d 817, 820 (11th Cir. 2008); KH Outdoor, LLC v. Clay County, 482 F.3d 1299, 1303-04 (11th Cir. 2007).

Here, Young Israel seeks to build a Proposed Structure that exceeds the zoning restrictions pertaining to, among other things, the maximum height for the zoning district in which it is currently located. DE 1 at 1-6 at 2; SURFSIDE, FLA., CODE § 90-41. As a result, even if the Court were to find that the Town improperly rejected the proposed amendment to the setback requirements and the proposed amendment to the first floor prohibition, Young Israel would still be prohibited from building its Proposed Structure since the Property remains located in a residential zoning district

⁵ While the Town certainly understands that Young Israel may have intended to submit the project as a “package” for approval, at this point in that process, the Property remains in a residential zoning district, and the only action taken by the Town relates to issues associated with a parcel of real property located in a commercial zoning district.

with a maximum of height of 30 feet. Again, the Complaint fails to allege any action on the part of the Town with respect to a potential rezoning request. As a result, even if the Court were to find in favor of Young Israel on the preliminary issues actually raised in the Complaint, the relief would still fail to provide redress to Young Israel since such relief would still not be sufficient to allow the construction of its Proposed Structure.

**B. Young Israel Has Failed To State Claims
Upon Which Relief May Be Granted**

1. The Substantial Burden Claims in Counts I and IV Are Facially Defective

Section 2000cc(a)(1) of RLUIPA prohibits land use regulations which impose substantial burdens on a religious institution's exercise of its beliefs unless such regulations are the least restrictive means of furthering a compelling government interest. The Williams Island Synagogue, Inc. v. City of Aventura, 329 F. Supp. 2d 1319, 1325 (S.D. Fla. 2004). Florida courts apply FRFRA in the same manner as RLUIPA with respect to substantial burden claims. See Westgate Tabernacle, Inc. v. Palm Beach County, 14 So. 2d 1027, 1031 (Fla. 4th DCA 2009)(noting "We have held that the 'substantial burden' standard is the same under both FRFRA and RLUIPA," in ruling that "Neither FRFRA nor RLUIPA prohibits the application of valid, neutral zoning provisions to church property to curtail uses not permitted in the area.")(citations and internal quotes omitted).

Under both statutes, the first question to be answered is whether the disputed land use regulation imposes a substantial burden on a religious institution. Williams Island Synagogue, 329 F. Supp. 2d at 1325; Westgate Tabernacle, 14 So. 2d at 1031. A substantial burden consists of a "significant pressure which directly coerces the religious adherent to conform his or her behavior accordingly. Thus a substantial burden can result from pressure that tends to force adherents to forego religious precepts or from pressure that mandates religious conduct." Midrash, 366 F.3d at 1227; see also Westgate Tabernacle, 14 So. 2d at 1031.

Young Israel identifies two "burdens" that it alleges are "substantial" and therefore satisfy the first prong of its substantial burden claims. First, it claims that it is substantially burdened in its religious exercise "because its membership has outgrown its current facilities and [it] is unable to engage properly in religious worship and study if it does not relocate." DE 1 at ¶ 39.

This argument was expressly rejected by the Eleventh Circuit in Midrash. In holding "that the congregations may be unable to find suitable alternative space does not create a substantial

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burden within the meaning of RLUIPA,” the Eleventh Circuit explained that “whatever specific difficulties [the plaintiff synagogue] claims to have encountered, they are the same ones that face all [land users], not merely churches. The harsh reality of the marketplace sometimes dictates that certain facilities are not available to those who desire them.” *Id.* (quoting Love Church v. City of Evanston, 896 F.2d 1082, 1086 (7th Cir. 1990)); *see also Williams Island Synagogue*, 329 F. Supp. 2d at 1327 (“Therefore, to the extent that Plaintiff appears to argue that the increasing size of its congregation somehow entitles it to relocate to a place of its choosing under RLUIPA unless Defendant can establish the existence of a compelling municipal interest, this interpretation of RLUIPA has been **squarely rejected** by the Eleventh Circuit.”)(emphasis added); Westgate Tabernacle, 14 So. 2d at 1031 (“Although its shelter has grown beyond a Type 2 facility to a Type 3 facility because it now houses nearly 100 persons at a time, ... it has not proved that the [land use code] poses a substantial burden to its religious exercise.”).

Second, Young Israel asserts that it will be substantially burdened “if it is forced to move to a location distant from its current location” because its “members are required by religious observance to walk to the synagogue on Sabbaths and Holidays” and “[m]oving the site of Plaintiff’s Sabbath services a substantial distance from its current location will prevent Plaintiff’s members from attending worship services on Saturdays and Jewish Holidays.” DE 1 at ¶ 39.

Again, this argument was expressly rejected by the Eleventh Circuit in Midrash. In rejecting this identical substantial burden claim asserted by this same party, the Eleventh Circuit held that “[w]hile walking may be burdensome and ‘walking farther’ may be even more so, [it could not] say that walking a few extra blocks is ‘substantial,’ as the term is used in RLUIPA, and as suggested by the Supreme Court.” 366 F.3 at 1228. The Eleventh Circuit also cautioned that “[w]ere [it] to adopt the synagogues’ reasoning, it would be virtually impossible for a municipality to ensure that no individual will be burdened by the walk to a temple of choice. Municipalities that allow religious exemptions to alleviate even the small burden of walking a few extra blocks would run the risk of impermissibly favoring religion over other secular institutions, or of favoring some religious faiths over others.” *Id.*

As a result, the two burdens identified in the Complaint are legally insufficient to state valid claims under FRFRA and RLUIPA. Moreover, this Court has found much more substantial alleged burdens were legally insufficient at the pleading stage. In Hollywood Community Synagogue, Inc.

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v. City of Hollywood, 430 F. Supp. 2d 1296 (S.D. Fla. 2006), the Court held that the plaintiff had failed to meet its burden of demonstrating that the city's denial of a special exception had substantially burdened its religious exercise. Id. at 1318-19. The Court found that the "synagogue had not shown that its property carri[e]d unique religious significance or that other properties are not available that could accommodate its practices," but "merely offered vague and conclusory statements that it has a 'legal right' to be granted a [s]pecial [e]xception and that relocation would substantially burden its ability to continue to provide religious teaching and worship to the community." Id. at 1319. The Court also held that "[s]uch bare and unspecific assertions are insufficient to support [the synagogue's] claims under RLUIPA section (a)(1)," and dismissed the claims. Id.; see also The Episcopal Student Foundation v. The City of Ann Arbor, 341 F. Supp. 2d 691, 704 (E.D. Mich. 2004) (stating that although these "alternatives may be less appealing or more costly," neither RLUIPA, nor the Constitution, requires a municipality to subsidize the real estate market); Vineyard Christian Fellowship of Evansion, Inc. v. City of Evanston, 250 F. Supp. 2d 961, 986 (E.D. Ill. 2003) (holding that zoning ordinance that prohibited religious institution from conducting worship services in a district where it owned land did not substantially burden plaintiff's free exercise, despite the fact that "the congregation is forced to spend a considerable amount of money to rent space where worship services may be held.").

2. The Equal Terms Claim Is Facially Defective

The equal terms provision of RLUIPA states, "[n]o government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution." 42 U.S.C. § 2000cc(b)(1). The Eleventh Circuit held that the "natural perimeter" for consideration under this section is the category of "assemblies and institutions." Midrash, 366 F.3d at 1230.

There are four elements of an equal terms violation: (1) the plaintiff must be a religious assembly or institution, (2) subject to a land use regulation, that (3) treats the religious assembly on less than equal terms, with (4) a nonreligious assembly or institution. Primera Iglesia, 450 F.3d 1295 at 1307-08 (citing Midrash, 366 F.3d at 1232). Under the statute, the plaintiff bears the initial burden of "produc[ing] prima facie evidence to support a claim alleging a[n Equal Terms] violation." 42 U.S.C. § 2000cc-2(b); see Primera Iglesia, 450 F.3d at 1308.

In Primera Iglesia, the Eleventh Circuit identified “at least three distinct kinds of Equal Terms statutory violations: (1) a statute that facially differentiates between religious and nonreligious assemblies or institutions; (2) a facially neutral statute that is nevertheless “gerrymandered” to place a burden solely on religious, as opposed to nonreligious, assemblies or institutions; or (3) a truly neutral statute that is selectively enforced against religious, as opposed to nonreligious assemblies or institutions.” 450 F.3d at 1308. Here, Young Israel asserts the third kind of equal terms violation. It claims “the Defendant has implemented a land use regulation in a manner that treats a religious institution on less-than-equal terms with nonreligious institutions.” DE 1 at ¶ 42.

Under the third type of equal terms violation, “a neutral statute’s application may violate the Equal Terms provision if it differentially treats similarly situated religious and nonreligious assemblies.” Primera Iglesia, 450 F.3d at 1311 (emphasis in original) (citing Konikov, 410 F.3d at 1327-29, and Campbell v. Rainbow City, 434 F.3d 1306, 1314 (11th Cir. 2006)(“[D]ifferent treatment of dissimilarly situated persons does not violate the equal protection clause.”) (internal quotation marks omitted)(emphasis in original)). “A plaintiff bringing an as-applied Equal Terms challenge must present evidence that a similarly situated nonreligious comparator received differential treatment under the challenged regulation.” 450 F. 3d at 1311 (emphasis in original). If a plaintiff offers no similarly situated comparator, then there can be no cognizable evidence of less than equal treatment, and the plaintiff has failed to meet its initial burden of proof. Id.

To state a valid equal terms claim, Young Israel must allege that it was treated differently than similarly-situated nonreligious assemblies. However, beyond the formulaic recitation of the law, the Complaint fails to allege different treatment between it and any similarly situated entity. Paragraphs 44 and 45 merely cite alleged comments suggesting an intent to deny the proposed amendments because the project would “bring no benefit to the town.”⁶ First, the alleged statements fail to establish any improper motive attributable to the Town. Second, such self-serving statements of alleged discriminatory animus are completely irrelevant to an as-applied equal terms claim. See Primera Iglesia, 450 F.3d at 1311; Konikov, 410 F.3d at 1327-29; Midrash, 366 F.3d at 1232.

As a result, the two statements to be analyzed for establishing Young Israel’s equal terms claims are: (1) that “[t]he Surfside Town Commission has, on several occasions, approved

⁶ The Town has reviewed the video and audio recordings of the referenced meetings and categorically denies that such statements or even sentiments were expressed.

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amendments to Surfside's Zoning Code to permit the construction of many residential buildings as well as the Defendant's new recreational building on the ocean, and its City Hall," which "are buildings of nonreligious individuals, entities and institutions," DE 1 at ¶ 43, and (2) that "[i]f the proposed amendments to the Zoning Code had concerned a commercial nonreligious institution rather than a synagogue, they would have been approved by the Town Commission." DE 1 at ¶ 44.

Both statements are insufficient as a matter of law to state an equal terms claim. First, paragraph 43 fails allege any facts establishing the existence of a similarly situated non-religious entity that received more favorable treatment on a similar project. See Primera Iglesia, 450 F.3d at 1311 ("If a plaintiff offers no similarly situated comparator, then there can be no cognizable evidence of less than equal treatment[.]"). The Complaint fails to assert any alleged facts establishing the features of any other entity or project which indicates any relevant similarities to Young Israel or its project.

Second, Young Israel's hypothetical assertion as to what the Town would have done is the type of "naked assertion" rejected by the Supreme Court in Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007), and Ashcroft v. Iqbal, 129 S.Ct. 1937 (2009). In Iqbal, the Supreme Court explained that mere speculation is insufficient under Rule 8:

The pleading standard Rule 8 announces does not require "detailed factual allegations," but it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation. A pleading that offers "labels and conclusions" or "formulaic recitation of the elements of a cause of action will not do." Nor does a complaint suffice if it tenders "naked assertion[s]" devoid of "further factual enhancement.

Iqbal, 129 S.Ct. at 1949 (internal citations omitted).

Here, the Complaint includes only the conclusion that the various changes requested by Young Israel to the Town's various land use provisions are some how vaguely "comparable" to those that were requested by other entities in connection with other unspecified projects. See DE 1 at ¶ 43. In addressing a similar claim that two projects were similarly situated but treated differently, the court in Primera Iglesia conducted a comprehensive comparison of numerous features, including the type of relief requested (zoning versus variance), the decision maker (board of adjustment versus zoning board) and the specific provision to be changed. 450 F.3d at 1311-12. After reviewing the record, the Court concluded that no unequal treatment had been established: "Primera's evidence

establishes only that the School received *different* treatment, not *unequal* treatment.” (italics in original text). The Complaint conspicuously omits any allegations establishing any similarities between its efforts to build its Proposed Structure and the efforts of any other non-religious entity to build a comparable structure. Instead, the Complaint only alleges, in conclusory fashion, some vague dissimilar treatment. Such a claim is not actionable, and the equal terms claim fails as a matter of law.

C. The Section 1983 Claim is Separately Subject to Dismissal

In Count III, Young Israel attempts to assert a separate claim under 42 U.S.C. § 1983 for alleged violations of its rights under the First Amendment. DE 1 at ¶¶ 46-49. Procedurally, the Town’s arguments supporting dismissal based upon a lack of standing apply equally to the 1983 claim. Substantively, the 1983 claim fails to allege critical facts establishing a valid claim against the Town. As a result, the 1983 claim is separately subject to dismissal.

1. The First Amendment Claims Are Not Ripe

Young Israel’s RLUIPA and FRFRA claims are coextensive of its 1983 claim. In particular, the alleged constitutional deprivation arose from a single act on the part of the Town -- the “vote” relating to the first floor prohibition: “The vote of the Town Commission against ‘providing a limited exception to the first floor prohibition ...’... was made with the stated intention of preventing Plaintiff from constructing a Jewish Orthodox Synagogue on its property.” DE 1 at ¶¶ 47 (emphasis added). The same “vote” is also the subject of paragraphs 46 and 48 of the Complaint. See DE 1 at ¶¶ 46, 48. No other affirmative conduct is referenced in the 1983 claim. See DE 1 at ¶¶ 46-49.

In a similar case where a First Amendment claim and a RLUIPA claim were factually similar, the Second Circuit applied the finality prong of the Williamson ripeness analysis to the First Amendment claim and dismissed that separate claim for lack of ripeness. Murphy, 402 F.3d at 350 (“Relatedly, we do not believe it necessary to distinguish the RLUIPA claim from the *First Amendment* Free Exercise claim when it comes to our ripeness inquiry.”)(italics in original text).

In Insomnia, the Sixth Circuit applied Murphy in finding that a First Amendment claim was properly dismissed as “unripe.” 278 Fed. App. at 616. The court discussed several federal opinions in noting that the trend in federal law is to apply the Williamson finality requirement to claims arising from land use disputes. Id. at 613; see also Grace Cmty., 544 F.3d at 613-14, 616 (finding that “Finality is prerequisite to litigation[,]” where the RLUIPA claim was related to the 1983 equal

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protection claim); Congregation Anshei, 338 Fed. Appx. at 217 (“Subsequent decisions applied this [Williamson] ripeness requirement to land use disputes implicating other constitutional claims.”); Shenkel United Church, 2009 U.S. Dist. LEXIS 106314 at *13 (“ ... the Church ignores persuasive authority that counsels in favor of applying *Williamson’s* prong-one ripeness standard to land-use disputes arising from the *First Amendment* and RLUIPA claims.”)(italics in original text). The court also noted that in light of the “policy and doctrinal considerations,” the “district court acted properly” in dismissing the First Amendment claims based upon a lack of ripeness. Insomnia, 278 Fed. App. 616.

Here, Young Israel’s First Amendment claims are redundant of its RLUIPA and FRFRA claims. According to Count III, the only issue is whether a vote to enforce the first floor prohibition equates with a deprivation of Young Israel rights under the First Amendment. Given these circumstances, the Court here should apply the Williamson ripeness analysis to the First Amendment claims in Count III and dismiss those claims along with Counts I, II, and IV.

2. The First Amendment Claims Are Substantively Defective

Count III is separately defective because it fails to identify an unconstitutional policy or custom to deprive Young Israel of its First Amendment rights. See Monell v. Dept. of Social Services, 436 U.S. 658, 690-91 (1977). Significantly, legal conclusions regarding customs and policies without facts are legally insufficient. See Cannon v. Macon County, 1 F. 3d 1558, 1565 (11th Cir 1993)(subsequent history omitted); Cox v. McRaley, 993 F. Supp. 1452, 1455 (M.D. Fla. 1998)(noting that “nondescript, conclusory reference to an abstract custom or policy” is insufficient to state a section 1983 claim).

Apart from insinuations of an improper motive to burden religious freedom⁷, the Complaint merely alleges a “vote” to maintain the status quo regarding objective building standards. The Complaint conspicuously omits any allegations regarding a Commission-wide attack on Young Israel’s religious freedom. See Matthews v. Columbia County, 294 F. 3d 1394, 1297 (11th Cir. 2002)(“Because policymaking authority rests with the Commission as an entity, the County can be subject to liability only if the Commission itself acted with an unconstitutional motive.”).

⁷ Again, statements that Young Israel attributes to members of the Town Commission are not supported by any citation, are not reflected in the applicable meeting transcripts, and are categorically denied by the Town and its Commissioners.

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The Complaint admits that Young Israel is now presently operating a synagogue in the Town. DE 1 at ¶ 1. The Complaint also admits that Young Israel presently conducts religious services from its synagogue only 150 feet from the Property where it intends to build the Proposed Structure. DE 1 at ¶ 1. Finally, the Complaint admits that Young Israel has enjoyed substantial growth in its membership while located in the Town's commercial zoning district. DE 1 at ¶¶ 14, 16. Read carefully, the Complaint never asserts a specific intent to abridge any religious practice, any religious expression, or any religious association. Instead, the Complaint merely speaks in terms of alleged opposition to a **particular physical structure** -- a "40-foot-high" improvement to real property -- and not to any form of expression protected by the First Amendment: "The purpose ... of the vote ... is to prevent Plaintiff from proceeding with the construction of **the** planned synagogue **building** on the purchased property[.]" DE 1 at ¶ 32 (emphasis added); see also DE 1 at ¶ 37 ("The necessary consequence of the vote ... is to make impossible for the Plaintiff to construct **the** synagogue **building**[.]")(emphasis added).

While the Complaint does assume that the effect of the vote is to place a "substantial burden on" Young Israel's First Amendment rights, that conclusion cannot be reconciled with Young Israel's failure to assert that construction of **any** synagogue on the Property has been prohibited by the Town. In fact, if Young Israel were to submit plans that satisfied the Town's building requirements for residential zoning districts, Young Israel would be entitled to build a synagogue on the Property. The dispute does not involve the nature of the building's use as a synagogue. Instead, the dispute involves the objective criteria associated with the construction of a 40-foot-high building, including its height, overall dimensions, set backs, parking, and impact on its residentially-zoned neighbors. In the end, the Complaint alleges no deprivation of religious freedom, but only the right to construct a specific kind of building. The fact that Young Israel may wish to use that building for religious purposes does not transform its "run of the mill" zoning dispute into a First Amendment claim. See Midrash, 366 F. 3d at 1217 n11. ("We have found that such reasonable 'run of the mill' zoning considerations do not constitute substantial burdens on religious exercise."). As a result, the First Amendment claim is substantively defective and subject to dismissal.

WHEREFORE, Defendant, TOWN OF SURFSIDE, requests entry of an Order dismissing the Complaint in its entirety.

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Dated: February 2, 2011

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 2, 2011, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day on counsel of record or *pro se* parties identified on the Mailing Information for Case 10-CV-24392-Jordan/McAliley. Counsel of record currently identified on the Mailing Information System list to receive e-mail notices for this case are served via Notices of Electronic filing generated by CM/ECF. Counsel of record who are not on the Mailing Information list to receive e-mail notices for this case have been served via U.S. mail.

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 1:10-CV-24392-JORDAN/McALLEY

YOUNG ISRAEL OF BAL HARBOUR,
INC.,

Plaintiff,

v.

TOWN OF SURFSIDE,

Defendant.

**DEFENDANT, TOWN OF SURFSIDE'S, MOTION TO STRIKE UNDULY
PREJUDICIAL PORTIONS OF PLAINTIFF'S COMPLAINT**

Defendant, TOWN OF SURFSIDE ("Town"), by and through its undersigned attorneys and pursuant to Rule 12(f) of the Federal Rules of Civil Procedure, moves for entry of an Order striking those portions of the Complaint filed by Plaintiff, Young Israel of Bal Harbour, Inc. ("Young Israel"), which are unduly prejudicial, and states:

I. SUMMARY OF ARGUMENT

When a complaint contains immaterial, inflammatory and prejudicial matter, a federal court has broad discretion in striking such matters from the record. See Fed. R. Civ. P. 12 (f). Although such motions are not favored, they will be granted where "the allegations have no possible relation to the controversy and may cause prejudice to one of the parties." Poston v. American President Lines, Ltd., 452 F. Supp. 568, 570 (S.D. Fla. 1978).

Here, Young Israel attempts to denigrate the Town by referencing irrelevant issues addressed in past litigation and by suggesting that the Town has not merely opposed the construction of a specific structure (based upon its physical characteristics and noncompliance with the Town's existing law) but has targeted a religious organization. The Complaint's reference to Midrash Sephardi, Inc. v. Town of Surfside, 366 F.3d 1214 (11th Cir. 2004), and a "flaw" in a prior version of its zoning code are improper for two distinct reasons. First, since the Midrash decision the Town

Young Israel v. Town of Surfside
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-- through a Commission of comprised of completely different members -- has adopted a new zoning code to achieve full compliance with the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"). In fact, the Midrash case was filed in 1999, prior to the enactment of RLUIPA. Accordingly, Midrash and its facts are not just remote in time, but relevant only to a zoning code that no longer exists. Moreover, while Midrash addressed a facial challenge to the Town's zoning code, Young Israel raises no such facial attack against the Town's current zoning code. As a result, references to Midrash, the Town's prior zoning code, and the Town's effort to amend its prior zoning code are entirely immaterial. Again, Young Israel's references to Midrash raise no relevant issues but merely serve to suggest that alleged defects in a past zoning code are indicative of improper Town conduct in the application of its current, valid zoning code.

Second, Young Israel improperly relies upon Midrash as part of a more insidious strategy of characterizing the Town as hostile to -- and prejudiced against -- synagogues in general and the Young Israel's religious freedom in particular. Such an indirect use of Midrash would not be allowed as evidence against the Town under Rule 404(b) of the Federal Rule of Evidence, and its use to prejudice the Town in the Complaint should not be permitted.

II. BACKGROUND

The Complaint asserts claims under the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. § 1983, and the Florida Religious Freedom Restoration Act, in response to votes occurring in May 2010 by members of the Town Commission finding that the Town's existing land use and zoning restrictions should not be changed. D.E. 1 at ¶¶ 30-33, 37, 38, 43, 46, 47, and 52.

Paragraph 1 of the Complaint refers to a prior lawsuit between Young Israel and the Town entitled Midrash Sephardi, Inc. v. Town of Surfside, in which the Eleventh Circuit issued a decision in Young Israel's favor in 2004. DE 1 at ¶ 1. The Eleventh Circuit decided Midrash more than six years before the May 2010 Commission votes at issue. DE 1 at ¶¶ 31, 33. The conduct complained about in Midrash arose prior to 1999 and prior to the enactment of RLUIPA. Moreover, in Paragraph 12 of the Complaint, Young Israel concedes that the Town amended the zoning code in June 2007, approximately three years after Midrash opinion. DE 1 at ¶ 12. The Town did so to address the pre-

Young Israel v. Town of Surfside
Case No. 10-cv-24392-Jordan/McAliley

existing issues which were the subject of the Midrash dispute and to conform to the requirements of RLUIPA. The amendment occurred three years before the votes at issue in this matter occurring in May 2010. DE 1 at ¶¶ 31, 33.

The Midrash litigation concerned space occupied by Young Israel on the second floor of a leased building at 96th Street and Harding Avenue and located in a “commercial” zoning district in the Town of Surfside. DE 1 at ¶¶ 1, 10, 11. The current litigation concerns the building of a new structure on an entirely different property, completely within a “residential” zoning district on 96th Street between Abbott and Byron Avenues. DE 1 at ¶¶ 16, 17.

III. MEMORANDUM

Rule 12(f) of the Federal Rules of Civil Procedure allows a court to strike from a pleading “any redundant, immaterial, impertinent, or scandalous matter.” Courts may strike allegations that “have no possible relation to the controversy and may cause prejudice to one of the parties.” Lomax v. City of Miami Police Dept., 09-CV-20830, 2010 U.S. Dist. LEXIS 52450, at *13-*14 (S.D. Fla. May 27, 2010). In Lomax, the Court struck two exhibits to a complaint consisting of a home-rule amendment and charter for Miami-Dade County because the County was not a party to the action. Id. The Court concluded that the inclusion of these irrelevant documents prejudiced the defendants. Id.

Here, Young Israel includes two irrelevant references in the Complaint that should be stricken under Rule 12(f). The first reference, appearing in the first and third sentences of paragraph 1 of the Complaint, and through paragraphs 10 and 11, concerns the Midrash litigation. The second reference, appearing in the last sentence of paragraph 12, claims that the Town’s zoning code included a “flaw” before it was amended in 2007, after the Midrash decision and well before the actions challenged in this suit. These portions of the Complaint should be eliminated from the record for two reasons.

First, the Midrash litigation and prior zoning ordinance are simply not relevant to the current dispute. Young Israel alleges harm based on votes that occurred in May 2010 – more than six years after the Eleventh Circuit decided the Midrash case. The Town’s zoning code was amended in 2007,

Young Israel v. Town of Surfside
Case No. 10-cv-24392-Jordan/McAliley

three years before the votes at issue here. In addition, Midrash concerned a different property located in a different zoning district. None of the issues in the prior litigation are relevant or probative of any of the issues framed in the Complaint. Significantly, even the legal issues are different. Midrash focused on a facial challenge to the Town's zoning code, the current claims do not raise a facial challenge.

Second, Young Israel's references to Midrash, the "flaw" in the Town's prior zoning code, and the Town's effort to amend its prior zoning code are designed to prejudice the Town and characterize the Town as an incompetent entity motivated by religious animosity. Inclusion of these irrelevant references serves only to suggest, falsely, that the Town has acted in a hostile manner against Young Israel in the past and is again acting antagonistically against Young Israel in this matter. Given the purely objective nature of the Town's limited opposition to Young Israel's proposed new structure -- based on its height, set backs, parking, and other physical features -- such prejudicial references are unwarranted.

This Court has not hesitated to strike allegations concerning reports about persons and attorneys that were unrelated to the action because such allegations were not necessary to support the asserted claims and were "scandalous" as to the opposing party's reputation. See Breckenridge Pharmaceutical, Inc. v. Metabolite Laboratories, Inc., No. 04-80090-CIV-COHN, 2007 WL 201261, at *2, 3 (S.D. Fla. Jan. 24, 2007). In so holding, the Court recognized the potential harm to be suffered from reference to material not relevant to the litigation. Id., at *3. In fact, this Court found it appropriate to strike material that was more innocuous than Young Israel's improper references. In Lomax, the Court struck publicly available documents that were simply irrelevant even though the documents did not prejudice the interests or reputation of the City of Miami See 2010 WL 2163497, at *5. In contrast, Young Israel's improper references to a past "flaw" in its zoning code, the circumstances in Midrash, and the Town's efforts in amending its zoning code all serve to portray the Town in a false light. Given the prejudicial nature of Young Israel's references, the Town cannot allow even the slightest hint of religious intolerance to persist on the record. The Court

Young Israel v. Town of Surfside
Case No. 10-cv-24392-Jordan/McAliley

should exercise its discretion and strike Young Israel's references to the irrelevant matters which only serve to demonize the Town.

CONCLUSION

WHEREFORE, the Town requests that the Court strike from the Complaint the first and third sentences of paragraph 1, paragraphs 10 and 11, and the last sentence of paragraph 12, and request that the Court provide such other and further relief as the Court deems just and proper.

Dated: February 1, 2011

Attorneys for the Town of Surfside:

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Young Israel v. Town of Surfside
Case No. 10-cv-24392-Jordan/McAliley

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/s/Lynn M. Dannheisser
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Young Israel v. Town of Surfside
Case No. 10-cv-24392-Jordan/McAliley

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 1, 2011, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day on counsel of record or *pro se* parties identified on the Mailing Information for Case 10-CV-24392-Jordan/McAliley. Counsel of record currently identified on the Mailing Information System list to receive e-mail notices for this case are served via Notices of Electronic filing generated by CM/ECF. Counsel of record who are not on the Mailing Information list to receive e-mail notices for this case have been served via U.S. mail.

By: /s/ Jeffrey L. Hochman
JEFFREY L. HOCHMAN
Fla. Bar No. 902098
HUDSON C. GILL
Fla. Bar No. 15274

Young Israel v. Town of Surfside
Case No. 10-cv-24392-Jordan/McAliley

SERVICE LIST

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And

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Town of Surfside
9293 Harding Avenue
Surfside, FL 33154
(305) 861-4863 - Telephone
(305) 861-1302 - Facsimile



**TOWN OF SURFSIDE
CHECK REQUEST**

TODAY'S DATE: 1/12/2011

PLEASE ISSUE A CHECK IN THE AMOUNT OF: \$727.50

TO: Cole, Scott & Kissane, P.A.

ADDRESS: Accounting Department, Dadeland Centre II, 9150 South Dadeland Blvd, d.
Suite 1400, Miami, Florida 33156

PURPOSE/DESCRIPTION: John Davis v. Town of Surfside - Legal Bills

INVOICE #	BUDGET CODE #	AMOUNTS
237005	001-3000-521-3111	\$ 727.50
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -

VENDOR I.D. NO.:	AVAILABLE FUNDS:
<u>2722</u>	YES <u> </u> NO <u> </u>
FINANCE DEPARTMENT	

DEPARTMENTAL APPROVALS:

DEPARTMENT HEAD *Paul All*

TOWN MANAGER _____

CHECK DISPOSITION INSTRUCTIONS

MAIL TO VENDOR (Y/N): YES yes DELIVER CHECK TO: _____

INVOICE, RECEIPTS, APPLICATIONS OR OTHER DOCUMENTATION MUST BE SUBMITTED WITH CHECK REQUEST OR WITHIN FIVE (5) DAYS OF RECEIPT OF CHECK



MIAMI - WEST PALM BEACH - TAMPA - KEY WEST - FT. LAUDERDALE - NAPLES - JACKSONVILLE - ORLANDO

ACCOUNTING DEPARTMENT
DADELAND CENTRE II
9150 SOUTH DADELAND BOULEVARD
SUITE 1400
MIAMI, FLORIDA 33156

TELEPHONE (305) 350-5300
FACSIMILE (305) 373-2294
E-Mail: accounting@csklegal.com

WEBSITE www.csklegal.com

FEDERAL TAX ID# 65-0792149

December 31, 2010

Client No. 5045

Invoice No. 237005

Chief David Allen
Town of Surfside
9293 Harding Avenue
Surfside FL 33154

City of Surfside
Re: 0001-00 – John Davis v. Town of Surfside

For Professional Services Rendered through November 30, 2010

<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>
11/02/10	SAC	Prepare [REDACTED]	0.10
11/02/10	SAC	Prepare e-mail correspondence to [REDACTED], regarding trial date.	0.10
11/02/10	SAC	Review e-mail correspondence from [REDACTED] regarding new trial date.	0.10
11/05/10	GB	Check docket in case no. 2007-17286-ca-01 and 2007-35060-ca-01 to ensure no trial date has been set.	0.10
11/12/10	GB	Check docket in case no. 2007-17286-ca-01 and 2007-35060-ca-01 to ensure no trial date has been set.	0.10
11/16/10	TES	Receipt and review of trial order and mediation notice diary same.	0.40
11/16/10	SAC	Review of trial order and pre-trial deadlines.	0.60
11/16/10	SAC	Prepare e-mail correspondence to [REDACTED] regarding trial order	0.10
11/17/10	SAC	Review e-mail correspondence from [REDACTED], regarding telephone conference to discuss trial date.	0.10
11/17/10	SAC	Prepare e-mail correspondence [REDACTED], concerning [REDACTED] one conference [REDACTED]	0.10
11/17/10	SAC	Review of e-mail correspondence from [REDACTED] regarding [REDACTED]	0.20

11/23/10	SAC	Review e-mail correspondence from [REDACTED] for November 2010.	0.10
11/29/10	TES	Receipt and review of email from client regarding status and phone conference; re [REDACTED]	0.20
11/29/10	SAC	Review letter from [REDACTED]	0.30
11/29/10	SAC	[REDACTED] conference	0.30
Total Hours			2.90

Summary of Services

<u>Atty</u>		<u>Hours</u>	<u>Rate</u>	<u>Value</u>
GB	Bauza, Grace-Marie	0.20	110.00	22.00
SAC	Cole, Scott	2.10	250.00	525.00
TES	Scott, Thomas	0.60	300.00	180.00
		Total Fees	2.90	\$727.00

Disbursements

<u>Cost Description</u>		<u>Amount</u>
Copies	(Qty: 2.0000 @ 0.25)	0.50
Total Disbursements		\$0.50

Matter Summary

0001-00 – John Davis v. Town of Surfside

Total Fees	\$727.00
Total Disbursements	\$0.50
Total This Invoice	\$727.50
Previous Balance Due	\$1,057.00
Total Due This Matter	\$1,784.50

CC:
Chief David Allen
Lynn Dannheisser



**TOWN OF SURFSIDE
CHECK REQUEST**

TODAY'S DATE: 1/12/2011

PLEASE ISSUE A CHECK IN THE AMOUNT OF: \$ 1,007.00

TO: Cole, Scott & Kissane, P.A.

ADDRESS: Accounting Department, Dadeland Centre II, 9150 South Dadeland Blvd, d.
Suite 1400, Miami, Florida 33156

PURPOSE/DESCRIPTION: John Davis v. Town of Surfside - Legal Bills

INVOICE #	BUDGET CODE #	AMOUNTS
230767	001-3000-521-3111	\$ 1,007.00
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -

VENDOR I.D. NO.: <u>2722</u>	AVAILABLE FUNDS: <u>YES</u> <u>NO</u>
FINANCE DEPARTMENT	

DEPARTMENTAL APPROVALS:

DEPARTMENT HEAD *[Signature]*

TOWN MANAGER _____

CHECK DISPOSITION INSTRUCTIONS:

MAIL TO VENDOR (Y/N): YES **DELIVER CHECK TO:** _____

INVOICE, RECEIPTS, APPLICATIONS OR OTHER DOCUMENTATION MUST BE SUBMITTED WITH CHECK REQUEST OR WITHIN FIVE (5) DAYS OF RECEIPT OF CHECK



861110
Census

ACCOUNTING DEPARTMENT
DADELAND CENTRE II
9150 SOUTH DADELAND BOULEVARD
SUITE 1400
MIAMI, FLORIDA 33156

11/3

TELEPHONE (305) 350-5300
FACSIMILE (305) 373-2294
E-Mail: accounting@csklegal.com

WEBSITE www.csklegal.com

FEDERAL TAX ID# 65-0792149

MIAMI - WEST PALM BEACH - TAMPA - KEY WEST - FT. LAUDERDALE - NAPLES - JACKSONVILLE - ORLANDO

November 12, 2010

Client No. 5045

Invoice No. 230767

COPY

Lynn Dannheisser
Town of Surfside
9293 Harding Ave
Surfside FL 33154

RECEIVED
11/20/10

Dannheisser, Lynn
Re: 0001-00 - John Davis v. Town of Surfside

For Professional Services Rendered through October 31, 2010

<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>
10/06/10	SAC	Prepare e-mail correspondence to [redacted] Town of Surfside, Lynn Dannheisser and David [redacted] dated [redacted]	0.10
10/08/10	GB	Check docket in case no. 2007-17286-ca-01 and 2007-35060-ca-01 to [redacted]	0.10
10/14/10	SAC	Receipt and analysis [redacted] statement.	0.90
10/15/10	GB	Check docket in case no. 2007-17286-ca-01 and 2007-35060-ca-01 to [redacted]	0.20
10/19/10	TES	Conference call with [redacted]	0.50
10/19/10	TES	Draft and receive emails from [redacted] draft and receive emails from [redacted]	0.40
10/19/10	SAC	Receipt and analysis of email from [redacted] dated [redacted]	0.10
10/20/10	TES	Receipt and review of email from [redacted]	1.20
10/21/10	SAC	Receipt and analysis of email from Lynn Dannheisser regarding status of case.	0.10
10/21/10	SAC	Receipt and analysis of [redacted] assistant [redacted] [redacted]	0.20
10/22/10	GB	Check docket in case no. 2007-17286-ca-01 and 2007-35060-ca-01 to [redacted]	0.20

do not pay credit

10/29/10 GB Check docket in case no. 2007-17286-ca-01 and 2007-35060-ca-01 to
 [Redacted]

Total Hours 4.20

Summary of Services

<u>Atty</u>		<u>Hours</u>	<u>Rate</u>	<u>Value</u>
GB	Bauza, Grace-Marie	0.70	110.00	77.00
SAC	Cole, Scott	1.40	250.00	350.00
TES	Scott, Thomas	2.10	300.00	630.00
<u>Total Fees</u>		4.20		<u>\$1,057.00</u>

Matter Summary

0001-00 – John Davis v. Town of Surfside

Total Fees	\$1,057.00
Total This Invoice	<u>\$1,057.00</u>
Previous Balance Due	\$0.00
Total Due This Matter	<u>\$1,057.00</u>

50.00
 1007.00

Minus 250
 X.20
 50.00

CC:
 Chief David Allen
 Lynn Dannheisser



TOWN OF SURFSIDE PROJECTS PROGRESS REPORT FEBRUARY, 2011

1. **Community Center** – The shoring for the roof slab pour has been removed. Installation of the glass curtain wall has begun. Framing of the interior walls, interior plumbing, and interior electric have also all begun. The excavation and rough plumbing of both pools is now complete. The Activity Pool has been poured and is now being finished for tile installation. The structural steel for the Main Pool is now being installed.
2. **Planning and Community Development** – Staff prepared the ordinance text for the zoning changes resulting from the December 9, 2010 Joint Meeting. This was presented to the Planning and Zoning Board on January 27, 2011 and the Town Commission on February 8, 2011. Staff also prepared ordinances relating to changes for boats and curb cuts on lots resulting from the code hearing in August. 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 ordered three network switches to replace the switches currently installed that belong to Calvin, Giordano & Associates (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 Town Manager 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 develop new ideas for the website and the electronic communication used by the Town. IT staff is gathering quotes for wireless lapel microphones for the commissioners to use for meetings, as instructed by the Town Clerk. The RFP for the Voice Over Internet Protocol (phone replacement) as funded in the FY 10/11 budget has been completed and was advertised on the website in January, 2011. The IT Department will begin working on replacing the existing e-mail records system with an in-house solution this month.

4. Public Utilities / Engineering –

Stormwater System

Construction plans and specifications – 100% complete.

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

Construction schedule – Advertisement goal of February 2011 with anticipated construction duration goal of 15 months. CGA and staff are studying the option of an “early bonus system” to achieve this ambitious schedule.

Grant status - FDEP \$873,500	– In place
FDEP \$125,000	– In place
FDEP \$100,000	– In place
FDEP \$2,949,550	– In process.
SFWMD \$570,000	– In process

Sanitary Sewer Collection System

Construction plans and specifications – 95% complete for collection system upgrades and sewage lift station refurbishment.

Permits – Permit waiver request was approved, letter to be issued this week.

Construction schedule – Advertisement goal of February 2011 with anticipated construction duration goal of 15 months. CGA and staff are studying the option of an “early bonus system” to achieve this ambitious schedule.

Water Distribution System

Construction plans and specifications – 95% complete.

Permits – WASD and HRS approval. Waiting for final sign off from DERM.

Construction schedule – Advertisement goal of February 2011 with anticipated construction duration goal of 15 months. CGA and staff are studying the option of an “early bonus system” to achieve this ambitious schedule.

Grant status - Building Better Community Bonds \$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. Neighborhood Improvements** - CGA prepared initial cost summaries and preliminary strategies for implementing a street tree/tree canopying program for the Town. The goal is to enhance the quality of the residential districts by employing the benefits of street trees, including added property values, shade, and micro-climate/heat island impacts. The provision of street trees have been conceptualized so that they also provide for opportunities with traffic calming, particularly at the street corners and at the mid-blocks, so as to further the livability of the streets and potentially protect both pedestrians and children who may be playing, bicycling or transiting in the street. The initial, suggested strategy seeks to use trees as a neighborhood wayfinding, and community branding element, where specific trees would be used as typical plantings on north-south streets, different from those east-west and potentially flowering trees at the intersections. These, essentially, will constitute the fundamentals of a tree master plan that seeks to continue and further the neighborhood enhancement goals expressed in the community charrette document and already begun through zoning and design guidelines regulation adoptions. The approach will be further developed pending a walk-through with Town Staff to assess the existing conditions, existing constraints, and potential opportunities. The project will be presented to the Town Commission before the bid award for the water/sewer/storm drain project is awarded and will be implemented if funds are available in the bond issue.

CGA is also developing designs for more attractive street signs and improvements to the traffic calming devices throughout the single family neighborhood. The possibility of laying conduit for the undergrounding of FPL and other above ground lines is being reviewed. All these improvements could be included as additive alternates to the water, sewer, storm drainage project.



TOWN OF SURFSIDE
Office of the Town Attorney

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser
Town Attorney

Telephone: 305 993-1065

MEMORANDUM

TO: Town Commission

FROM: Lynn M. Dannheisser, Town Attorney *LD*

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

DATE: January 18, 2011

RE: Prohibition of Outside Employment Ordinance

Recommendation: It is recommended the Commission pass this ordinance prohibiting any employee of the Town Manager from accepting outside employment where the Town's time, equipment or material is used.

Reasons: It has recently come to our attention that in past years, some Town employees have accepted outside employment that has had, in several instances, serious adverse consequences to the Town. This ordinance tracks the Miami-Dade County prohibition on outside employment. One allowable exception is where that employment is not adverse to the Town and the Manager gives his prior approval. Failure to observe the dictates of this prohibition shall result in dismissal.

ORDINANCE NO. 11- _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 2 "ADMINISTRATION" AND SPECIFICALLY CREATING SECTION 2-152 "OUTSIDE EMPLOYMENT BY TOWN EMPLOYEES" 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, several instances have come to the attention of the Town Manager where employees of the Manager have accepted outside employment that have been detrimental to the Town; and

WHEREAS, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to establish guidelines for outside employment by Town employees and to prohibit outside employment conflicting with Town business except as otherwise determined by the Town Manager; and

WHEREAS, The Town Commission concurs with this policy and finds the proposed change to the Code necessary and in the best interest of the community.

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

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

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

Sec. 2-152. Outside employment by Town employees.

a. *Generally prohibited.*

1.) No full-time employee of the Town Manager shall accept outside employment, either incidental, occasional or otherwise, where Town time, equipment or material is to be used or where such employment or any part thereof is to be performed on Town time.

Ordinance No. _____

- 2.) No part-time employee shall accept outside employment during such hours and times that are committed to employment by the Town of Surfside, nor shall equipment or material belonging to the Town of Surfside be used by any part-time employee for employment outside the Town of Surfside.
- b. When permitted. A full-time Town employee may accept incidental or occasional outside employment so long as such employment is not contrary, detrimental or adverse to the interest of the Town or any of its departments and the approval required in subsection (c) is obtained.
- c. Approval of Town Manager required. Any outside employment by any full-time Town employee must first be approved in writing by Town Manager who shall maintain a complete record of such employment.
- d. Penalty. Any employee convicted of violating any provision of this section shall be punished as provided in Section 1-8, and, in addition thereto, shall be subject to dismissal by the Town Manager.

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

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

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

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

PASSED and ADOPTED on first reading this _____ day of _____, 2011.

PASSED and ADOPTED on second reading this ____ day of _____, 2011.

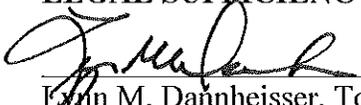
Daniel Dietch, Mayor

Ordinance No. _____

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. _____



Town of Surfside Commission Communication

Agenda Item #: 4A2

Agenda Date: February 8, 2011

Subject: Text Amendment to Section 90.61 Paving in front and rear yards in H30 and H40 Districts.

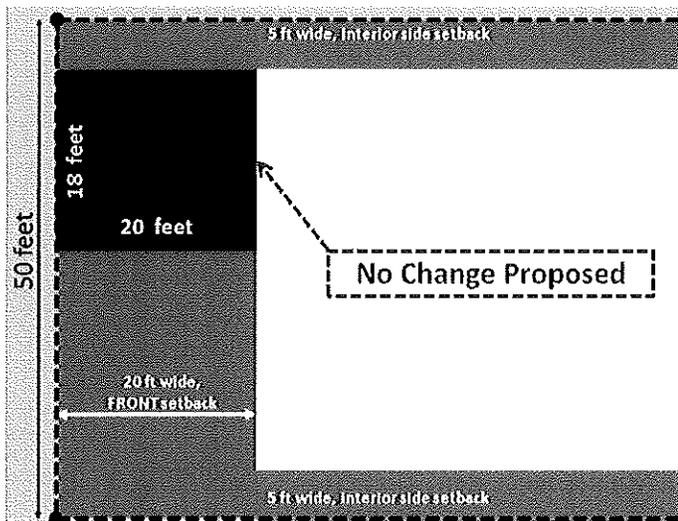
Objective: To allow for additional curb cuts for single family properties with larger lot widths and to include curb cut regulations that are currently in the Building Code in the Zoning Code.

Background: Regulations regarding curb cuts are contained in both the Building Code and the Zoning Code and are not consistent with each other. Staff is recommending that curb cut regulations contained in Section 14-32 of the Building Code be moved into the Zoning Code and the Zoning code be amended to reflect the inclusion of the Building Code requirements and the provision for additional curb cuts on larger lots.

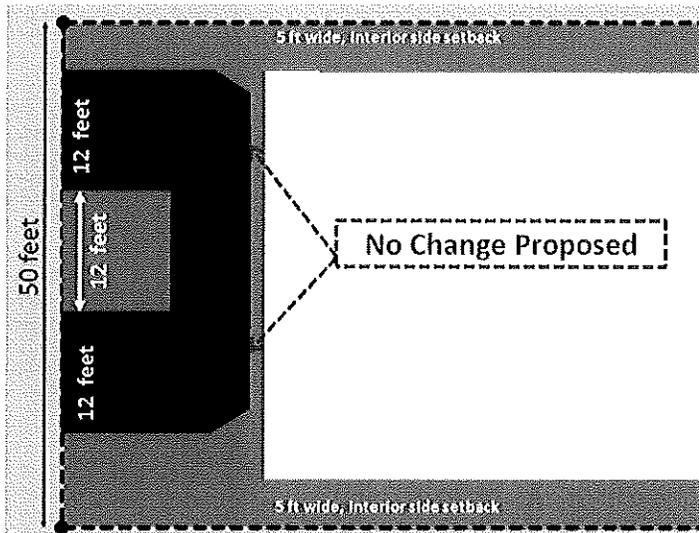
Analysis: In the H30A District, H30B District, and H30C District west of Harding Avenue the number of curb cuts and the width of the curb cuts for properties whose width is LESS than 100 feet has NOT changed. A homeowner has two options is their lot is less than 100 feet.

NO CHANGE:

Option 1: One curb cut not more than 18 feet in width:



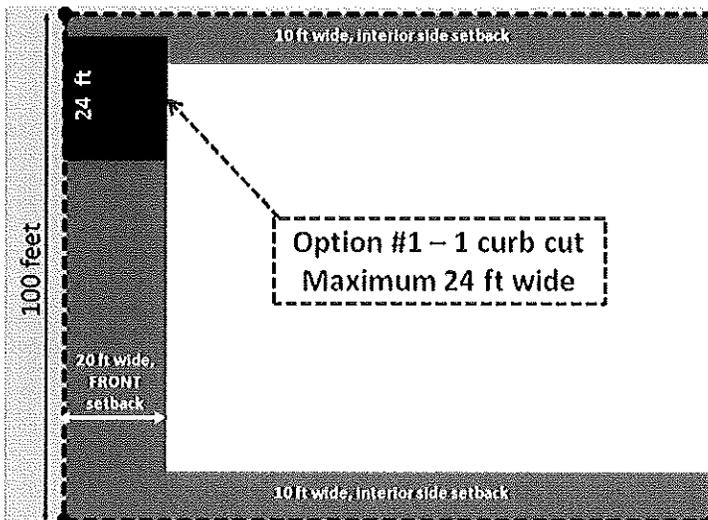
Option 2: Two curb cuts not exceeding 12 feet in width each with at least 12 feet in between the curb cuts:



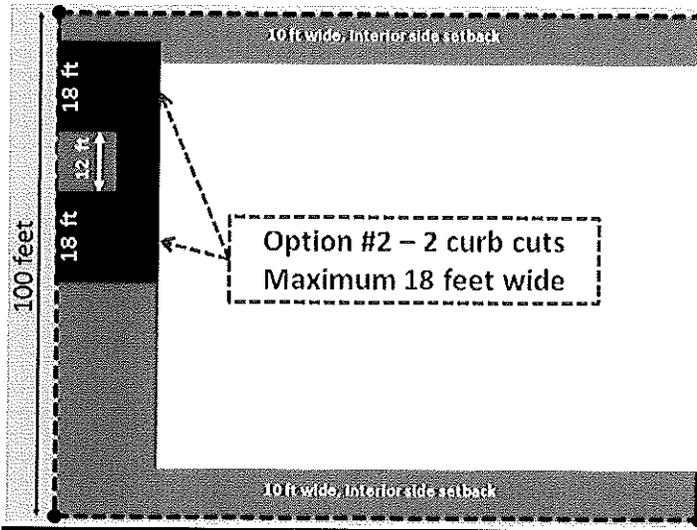
PROPOSED CHANGES:

It is recommended that the number of curb cuts permitted and curb cuts widths be increased for properties whose width is 100 feet or greater as demonstrated by the following options:

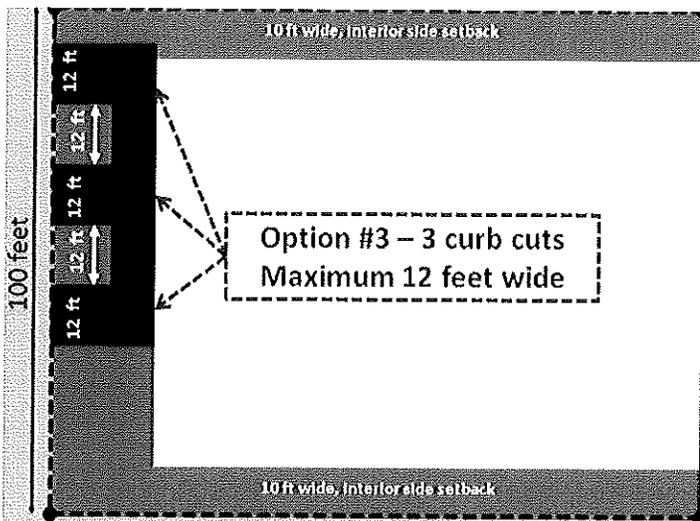
Option 1: One curb cut not more than 24 feet in width:



Option 2: Two curb cuts not exceeding 18 feet in width each with at least 12 feet in between the curb cuts:



Option 3: Three curb cuts not exceeding 12 feet in width each with at least 12 feet in between the curb cuts:



For properties fronting on Collins Avenue, Harding Avenue and every East-West Street in between Collins Avenue and Harding Avenue the Building Code regulations that control the number of curb cuts permitted and curb cuts widths are limited to properties the abut Harding Ave, Collins Ave, and the east/west streets in between are being moved into the zoning code. These requirements also include properties in the H30C zoning district west of Harding, H40, H120, and SDB40 zoning districts. However, this portion of the regulations is not applicable to H30B properties that abut Harding Avenue.

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, sitting as the Local Planning Agency, recommended approval to the Town Commission at its December 16, 2010 meeting. It is recommended that the Surfside Town Commission adopt on second reading the attached Ordinance, amending sections 90.61 of the Town of Surfside Zoning Code.



Sarah Sinatra Gould, Town Planner



Roger Carlton, Town Manager

ORDINANCE NO. 11- _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90.61 CURB CUTS OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to allow additional curb cuts for single family properties with larger lot widths; and

WHEREAS, the Town regulations regarding curb cuts are contained in both the Building Code and the Zoning Code and are not consistent with each other; and

WHEREAS, Town staff is recommending that curb cut regulations contained in Section 14-32 of the Building Code be moved into the Zoning Code and the Zoning code be amended to reflect the inclusion of the Building Code requirements and the provision for additional curb cuts on larger lots.

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 December 16, 2010 with due public notice and input; and

WHEREAS, the Town Commission held its first public reading on January 18, 2011 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 February 8, 2011 and further finds the proposed change to the Code necessary and in the best interest of the community.

Ordinance No. _____

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

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

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

~~Sec. 14-32. Limitations on driveway connections (curb cuts).~~

~~(a) The following table governs and applies to all property fronting on Collins Avenue (AIA North), Harding Avenue (AIA South) and every East-West Street in between Collins Avenue and Harding Avenue:~~

~~PROJECT FRONTAGE
TABLE INSET:~~

- Collins -	Harding -	East-West Street	Driveway Connections (Curb Cuts) Allowed and Direction
X	X	X	One Two-way on Harding Avenue and One Two-way on Collins Avenue or One Two-way on either Collins Avenue or Harding Avenue and one Two-way mid-block on East West Street or One one-way on Collins Avenue, one one-way on Harding Avenue and one two-way mid block on East West Street
X	X	—	One two-way on either Collins Avenue or Harding Avenue or One one-way on Collins Avenue and one one-way on Harding Avenue
X	—	X	One two-way on Collins Avenue or One one-way on Collins Avenue and one one-way on East West Street
—	X	X	One two-way on Harding Avenue or one one-way on Harding Avenue and one one-way on East West Street
X	—	—	One two-way
—	X	—	One two-way

Ordinance No. _____

~~(b) One-way driveway connections (curb cuts) shall not exceed 12 feet in width. Two-way driveway connections (curb cuts) shall not exceed 24 feet in width.~~

~~(c) Except where expressly provided otherwise, driveway connections (curb cuts) on East-West Streets shall be as far away from intersections as practicable.~~

~~(d) If a property fronts on Collins Avenue, Harding Avenue and two East-West Streets, for purposes of the foregoing table, it shall be deemed to front on Collins Avenue, Harding Avenue and one East-West Street.~~

Sec. 90-61. Paving in front and rear yards in H30 and H40 districts.

Front setbacks in the H30A, H30B, H30C or H40 districts shall not be more than 50 percent paved over with any type of material that is not readily permeable by rainwater and groundwater. Pavers and pervious hard materials, including pervious concrete, shall not be utilized for the calculation of pervious area.

(1) Not less than 30 percent of the front yard shall be landscaped.

(2) Not less than 20 percent of the rear yard shall be landscaped.

(3) No front yard shall be accessible by vehicles from a public street by more than two curb cuts.

(4) No curb cut shall be located within five feet of a side lot line.

~~(5) Where there is a single curb cut for any one property, the curb cut shall not be more than 18 feet in width.~~

~~(6) Where there are two curb cuts for any one property, the curb cuts shall not be more than 12 feet in width, and there shall be at least 12 feet between curb cuts. Where a driveway is installed with two curb cuts, a landscaped island containing at least 60 square feet shall be provided between the curb cuts in the front yard area, extending from the front property line to the paved area.~~

(5) On corner lots where vehicular access and off-street parking are provided in a side secondary frontage yard, these same regulations shall apply also to the side secondary frontage yard. Such side secondary frontage yards shall not be more than 50 percent paved over with any type of material that is not readily permeable by rainwater and groundwater and not less than 30 percent of the side secondary frontage yard shall be landscaped.

(6) Driveway materials are limited to the following:

a. Pavers.

b. Color and texture treated concrete, including stamped concrete as long as it is permeable.

c. Painted concrete shall not be permitted.

Ordinance No. _____

d. Asphalt shall not be permitted.

(7) The width of the curb cut shall be measured from the terminus of the driveway entry, not including the taper.

90.61.1 Curb Cuts for properties located in the H30A District, H30B District, and H30C District west of Harding Avenue.

(a) No curb cut shall be located within five feet of a side or rear lot line. For corner lots, no curb cut shall be located within 25 feet of the intersection of the front and secondary frontage lot lines.

(b) Where a driveway is installed with two curb cuts, a landscaped island containing at least 60 square feet shall be provided between the curb cuts in the front yard area, extending from the front property line to the paved area.

(c) The maximum number and location of curb cuts that may be provided for a property shall be determined in accordance with the following table.

	<u>Maximum Driveway Connections (Curb Cuts) Allowed and Location</u>
<u>Front Lot Line Width is less than 100 feet</u>	<ol style="list-style-type: none"> 1. <u>One curb cut, not more than 18 feet in width; Or</u> 2. <u>Two curb cuts, each curb cut shall not be more than 12 feet in width, and there shall be at least 12 feet between curb cuts</u>
<u>Front Lot Line Width is 100 feet or greater</u>	<ol style="list-style-type: none"> 1. <u>One curb cut, not more than 24 feet in width; Or</u> 2. <u>Two curb cuts, each curb cut shall not be more than 18 feet in width, and there shall be at least 12 feet between curb cuts; Or</u> 3. <u>Three curb cuts, each curb cut shall not be more than 12 feet in width, and there shall be at least 12 feet between curb cuts</u>

90.61.2 Curb Cuts for properties fronting on Collins Avenue, Harding Avenue and every East-West Street in between Collins Avenue and Harding Avenue, excluding H30B District properties.

(a) No curb cut shall be located within five feet of a side or rear lot line. For corner lots, no curb cut shall be located within 25 feet of the intersection of the front and secondary frontage lot lines.

(b) One-way driveway connections (curb cuts) shall not exceed 12 feet in width. Two-way driveway connections (curb cuts) shall not exceed 24 feet in width.

(c) Except where expressly provided otherwise, driveway connections (curb cuts) on East-West Streets shall be as far away from intersections as practicable.

Ordinance No. _____

(d) If a property fronts on Collins Avenue, Harding Avenue and two East-West Streets, for purposes of the foregoing table, it shall be deemed to front on Collins Avenue, Harding Avenue and one East-West Street.

(e) The maximum number and location of curb cuts that may be provided for a property shall be determined in accordance with the following table. All curb cuts on Harding Avenue and Collins Avenue are subject to review and approval by the Florida Department of Transportation.

<u>Roadway frontage</u>			<u>Maximum Driveway Connections (Curb Cuts) Allowed and Location.</u>
<u>Collins Ave</u>	<u>Harding Avenue</u>	<u>East-West Street</u>	
X	X	X	1. <u>One two-way on Harding Avenue and One two-way on Collins Avenue; Or</u> 2. <u>One two-way on either Collins Avenue or Harding Avenue and one two-way mid-block on East-West Street; Or</u> 3. <u>One one-way on Collins Avenue, one one-way on Harding Avenue and one two-way mid-block on East-West Street</u>
X	X		1. <u>One two-way on either Collins Avenue or Harding Avenue; Or</u> 2. <u>One one-way on Collins Avenue and one one-way on Harding Avenue.</u>
X		X	1. <u>One two-way on Collins Avenue; Or</u> 2. <u>One one-way on Collins Avenue and one one-way on East-West Street</u>
	X	X	1. <u>One two-way on Harding Avenue; Or</u> 2. <u>One one-way on Harding Avenue and one one-way on East-West Street</u>
X			<u>One two-way on Collins Avenue</u>
	X		<u>One two-way on Harding Avenue</u>

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.

Ordinance No. _____

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 18 day of Jan., 2011.

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

Moved by: _____

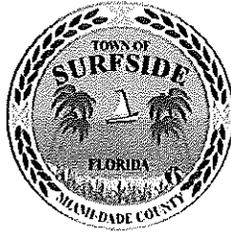
On Second Reading Seconded by: _____

Ordinance No. _____

Vote:

Mayor Dietch	yes _____	no _____
Vice Mayor Graubart	yes _____	no _____
Commissioner Karukin	yes _____	no _____
Commissioner Kopelman	yes _____	no _____
Commissioner Olchyk	yes _____	no _____

Ordinance No. _____



Town of Surfside Commission Communication

Agenda Item #: 4B1

Agenda Date: February 8, 2011

Subject: Text Amendment to Section 90.65 - Boat Storage

Objective: Revise boat parking regulations by permitting boats to be parked in the side and rear yards, while requiring screening to the neighboring properties.

Background: At the July 7, 2010 Special Commission meeting a resident indicated that he would like the issue of boat storage to be revisited to allow boats, trailers and personal watercraft in side and rear setbacks, while prohibiting boats in the front yard within single family properties. This issue was a discussion item on the August 26, 2010 Planning and Zoning Board meeting and was placed on the September 30, 2010 Planning and Zoning agenda as an ordinance. However, staff completed a further analysis and discovered that prohibiting boats could result in a hardship for approximately 64 property owners who continually park boats in the single family area. Staff therefore requested an additional review by the Planning and Zoning Board at their December 16, 2010 meeting. The Town Commission heard the proposed ordinance on first reading at their January 18, 2011 meeting. The Commission voted 3-2 to approve this ordinance on first reading. The Planning and Zoning Board heard this item at their January 27, 2011 meeting and after much discussion by the public, the Board voted to delete all new provisions from the first reading ordinance except the following:

(b) No boat, or boat trailer shall be parked ~~or stored~~ within the required interior side yard setback and/or required rear yard setback, or projected or encroach on any public right-of-way.

(c) A boat trailer and personal watercraft may be parked in the front, side, or rear yards. If parked in the side or rear yard, the boat trailer and personal watercraft shall not be visible to the neighboring property. A fence, wall or hedge, consistent with the code, shall be installed in order to limit visibility to the maximum extent possible.

Analysis: By removing the term “yard,” the proposed changes will continue to permit boats to be parked in the front, side and rear of a lot, but not in required interior side setback, rear setback or encroach into the street or right-of-way. Also, if a boat is parked in the side or rear yard, the proposed changes require screening from neighboring properties to help conceal the boat from view.

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: It is recommended that the Town Commission approve the attached Ordinance, amending sections 90.65 of the Town of Surfside Zoning Code.



Sarah Sinatra Gould, Town Planner



Roger M. Carlton, Town Manager

ORDINANCE NO. 11- _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90.65 BOAT STORAGE, INCLUDING ZONING CODE DEFINITIONS OF "SETBACKS" AND "YARDS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to amend the boat storage regulations to permit boat trailers and personal watercraft in the side or rear setbacks, including Zoning Code definitions of "Setbacks" and "Yards;" and

WHEREAS, subsequent to the Planning and Zoning Board meeting of October 28, 2010, the Town Manager suggested additional provisions; and

WHEREAS, the Town Commission held its first public reading on January 18, 2011 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the Local Planning Agency for the Town, held its hearing on the proposed amendments to the district regulations on January 27, 2011 with due public notice and input; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on February 8, 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:

Ordinance No. _____

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. 90-65. Boat storage-parking.

In the following section the term "boat" shall include every description of watercraft or airboat used or capable of being used as a means of transportation on water, including personal watercraft, but shall not include kayaks or canoes or similar non-motorized watercraft. No more than one boat may be parked on any lot in the H30A or H30B districts subject to the following conditions:

- (a) Boats shall not be used for living or sleeping quarters, and shall be placed on and secured to a transporting trailer.
- (b) No boat, or boat trailer shall be parked ~~or stored~~ within the required interior side yard setback and/or required rear yard setback, or projected or encroach on any public right-of-way.
- (c) A boat trailer and personal watercraft may be parked in the front, side, or rear yards. If parked in the side or rear yard, the boat trailer and personal watercraft shall not be visible to the neighboring property. A fence, wall or hedge, consistent with the code, shall be installed in order to limit visibility to the maximum extent possible.
- (~~ed~~) When parked or stored in the front or secondary frontage yard the place of parking shall be parallel with and immediately adjacent to or on the driveway and shall be at least five feet from the interior side or rear property line.
- (~~de~~) The parking, storage or keeping of any boat or boat trailer shall not obstruct driveways or impede the ability of the abutting property owner to maintain the right-of-way clearance. The parking, storage or keeping of any boat or boat trailer shall not cause other vehicles to be parked in rights-of-way so as to create a hazard. The parking or storage of a boat or boat trailer shall not be in conflict with the provisions of 90-52.
- (~~ef~~) If covers are provided for the open part of all boats, the covers for any items must fit to the contours of the boat. The color of the cover should be complimentary to the exterior color of the boat. No tarps shall be used.
- (~~fg~~) Boats, boat trailers, and places of parking shall be kept in a clean, neat and presentable condition. Boats and boat trailers shall not be inoperable, wrecked, junked, partially dismantled or abandoned.
- (~~gh~~) No boat which does not have a valid registration and a valid license plate decal properly displayed, as required by state law, shall be kept on any lot for more than 30 days, unless they are stored inside a totally enclosed building.
- (~~hi~~) It shall be unlawful to park a boat or boat trailer on any lot, unless such lot contains a residential dwelling and the boat belongs to the occupant of such dwelling, a member of his immediate family, a resident of the household residing on the property, or a bona fide guest or visitor thereof.
- (~~ij~~) No major repairs or overhaul work shall be made or performed on the premises.

Ordinance No. _____

(jk) Boats and boat trailers stored on any lot in the H30A or H30B districts shall be secured or removed immediately upon the issuance of a hurricane warning by a recognized governmental agency.

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 18th day of January , 2011.

PASSED and ADOPTED on second reading this ____ day of _____, 2011.

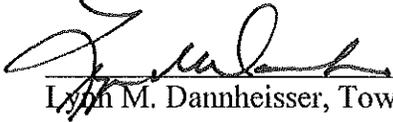
Daniel Dietch, Mayor

Attest:

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

Ordinance No. _____

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



Lynn M. Dannheisser, Town Attorney

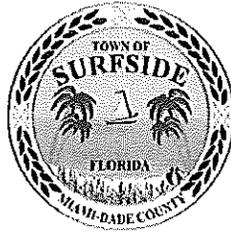
On First Reading Moved by: _____

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. _____



Town of Surfside Commission Communication

Agenda Item # 5A

Agenda Date: February 8, 2011

Subject: Konica Copier

Objective: 36 Month Lease of Konica Minolta Photocopier.

Recommendation: It is recommended that the Town of Surfside piggyback off the State of Florida bid (Contract No. 600-000-11-1) to lease a Konica Minolta copier for a term of 36 months. The copier will replace the currently expired Toshiba copier contract from 2005. The Toshiba copier is located on the first floor of Town Hall.

Background: The Toshiba copier located on the first floor of Town Hall is a high performance, heavy duty copier and scanner. The copier was leased from Toshiba and the lease expired in December, 2010. Priscilla Krutules, Record Technician and Assistant to the Town Clerk and Jose Feliz, IT System Support Specialist researched three companies with State contracts for a high performance and heavy duty copier that would fit the needs of the various Departments that use the machine on a daily basis (including preparation of agenda packets). Their recommendation is based upon matching the current features used, compared pricing and the inclusion of recurring copier expenses (toner, staples, etc.). They selected Delta Business Solution's, Konica bizhup 751 which will copy 75 pages per minute and has scanner and fax capability.

The monthly lease will include parts, preventative maintenance and even toner and staples. Two municipalities were contacted to obtain references. Both the City of Miramar and the City of Hialeah gave Delta Business Solutions positive reviews. The City of Miramar leases 47 machines and the City of Hialeah leases more than 70 copiers from Delta Business Solutions.

Analysis: The monthly lease payment will be \$246.82. Two other copiers (Toshiba), also on state contracts, were quoted with similar features and cost \$260.63 and \$286.06.

Budget Impact: The lease payment on the old machine was \$330.00 based on 2005 pricing. The lease payment on the proposed lease will be \$291.82 and includes additional items such as toner, staples and a fax function. The funds were approved in the FY 2010/2011 budget under code number 001-2000-512.4601.

Growth Impact: N/A

Staff Impact: N/A



Department Head



Town Manager

Maintenance



Ultimate Solution :

- Additional output
- All Service Checks
- All Preventative Maintenance
- All Replacement Parts
- All Drums
- All Labor
- All Toner
- Includes Quality Assurance Calls
- Guaranteed Service Response Time
- Includes Assigned Technical Specialist
- Guaranteed Loaner

Performance Guarantees

EQUIPMENT GUARANTEE - The equipment is conditionally warranted by Delta Business Solutions for as long as the customer owns the equipment, provided that the equipment is covered by an Omni maintenance and support program.

EMERGENCY RESPONSE TIME GUARANTEE We guarantee to respond to an emergency call within an average 6 hours.

REPLACEMENT GUARANTEE - If the equipment is covered by Delta maintenance agreement, and cannot be repaired, we will replace it with a piece of similar or like equipment at no additional charge.

LOANER PROTECTION PLAN - If we are unable to repair your equipment covered under the Delta maintenance agreement within 8 hours of our arrival, we will provide a loaner to you at no additional cost.

RESOLUTION NO. 11-____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, WAIVING THE BID PROCESS AND APPROVING A PURCHASE ORDER FOR A 36 MONTH TERM WITH DELTA BUSINESS SOLUTIONS; PIGGYBACKING ON STATE OF FLORIDA CONTRACT No. 600-000-11-1, AUTHORIZING EXECUTION OF PURCHASE ORDERS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Town Commission wishes to procure the use of a Konica bizhub 751 photocopier; and

WHEREAS, after conducting a good faith review of available sources, it is recommended that the Town piggyback this bid on the State of Florida Contract No. 600-000-11-1; it is in the Town's best interest to waive the competitive bidding procedures; and

WHEREAS, the State of Florida selected Delta Business Solutions to provide similar products and services to the State of Florida.

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

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

Section 2. Purchase Order Approved. The Purchase Order, is attached hereto as (Attachment "A"), is hereby approved, and the Town Manager is hereby authorized to execute the Purchase Order on behalf of the Town.

Section 3. Implementation. The Town Manager is hereby authorized to take any action which is necessary to implement the purpose this Resolution.

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

PASSED and **ADOPTED** on this 8th day of February, 2011.

Motion by Commissioner _____, Second by Commissioner _____.

FINAL VOTE ON ADOPTION

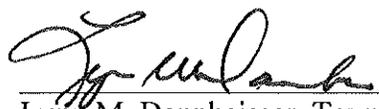
Commissioner Michael Karukin _____
Commissioner Edward Kopelman _____
Commissioner Marta Olchyk _____
Vice Mayor Joe Graubart _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Debra E. Eastman, MMC
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Lynn M. Dannheisser, Town Attorney



PURCHASE ORDER
TOWN OF SURFSIDE
 9293 HARDING AVENUE • SURFSIDE, FL 33154
 TELEPHONE: 305.861.4863
 FAX: 305.861.1302

ATTACHMENT A

No 10190

This Number Must Be
 Shown on Delivery Ticket,
 Invoice and Statement.

Check # _____
 Check Date _____

Konica Minolta Business Solutions U.S.A., Inc.
 c/o Delta Business Solutions/C.F. Ramsay
 500 Day Hill Road
 Windsor, CT 06095
 ATTN: Cheryl Kruschwitz

Date _____

SHIP VIA

F.O.B.

TERMS:

QUANTITY	DESCRIPTION AND SPECIFICATIONS	UNIT PRICE	TOTAL
1	Konica Bizhup 751 Copier with options \$246.82 Per Month X 36 Months Per Copy Rate .0045 (Based on State Contract) State Contract No. 600-000-11-1 DEPT. <u>Non-Departmental</u> ACCT. # <u>001-7900-590-46-01</u> VENDOR # _____ I CERTIFY THERE ARE FUNDS IN THE ABOVE ACCOUNT. _____ DEPARTMENT HEAD	\$246.82	\$8,885.52

IMPORTANT: Mail Invoice showing Purchase Order number to Accounting Department,
 Town Hall, immediately upon delivery of goods (Statement monthly).

 Town Manager



Town of Surfside Commission Communication

Agenda Item #: 5B

Agenda Date: February 8, 2010

Subject: Acceptance of Pre Qualification Shortlist for Infrastructure Rehabilitation Project and authorization to continue bid process.

Objective: To perform a pre qualification check on all prime contractors and major subcontractors who intend to submit a competitive bid price for the Infrastructure Rehabilitation Project. This pre qualification ensures that the Contractors submitting a bid are qualified, safe, responsible firms. Further, to authorize that that this bid process using the pre-qualified firms proceed.

Background: The Infrastructure Rehabilitation Project will be a challenging project which should only be performed by a Contractor with experience in this specific type of work, within residential areas, and in a near shore tidal area. To ensure the Town adheres to the competitive bidding guidelines and contracts with a qualified firm, the Town is performing a pre-qualification process.

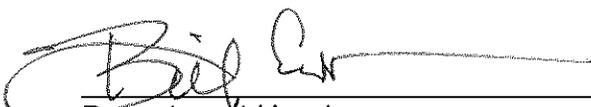
The pre qualification package was advertised for 30 calendar days and a mandatory pre-qualification meeting was held on January 13, 2011.

Analysis: The Town received pre qualification packages from ten (10) Prime Contractors. Of these Prime Contractors the Town's Consultant, Calvin, Giordano & Associates, has performed a review and determined that seven (7) firms meet all requirements. See Attachment 1 for the list of firms which submitted and those that meet our requirements.

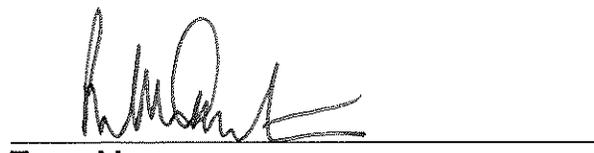
Budget Impact: The approval of the Consultant's qualified Contractor's list does not affect the Town's budget.

Staff Impact: N/A

Recommendation: It is recommended that the Surfside Town Commission approve this resolution which creates a list of pre-qualified Contractors and authorizes the competitive procurement process to proceed.



Department Head



Town Manager

RESOLUTION NO. 2011-____

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE LIST OF PRE QUALIFIED CONTRACTORS FOR THE INFRASTRUCTURE REHABILITATION PROJECT; AND AUTHORIZING THE TOWN MANAGER TO SEEK COMPETATIVE BIDS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside has prepared and advertised a Request for Qualification Package (RFQ) for Contractors who desire to submit bid packages for the Infrastructure Rehabilitation Project to improve the Town’s utility services.

WHEREAS, the need to pre qualify Contractors is particularly important with this project due to its aggressive schedule, multiple phases and relative location throughout the Town; and

WHEREAS, the Town Clerk received packages from ten (10) firms by the deadline of January 31, 2011 at 2:00 PM; and

WHEREAS, the Committee has recommended the pre qualification of seven (7) Contractors; and

WHEREAS, the Town Manager recommends that the Town Commission approve the list of pre qualified Contractors and authorize the competitive bid process to move forward.

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

SECTION 1: The Infrastructure Rehabilitation Project Qualified Contractors list attached hereto as Exhibit “A” be and the same is hereby approved.

SECTION 2. The Town Manager is authorized to seek competitive bids with the award to be approved by the Town Commission.

SECTION 3. That this resolution shall be in full force and effect immediately upon its passage and adoption.

Motion by Commissioner _____, Second by Commissioner _____
PASSED AND ADOPTED this 8th day of February, 2011.

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 use and reliance of the
Town of Surfside, Florida.



Lynn M. Dannheisser, Town Attorney



Town of Surfside

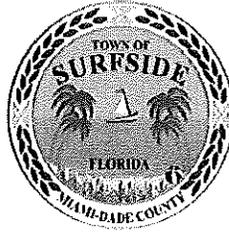
Infrastructure Rehabilitation Project Pre Qualified Contractors List

EXHIBIT A

Ranking	Contractor	Average Score
1	Lanzo Construction, Inc	169
2	Man-Con, Inc	163
3	Ric-Man International Inc.	161
4	Southeastern Engineering Construction	156
5	Intercountry Engineering, Inc	147
6	GlobeTech Construction	138
7	SAK Construction	112
8	Reynolds, Inc. dba John Reynolds & Sons, Inc.	102
9	Metro Equipment Service	96
10	Metro Express, Inc	82

The top seven firms are deemed to be prequalified to submit bids on the Town of Surfside Infrastructure Rehabilitation Project.

The 8-10 ranked firms are not deemed prequalified to submit bids on the Town of Surfside Infrastructure Rehabilitation Project.



Town of Surfside Commission Communication

Agenda Item #: 5C

Agenda Date: February 8, 2010

Subject: Infrastructure Rehabilitation Project Public Meeting

Objective: To publicly discuss and approve the water, sewer and storm water facilities plan necessary to keep open the potential for a State Revolving Fund Loan.

Background: The Town's focus is on improvements to the water main distribution system, sanitary sewer collection system and storm water improvements. In addition, the Town is mandated to comply with a Consent Agreement to avoid fines due to sanitary sewer infiltration inflow and high pump station run times. To obtain Florida Department of Environmental Protection - State Revolving Fund (SRF) loans, the Town will submit a Facilities Plan, construction documents, and supporting exhibits that demonstrate the Town's intent to improve the Level of Service for each of the services listed. A Water, Sewer and Stormwater Facilities Plan has been prepared to update the planning status for the Town of Surfside's utility systems, and is based on recent planning for major improvements. To support the Town's efforts the Plan covers the current status of the water main distribution system, sewer collection / pump station system, and stormwater collection system. The current capital improvement plan and the needs for the next 10 years are also summarized as a part of the Facilities Plan.

Analysis: The SRF interest rates are slightly lower than the competitive private placement rates we anticipate. The application requires a submittal of the Commission approved Facilities Plan, which addresses the current state or status of the utility system and the reasons the project is needed. The Facilities Plan must be approved in an advertised public meeting.

Budget Impact: The fiscal impact has been clearly defined in the rate study by Tischler Bise and the Town Commission has adopted the new rates and the rate increase has been implemented.

Staff Impact: N/A

Recommendation: Approve this resolution which is a requirement of maintaining the Town's eligibility for the State Revolving Loan Fund (SRF). This does not mean that we will actually take down the loan until market conditions, bid processes, timing factors and other events ensure that this program is the best strategy. All options have been discussed with the Citizen's Oversight Committee and they are in concurrence with maintaining eligibility but not making the final decision at this time. This will be explained in more detail during the advertised public meeting on February 8, 2011.



Department Head



Town Manager

RESOLUTION NO. R-2011-____

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA
APPROVING THE WATER, SEWER AND STORMWATER
FACILITIES PLAN AFTER A PUBLIC MEETING ON SAME.**

WHEREAS, the Town of Surfside has pursued an update to its utility systems and has developed a Water, Sewer and Storm Water Facilities Plan as a way to help facilitate long-term decision-making on the water, sewer and storm water systems.

WHEREAS, planning is a function which all enterprises should participate in to anticipate needs, clarify organizational goals and provide direction to pursue; and

WHEREAS, this need is particularly important with water and wastewater utility systems, as many necessary improvements and changes in direction take many years to implement and/or complete; and

WHEREAS, an adopted Facilities Plan is needed to enter the State Clearinghouse review procedure or to pursue State Revolving Fund loan monies for water, wastewater and stormwater projects; and

WHEREAS, the proposed Facilities Plan has been created in contemplation of dealing with the expected improvements that may be required over the next 10 years on the water, wastewater and stormwater systems, including plant, pipeline and infiltration improvements; and

WHEREAS, the Town Manager recommends that the Town Commission approve the Facilities plan after due public meeting.

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

SECTION 1: The Water, Sewer and Storm water Facilities Plan attached hereto as Exhibit "A" be and the same is hereby approved.

SECTION 2. That this resolution shall be in full force and effect immediately upon its passage and adoption.

Motion by Commissioner _____, Second by Commissioner

PASSED AND ADOPTED this 8th day of February, 2011.

FINAL VOTE ON ADOPTION

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

Daniel Dietch, Mayor

ATTEST:

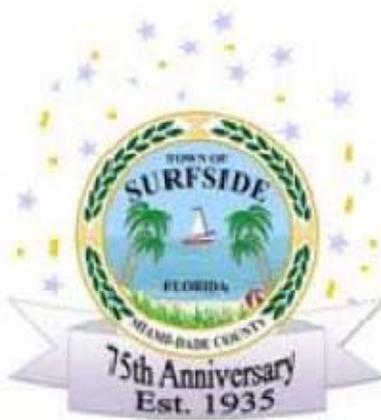
Debra E. Eastman, MMC
Town Clerk

APPROVED AS TO FORM AND LEGALITY
For use and reliance of the
Town of Surfside, Florida.

Lynn M. Dannheisser, Town Attorney

NOTE This is an initial work product required for public meeting. Staff is still reviewing all documentation and there may be written supplements or verbal communications at final public meeting.

WATER, WASTEWATER AND STORMWATER FACILITIES PLAN



TOWN OF SURFSIDE, FLORIDA

**FY 2010 -2011 IMPROVEMENTS
February 8, 2011**

DEP Project No.
** (Drinking Water)
** (Clean Water)

Prepared by:



Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS

Public Utility Management and Planning Services, Inc.
P.O. Box 221890
Hollywood, FL 33022-1890

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EXECUTIVE SUMMARY

The Town of Surfside is located on the coast of northeastern Miami-Dade County. The Town was incorporated under the laws of the State of Florida in 1935. The Town covers an area of 1.0 square mile adjacent to the ocean. The population is 5,838. The community is primarily residential, with a small concentration of shopping, offices and oceanfront property. Water and sewer treatment services are supplied to the Town by Miami-Dade County and Miami Beach.

The Chief Administrative Officer of the Town Government is the Town Manager, who is appointed by the Town Commission. The Utilities Department is one of the major departments within the Town.

The Town also owns and operates a water distribution system and sewer collection system. There are some pressure deficiencies in the current water distribution piping system and some old lines that need replacement. Infiltration and inflow are ongoing issues for the sewer system, for which there is a consent order. Infiltration and inflow are important for the Town of Surfside because it directly costs the Town money. Addressing infiltration and inflow would reap immediate benefits through reduced flows to Miami-Dade County, and would lessen the potential for overflows.

This document has been prepared to outline the planning status for the Town of Surfside's water, stormwater and sewer systems based on recent planning for major improvements, and to support the Town's efforts to apply for State Revolving Fund (SRF) loans and grants for the period 2011 to 2031. The Town's immediate focus is on: addressing infiltration and inflow concerns, water piping upgrades, stormwater improvements and pipeline upgrades. The following summarizes the major improvements considered:

- Infiltration and inflow correction to address deficiencies inherited from the Florida Water system acquisition
- Water lines in several areas of the Town need looping for pressure improvements, plus replacement of small diameter galvanized pipelines and old cast iron pipes that leak excessively. The Town would reduce operating costs and improve system integrity with these improvements.
- The Town proposes to install stormwater piping and pumping to address flowing problems throughout the community. A pumping station is needed to improve flows in the interceptor that these piping systems will be connected with.

Borrowing funds for these projects can be accomplished at low interest rates from the State of Florida's State Revolving Fund (SRF) loan program. The SRF program provides low interest loan monies to finance the cost of construction of publicly owned water, wastewater and stormwater facilities. Authority for the program is found in the Florida Administrative Code, Chapters 62-622, 62-503 and 62-504. The Florida Department of Environmental Protection (FDEP) is charged with implementing the program. Generally, any local government entity which has jurisdiction over the collection, transmission,

treatment, storage or disposal of wastewater, is eligible to apply for SRF loans. The projects for wastewater must be associated with domestic wastewater on the public system, including treatment plants, collection systems, transmission lines, storage, disposal alternatives (or changes thereto), reclaimed water use or similar projects. The same applies for water and stormwater.

This is the first such facilities plan for the Town, even though ongoing improvements to the water piping systems have been occurring for many years. This program is fully consistent with the Town's adopted comprehensive plan.

1.0 INTRODUCTION

1.1 Corporate Limits

The Town of Surfside was incorporated in 1935 under the laws of the State of Florida. The Town covers of 1.0 square mile and is located south of the Broward/Miami-Dade County Line. The Town serves all of the community within its corporate limits with water and sewer service. The community is primarily residential, with concentrations of light shopping and offices within the corporate limits. The Town is on an island, with a beach, just above sea level elevation.

1.2 Summary of the System

The Town of Surfside purchases water service from Miami-Dade County. The water supplies are derived from Biscayne Aquifer groundwater wells. Southeast Florida is underlain by a series of interspersed rock formations with varying permeability. The Town owns and operates a water distribution system and sewer collection system within the Town limits (see Figure 1.1). The Town contracts with City of Miami Beach for wastewater transmission and ultimate treatment and disposal at Virginia Key Treatment Facility, operated by Miami-Dade County Water and Sewer. However, the costs for capital for the facility are passed to the municipal customers.

1.3 Financial Basis of the Utility System

The Town's water and sewer utility system were created to provide safe, reliable and financially self-supporting potable water and sanitary wastewater systems which meet the water and sewage needs of the residents of the Town of Surfside, and to ensure that existing and future systems are constructed, operated and managed with the least possible cost to the users, with no direct or indirect financial aid from the general fund or taxpayers of the Town. As a result, the Public Works Department includes the water and sewer systems, which have been set up as an Enterprise Fund, operating as a business would, whereby water and wastewater service revenues are used to fund operations. The water and sewer systems receive no taxpayer funding for its operations. The revenues are varied and include monthly water and wastewater bills, system connection charges and reserve capacity fees. The stormwater enterprise fund is set-up in a similar manner.

This document has been prepared to initiate the planning status for the Town of Surfside's water and sewer system, based on recent planning for major improvements, and to support the Town's efforts to obtain SRF loans and grants for the period 2011 to 2015. The Town's immediate focus is on: addressing infiltration and inflow concerns, water piping upgrades, stormwater improvements and pipeline upgrades. The following summarizes the major improvements considered:

- Infiltration and inflow correction to address deficiencies inherited from the Florida Water system acquisition
- Water lines in several areas of the Town need looping for pressure improvements and replacement of small, galvanized pipelines that leak excessively. The Town would reduce operating costs and improve system integrity with these improvements.

- The Town proposes to install stormwater piping and pumping to address flowing problems throughout the community. A pumping station is needed to improve flows in the interceptor that these piping systems will be connected with.

Borrowing funds for these projects can be accomplished at low interest rates from the State Revolving Fund (SRF) loan program. The State of Florida's SRF program provides low interest loan monies to finance the cost of construction of publicly owned water, wastewater and stormwater facilities. Authority for the program is found in Chapters 62-622, 62-503 and 62-504 of the Florida Administrative Code. The Florida Department of Environmental Protection (FDEP) is charged with implementing the program. Generally, any local government entity which has jurisdiction over the collection, transmission, treatment, storage or disposal of wastewater, is eligible to apply for SRF loans. The projects for wastewater must be associated with domestic wastewater on the public system, including treatment plants, collection systems, transmission lines, storage, disposal alternatives (or changes thereto), reclaimed water use or similar projects. The same applies for water and stormwater.

This is the first such facilities plan for the Town, even though ongoing improvements to the water piping systems have been occurring for many years. **This program is fully consistent with the Town's adopted comprehensive plan.**

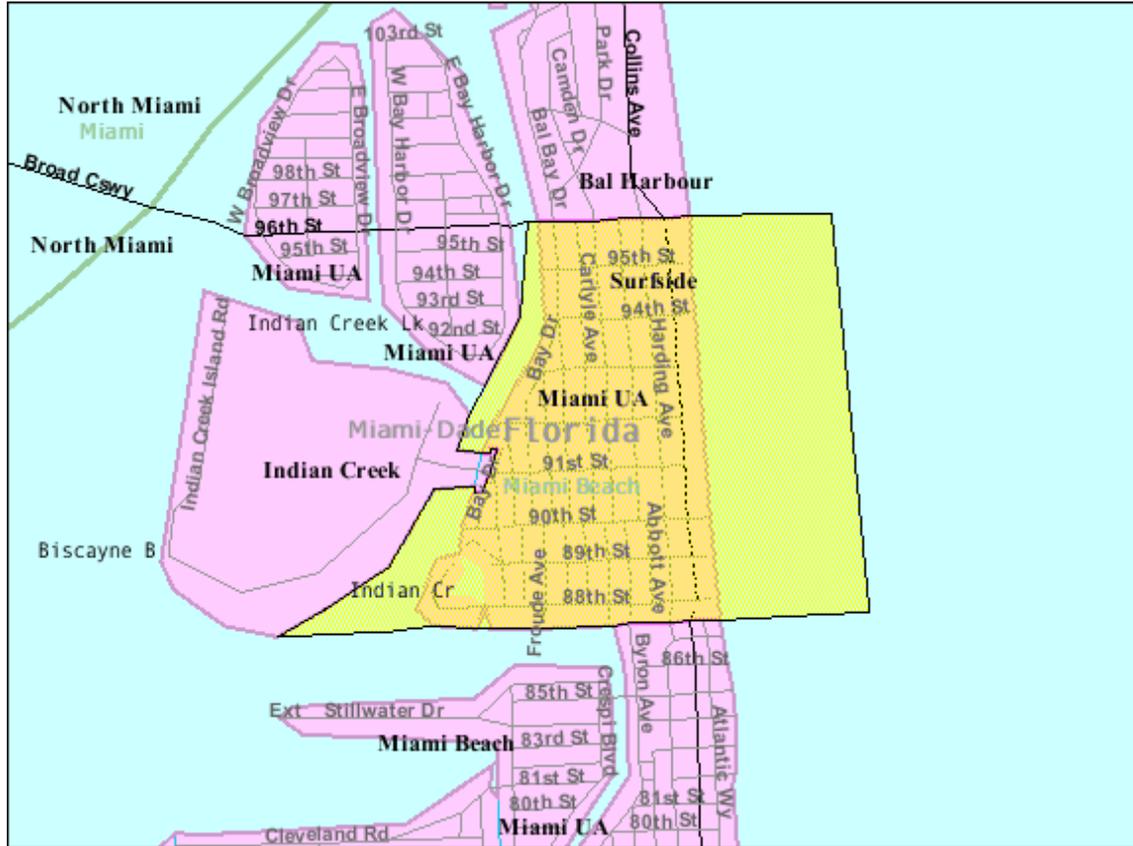


Figure 1.1 Town of Surfside Corporate Limits

2.0 GENERAL ENVIRONMENT OF SERVICE AREA

2.1 Description of Planning Area

2.1.1 South Florida Climate/Ecology

The Town of Surfside is located on the coastal portion of southeastern Florida (see Figure 2.1), where the climate is subtropical, with average annual temperatures between 71 and 75 degrees Fahrenheit. Temperatures below freezing are not unknown, although they are extremely rare. Cooler temperatures are associated with shorter winter days having less direct sunlight, causing reduced evapotranspiration and generally lower humidity. The ocean temperature buffers the Town from both warmer summer and cooler winter temperatures.

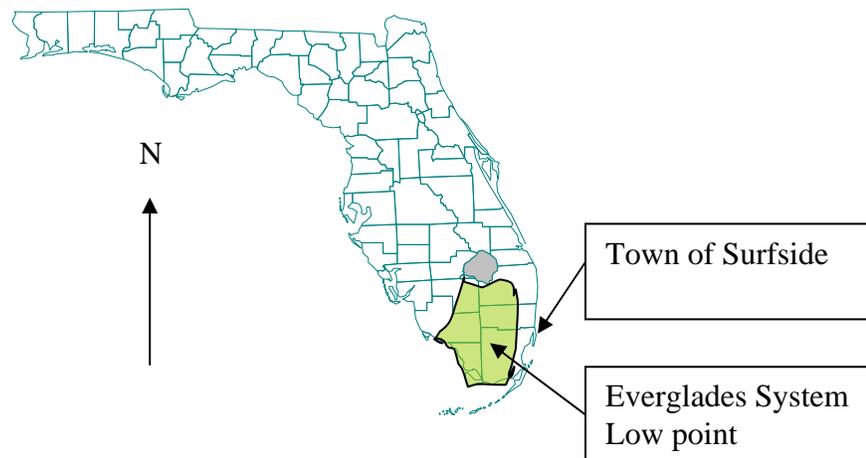


Figure 2.1 Location of Surfside

Water is the resource that determines the entire ecology of all of south Florida. Average annual rainfall is between 50 and 60 inches per year. However, the rainfall fluctuates over a 6 to 10 year wet-dry cycle. Florida also has one of the highest evapotranspiration rates in the southeastern United States. Approximately 70 percent of the November 30), resulting in extreme wet and dry seasonal variations (see Figure 2.2). Throughout the wet season, the Atlantic Ocean and adjacent estuarine areas produce large amounts of water vapor (produced by evaporation from the sun) which form puffy, white, cumulus clouds. As these clouds move over land, additional water vapor accumulates from evaporation in the Everglades, local lakes and ponds, and evapotranspiration from vegetation. As the amount of water vapor increases, the clouds combine to form anvil-topped thunderheads. At some point, the condensed vapor exceeds the holding capacity of the atmosphere. The moisture is released as rain in the form of localized thunderstorms, completing the hydrologic cycle. During an average rainy season, the elevation of groundwater in the water table aquifer may be at or above the ground, where its movement becomes a terrestrial (flooding) matter.

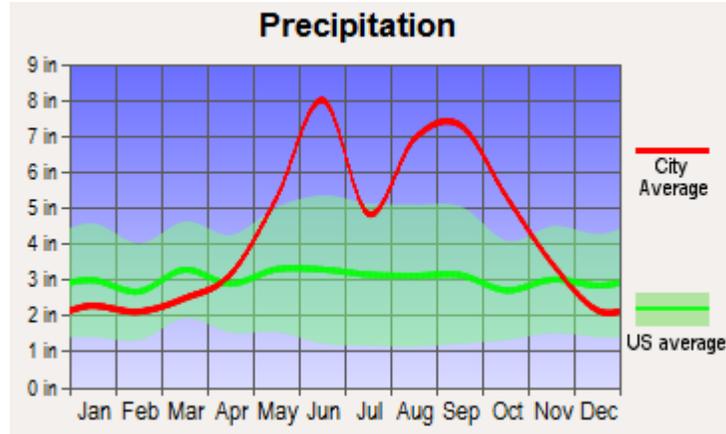


Figure 2.2 Precipitation Patterns

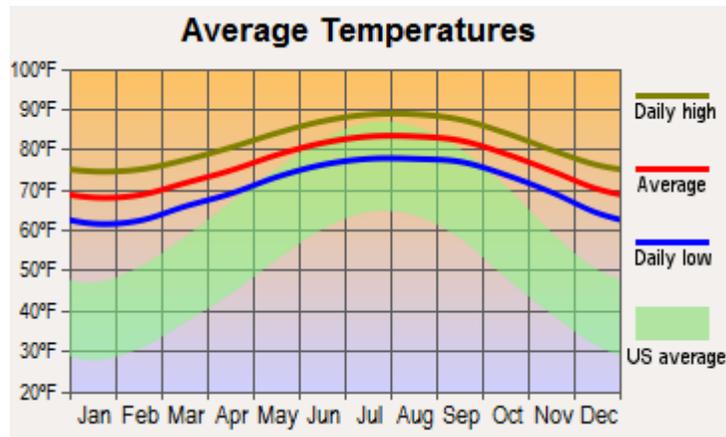


Figure 2.3 Average Annual Temperatures

Evapotranspiration can be significant, particularly in environments such as those found in south Florida. For growth, plants must continually absorb water through their roots and circulate it up through the plant. Water leaves the plant through its leaves by the process of transpiration, and enters the atmosphere. For aquatic plants that grow in swampy environments, the quantity of water lost is significant. These evapotranspiration effects during the summer months when the temperatures are highest (see Figure 2.3) offset a good portion of the rainfall. Open water has the highest evaporation rate.

Although a large amount of rain falls in southeast Florida during the wet season in average years, the rainfall is still not sufficient to compensate for water lost during the dry season. The average rainfall exceeds the evaporation rate during the wet months but there is a large deficit during the dry months. The result is dry-season water shortages that are a recurrent phenomenon affecting a variety of systems, including groundwater levels and supplies, and vegetation patterns. Compounding the variation is that much of the excess summer rainfall is discharged to tide by the extensive canal system that makes South Florida developable.

2.1.2 Topography and Soils

The topography of South Florida is virtually flat. In southwest Florida the land slopes south-southwest at 5 to 10 inches per mile or less. The Town of Surfside lies on the beach. While virtually all of south Florida is less than 15 feet above sea level, with the majority ranging between 0 and 12 feet, the Town of Surfside is an island with elevation below 5 ft NGVD (see Figure 2.4).

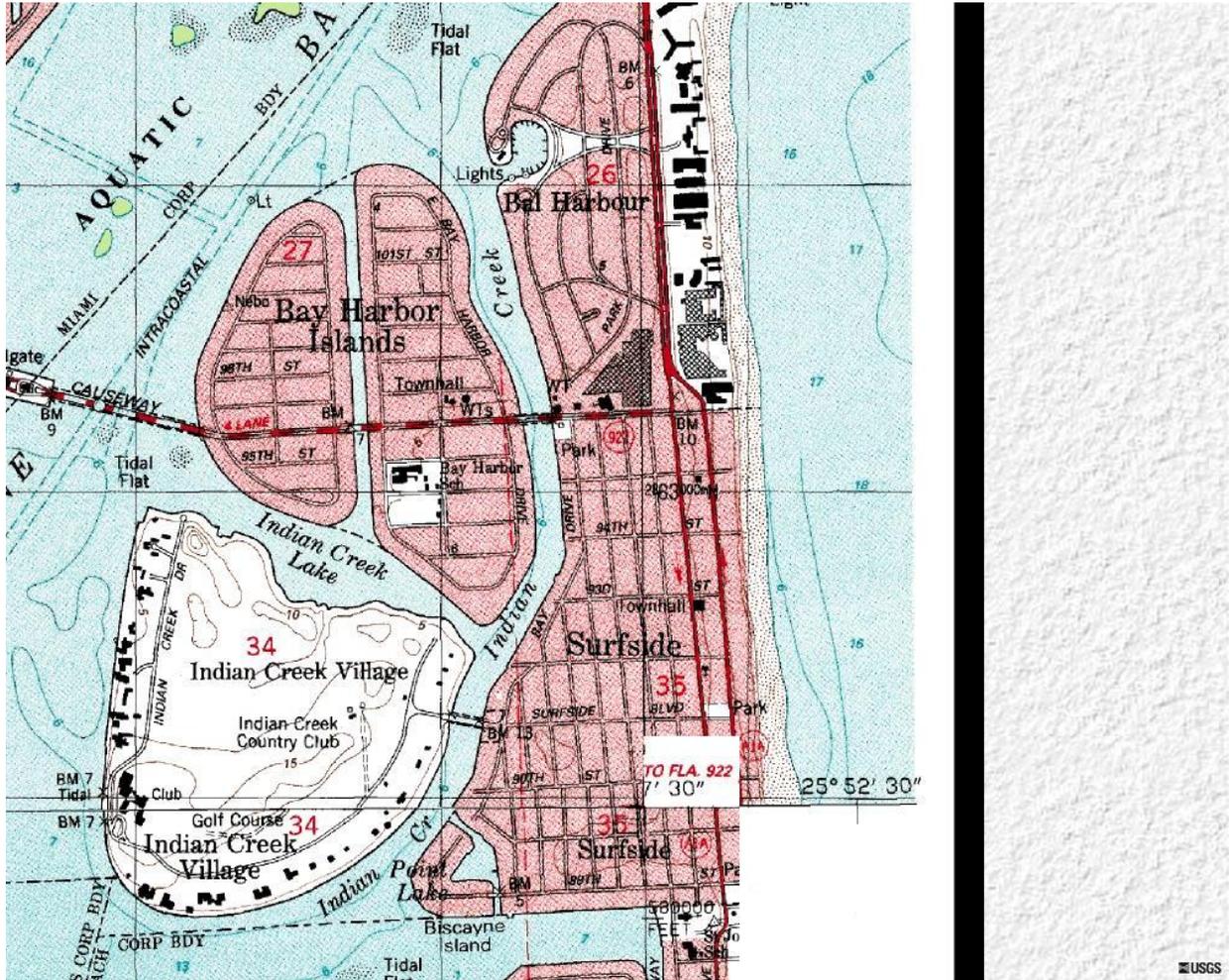


Figure 2.4 Topographic Map of Surfside

As an island community, the Town has a topography which makes it vulnerable to flooding. This is typical for southeast Florida. In the Everglades the slope can be as little as 1 inch per mile to the south. The coastal ridge of the east coast is the exception, as it slopes more quickly toward the sea. This flat topography causes a significant amount of rainfall to percolate downward into the soil, eventually recharging the surficial aquifer system.

The influence of soil, though not as noticeable in South Florida as in other areas of the United States, is reflected by plant cover. The soil types present in the area reflect both the past and present environmental characteristics of the sites where they are found.

However, the improvements made by man over the past 70 years have significantly altered this natural system. Muck from remnant mangroves and swamps have far less permeability than limestone. While the native soil and topography create an environment that is generally highly permeable and capable of absorbing significant percolation of the water into the soil, the change in the land use has resulted in water falling on impermeable land, where the water collects in pools or runs off rapidly where development has taken place, in direct contrast to the natural condition. Areas that were once wetlands may contain layers of muck that have reduced permeability. The result of run-off flowing over impermeable or lower permeability regions may result in large-scale flooding because the storm intensity (rate of rainfall) cannot be used to design facilities due to economics.

2.1.3 Watershed/Surface Waters

Watershed protection can be broadly defined as a program to reduce the threat of contaminants entering the water supplies. Having such a program is a requirement of the Safe Drinking Water Act Amendments of 1986 (Section 1428). States are required to submit a plan to implement source protection. However, in Florida, the State has delegated this responsibility to counties to do on county-wide basis. Utilities should be aware of the impact of surface activities on their water supply, and make additional efforts where needed.

Within the Town of Surfside, the only major surface water body is the Atlantic Ocean and the Intracoastal Waterway. As a result, watershed protection is not an issue within the Town corporate limits. Since the Town has no wells, wellhead protection is also not an issue.

2.1.4 Hydrogeological Considerations

The entire south Florida plain is underlain by beds of porous limestone that absorb water standing on the land during the wet season (mostly in the Everglades). These limestone formations contain large volumes of fresh water - perhaps more than in any other limestone formations in the eastern United States. A geologic profile of southeastern Florida has been developed based on drilling data from the Broward County, the United States Geological Survey (USGS) and the City of Hollywood (see Figure 2.5). Southeast Florida is underlain by a series of interspersed rock formations with varying permeability. The uppermost formation generally encountered along the southeast coast is the Pamlico Sand formation of the Biscayne Aquifer. This surficial, Pleistocene Age deposit occurs throughout most of South Florida and consists predominantly of fine to medium-grained quartz sand, with varying amounts of shell, detrital clays and organic constituents. Thickness of the sand is variable in the area, but averages approximately 40 feet. Under the surficial sand lies a series of fossiliferous, sandy limestones, which are part of the Anastasia or Fort Thompson formation. These also date to the Pleistocene Age and often occur interwoven with each other and the Key Largo Limestone, making distinction difficult. Together with the Pamlico Sand layer these formations compose the wedge-shaped Biscayne Aquifer, which gains thickness as it approaches the coast, where it can be as much as 400 feet deep (but generally less than 200 feet).

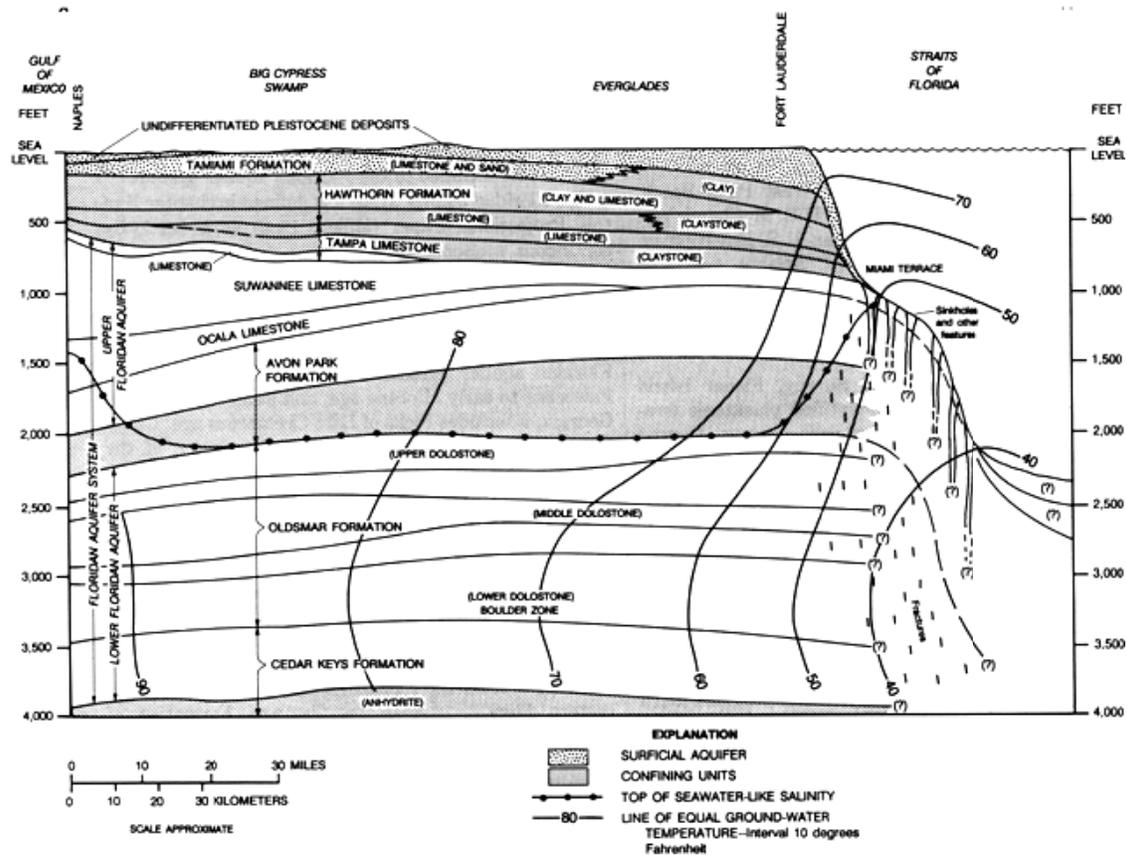


Figure 2.5 Hydrogeological Profile (Meyer, 1989)

The Biscayne Aquifer is one of the most productive aquifers in the world, since its components are all very permeable and full of water. Beneath the Town of Surfside, the Biscayne Aquifer often contains two distinct sandy, limestone beds that are generally separated by 40 to 50 feet of sand. The upper bed occurs between 40 and 100 feet below land surface (bls) and the lower bed between 110 and 200 feet bls. The Tamiami Formation of the Pleistocene Age lies beneath the Anastasia/Ft Thompson Formations. The Tamiami Formation in the Town of Surfside area consists primarily of fossiliferous, sandy, limestones that have well developed secondary porosity and are highly permeable.

The water levels in the Biscayne Aquifer fluctuate in response to rainfall, drainage and withdrawal for irrigation and potable use. Since the Biscayne Aquifer is exposed to the surface with little in the way of confinement, the only major recharge in the area is rainfall, most of which occurs between May and November. During the winter months the aquifer's water level continues to decline without some form of supplemental recharge. The canals operated by the South Florida Water Management District are designed provide flood protection, but also serve to limit drawdown induced by the canals by delivering water stored in Lake Okeechobee during the dry season. Western Miami-Dade and Broward County wellfields benefit due to their proximity to the water conservation areas operated by the South Florida Water Management District. As a result, the aquifer levels in eastern wellfields steadily decline during the winter months,

which subjects the Biscayne Aquifer to contamination from saltwater intrusion, as well as surficial activities. Several areas of the Biscayne Aquifer already have saltwater intrusion problems in Miami-Dade County, the most extensive occurring along the coast and the canals connected directly to the coast without salinity barrier/control structures. Generally, the water level in the Biscayne Aquifer averages 2 feet NGVD, except during extremely wet and dry periods.

Beneath the Biscayne Aquifer, is a thick, confining layer known as the Hawthorn Group. The Hawthorn Group dates back to the Miocene Age and contains two formations; the Peace River Formation and the Arcadia Formation. The Hawthorn Group Aquifers are used for water supply in some areas of south Florida, but have low permeabilities. The Hawthorn Group beneath Broward County appears to act as a barrier between the saline water of the underlying Floridan Aquifer and the fresh Biscayne Aquifer.

The Peace River Formation consists mostly of sparsely fossiliferous, light olive gray, silty limestones that are relatively well inundated. The transition from the Peace River Formation to the Arcadia Formation is marked by a decrease in hardness and in grain size, detrital quartz concentration and fossil abundance.

The Arcadia Formation consists mostly of very soft, poorly lithified marls. This formation can be informally subdivided into two members, the upper unit (480-545 feet) that consists of poorly lithified sand marls that are highly friable and a lower unit (545-925 feet) that consists of finer grained marls that are cohesive (due to a high clay content) rather than friable. The upper Arcadia Formation marls are light olive gray to yellowish gray, contain abundant fine grained quartz sand, and have a fauna dominated by small benthonic foraminifera. The lower formation marls are light olive gray, sparsely fossiliferous and appear to have very low porosities. The boundary between the upper and lower Arcadia Formations is located at approximately 545 feet. Phosphate grains and shell fragments are common in both the upper and lower Arcadia Formation. The lower Arcadia Formation marls are the principal barrier to vertical flow between the Upper Floridan and the Biscayne Aquifer.

The geology of the Floridan Aquifer was investigated by several test wells. The investigations indicate the Floridan consists predominantly of fossiliferous limestones that belong, in descending order, to the Suwannee Limestone (Oligocene), Ocala Limestone (Late Eocene), and Avon Park Formations (Middle Eocene). These limestones consist mostly of fossiliferous grainstones, and fossil peloid packstones and grainstones. The transition from the clay and phosphate-rich marls and limestones of the Hawthorn Group to the comparatively clean limestones of the Suwannee Limestone, Ocala Limestone, and upper Avon Park Formations is marked by a decrease in gamma ray emissions. The boundary between the Hawthorn Group and Suwannee Limestone is placed at 925 feet, the shallowest depth at which relatively clean fossiliferous limestones was recorded in the cuttings.

The Suwannee Limestone can be informally subdivided into two units based on fauna and lithology. The upper part of Suwannee Limestone consists of light gray to yellowish gray fossiliferous limestones that contain a diverse marine fauna (gastropods,

echinoderms, bivalves, foraminifera, etc.). The lower Suwannee Limestone, as well as the Ocala Limestone and part of the Avon Park formation, consist predominantly of fossil peloid grainstones and packstones with low diversity faunas dominated by the distinctive large cone-shaped foraminifera of the genus *Dictyoconus*. The upper Suwannee Limestone consists of interbedded limestones with variable, but usually low visual porosity, whereas the Lower Suwannee Limestone usually has medium to high intergranular porosity.

The Ocala Limestone is lighter-colored (white to very pale orange) and less fossiliferous than either the lower Suwannee Limestone or the upper Avon Park Formation below it. The upper and lower boundaries of the Ocala Limestone are placed, respectively, at 1125 feet. The Ocala Limestone has a low gamma ray emission because of its relative purity. The upper Avon Park Formation is darker colored (yellowish gray) than the overlying upper Floridan Aquifer limestones. The Avon Park is harder than the overlying Formations. The Floridan Aquifer within these formations is an artesian system where the potentiometric surface of the water is about 25 feet above the land surface, providing an expected surface between of about feet ngvd. The water level elevation may vary seasonally since it depends on recharge from other areas. Analysis of the water of the Floridan System indicates that it contains some chlorides, with salinity increasing with depth and proximity to the coastline. Dissolved chlorides range from 2000-5000 mg/l. Location along the coast creates the potential for water quality changes with time (toward higher chlorides). Upper Floridan water is suitable for low pressure, reverse osmosis feedwater and is productive enough to provide approximately 1.5 MGD wells at relatively close spacing. The primary production zones lie between 925-1,050 feet and between 1415 and 1700 feet below land surface. The dissolved chloride concentrations remain relatively stable throughout the production zones.

Below 1700 feet, the dissolved chloride concentrations rapidly increase beyond 10,000 mg/l as they approach the Oldsmar Formation. The lower Oldsmar Formation, commonly referred to as the “Boulder Zone,” is a highly cavernous, limestone, dolomitic formation of highly mineralized water with little artesian pressure. The basic “Boulder Zone” terminology was first utilized by oil well drillers to describe the apparent difficulty of drilling through a highly fractured formation, akin to drilling through boulders. The formation is characterized by frequent loss of drilling fluid, which goes into these large, cavernous areas. The formation is actually a rather intricate networks of vugs and caverns that exist in the lower portion of the Floridan system. The Boulder Zone is generally limestone that is highly fractured and interspersed with dolomite. The zone is several hundred feet thick, and is most generally used for the injection of concentrate reject water from membrane plants and excess treated wastewater effluent. A comparison of videotapes indicates that the Boulder Zone on the east coast appears to be thinner and less fractured than it is on the west coast (which has larger vugs) and a hydraulic gradient which provides limited movement of water within the formation.

2.1.5 Wellhead Protection

Watershed protection can be broadly defined as a program to reduce the threat to water supplies from contaminants. Having such a program is a requirement of the Safe Drinking Water Act amendments of 1986 (Section 1428). States are required to submit a

plan to implement source protection. However, in Florida, the State has delegated this responsibility to counties to do on county-wide basis. Utilities should be aware of the impact of surface activities on their water supply, and make additional efforts where needed.

The Town is a barrier island. As a result there are no wells on the island that would be used for potable water supplies. As a result there are no issues for the Town and the Town is not within any wellhead protection zone.

2.1.6 Flora and Fauna

The elevation and path of water moving across the land dictates the type of ecology that will develop. Because vegetative types differ in their nutrient requirements and in ability to live in water-saturated or saline areas, soil type also plays a role in determining plant distribution. Because virtually all areas within the Town have been developed at some point, there is little native soil remaining in unaltered form. The significant alterations in the course of the past 60 years that has caused it to become intensively drained, diked and developed to allow for man's use. The result is that the paradise of flora and fauna that once existed in south Florida has been totally changed by artificial manipulation to control flooding. Today, visitors to South Florida often see water in abundance in the canals, swamps and lakes that exist throughout south Florida.

A review of the Fish and Wildlife Service cite indicates the following species of concern that might be present on the site: eastern indigo snake, wood stork, crested caracara. Of these species, only the wood stork has been seen on the site feeding, but not nesting. The site is not conducive to wood stork nesting activity. There is no critical habitat on the site (see Figure 2.5).



Figure 2.6 Critical Habitat Map

2.1.7 Air Quality

Air quality for the Town of Surfside, like the rest of south Florida is good as a result of the onshore winds that disperse any pollutants that might exist. The utility does nothing that would potentially affect air pollution.

2.1.8 Socio-economic Conditions of the Town

As of July, 1, 2006, the Annual Estimates of the population of incorporated Places of Florida web-site, provided by the US Census Bureau, the estimated the Town's population at 5,838. As of the 2000 Census, there were 4,909 people, residing in the Town. Racial make-up of the Town of Surfside was noted as follows:

- White Non-Hispanic (52.7%)
- Black (1.3%)
- Hispanic (43.5%)
- Asian (0.5%)
- American Indian (0.5%)
- Other race (1.5%)

There were 2,248 households: 59.2% of the households were considered family households. 46.6% of the households were married couples living together, 9.6% had a female head-of-household with no husband present, and 15.1% of all households were made up of individuals. 29.4% of the population is children under 18 years old, while 25.9 percent were over 65 year old. The census tracts are outlined on Figure 2.7.

The median income for a household in the town was \$62,399 in 2008, up from \$50,297 in 2000 (see Figure 2.8). Average house value is \$613,059 in 2006, which is \$400,000 over the state-wide average and nearly double the value in 2000 (see Figure 2.9). About 11.5% of the population lives below the poverty line, including 19.4% of those under age 18 and 7.9% of those aged 65 or over (<http://www.city-data.com/city/Surfside-Florida.html>). It should be noted that average house valuation has been decreasing significantly since the \$613,059 was calculated in 2006.

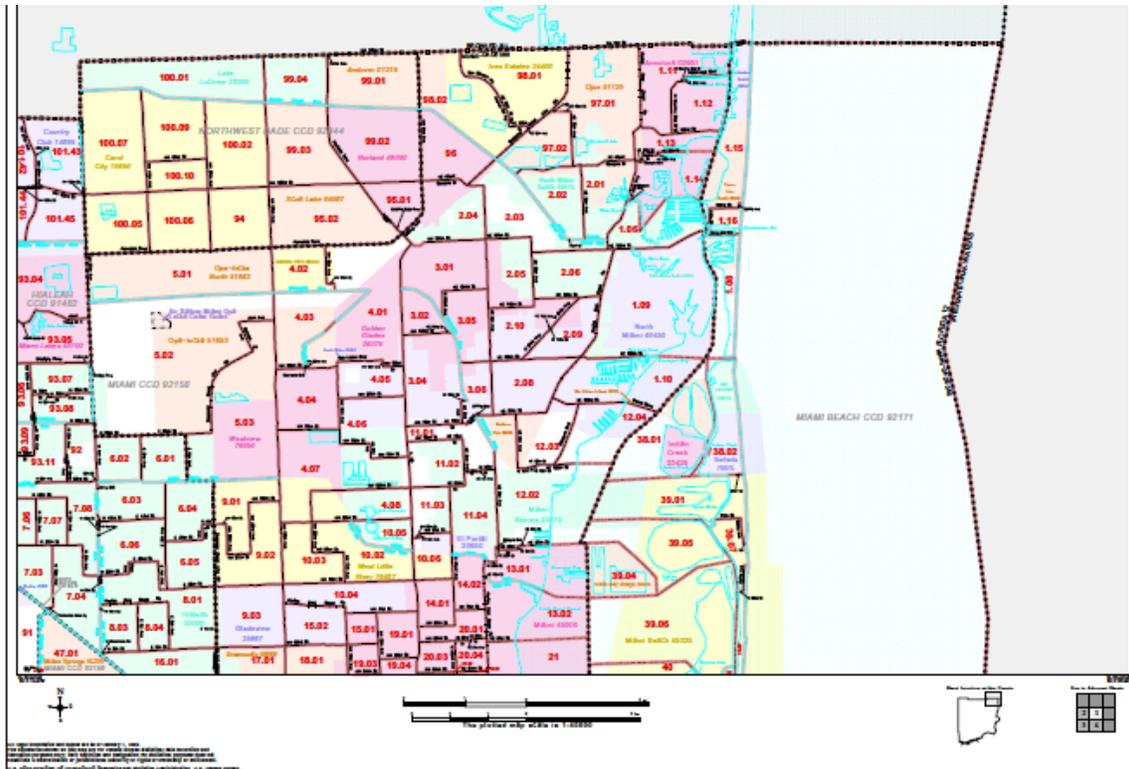


Figure 2.7 Census tracts in the Town of Surfside 38.02

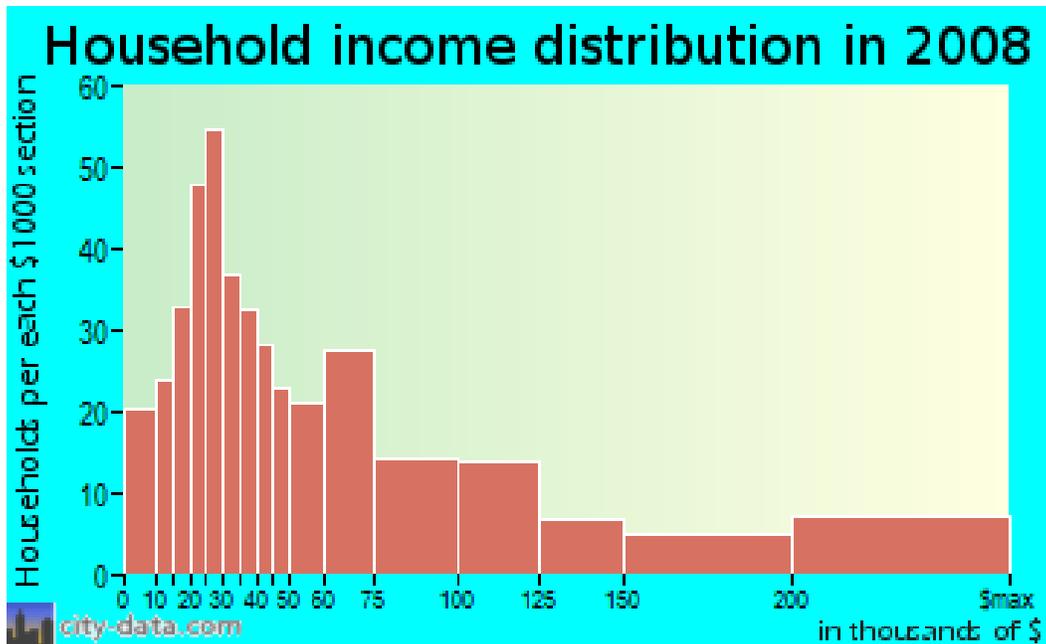


Figure 2.8 Family Income

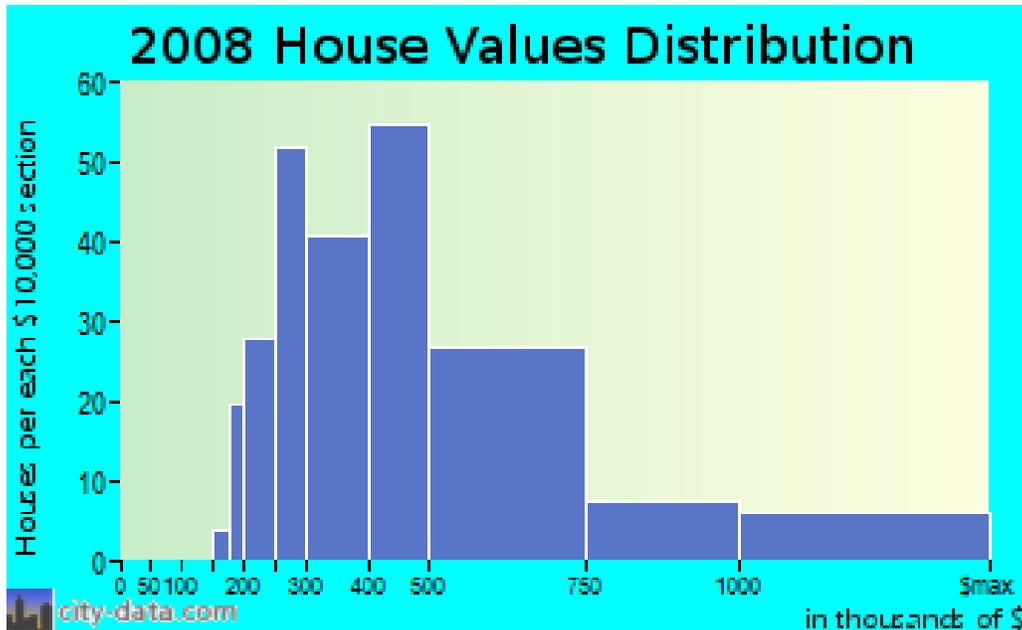


Figure 2.9 Household Value

2.2 Managerial Capacity of the Town

The governing body for the Town consists of four at-large Commissioners, one of whom is chosen annually to be the Vice Mayor, and an At-Large elected Mayor. Elections are held every two years. The Chief Administrative Officer of the Town Government is the Town Manager who is appointed by the Town Commission. Public Works which manages the Utilities section, is one of the major departments within the Town. The others are Executive, Legal, Town Clerk, Building, Police, Parks & Recreation and Finance. The Utilities section operates the water, wastewater and stormwater utility systems within the Town. The water system has over 1,350 connections within the Town's service area. The wastewater system serves 1,350 connections with central sewer.

The Town Manager, Public Works and Finance Department staffs have significant experience with the current utility system. The Town also utilizes consultants who help with specialized issues, including engineering, operations and SRF program issues. The Town is fully prepared to implement a program of this magnitude.

3.0 WATER SYSTEM

3.1 Water Service Area

The Town has a land area of approximately 1 square mile. The water service area matches the corporate limits (see Figure 3.1). There is an agreement for bulk water service and interconnects with Miami-Dade County for bulk service.

3.2 Water Treatment

3.2.1 Raw Water Supply

Because people in urbanized South Florida use groundwater supplies that are replenished directly by summer rainfall, the quantity of water available is finite and the quality must be protected for the end users - the public and the ecosystem. Water supplies in the State of Florida are regulated by five water management districts established by the Florida Legislature, via consumptive water use permits issued based upon water demands and availability of the resource. Since ground water is the principal source of raw water for treatment in south Florida, the South Florida Water Management District regulates withdrawals by issuing water use permits, which limit both annual average and maximum day withdrawals from the aquifer. Periodic renewal (typically five years) of the consumptive use permits allows the water systems to adjust the quantities for withdrawal based on growth and/or prior experience. These permits are controlled by Miami-Dade County since they supply potable water to the Town. The Town has no water use permits.

3.2.2 Water Treatment

The Town currently purchases all of its potable water via bulk service agreement from Miami-Dade County, which provides service for approximately two million customers in Miami-Dade County. The Town of Surfside is serviced by the Hialeah-Preston Water Treatment Plant service area. The source of water is from 45 shallow wells in the Biscayne Aquifer and augmented with five Upper Floridian Aquifer deep wells. Projected water supply to the Town of Surfside is assured in accordance with the MDWASD Water Supply Plan and contractual agreements. Table 3.1 and Figure 3.2 outline the past water demands (2002-2010). Table 3.2 and Figure 3.3 outline the projected demands. Table 3.3 outlines the water quality information from the Town's most recent consumer confidence report. The County has sufficient water to supply the Town's needs. The water quality meets all drinking water standards. However, pipe deterioration in the distribution system creates water quality concerns that the Town wants to correct.

3.2.3 Reclaimed Water System

Effluent reuse is of substantial benefit to the region for a number of reasons, the most important of which is the reduction of competing water withdrawals from the surficial aquifer system by the application of the reclaimed water. The Central and South Florida drainage system has lowered the water table, causing saltwater intrusion to occur. Carefully designed applications of effluent to critical areas of the surficial aquifer could protect and maintain freshwater sources. However, the Town must rely on Miami-Dade

County for reclaimed water, as the Town has no treatment plant of its own. To date, the Miami-Dade County has not had facilities or the quantity of reclaimed water available to extend this service to the Town of Surfside. This situation could change if Miami-Dade County extends reclaimed water to the beach.

3.2.4 Treatment Plant Laboratory

The Town currently contracts routine monitoring. All other laboratory samples, including all compliance samples, are sent to contract labs.

3.2.5 Regulatory Standing

The Town is in full compliance with its water system. There are no known regulatory actions for same.

3.3 Water Distribution

Water Distribution is responsible for the maintenance and repair of the potable water distribution and sewer collection systems throughout the Town. Currently there are over 11 miles of water lines installed beginning in 1938. Primary mains feeding the system run under the Town's streets and vary in size from 6-inch to 16-inches in diameter, which feed three-inch and four-inch water lines located along the rear property lines. Materials on the water distribution system vary from galvanized iron to asbestos concrete to PVC and ductile iron, depending on the age of the system. The oldest water lines exceed fifty years, which may be beyond their useful life. Some of these water lines are made of cast iron and some are galvanized. For much of the year they are partially submerged, sometimes in salt water. An investigation of the condition of these pipelines indicates a state of deterioration of older pipelines and the priority for replacement. Those pipelines submerged in saltwater are likely to have especially acute problems (see Figure 3.4). Failures of these pipelines, especially large ones, will cause road and potentially property damage, so a proactive approach by the Town is needed.

Experience throughout Florida indicates that the acidic soil conditions do not promote long life of galvanized pipelines. Some of the Town's service lines, including all of those on replaced water mains, are non-metallic, thereby eliminating corrosion potential. The existing services attached to the cast iron lines may be constructed with galvanized fittings. These service lines are subject to severe corrosion and may also be a source of leaks and lead leaching into the water supplies. They will be replaced at the same time as the rest of the pipes. Standard materials for water lines are PVC C900 for the pipe, polyethylene or copper tubing for service lines and brass fittings to connect the PVC and polyethylene tubing. All are appropriate materials.

Daily maintenance includes large user meter readings and repairs to pumps, valves and piping. The Town should replace or overhaul the large meters no less than every two years. Town crews repair most breaks, valves and leaks. An annual contract will also be in place for fire hydrant testing and repair that includes maintenance, painting and reporting fire flows to the Town.

Maintenance and upgrades to the water meter inventory to maintain these assets in good condition is required. The present meter base is approximately 1,350 active accounts. Since the average life for accurate registration is from seven to ten years, Town crews change out many of the oldest meters each year. All large meters appear to have been repaired or replaced in the past two years. Unaccounted-for water is 15 percent according to Town staff. Table 3.4 shows work intended to be constructed to address deteriorated piping.

3.4 Water Conservation Program

The Town of Surfside has had a formal water conservation program since 2007. A typical water conservation program is composed of five elements: develop/maintain an accurate database of water consumption to reduce municipal water waste; a retrofit program; the modification of relevant Town Codes (plumbing, irrigation, landscaping, the promotion of Florida Friendly Landscaping; and public information and education programs).

3.5 Current Water Agreements

3.5.1 Miami-Dade County Bulk Water Agreement

An agreement between the Town of Surfside and Miami-Dade County provides for Miami-Dade County to supply the Town of Surfside with potable water. The agreement has the following provisions:

- Defined the service area – limiting Surfside to the then-Town limits.
- Defined a rate methodology for potable water
- Defined meter locations, readings, meter inaccuracies and a dispute resolution
- The agreement has a provision on water quality

The Town maintains the distribution system.

3.6 Summary of the Water System

The water system is old, but has been maintained over the years. Staff operates the facilities to meet all regulatory requirements. Staff and management of the utility are appropriate. Water supplies are adequate to supply the Town's needs. However, deficiencies in the system do exist. The major issue for construction is water lines in several areas of the Town need looping for pressure improvements and to replace small, galvanized pipelines that leak excessively. The Town would reduce operating costs and improve system integrity with these improvements.

Table 3.1 Past Water Demands

Date	MGD	Date	MGD
Oct-02	0.88	Jul-06	1.11
Nov-02	0.83	Aug-06	1.06
Dec-02	1.03	Sep-06	0.96
Jan-03	0.97	Oct-06	1.07
Feb-03	1.03	Nov-06	1.09
Mar-03	0.98	Dec-06	1.01
Apr-03	1.01	Jan-07	1.21
May-03	0.91	Feb-07	1.10
Jun-03	0.92	Mar-07	1.05
Jul-03	1.01	Apr-07	1.10
Aug-03	0.93	May-07	0.92
Sep-03	0.96	Jun-07	0.88
Oct-03	0.95	Jul-07	0.85
Nov-03	1.00	Aug-07	1.01
Dec-03	0.99	Sep-07	0.90
Jan-04	1.01	Oct-07	0.83
Feb-04	1.00	Nov-07	0.96
Mar-04	1.09	Dec-07	0.83
Apr-04	1.02	Jan-08	0.97
May-04	0.91	Feb-08	0.84
Jun-04	1.20	Mar-08	0.82
Jul-04	1.06	Apr-08	0.93
Aug-04	1.02	May-08	0.90
Sep-04	0.88	Jun-08	1.00
Oct-04	0.84	Jul-08	0.86
Nov-04	1.06	Aug-08	0.93
Dec-04	0.97	Sep-08	0.93
Jan-05	1.18	Oct-08	0.96
Feb-05	1.11	Nov-08	0.79
Mar-05	1.13	Dec-08	0.95
Apr-05	1.07	Jan-09	1.00
May-05	1.00	Feb-09	0.73
Jun-05	1.14	Mar-09	1.17
Jul-05	1.00	Apr-09	1.03
Aug-05	1.17	May-09	0.90
Sep-05	1.01	Jun-09	0.84
Oct-05	1.00	Jul-09	0.96
Nov-05	1.01	Aug-09	0.90
Dec-05	0.98	Sep-09	1.00
Jan-06	1.12	Oct-09	0.95
Feb-06	1.09	Nov-09	0.89
Mar-06	1.12	Dec-09	1.01
Apr-06	1.12		
May-06	1.27		
Jun-06	1.11		

Table 3.2 - Projected Demands

Date	MGD	Date	MGD
Jan-07	1.21	Jan-11	0.93
Feb-07	1.10	Feb-11	0.93
Mar-07	1.05	Mar-11	0.93
Apr-07	1.10	Apr-11	0.93
May-07	0.92	May-11	0.94
Jun-07	0.88	Jun-11	0.94
Jul-07	0.85	Jul-11	0.94
Aug-07	1.01	Aug-11	0.94
Sep-07	0.90	Sep-11	0.94
Oct-07	0.83	Oct-11	0.95
Nov-07	0.96	Nov-11	0.95
Dec-07	0.83	Dec-11	0.95
Jan-08	0.97	Jan-12	0.95
Feb-08	0.84	Feb-12	0.95
Mar-08	0.82	Mar-12	0.96
Apr-08	0.93	Apr-12	0.96
May-08	0.90	May-12	0.96
Jun-08	1.00	Jun-12	0.96
Jul-08	0.86	Jul-12	0.96
Aug-08	0.93	Aug-12	0.97
Sep-08	0.93	Sep-12	0.97
Oct-08	0.96	Oct-12	0.97
Nov-08	0.79	Nov-12	0.97
Dec-08	0.95	Dec-12	0.98
Jan-09	1.00	Jan-13	0.98
Feb-09	0.73	Feb-13	0.98
Mar-09	1.17	Mar-13	0.98
Apr-09	1.03	Apr-13	0.98
May-09	0.90	May-13	0.99
Jun-09	0.84	Jun-13	0.99
Jul-09	0.96	Jul-13	0.99
Aug-09	0.90	Aug-13	0.99
Sep-09	1.00	Sep-13	0.99
Oct-09	0.95	Oct-13	1.00
Nov-09	0.89	Nov-13	1.00
Dec-09	1.01	Dec-13	1.00
Jan-10	0.90	Jan-14	1.00
Feb-10	0.90	Feb-14	1.00
Mar-10	0.91	Mar-14	1.01
Apr-10	0.91	Apr-14	1.01
May-10	0.91	May-14	1.01
Jun-10	0.91	Jun-14	1.01
Jul-10	0.91	Jul-14	1.01
Aug-10	0.92	Aug-14	1.02
Sep-10	0.92	Sep-14	1.02
Oct-10	0.92	Oct-14	1.02
Nov-10	0.92	Nov-14	1.02
Dec-10	0.93	Dec-14	1.03

Table 3.3
Water Quality from 2009 Consumer Confidence Report
Note report shows nothing but lead, copper and coliforms?

Parameter	MGCL	MCL	Town Value	Range for Town	Health Impact
Total Coliform (%)	0	0	1%	0-1%	Naturally present in the environment.
Lead (ppb) (At entry point) (ppb)	0	*AL=15	0.18	ND	Corrosion of plumbing systems; erosion of natural deposits.
Lead (At tap) (ppb)	0	*AL=15	0.18	ND	Corrosion of plumbing systems; erosion of natural deposits.
Copper (At tap) (ppm)	1.3	*AL=1.3	8.5	ND -0.14	Corrosion of household plumbing systems; erosion of natural deposits.

Table 3.4 Proposed Water Distribution Replacement Program

PROJECT TITLE: Water Main Replacement Design				CG&A PROJECT NO. 09-2365	
LOCATION:					
OWNER: Town of Surfside					
ESTIMATED BY Shaun Bamforth		CHECKED BY		APPROVED BY	
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	NET PRICE	TOTAL PRICE
1	8" Gate Valve	170	EA	\$1,650.00	\$280,500.00
2	Fire Hydrant Assembly	23	EA	\$2,750.00	\$63,250.00
3	8" x 6" Tee	23	EA	\$650.00	\$14,950.00
4	8" x 8" Tee	49	EA	\$700.00	\$34,300.00
5	8" x 8" Cross	5	EA	\$1,000.00	\$5,000.00
6	8" 90 Degree Bend	16	EA	\$405.00	\$6,480.00
7	8"- 45 Degree Bend	224	EA	\$228.00	\$51,072.00
8	8"- 22.5 Degree Bend	4	EA	\$405.00	\$1,620.00
9	8"- 11.25 Degree Bend	2	EA	\$405.00	\$810.00
10	8" x 6" Reducer	10	EA	\$225.00	\$2,250.00
11	8" P.V.C. 900	25594	LF	\$40.00	\$1,023,760.00
12	6" P.V.C. 900	611	LF	\$37.50	\$22,912.50
13	Air Release Valves	15	EA	\$750.00	\$11,250.00
14	BSP	57	EA	\$500.00	\$28,500.00
15	Proposed Water Service (NIC Meter)	687	EA	\$1,300.00	\$893,100.00
16	Pipe Plugs	46	EA	\$250.00	\$11,500.00
17	Mill and Remove Pavement	68251	SY	\$7.50	\$511,882.50
18	Asphalt - 1st lift	68251	SY	\$10.00	\$682,510.00
19	Asphalt - 2nd lift	68251	SY	\$8.00	\$546,008.00
20	Mobilization (10%)	1	LS		\$419,165.50
21	MOT (10%)	1	LS		\$419,165.50
				TOTAL =	\$5,029,986.00

Table 3.5 Comparison of Present Worth Of Do Nothing vs Replace Options

Maintenance	\$525,000	\$515,000
Growth Rate	1.045	Var from 1.018
Present Worth	\$5,029,986	\$4,863,920
Assume 6.125% Infl		
Debt	0	\$101,419.00
TOTAL PW	\$5,029,986	\$4,965,339



Figure 3.1 Water Service Area

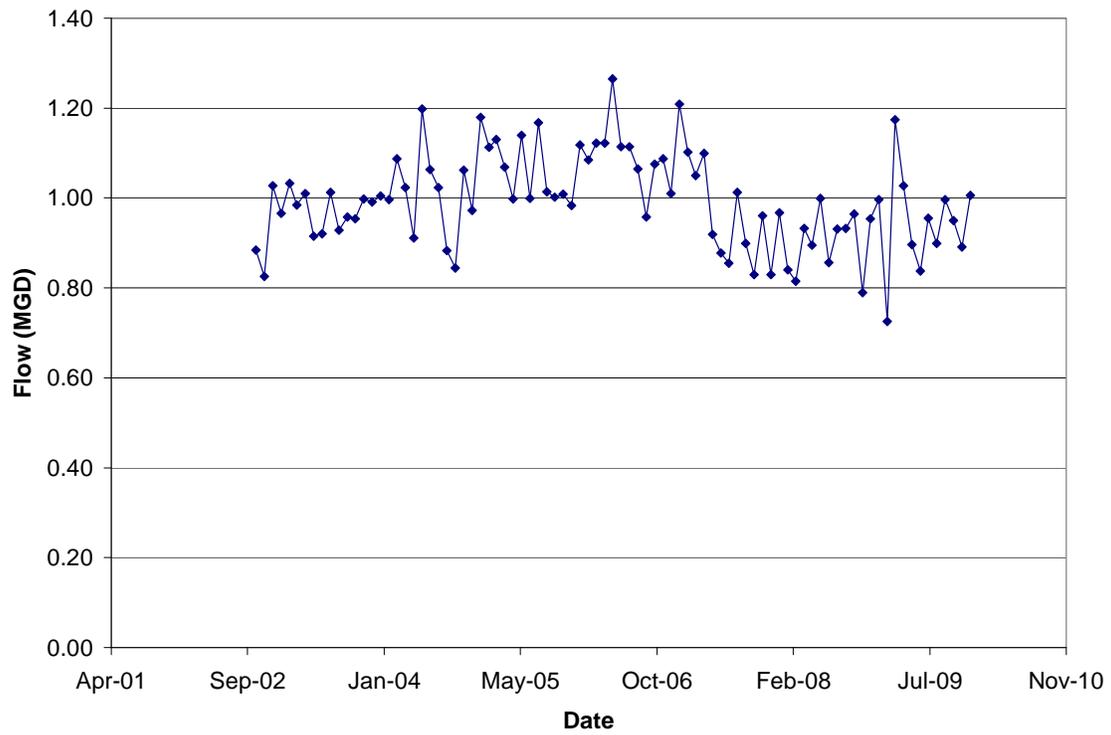


Figure 3.2 Water Use 2002-2010

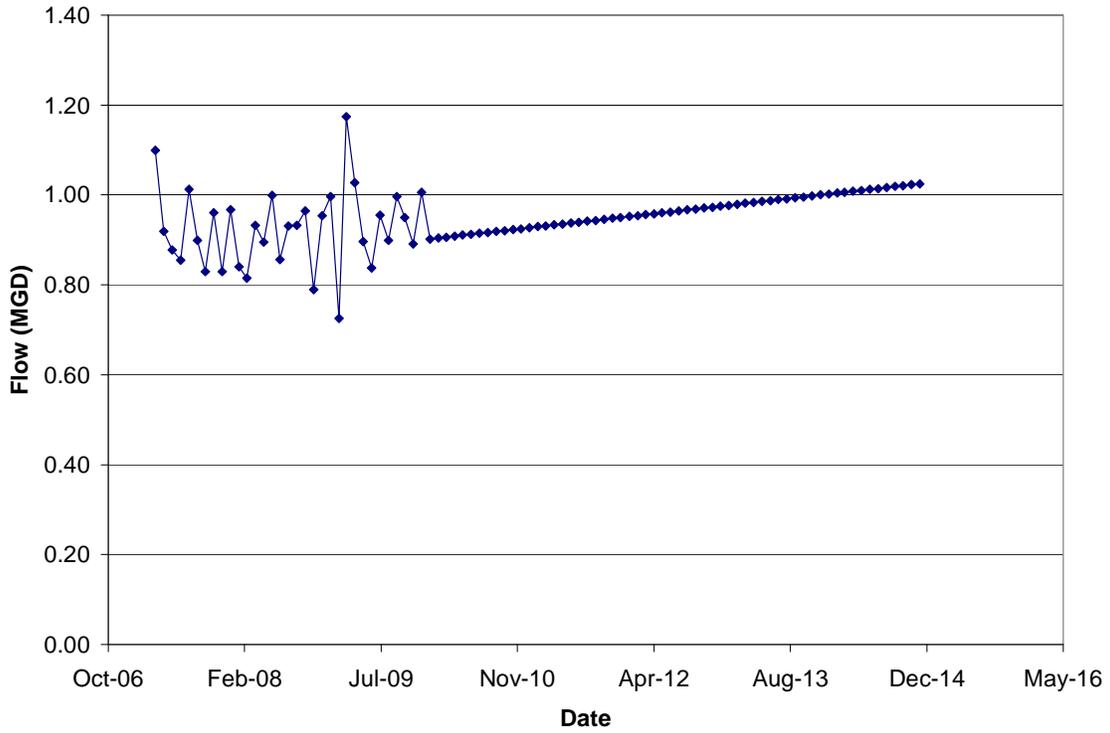
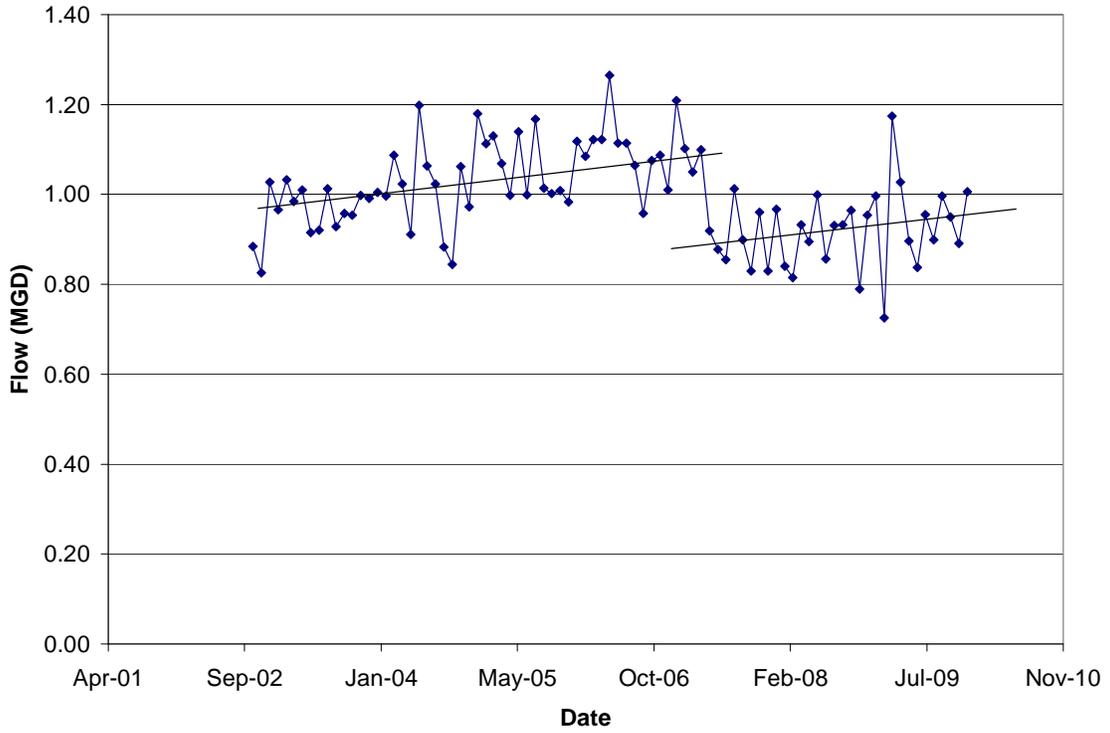


Figure 3.3 Projected Water Use



Figure 3.4 Damaged Water Main

4.0 WASTEWATER SYSTEMS

4.1 Sewer Service Area

Like the water system, the Town of Surfside provides service throughout the entire Town, but contracts with the City of Miami Beach to transmit the wastewater to Miami-Dade County to treat the wastewater. Figure 4.1 shows the area served by the Town, which conforms to the water service area.

4.2 Wastewater Treatment System

The Town of Surfside is supplied with Wastewater transmission to Miami-Dade County by the City of Miami Beach. The agreement is outlined in Section 4.4.

4.3 Wastewater Collection

The Town is responsible for maintenance of its own lift stations and collection systems, and since keeping excess flows down benefits the Town financially, correction of leaks and infiltration should be priority projects. Ongoing testing of the influent by the Town of Surfside, and monitoring of the Town's two lift stations provides a measure to determine whether inappropriate amounts of infiltration are going to the wastewater plant. The collection system consists of gravity sewer which is made up of PVC (poly vinyl chloride) or VCP (vitrified clay pipe).

Maintenance and repair of the sewer force main piping and gravity collection system includes excavation and repair to manholes, gravity piping, service connections and force mains. Town crews are responsible for insuring the reliable service of two sewage lift stations and accompanying force mains and gravity lines throughout the Town of Surfside. Wastewater from the Town is transmitted through over 155 manholes, nearly 11 miles of gravity mains and force main to the City of Miami Beach.

Figure 4.2 shows the flows for the past four years. From Figure 4.2 the following can be discerned:

- Average daily flows are just under 1 MGD at present
- Flows increase with rainfall

Wastewater flows should be less than sewer flows. Historically the sewer flows appear to have been about 400,000 gpd less than water flows. With the implementation of water conservation and limits on irrigation, the water flows decreased by 200,000 gpd. However, sewer flows have increased dramatically in the past 3 years (see Table 4.1 and Figure 4.3) to a point where they are about 300,000 gpd (or 40 percent) higher than water flows. Figure 4.2 outlines the projected sewer system improvements. Figure 4.4 shows flows to be highest in September and October, which coincides with a high groundwater table at the end of the rainy season. The data indicates that the Town of Surfside is in need of a comprehensive infiltration and inflow program. The Town is facing action from FDEP over the Sanitary Sewer Overflows (SOSs). This is a substantial issue with infiltration and inflow. A consent order has been issued to require the Town address the problem (see Appendix A). Note that Appendix A includes the consent decree

with Miami-Dade DERM that requires compliance with the Town so that Miami Dade County can comply with its consent order with US EPA (first cover page included for reference only)

Figure 4.5-4-7 show various sewer laterals made of Orangeburg pipe that are in deteriorated shape. Orangeburg pipe and cast iron does not last in the salty soils in Surfside. These need to be replaced as a part of the infiltration and inflow program the Town proposes. These are major sources of both inflow and infiltration of the system. Figure 4.8 shows that the system has other issues (like broken service line piping) that also need to be addressed with smoke testing and point repairs – also part of the infiltration and inflow program.

The manholes and clean-outs are required for access and removal of material that may build up in the piping system and for changes in direction of the pipe. In Surfside, during storm events, SSOs are common. Figure 4.9 shows various places where water can enter the sewer system. The figure shows that when it rains, there is increased flow into the sanitary sewer system. The fact that increases in flow are rainfall driven, indicates the presence of inflow – direct input of stormwater from cleanouts, broken piping of manholes. It is not indicative of infiltration which is groundwater. Infiltration is an ongoing issue for any collection system. The manhole cover may not seal perfectly, becoming another source of infiltration. Pre-cast concrete manholes limit the number of joints. Elastomeric seals are placed between successive manhole rings. Many utilities will require the exterior of the manholes to have a coal-tar or epoxy covering the exterior which helps to keep water out. Service lines exist on private property and typically the utility has limited control over what happens there. Hence the removal or accidental breaking of a cleanout, or cracking of the pipe may be a significant source of inflow to the system. Both are potential sources of inflow during rain events. Simple methods can be used to detect them and they should be part of ongoing maintenance efforts.

Storms highlight the need to reduce infiltration and inflow into the collection system so as not to overwhelm the piping system causing plant damage or sewage overflows into streets. Figure 4.10 shows a graph of rainfall and sewer flows. Peaking indicated inflow into the sewer system. The following outlines a basic program for inflow detection as a part of the preconstruction evaluation of the utility system:

- Inspection of all sanitary sewer manholes for damage, leakage or other problems
- Repair of benches in poor condition or exhibiting substantial leakage
- Repair of manhole walls in poor condition or exhibiting substantial leakage
- Repair/sealing of chimneys in all manholes to reduce infiltration from the street during flooding events (Figures 4.11 and 4.14)
- Installation of LDL plugs where manholes in the public right-of-way or other portion of the Utility's system is damaged (Figure 4.13 and 4.14)
- Installation of dishes in all manholes to prevent infiltration (see Figures 4.15 and 4.16)
- Identification of sewer system leaks, including those on private property (via location of smoke on private property)
- To gain a better understanding of potential infiltration amounts, the raw wastewater quality for the Town of Surfside should be tested for BOD and chlorides. Low BOD indicates water diluting the sewage. High chlorides means seawater is getting into the system.

Maintenance and repair of the force main piping and gravity collection system includes the cleaning and televised inspection of the gravity lines and manholes, and the cleaning and adjustments to the force main air release valves. Repairs include excavation and repair to manholes, gravity piping, service connections and force mains. The sewer cleaning program involves the cleaning and televised inspection of 10 percent of the gravity lines and manholes each year, the cleaning and adjustments to the force main air release valves, and response to complaints about stoppages. In addition, new connections, gravity mains and force main piping are installed. After the cleaning and inspection are complete all points that are in need of repair are logged and are prioritized. The utility has trained personnel to repair gravity sewer pipe by installing fiberglass liners inside of piping at the point of failure.

There are two lift stations. The maintenance staff is responsible for the inspection, maintenance, and repair of pumping stations. The pumping stations are inspected regularly to insure proper electrical and pumping efficiency. In addition each pump station is inspected on an annual schedule that involves removing each pump for a detailed inspection as well as the pump control panel and the SCADA (Supervisory Control and Data Acquisition) system is fine tuned as needed. From these inspections the department generates and prioritizes a list of needed repairs and or upgrades that help avoid failures and costly down time.

Table 4.2 outlines the anticipated improvements on the sanitary sewer system.

4.4 Wastewater Agreements

The following agreements involve the Town of Surfside.

4.4.1 Miami-Dade Wastewater Agreement

The agreement between the Town of Surfside and Miami-Dade County was executed in March 12, 1985. The concept in the agreement is to permit the Town of Surfside to discharge its treated wastewater to the ocean via the County's North District ocean outfall.

The following are the basic concept is:

- Surfside can deliver wastewater to Miami-Dade County for treatment and disposal up to 1.0 MGD average daily flow
- Cost is \$2.497/100 gallons in the wet season
- Sets responsibilities for maintenance and water quality
- Provides for correction of inflow to the process

4.5 Stormwater

Most of the Town is located below elevation 5. Mean high tide is elevation 2.0. As a result there is severe potential for flooding. Flooding coinciding with sanitary sewer leaks and overflows creates a potential for environmental impacts to Biscayne Bay. Figure 4.17 shows the areas with significant potential issues with stormwater flooding and impacts from sanitary sewer. The Town anticipates a project to protect property and water quality in this area. Table 4.3 outlines the anticipated improvements on the sanitary sewer system.

**Table 4.1 Monthly Comparison of Sanitary Sewer Flows
(Flows highest in the Fall and Winter)**

Date	2003	2004	2005	2006	2007	2008	2009
Jan	0.73	0.82	0.82	0.82	0.82	0.82	0.94
Feb	0.73	0.81	0.71	0.84	0.79	0.79	0.73
Mar	0.87	0.70	0.73	0.87	0.77	0.77	0.75
Apr	0.82	0.65	0.70	0.83	0.73	0.73	0.70
May	0.74	0.56	0.63	0.73	0.64	0.64	0.73
June	0.80	0.58	0.68	0.78	0.68	0.68	0.98
July	0.60	0.54	0.56	0.63	0.57	0.57	0.73
Aug	1.05	0.54	0.62	0.72	0.63	0.63	0.81
Sept	0.92	0.56	0.60	0.68	0.61	0.61	1.27
Oct	1.31	0.70	0.78	0.91	0.87	0.87	1.13
Nov	1.10	0.42	0.66	0.63	0.86	0.86	1.29
Dec	0.81	0.47	0.53	0.65	0.84	0.84	1.22

Table 4.2 Outline of Proposed Sanitary Sewer Improvements

PROJECT TITLE: Sewer Lining and Replacement Project				CG&A PROJECT NO. 09-2365	
OWNER: Town of Surfside					
ESTIMATED BY Shaun Bamforth		CHECKED BY		APPROVED BY	
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	NET PRICE	TOTAL PRICE
1	Clean and TV existing system	6725	LF	\$8.00	\$53,800.00
2	Line 8" Sewer	29159	LF	\$34.00	\$991,406.00
3	Line 10" Sewer	11824	LF	\$36.00	\$425,664.00
4	Line 12" Sewer	1412	LF	\$41.50	\$58,598.00
5	Line 15" Sewer	1716	LF	\$52.50	\$90,090.00
6	Reconstruct 8" Sewer (SDR 35)	4445	LF	\$50.00	\$222,273.67
7	Reconstruct 10" Sewer (SDR 35)	1803	LF	\$55.00	\$99,145.38
8	Reconstruct 12" Sewer (SDR 35)	215	LF	\$60.00	\$12,916.10
9	Reconstruct 15" Sewer (SDR 35)	262	LF	\$65.00	\$17,004.98
10	Line Lateral from main to property line	374	EA	\$3,750.00	\$1,402,500.00
11	Replace Lateral from Main to Property Line	321	EA	\$4,500.00	\$1,444,500.00
12	Install Clean-out at Property line	453	EA	\$500.00	\$226,500.00
13	Install new Man Hole	1	EA	\$6,500.00	\$6,500.00
14	Rehab Existing Man Hole	160	EA	\$1,000.00	\$160,000.00
15	Repair Sub-Aquias Crossing	80	LF	\$500.00	\$40,000.00
16	Mobilization (10%)	1	LS		\$519,709.81
17	MOT (10%)	1	LS		\$519,709.81
TOTAL =					\$6,236,517.75

Table 4.3 Outline of Proposed Stormwater Improvements

PROJECT TITLE Surfside Drainage Improvements				CG&A PROJECT NO. 07-1552	
LOCATION Miami-Dade County, FL					
OWNER TOWN OF SURFSIDE					
		CHECKED BY		APPROVED BY	
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE MAT. & LAB	ESTIMATED AMOUNT
1	Pump Stations	3	EA	\$750,000.00	\$2,250,000.00
2	Control Structures	8	EA	\$13,000.00	\$104,000
3	Remove Existing Inlets	20	EA	\$600.00	\$12,000
4	Manholes	15	EA	\$6,000.00	\$90,000
5	18 " RCP	4500	LF	\$45.00	\$202,500
6	Curb Inlets	38	EA	\$5,500.00	\$209,000
7	Wells	9	EA	\$50,000.00	\$450,000
8	Manatee Grates	4	EA	\$525.00	\$2,100
9	Mod. Curb & Gutter	3000	LF	\$13.00	\$39,000
10	Raing Gauge	3	EA	\$500.00	\$1,500
Subtotal =					\$3,360,100.00
		10% Mobilization			336,010.00
				TOTAL	\$ 3,696,110.00

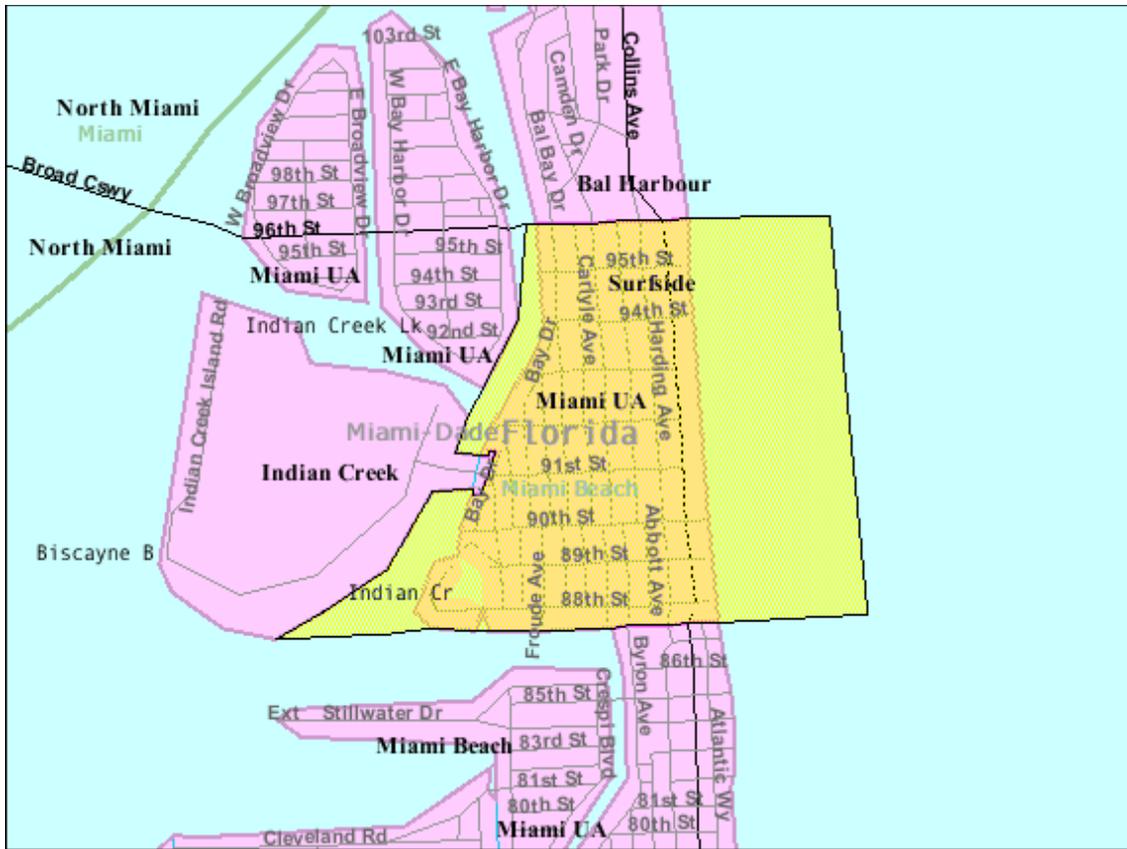


Figure 4.1 Town of Surfside Sewer Service Area

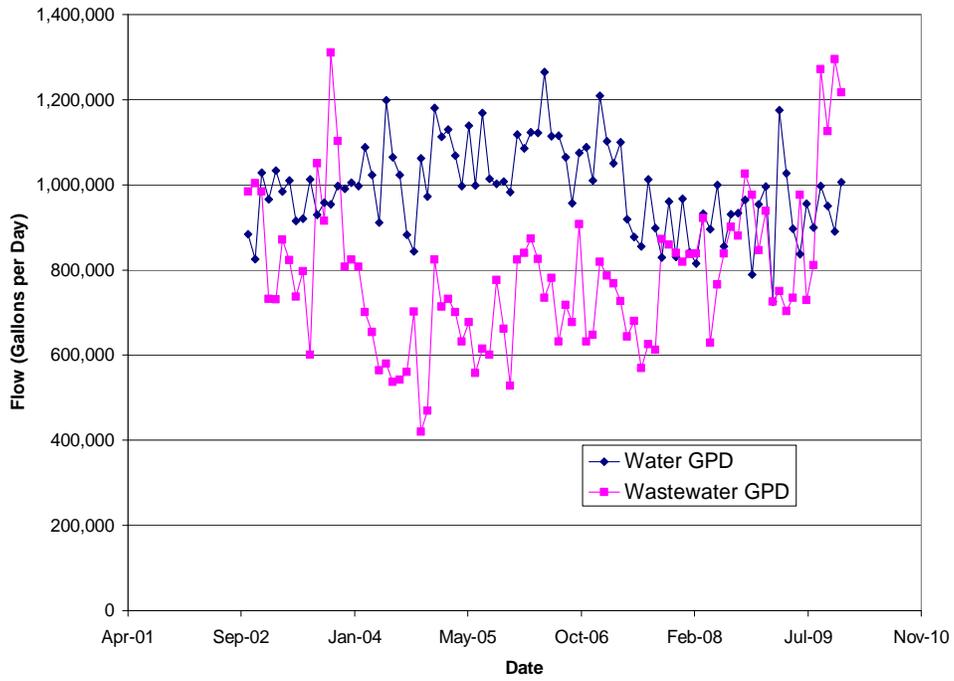


Figure 4.2 Past Wastewater Use

(Historically Flows were About 300,000 gpd Less Than Water Flows, but are Currently on a Large Upswing)

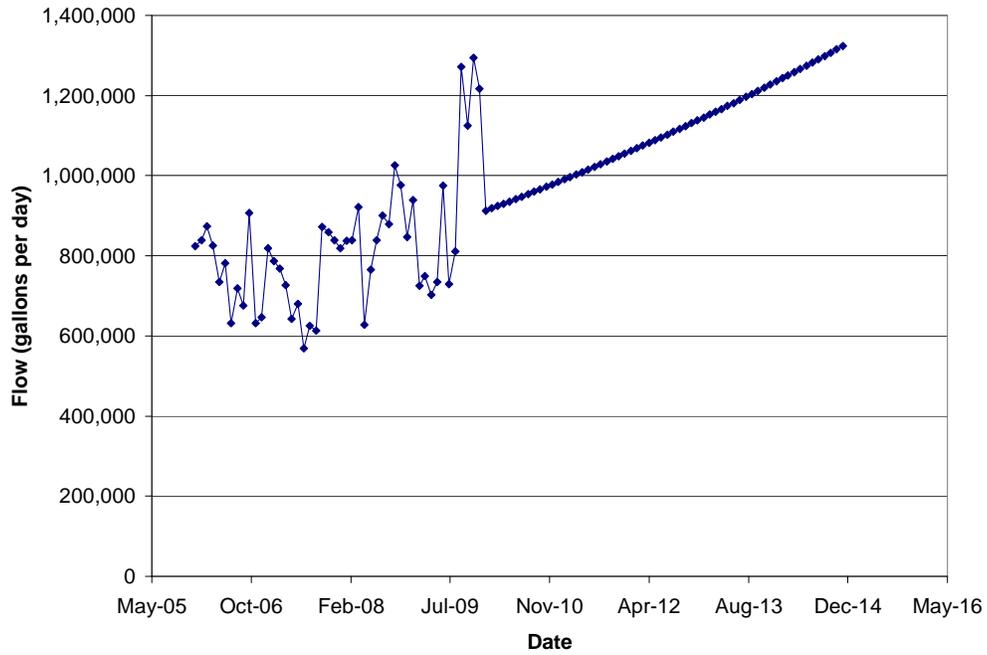


Figure 4.3 Projected Wastewater Use

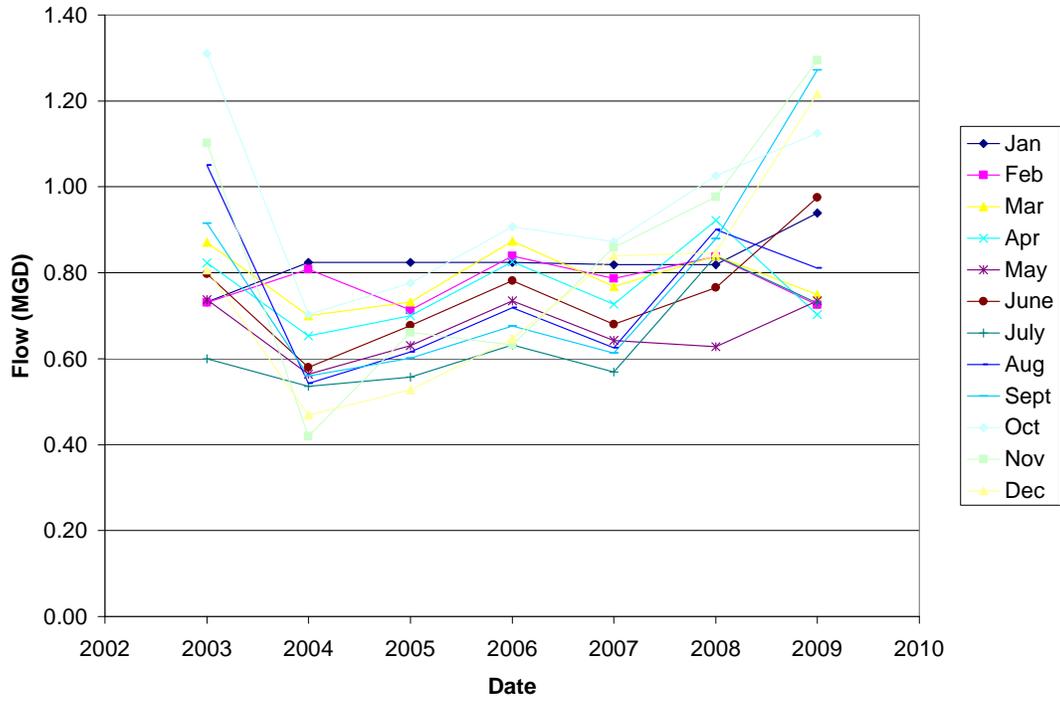


Figure 4.4 Wastewater Flows Shows Them to be Highest From July to October



Figure 4.5 Example of old Orangebrook Pipe in Very Deteriorated Condition



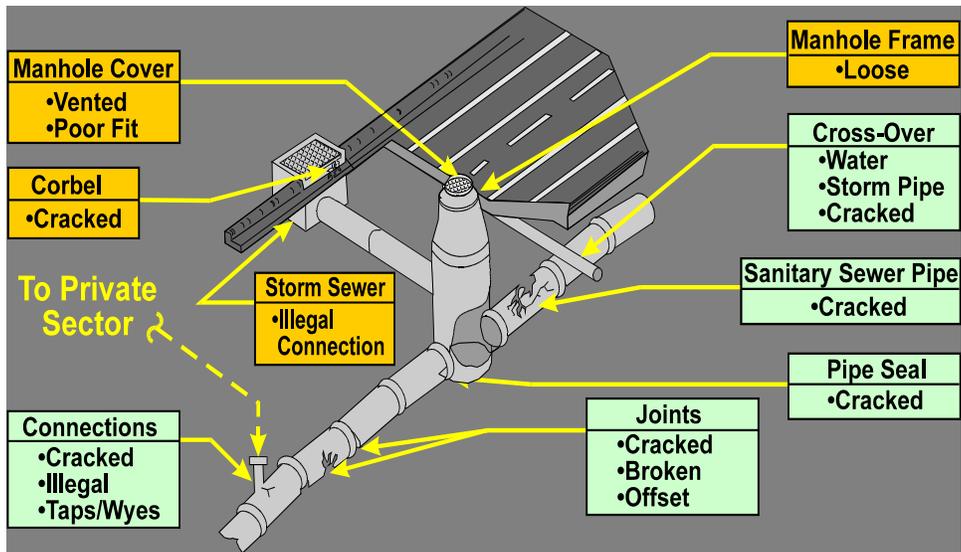
Figure 4.6 Example of Old Orangebrook Pipe in Very Deteriorated Condition



Figure 4.7 Example of Old Cast Iron Service Line in Very Deteriorated Condition – Exposed to Salt Water



Figure 4.8 Example of old PVC Service Line – Many are in Deteriorated Condition and/or Broken



Rain and High Groundwater Affects Wastewater Collection System

Figure 4.9 Potential Points where Infiltration and Inflow enter the system

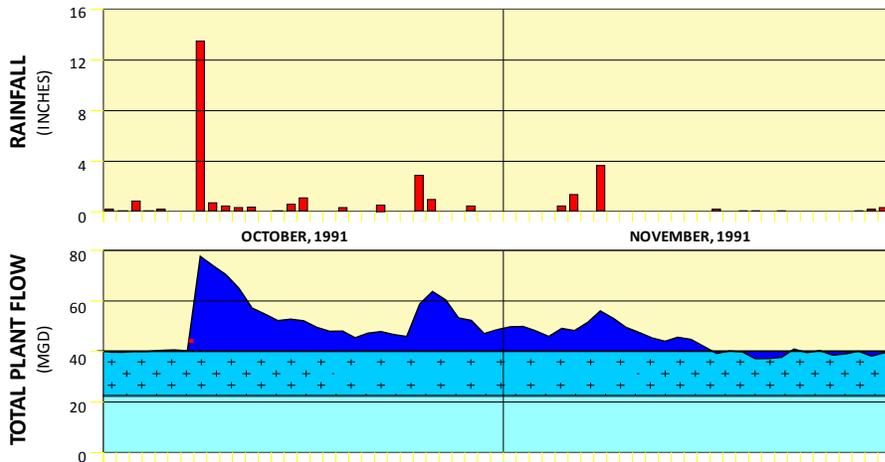


Figure 4.10 Indication of Inflow to the Sewer System Example only (Bloetscher, 2009)



Figure 4.11 Chimney Seal Installed (Courtesy, USSI, Inc)



Manhole Prior to Abatement



Manhole Frame / Chimney Sand-Blasted



Manhole Interior Following Sand-blasting



Frame & Chimney – Prime Coat



Frame & Chimney – Elastaseal® Coat



Manhole Following Abatement

Figure 4.12 Installation Procedure (Courtesy, USSI, Inc)

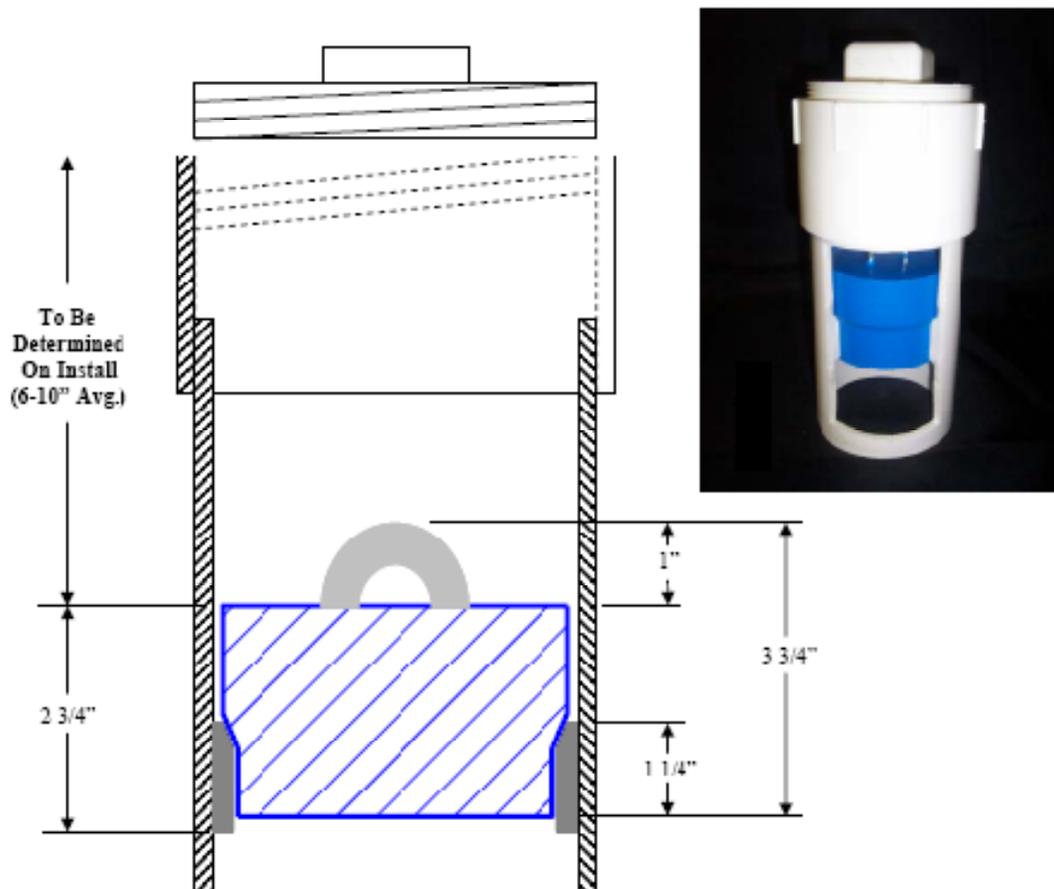


Figure 4.13 LDL Plug Design (Courtesy, USSI, Inc)



Figure 4.14 LDL Plug Installed in Cleanout (Courtesy, USSI, Inc)

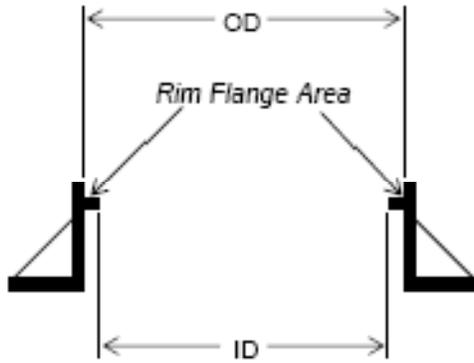


Figure 4.15 Rim/Flange of Manhole (courtesy USSI)



Figure 4.16 Inflow Defender Manhole Rain Dish

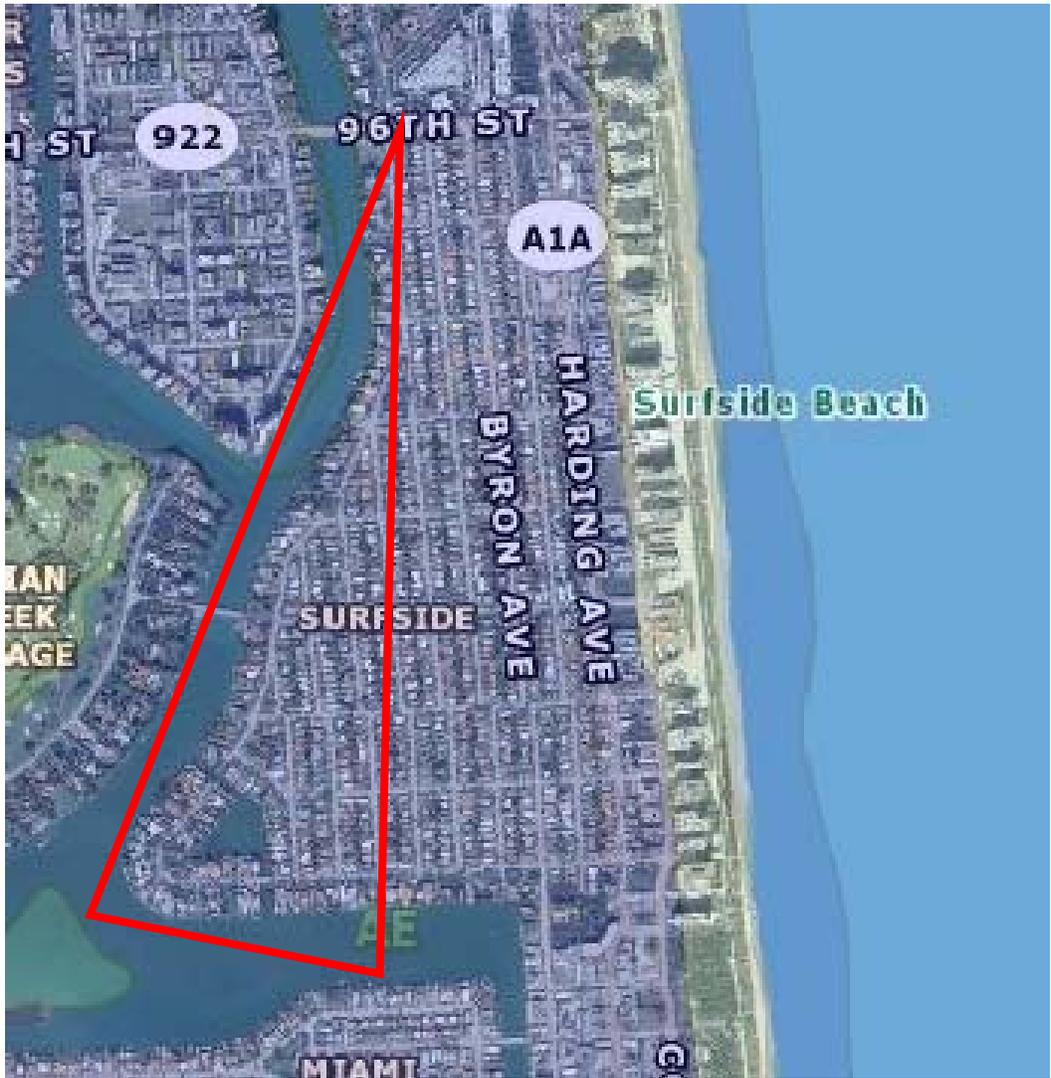


Figure 4.17 Stormwater Problem Areas

5.0 NEEDS ASSESSMENT

This section outlines the needs for the water and sewer systems along with options explored to resolve the needs. The recommended projects are outlined with cost estimates. 40 CFR, Part 35, Subpart E, Appendix A includes useful life to be used in cost-effectiveness analysis. Useful life applicable to the alternatives in the water facilities plan is as follows:

- Pipes – 50 to 60 years
- Plant buildings, tanks, pump stations, etc. – 30 to 50 years (use 30 years)
- Process equipment – 15 to 20 years (use 15 years)
- Auxiliary equipment – 10 to 15 years (use 10 years)

Therefore, based on the above information on useful life for each component of the alternatives, the planning period of 10 years, and discount rate of 5 7/8 percent (or 5.875 percent) established by EPA for the fiscal year beginning on or after October 1, 2002; cost-effectiveness analysis for the different alternatives using EPA's format. The recommended projects are outlined with cost estimates.

The following sections outline the proposed program options. Within each of the following sections of the report, the following are presented: the current situation, the potential problems with the current situation, the alternatives to solve the problem with cost impacts for each, and a recommended solution for each current situation.

5.1 Water System Needs

The water is distributed to residents and commercial business by the Town via approximately 11 miles of cast iron pipe installed in 1938. Primary mains feeding the system run under the Town's streets and vary in size from 6-inch to 16-inches in diameter, which feed three-inch and four-inch water lines located along the rear property lines. Disrepair and corrosion for over 70 years has created a fragile water distribution system that has repetitive breaks, loss of potable water, pavement restoration and other expenses.

In accordance with the approved Surfside Comprehensive Plan, the Town's goals for potable water are as follows:

- A. Water shall be delivered to users at a pressure no less than 20 pounds per square inch (psi) and no greater than 100 psi.
- B. Water quality shall meet all federal, state, and county primary standards for potable water.
- C. The level of service (LOS) standard for potable water facilities shall be 155 gallons per capita per day.

In order to provide uninterrupted potable water, improve level of service Town-wide, and meet ISO fire demands, a water main replacement program has been implemented.

There is one area of need with the water system: Replacement of existing water mains and the looping lines.

5.1.1 Water Main Replacement Program

This program, as envisioned by the Town, replaces the existing galvanized and cast iron pipelines. All pipes are submerged in saltwater for much of the year. As a result, as noted in section 3.3, these pipelines deteriorate in the south Florida groundwater conditions. The Town will replace many of the deteriorated pipelines with 6 or 8-inch pipelines made of PVC C900.

5.1.1.1 Current Situation

The Town needs to replace the old, galvanized and cast iron pipelines. These provide insufficient service and are prone to significant leakage.

5.1.1.2 Problems with Current Situation

The old pipelines are cast iron and galvanized and leak or break continually. Cast iron lines are in poor conditions throughout the Town. Replacement will reduce the amount of leakage and protect service to the customers in these areas.

5.1.1.3 Summary of Alternatives

There are two alternatives – do nothing or fix the problem and reduce unaccounted for water, which will improve the Town’s ability to comply with the SFWMD’s water resource limitation in a more effective manner. The do nothing alternative does not meet the Town’s fiscal or comprehensive planning needs. Therefore, because there is a cost to maintaining older, leaky pipelines, the recommended alternative is to replace these pipelines with PVC pipe.

The replacement project provides for the replacement of several miles of water system pipe known to be in particularly poor repair. The replacement program addresses only those existing iron water pipes that are believed to be either undersized, corroded, or both. A replacement program is long overdue, including valves and hydrants. Currently, construction documents are complete for a replacement of the water mains, meters, service laterals and fire hydrants. Table 5.1 outlines the \$5.029 million cost for this project.

Table 5.2 outlines a present worth analysis for replacement versus ongoing repair. It should be noted that since the unaccounted for water in the Town is 15%, this exceeds the threshold set by SFWMD so the Town needs to take action. The lowest long-term cost is to pursue the replacements as noted in Table 5.2.

Table 5.1 Estimate of Water System Costs

Water Main Replacement					
PROJECT TITLE: Water Main Replacement Design				CG&A PROJECT NO. 09-2365	
LOCATION:					
OWNER: Town of Surfside					
ESTIMATED BY Shaun Bamforth			CHECKED BY		APPROVED BY
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	NET PRICE	TOTAL PRICE
1	8" Gate Valve	170	EA	\$1,650.00	\$280,500.00
2	Fire Hydrant Assembly	23	EA	\$2,750.00	\$63,250.00
3	8" x 6" Tee	23	EA	\$650.00	\$14,950.00
4	8" x 8" Tee	49	EA	\$700.00	\$34,300.00
5	8" x 8" Cross	5	EA	\$1,000.00	\$5,000.00
6	8" 90 Degree Bend	16	EA	\$405.00	\$6,480.00
7	8"- 45 Degree Bend	224	EA	\$228.00	\$51,072.00
8	8"- 22.5 Degree Bend	4	EA	\$405.00	\$1,620.00
9	8"- 11.25 Degree Bend	2	EA	\$405.00	\$810.00
10	8" x 6" Reducer	10	EA	\$225.00	\$2,250.00
11	8" P.V.C. 900	25594	LF	\$40.00	\$1,023,760.00
12	6" P.V.C. 900	611	LF	\$37.50	\$22,912.50
13	Air Release Valves	15	EA	\$750.00	\$11,250.00
14	BSP	57	EA	\$500.00	\$28,500.00
15	Proposed Water Service (NIC Meter)	687	EA	\$1,300.00	\$893,100.00
16	Pipe Plugs	46	EA	\$250.00	\$11,500.00
17	Mill and Remove Pavement	68251	SY	\$7.50	\$511,882.50
18	Asphalt - 1st lift	68251	SY	\$10.00	\$682,510.00
19	Asphalt - 2nd lift	68251	SY	\$8.00	\$546,008.00
20	Mobilization (10%)	1	LS		\$419,165.50
21	MOT (10%)	1	LS		\$419,165.50
				TOTAL =	\$5,029,986.00

Table 5.2 Present Worth – Increasing Operations and Maintenance

Components	Pipe Replacement		Do Nothing	
	Useful Life (yrs)	Amount (\$)	Useful Life (yrs.)	Amount (\$)
Pipe Cost	50	\$5,029,986.00	50	\$ -
Construction (10%) & Eng'g (12%) Contingencies		600,000		
TOTAL Constr		\$5,629,486		
PW of O, M & R (PWF = 7.403872)		\$ -		\$ 6,432,000
Salvage Values		\$0		\$0
Lost water cost (PW)		\$0		\$273,750
PW = Item a + Item b – Item c		\$5,629,486		\$ 6,705,750

*Assumed 10 breaks/yr at \$25,000/break over 50 years @ 3% annual inflation

** assumes unaccounted for water can be reduced to 7%, \$2.50/1000 gallons, 20 years

5.1.2 Recommended Water Project

Based on the prior sections, it is recommended that the Town pursue replacement of two inch pipe and construction of pipe to improve distribution pressure. This will ensure continued high water quality, while solving water supply concerns. Ongoing upgrades to the water distribution should include replacing the remaining 2-inch galvanized water lines and looping the large lines that are currently dead-ended or are tied to smaller lines. Table 5.3 outlines the proposed water program.

**Table 5.3 Recommended Water Program
(with Contingencies)**

Item	Cost
Water Main Replacements	\$ 5,629,486
Total	\$ 5,629,486

5.2 Wastewater Improvements

There are two distinct areas of need with the sewer system. The two areas are infiltration and inflow correction and lift station upgrades. Because of the flow issues, these two issues are tied together in Surfside. The I/I program addresses the pipe condition, while the lift stations upgrades will permit more control of the system and reduce SSOs.

5.2.1 Infiltration/Inflow Reduction

The Town's sanitary sewer system is interconnected with the Miami-Dade County Water and Sewer Department (MDWASD) system; however, Surfside maintains its own sewer collection system and two pumping stations. By agreement, the Town of Surfside and Bal Harbour share a

sanitary force main that connects to the City of Miami Beach transmission system. The tri-party agreement provides for the transmission of sewage via force mains to the MDWASD system and eventually to the treatment plant and disposal.

The Town’s sanitary sewer collection system failed to meet the Miami-Dade County (MDCC) Infiltration/Inflow (I/I) standards and exceeded the pump station run time limits, which prompted violation notices commencing in 1983. The nonconformance with the MDCC Section 24-42.2 resulted with a Consent Agreement that required the Town to complete the Sanitary Sewer Evaluation Study (SSES). The Sewer Rehabilitation Plan was broken into three phases to bring the Town into compliance with the mandates from EPA, MDCC, and DERM.

Phase I: EPA has established infiltration criteria depending on the footage of collection sewer in the area as follows:

Table 5.4 EPA Infiltration Allowance

Allowance Range (gpd/in-mile)	Sewage Footage (ft)
2,000-3,000	> 100,000
3,000-5,000	50,000-100,000
5,000-8,000	1,000-50,000

The criteria in the table are used as a primary indicator for the assessment and classification of collection system infiltration. In 1993, the State of Florida Department of Environmental Protection (DEP) and Miami-Dade County entered into a Settlement Agreement. The Agreement required that a Sewer System Evaluation Survey (SSES) be conducted on any collection basin with a night flow in excess of 10 gpm per mile of gravity sewer. This newly developed criterion is used as a secondary requirement in prioritization.

Areas of the Town of Surfside’s sewer system have limited infiltration and inflow information. Due to the current need for infiltration and inflow, a comprehensive program was proposed to be undertaken in two phases. Phase I was completed by placing full dish gaskets on all manhole openings. In addition, any rain water leaders found to be attached to the sewer lines were disconnected from the sanitary sewer system.

Phase II: Phase II includes the investigating sewer problems using video, smoke testing and other techniques to determine the sources of infiltration / inflow. All broken sanitary lines will be repaired or lined, as determined by the analysis. All service laterals are planned to be either replaced or lined to reduce infiltration of ground water. Severely deteriorated manholes will be sealed with a “Sewpercoat” system or full liner to reduce infiltration. Costs and unit prices have been established for lining the moderately cracked pipes and point repairs for the broken pipes. Bidding of the repairs is expected this year for lining the existing sanitary lines and manholes. To avoid a construction moratorium, the Town is currently coordinating with the Florida Department of Transportation and their engineering consultant R. Aleman and Associates to determine Harding and Collins overlay impacts to sanitary sewer lining/replacement.

Phase IIa construction will include the following associated with the manholes:

- Inspection and repair of all sanitary sewer manholes, including repair of benches in poor condition or exhibiting substantial leakage
- Repair of manhole walls in poor condition or exhibiting substantial leakage
- Repair/sealing of chimneys in all manholes to reduce infiltration from the street during flooding events (see Figures 4.10 and 4.11)
- Installation of dishes in all manholes to prevent infiltration (see Figures 4.14 and 4.15)
- While opening the manholes, smoke testing of all section of pipe, with identification of sewer system leaks, including those on private property (via location of smoke on private property), and immediate installation of cleanout and LDL plugs where manholes in the public right-of-way or other portion of the utility's system is damaged (Figure 4.12 and 4.13)
- Low flow inspection event to identify sections to test.

Table 5.5 outlines the cost for these improvements.

Table 5.5 Phase IIa Infiltration and Inflow Costs

Item	Units	Unit Cost	Total Cost
Manhole inspection, seal, dish and ancillary work	110	\$450.00	\$49,500
Sealing of Manholes	10	\$250.00	\$2,500
Bench Repairs	5	\$50.00	\$250
Smoke Testing and Report			
Preparation	20,000	\$0.30	\$6,000
Cleanout Caps	100	\$100.00	\$10,000
LDL Plugs	100	\$125.00	\$12,500
After Hours Observations	LS		\$1,000
Change Order Contingency (not guaranteed to Contractor)		\$50,000	\$50,000
Total			\$131,750

Portions of this work are complete. To further protect the current investments, the Town needs to monitor, televise and line areas of the Town that develop leaks. This is the Phase II infiltration/inflow reduction. Phase II will include:

- Televising the 10-15% of segments identified in the low flow inspection event
- Identification of breaks
- Point repairs
- Lining of piping
- Re-televising to insure repairs are made

A program for televising, lining, point repairs is estimated at about \$6.23 million based on experience elsewhere. The low flow event has been shown to focus the areas for tv and lining to 10-15% of the system as opposed to the full sanitary sewer system.

In addition inflow and infiltration reduction is more cost effective than treating excess wastewater, building additional plant capacity and/or dealing with fines for SSOs. Table 5.6 outlines an example comparison between the traditional and Phase II proposed program resulting from Phase I. Table 5.7 outlines the present worth. The recommended alternative from a cost perspective is to fix the sewer system.

Table 5.6 Outline of Proposed Sanitary Sewer Improvements

PROJECT TITLE: Sewer Lining and Replacement Project				CG&A PROJECT NO. 09-2365	
OWNER: Town of Surfside					
ESTIMATED BY Shaun Bamforth		CHECKED BY		APPROVED BY	
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	NET PRICE	TOTAL PRICE
1	Clean and TV existing system	6725	LF	\$8.00	\$53,800.00
2	Line 8" Sewer	29159	LF	\$34.00	\$991,406.00
3	Line 10" Sewer	11824	LF	\$36.00	\$425,664.00
4	Line 12" Sewer	1412	LF	\$41.50	\$58,598.00
5	Line 15" Sewer	1716	LF	\$52.50	\$90,090.00
6	Reconstruct 8" Sewer (SDR 35)	4445	LF	\$50.00	\$222,273.67
7	Reconstruct 10" Sewer (SDR 35)	1803	LF	\$55.00	\$99,145.38
8	Reconstruct 12" Sewer (SDR 35)	215	LF	\$60.00	\$12,916.10
9	Reconstruct 15" Sewer (SDR 35)	262	LF	\$65.00	\$17,004.98
10	Line Lateral from main to property line	374	EA	\$3,750.00	\$1,402,500.00
11	Replace Lateral from Main to Property Line	321	EA	\$4,500.00	\$1,444,500.00
12	Install Clean-out at Property line	453	EA	\$500.00	\$226,500.00
13	Install new Man Hole	1	EA	\$6,500.00	\$6,500.00
14	Rehab Existing Man Hole	160	EA	\$1,000.00	\$160,000.00
15	Repair Sub-Aquias Crossing	80	LF	\$500.00	\$40,000.00
16	Mobilization (10%)	1	LS		\$519,709.81
17	MOT (10%)	1	LS		\$519,709.81
				TOTAL =	\$6,236,517.75

Table 5.7 Present Worth – Increasing Operations and Maintenance

Components	Pipe Repair		Do Nothing	
	Useful Life (yrs)	Amount (\$)	Useful Life (yrs.)	Amount (\$)
Pipe Cost	50	\$6,236,517	50	\$ -
Construction (10%) & Eng'g (12%) Contingencies		446,192		
Operating Costs (Excess flows)				\$ 2,357,700
TOTAL Constr		\$6,682,709		
Debt		\$328,844		
PW of O, M & R (6.125%)		\$6,353,865	est inc/yr = 3%	\$5,354,769
Salvage Values		\$0		\$0
PW = Item a + Item b – Item c		\$6,353,865		\$7,354,769

An ongoing appropriation for infiltration and inflow repair should be included in each annual budget in the future so that massive efforts such as that anticipated here will not be required in the future.

Phase III: Phase III will consist of renovating the existing pump stations and installation of emergency generators to bring the system back into compliance with the current law, codes and Consent Decree. There are 2 lift stations serving the Town. There are limited controls and the stations are older. Some rehabilitation and telemetry for tracking data is important. Identifying and tracking problem areas is best accomplished with telemetry. The cost per station varies between \$20,000 and \$100,000 per station. Two options exist; the Town could either complete the repairs, or leave the system as is. Leaving the system as is does not keep with the goals of the Town and likely causes the Town to incur, periodic large inflow occurrences in the system. This is not in keeping with the goals of the Town and likely causes the Town to incur, periodic large inflow occurrences in the system. The cost to retrofit and telemeterize the system is under \$200,000, but the costs are highly dependent on the findings of the control boxes at the lift stations. The need to monitor the system is especially important given the consent order. These should be considered as contingency items in the lining bid.

5.2.2 Wastewater Program

Based on the prior sections 5.2.1 and 5.2.2, it is recommended that the Town pursue a program that involves the telemetry, lift station rehab, infiltration and inflow and some force main additions. Table 5.8 outlines the proposed waste water program.

Table 5.8 Recommended Wastewater Program

Item	Cost
Infiltration/Inflow/Piping upgrades	\$131,750
Lift Stations and Telemetry	\$1,500,000
Lining Pipe	\$4,604,767
Total	\$6,236,517

5.3 Stormwater Program

Figure 4.17 showed that the west side of the Town is low lying. The proposed stormwater project consists of retrofitting three of the Town’s outfall pipes to reduce pollutants and fresh water entering Biscayne Bay. The proposed facilities at each location will consist of a stormwater pump station which pumps water into a new drainage wells. In order to address pollution concerns for a Florida Department of Environmental Protection (FDEP) drainage well permit, the Town will install Nutrient Separating Baffle Boxes upstream of the pump station to provide treatment before the runoff enters the groundwater.

The Town will address a long-term concern for all residents of the Town, who have complained to the Town for at least a decade about water backing into the streets and poor water quality in the adjacent Biscayne Bay along the Town’s shores. The project directly addresses The Trust for Public Land’s Biscayne Bay Accessibility report, and supports the SFWMD’s Biscayne Bay Partnership Initiative (BBPI).

The project will be funded through a cost share program grant with the FDEP contributing \$873,500 and the balance of \$2.82 million funded with a debt serviced loan. Surveying, Engineering design, FDEP / DERM permitting, grant administration and public educations are complete for this project.

The existing catch basins and stormwater collection system and the pipes have been cleaned and an atlas showing each of the improvements, condition and recommendations has been created to maintain the system on a yearly basis as required by the National Pollution Discharge Elimination System Permit. Repairs and replacement program will coincide with the Florida Department of Environmental Protection Stormwater project and grants will augment the CIP as necessary.

Figure 5.1 shows that most of the town is in the flood plain. The current drainage system does not work properly leading to the potential for flooding, damage to the utility system and property damage. The Town has two options – do nothing or correct the problem. The cost to do nothing cannot be measured. The cost to correct the problem is \$3.69 million as shown in Table 5.9.

Table 5.9 Stormwater Improvements

PROJECT TITLE				CG&A PROJECT NO.	
Surfside Drainage Improvements				07-1552	
LOCATION					
Miami-Dade County, FL					
OWNER					
TOWN OF SURFSIDE					
		CHECKED BY		APPROVED BY	
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE MAT. & LAB	ESTIMATED AMOUNT
1	Pump Stations	3	EA	\$750,000.00	\$2,250,000.00
2	Control Structures	8	EA	\$13,000.00	\$104,000
3	Remove Existing Inlets	20	EA	\$600.00	\$12,000
4	Manholes	15	EA	\$6,000.00	\$90,000
5	18 " RCP	4500	LF	\$45.00	\$202,500
6	Curb Inlets	38	EA	\$5,500.00	\$209,000
7	Wells	9	EA	\$50,000.00	\$450,000
8	Manatee Grates	4	EA	\$525.00	\$2,100
9	Mod. Curb & Gutter	3000	LF	\$13.00	\$39,000
10	Raing Gauge	3	EA	\$500.00	\$1,500
Subtotal =					\$3,360,100.00
		10% Mobilization			336,010.00
TOTAL					\$ 3,696,110.00

There are three options, although two are similar. The first is do nothing which will continue to damage Town and private infrastructure. An estimate of this cost is not available because the potential impacts are significant but will vary by storm characteristics (excluding hurricanes which are completely different). The other two options deal with discharge. The Town's discharge goes to either wells or Biscayne Bay. The outfalls will need significant treatment prior to discharge which is both costly and unlikely to be successful. As a result, the proposed program is preferred and the capital program is as outlined in Table 5.11.

Table 5.10 Comparison of Stormwater Improvement Options

Item	Do nothing	Outfall	Well
Piping	0	\$2,321,190.00	\$3,196,110
Wells	0	\$0.00	\$500,000
Treatment	0	\$1,500,000.00	included
Outfall	0		0
Damage	unknown	limited	limited
Total	20,000	\$3,821,190.00	\$3,696,110

Table 5.11 Recommended Stormwater Program

Item	Cost
Stormwater Improvements and Pump Stations	\$3,696,110
Total	\$3,696,110

5.4 Infrastructure Program

Recommendations about major infrastructure requirements are as follows:

WATER

- Replace older water mains

STORMWATER

- Install wells and upgrade stormwater system

SEWER

- Infiltration/inflow upgrades
- Telemetry pump station rehabilitation

5.5 Permits Required

The majority of the projects planned for the next 10 years (and longer) will involve rehabilitation or replacement of existing infrastructure. All water line installations, including replacement lines, will require Miami-Dade County Health Department permits that will be secured at the time of design (prior to construction). This will be done on a project-by-project basis.

Permits will also be required for lift station upgrades. No permits are required for the infiltration/inflow projects.

5.6 Environmental Assessment

The Town of Surfside is embarking upon a major capital program to upgrade its existing facilities. The majority of the improvements are driven by regulatory requirements, new demands and facility age. The proposed water, sewer and stormwater expenditures over the next 10 years are approximately \$16 million and much of this money may be requested from SRF loans. Implementation of all of the proposed expenditures and loans from the SRF Program is not mandatory. The actual expenditures and loan amounts will depend upon financial needs. The program is intended to ensure that the Town meets its contractual obligations to its existing customers over the planning period, and should permit the Town to meet all regulatory requirements currently in effect or reasonably anticipated in the future.

This section outlines the environmental review of the major components of the program where SRF loans are proposed. To summarize the findings herein, the following should be noted:

- All of the projects proposed to be in sites currently developed, road right-of-ways or Town owned, cleared property
- All proposed areas for construction have been previously disturbed
- There are no known archaeological or historical sites in any of the project areas and no undisturbed areas that might uncover currently unknown archaeological or historical sites
- There are no, known wetland, terrestrial, environmentally sensitive or biological impacts in any of the project areas. All the sites planned for improvements have previously been disturbed, and exist in an urban setting where wetland, terrestrial, biological or environmentally sensitive impacts would not occur as a result of prior disturbance.

With regard to socio-economic interests, the following summarize the impact of the projects:

- There is limited surface water in the Town of Surfside. For the water system, no surface water impacts are expected. On the sewer side, pursuit of infiltration and inflow programs will limit the potential for sewer overflows to surface waters
- Groundwater impacts are minimal. Small diameter water lines are old and undersized. They leak because they are under pressure, but groundwater impacts are not an issue. Groundwater will tend to flow into the sanitary sewer system, not out of the system.
- Air quality will not be affected by any project contemplated herein.
- Noise impacts will not occur as a result of any project contemplated herein, although some limited noise may occur during construction.
- Aesthetics – failure to repair leaks in a timely manner provides the appearance of failure to maintain the system adequately. Pursuit of the program anticipated herein would maintain integrity of the system and have no aesthetic impact.
- Economic - Construction would maintain the current economy. Rates and fees are, or will be in place to cover the facility costs. Leaks and subsequent repairs will hamper normal traffic patterns. Addressing infiltration and inflow will help limit future increases in sewer bills and reduce any potential for fines to be levied against the Town.

- Public Health - Improved water quality would result from the improvements to the water plant contemplated herein. New water lines will improve service and reduce the likelihood of service interruptions and will provide storage. On the sewer side, pursuing and ongoing infiltration and inflow and lift station maintenance program will treat and monitor the system for excessive infiltration and inflow which may adversely affect public health due to higher risk of untreated sewage spills without rehabilitation of existing facilities and increase sewer charges to residents.
- Cultural – no impacts are expected
- Transportation - Minor inconvenience during construction on-site and a temporary increase in traffic on roads into sites is expected, but these would likely be less in the long-term than impacts from repeated repairs of old lines. Potential for damage to pavements and alleys, which may damage private property as a result of excessive leakage of old, small pipes that flood streets and gutters, will be eliminated with the planned program.
- Energy – no impacts are expected

Detail of the impacts for each element of the proposed plan are found in the following sections. One aspect remains – flood plains. Figure 5.1 shows the flood plain system in Surfside. All of Surfside is located in the high velocity hurricane storm surge areas.

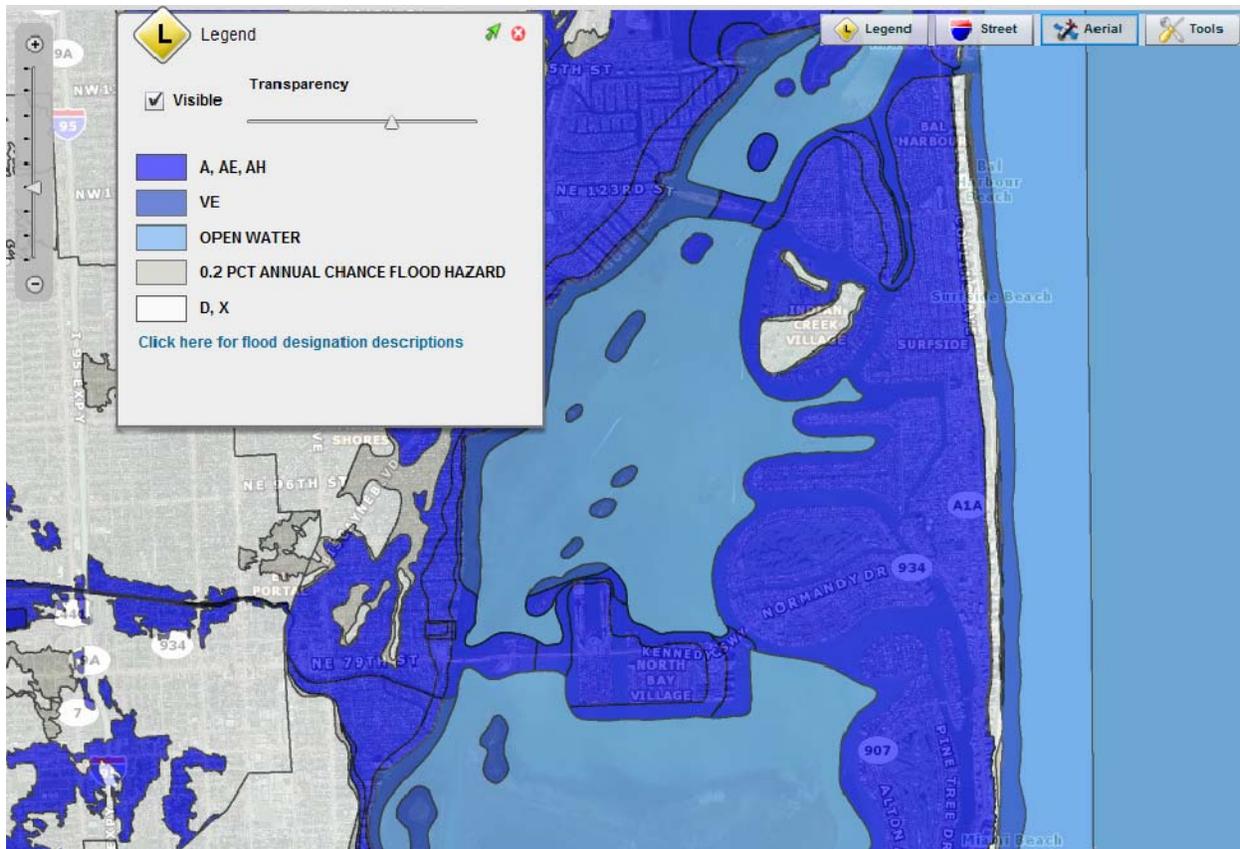


Figure 5.1 Flood Plain Map for the Town of Surfside

Figure 5.2 Proposed Water System Improvements

To be inserted in FINAL document submitted to FDEP

Available at Town Hall upon request and will be inserted in the final document submitted to FDEP

Figure 5.3 Proposed Sewer System Improvements

To be inserted in FINAL document submitted to FDEP

Available at Town Hall upon request and will be inserted in the final document submitted to FDEP

Figure 5.4 Proposed Stormwater System Improvements

To be inserted in FINAL document submitted to FDEP

Available at Town Hall upon request and will be inserted in the final document submitted to FDEP

6.0 FINANCIAL ASSESSMENT

Historically, the utility industry has shown dedication to building and maintaining drainage systems to provide high quality drainage service to its customers. The rapidly changing regulatory framework has forced utilities to investigate new water management strategies that pursue demand mitigation alternatives, and include treatment capability to meet ecosystem demands as well as urban runoff demands. The Town of Surfside has completed a comprehensive evaluation of its water and sewer system, to determine where needs exist so that improvements can be made. The Town has identified the State Revolving Fund loan program as a source of funding for necessary improvements. Determining how these new projects will be integrated into the finances of the utility system has been completed in a partial 2010 Rate Study prepared by TischlerBise.

Traditionally, utilities have used water volumes and pricing as a means to recover costs by charging users of a specific type in accordance with the cost of serving that type of user, which is both effective and equitable. But pricing can also work to reduce demand by providing an incentive for customers to manage water use more carefully.

6.1 Financial Basis of the Utility

Utility systems charge a variety of rates, fees and charges for service. These include service charges, assessments and miscellaneous fees such as meter re-reads, connection fees, late payments and backflow testing. Each of these fees should have a basis for the charge generally consistent with the financial policy of the system. Only two fees have major legal constraints – impact fees and assessments.

A utility's rates not only must be reasonable, they must be non-discriminatory, although different user-classes can be charged differently provided a valid rationale exists for the difference. Different user classes may be charged different rates if the rates can be justified. For example, a distinction can be made in some instances between user classes, i.e., residential customers being charged differently than industrial or commercial customers.

Periodic charges for service are the costs collected on a regular basis from existing customers for the amount of service they receive. Periodic service charges are usually broken down into two portions - availability charges and volumetric charges. Availability charges are the fixed portion of the bill which is generally based on equivalent residential connections (ERCs), meter size or some mixture of the two. The volumetric charge is based on the amount of water consumed by the customer as determined from meter reading. Due care must be exercised to avoid under-collection of fees with the imposition of any rate collection method.

6.1.1 Availability Charges

The fixed-fee portion of the service charge is collected from every customer regardless of whether or not there is any usage at the address. This practice is intended to allow the utility to bill customers where service is available, because there is a cost for having the service available to the customer's property. One obvious and consistent charge encountered is that of meter reading and sending out the water bills. As a result, this cost should always be included in the fixed portion of the bill; likewise, debt service continues to occur whether or not the customer

uses the system. Because the repayment of debt is important in order to protect the financial position of the utility, debt is a high priority in the budgeting process and as a result, revenues to cover debt are typically included in the availability charge. This practice is also a safeguard in case there is catastrophic facility damage due to storms or other natural disasters; the availability charges continue to accrue to the system to enable the utility to pay its debt, even though the service is not being used.

Utilities consider a number of pricing objectives when a rate structure is being selected. These objectives include:

1. Financial Sufficiency - generating sufficient revenues to recover operating and capital costs;
2. Conservation - encouraging customers to make efficient use of scarce water resources through costs;
3. Equity - charging customers or customer classes in proportion to the costs of providing service to customer groups;
4. Implementation - having the capability to implement the rate structure efficiently without incurring unreasonable costs associated with reprogramming, procedures modification, and redesigning of forms;
5. Compliance with appropriate legal authorities – being consistent with existing local, state, and federal ordinances, laws, and regulations;
6. Effect on customer classes - minimizing negative financial effects on utility customers; and
7. Long-term rate stability - producing rates that are reasonably constant from year to year.

The public can best be served by a utility that is a self-sustaining enterprise adequately financed with rates based on sound, established engineering and economic principles. Water rates typically consist of operating and capital costs. Examples of operating costs include salaries, electricity, chemicals, and other recurring expenses. The capital portion typically includes contributions from current revenues, new borrowed funds and contributions for repairs and replacements. Debt service includes payments on any outstanding borrowing. Repayment of SRF loans are included here.

All of the financing starts with the utility’s “cash registers” – the meters. This program requires that the utility install a meter to record water consumption for each customer and bill for water use based on metered consumption. The alternative is to bill customers on a flat rate regardless of water consumption. Metering provides an incentive for customers to use water wisely. User charges are then based on these meter readings to meet certain objectives. A number of different rate structures are available and all were considered in the 2010 TischlerBise rate study. These include the following:

Uniform Volume Rates

A uniform-volume water rate is one in which all water use is charged at the same rate to all metered units, regardless of consumption. Sewer consumption is often based directly on water usage up to a specified level (usually the average household indoor use calculated for the utility).

Inverted Block Rates

Under this alternative, rates increase for progressively larger volumes of water use. As a result, larger-volume customers pay a progressively higher average rate for increased water use. The usual reason for using an inverted block rate structure is to offer financial incentives for reducing water use. Note that the South Florida Water Management District has rules requiring utilities to utilize this rate structure to reduce water use during restrictions.

Revenue Stability and Cost-of-Service-Based

Every utility has certain costs that must be funded regardless of water consumption amounts. These costs are fixed and typically do not fluctuate. If a customer does not use any water during a billing period, there are still costs associated for past use and future service availability. These items include but are not limited to capital replacement for past use, maintenance of assets to provide water in the future, debt service, and customer service. A fixed charge system without minimum water allotments ensures the utility's fixed costs will still be met while creating a more equitable billing system.

Rate schedules can be compiled by customer class to establish a separate rate structure or schedule of charges for each group (or class) of customer served by the utility. A rate structure applicable to all classes of customers cannot reflect the cost of service for any particular customer group. By establishing rates by class, however, there is a more direct recovery of cost from each customer group. Since the rates can better reflect cost differences among the various classes, customers in each class are made aware of the cost of each unit of water consumed. The major difficulty in establishing a rate schedule is the identification of the various classes and the assignment of each customer appropriately.

6.2 Water, Sewer and Stormwater Systems

As the Town of Surfside began its planning process for the water and sewer utility, this section is a planning tool to make relative funding decisions. A full rate study was completed by TichlerBise in 2010 – See Appendix B). Operating expenses for the utility in 2009, including chemicals and electricity use accounts for 36 percent on the water-side, and 47 percent on the wastewater side of the total \$4.6 million budget. Chemicals and electricity are 13% of the total operations, which is typical for water systems. Salaries and benefits account for only 25% of operations. Renewal and replacement funding does not comprise a significant part of the total. Debt service is minimal – mostly equipment. Debt has not been utilized to fund water and wastewater system improvements, line replacements or major repairs.

The stormwater system is funded through Stormwater Utility which utilizes a monthly fee per Equivalent Residential Unit (ERU) to fund the projects.

6.3 Methodology

Multi-year financial forecasts and financial plans are common tools in business. Most of the major private enterprises project sales and expenditure levels at least five years, and many times 10 to 20 years, in advance. However, this tool is seldom used in a public sector due to the nature of public enterprises - most do not “sell” a tangible product; they provide services such as police

protection, fire protection and recreational services. However, as tax revenue sources are exhausted, local governing bodies have begun to set up many municipal departments as enterprise funds to accommodate the establishment of fees for the service. Municipal water and sewer utilities have extensive experience using financial forecasts and plans like private sector businesses for their enterprises as many governments separated their water and sewer utilities years ago as a part of the federal grant process.

Governmental expenditures are subject to changes in the statutes, case law, sound financial practice, competitiveness between public entities, the political process and group decision-making. Many public entities rely on determining revenues, and afterward planning expenditures to remain within the revenue projections, including capital items, which “fit in.” This practice can lead to the deferral of needed capital expenditures or insufficiency in maintenance obligations, since many capital expenditures must be planned years in advance. The consequences of these capital items not coming on-line at the appropriate time may subject the utility to excessive maintenance costs, lawsuits or failures in providing service.

More progressive utilities today project expenditures, including long-term capital allocations, a practice that causes the revenue needs become clearer from year to year. Projected shortfalls can be planned for ahead of time, and capital expenditures can be scheduled and completed at the necessary time. Projecting capital expenditures promotes efficient operations, as well as being politically expedient, since projects are budgeted and built on schedule - when promised and when necessary to continue operations and meet community needs and growth patterns. This philosophy is in part responsible for portions of the Florida Growth Management Act of 1985, which states that infrastructure must be in place at the time growth demands it.

The current analysis follows a similar, albeit limited, protocol as the Town’s water and sewer rate study conducted by other rate professionals. Expenses in years through 2015 tie directly to the budget documents (budgeted or actual expenditures). Projections were made for the period ending in FY 2010, although the out-year projections should be viewed with some skepticism due to uncertainty in projecting out so many years. The rates study is outlined in Appendix B.

The next task was to evaluate revenues. The current revenues are shown in the rate ordinance in Appendix C. The 2010 rate study recommended a series of rate increases, starting in 2011 fiscal year. Therefore, current ratepayers are the only source for repayment of any debt as they are the benefactors of the improvements. It would appear that the proposed debt service would fit within the Town’s current revenues projects (see Table 6.1)

Table 6.1

Demonstration that Projected Debt Fits into Current Rate Projections for the Town of Surfside

(assumes all Debt SRF debt at roughly 3% interest)

Item	2011	2012	2013	2014	2015
Operating Revenues					
User Fees - Water	\$ 1,540,201	\$ 1,621,254	\$ 1,706,572	\$ 1,779,272	\$ 1,855,069
User Fees - Sewer	\$ 1,518,999	\$ 1,769,120	\$ 1,897,691	\$ 1,887,557	2102678
Connection Fees	\$ 1,200	\$ 1,200	\$ 1,200	\$ 1,200	\$ 1,200
Interest Income	\$ 2,128	\$ 2,128	\$ 2,128	\$ 2,128	\$ 2,128
Non-OP/Rate Stabilization					
Other Revenues	\$ 1,760	\$ 1,760	\$ 1,760	\$ 1,760	\$ 1,760
Misc.	\$ 4,433	\$ 4,433	\$ 4,433	\$ 4,433	\$ 4,433
TOTAL	\$ 3,068,721	\$ 3,399,895	\$ 3,613,784	\$ 3,676,350	\$ 3,967,268
Operating Expenses	\$ 2,096,698	\$ 2,219,535	\$ 2,451,950	\$ 2,714,467	\$ 3,011,220
Net Revenues	\$ 972,023	\$ 1,180,360	\$ 1,161,834	\$ 961,883	\$ 956,048
Debt Service (Excl SRF Loans)					
Debt Service (SRF Loan, incl coverage)	\$ -	\$ -	\$ -	\$ -	\$ -
Total Ex. Debt	\$ -	\$ -	\$ -	\$ -	\$ -
Proj Future Debt Non-SRF Loans)	\$ -			\$ -	
Projected SRF Loan Debt (Incl coverage)	\$ 757,100	\$ 757,100	\$ 757,100	\$ 757,100	\$ 757,100
New Debt	\$ 757,100	\$ 757,100	\$ 757,100	\$ 757,100	\$ 757,100
NET	\$ 214,923	\$ 423,260	\$ 404,734	\$ 204,783	\$ 198,948

7.0 PUBLIC PARTICIPATION

Public participation in the Town's planning efforts began in 2009 when the Town Manager, Public Works Director and the Town's consultants began discussing a comprehensive look at the utility system. From this plan, a decision was made to preserve the Town's ability to apply for SRF funds and to develop this facilities planning document.

For this facilities plan, a public meeting was advertised in the Miami Herald on January 30, 2011 and a public meeting was held on February 8, 2011 at Town Hall at 7:00 p.m. The issues covered included the proposed improvements and costs, the proposed use of SRF funds to fund the improvements, the comparative options and the impact of doing or not doing the improvements. The following support documents for the meeting are included under separate cover:

- Advertisement
- Agenda
- Presentation slides
- Minutes
- Resolution

8.0 CONCLUSIONS AND RECOMMENDATIONS

The Town of Surfside is well situated for upgrade of its water and sewer utility systems. To meet the continuing regulatory needs and demands of the residents for improved service, the projects identified should be pursued as the capital improvement program for the utility systems. The major improvements are:

- Water main replacement and pipe looping
- Infiltration/inflow upgrades
- Telemetry pump station rehabilitation

Borrowing of funds can be accomplished at current SRF interest rate from the State Revolving Fund loan programs, commercial borrowing, or a combination of the two. There are also grants available which have been secured or are in the application stage.

The following are the findings of the water, wastewater and stormwater system:

- The facilities are well operated
- Leakage on the water system will become reasonable when the project is complete
- Condition of the water lines is poor, noting that two (2) inch galvanized pipelines need to be replaced
- Infiltration and inflow correction is needed. Reduction in inflow will address a current consent agreement with Miami-Dade County
- Telemeterizing lift stations will permit the Town to have greater control over the collection system
- Stormwater improvements are needed in an number of places

The amount that needs to be borrowed is approximately \$16 million assuming all of these projects are constructed at one time. The State of Florida's SRF program provides low interest loan monies to finance the cost of construction of publicly owned water, wastewater and stormwater facilities. Each year FDEP has developed an annual priority list of projects to be funded, based on need, health hazards, readiness to proceed, costs and State objectives (SWIM program, etc.). Each year the Florida Legislature and the United States Congress must appropriate funds for capitalization of the SRF program. The Legislature provides a 20 percent match to the proposed federal funds.

Borrowing of funds can be accomplished at approximately 3 percent interest from the State Revolving Fund loan program. Authority for the program is found in Rule Chapter 62-503 and 62-504 of the Florida Administrative Code. The Florida Department of Environmental Protection (FDEP) is charged with implementing the program. Generally any local government entity, which has jurisdiction over the collection, transmission, treatment, storage or disposal of wastewater, is eligible to apply for SRF loans. The projects for wastewater must be associated with domestic wastewater on the public system, including treatment plants, collection systems, transmission lines, storage, disposal alternatives (or changes thereto), reclaimed water use or similar projects. The same applies for water and stormwater. Rate increases will be required to meet operations needs as well as new debt.

The rule-based notices are as follows:

- Requests for inclusion (RFI) must be submitted for all projects contemplated for placement on the pre-construction list (old target date was February 15, but these are now accepted throughout the year) - this is done each fiscal year when design is ongoing and a good cost estimate is in hand
- Readiness to proceed requirements must be complete (i.e. design complete, permits in hand) and submitted for all projects contemplated for placement on the Construction loan list (old target date was April 15, but these are now accepted throughout the year) – RFI submitted when plans and permits are in hand
- FDEP must review the plans and issue a letter indicating they are acceptable to the program (pro forma - a week)
- Approval of Construction Fundable Priority List (from which construction loans are made) occurs 45-60 days after the readiness to proceed documents are submitted (this notice comes from FDEP, and the Town can start work earlier if FDEP gives the ok)
- After bidding, FDEP must review the bids and issue a letter indicating they are acceptable to the program (pro forma as well – a week)
- Loans must be executed for a given project within 9 months of approval

Table 8.1 Five Year Capital Plan

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	TOTAL 5 Yrs
Water	\$4,241,200	\$1,417,000				\$5,658,200
SS	\$3,987,100	\$1,049,123			\$200,000	\$5,236,223
SW	\$1,353,442	\$3,518,703				\$4,872,145
Annual						
Total	\$9,581,742	\$5,984,826	\$ -	\$ -	\$200,000	\$15,766,568



**Town of Surfside
Town Commission Meeting
February 8, 2011
7 p.m.**

DISCUSSION ITEM MEMORANDUM

Title: "Bottle Bill Resolution"

Objective: To have the Town of Surfside lead the way environmentally by: increasing the amounts of all types plastic beverage bottles being recycled – and thus protecting Florida's most precious assets – Beaches, Parks, Gulf, Ocean, Bays, Rivers, etc. by passing a resolution in favor of the State of Florida adopting a "Bottle Bill" similar to that of Massachusetts original 1982 "Bottle Bill" and amended to date.

Consideration: (1) States with deposit laws have higher residential recycling rates of beverage containers than those of non-deposit states, and; (2) Litter decrease in states with Bottle Bills averages 70 – 85%, and; (3) Through the Massachusetts Bottle Bill, [they] recycle nearly 80% of containers of deposit containers, but only 20% on non-deposit containers.

Approximate Cost: Minimal

Action: I am asking this Commission to direct the Town Attorney to draft a resolution in favor of a "Bottle Bill" for Florida.

Additional Info: Note: Apparently the 'industry' tried to repeal the Massachusetts Bottle Bill and it survived, by a referendum effort by a 60% to 40% vote.

Thank you for your consideration;

Respectfully,

Joe Graubart, Vice Mayor

Print this page [Return to bottlebill.org](http://www.bottlebill.org)
[Return to bottlebill.org](http://www.bottlebill.org)

Massachusetts Bottle Bill History

	Original Law	1989 Amendment	2003	Current Law
Name	Beverage Container Recovery Law			
Purpose	To provide an economic incentive for consumers to return used beverage containers and encourage conservation of materials and energy through recycling and reuse			
Enacted	Legislative override of governor's veto, 6/4/81	1989		
Implemented	1/1/1983	1990		
Beverages Covered	Beer, malt, carbonated soft drinks, & mineral water			Beer, malt, carbonated soft drinks, & mineral water
Containers Covered				any sealable bottle, can, jar, or carton of glass, metal, plastic, or combo. Excludes biodegradables.
Amount of Deposit	5¢			5¢
Redemption Rate	overall 68.6% (h)			72.3% as of May 2010 (i)
Reclamation System	Retail stores and redemption centers			Retail stores and redemption centers
Unredeemed Deposits	All unredeemed deposits become property of state (since '95)	Property of the state, for MSW education	Sent to state general fund	Property of state general fund
Handling Fee	1¢			2.25¢
View Legislation				
Notes	Wholesalers must file monthly reports w/Dept. of Revenue regarding deposit & refund.			Survived repeal by referendum effort in 1982 by a 60% to 40% vote.
Footnotes				
[h]Source: Massachusetts Department of Environmental Protection, MA Bottle Bill Return Rates Chart (Jan.-Sept., 2004).				
[i] Source: Source: Sean Sylver, of MA DEP				

**RESOLUTION IN SUPPORT OF UPDATING THE MASSACHUSETTS
BOTTLE BILL**

Whereas The Massachusetts Bottle Bill, enacted in 1982 has allowed (your city/town) residents to enjoy a cleaner environment by creating an incentive for users of certain beverage containers to recycle those used containers; and,

Whereas, states with deposit laws have higher residential recycling rates of beverage containers than those of non-deposit states, and;

Whereas litter decrease in states with Bottle Bills averages 70-85%, and,

Whereas, through the Massachusetts Bottle Bill, we recycle nearly 80% of containers of deposit containers, but only 20% on non-deposit containers, and

Whereas the Governor of the Commonwealth, and members of the Massachusetts Senate and House of Representatives have recognized that the original bottle bill does not take into account those beverages such as bottled water, sports drinks, and teas.

Whereas the addition of bottled water, sports drinks and teas to the Bottle Bill will decrease the total volume of municipal solid waste that is needed to be collected, thus saving disposal fees and landfill space.

Be It Resolved

That we, the (members of your city/town's council, board of alderman, etc. or mayor) commemorate the 27th anniversary of the implementation of the Massachusetts Bottle Bill.

Furthermore, Be It Resolved That: the City/Town of _____ be placed on record as being in support of the Massachusetts Beverage Container Deposit Law and encourages it's strengthening through expanding the list as recommended by the Governor in his proposed budget and currently being considered by the House and Senate Joint Committee on Telecommunications, Utilities and Energy.

Furthermore, Be It Resolved that the (City/Town) goes on record in supporting programs that encourage residents and visitors to return or recycle all beverage containers and other recyclable materials to fully utilize the currently available recycling programs.

Be it Further Resolved that the City instructs our state representatives and state senators, and our governor to support and vote in favor of updating the Massachusetts Container Beverage Law.

Mayor/ Chairman, Board of Selectmen

Town of

Date

What is a bottle bill?

Definition

The term "bottle bill" is actually another way of saying "container deposit law." A container deposit law requires a minimum refundable deposit on beer, soft drink and other beverage containers in order to ensure a high rate of recycling or reuse.

How a bottle bill works

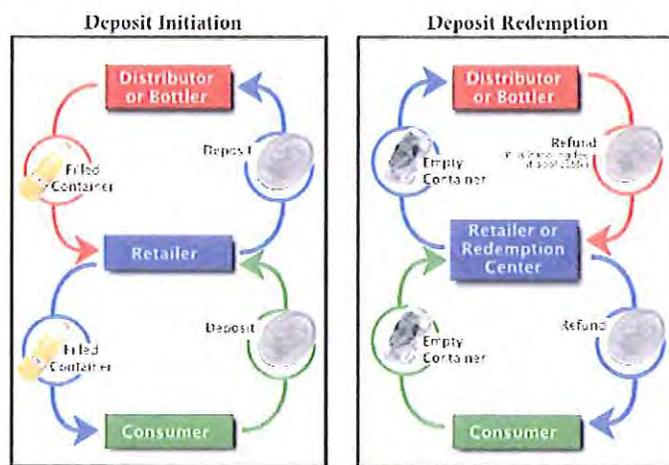
Deposits on beverage containers are not a new idea. The deposit-refund system was created by the beverage industry as a means of guaranteeing the return of their glass bottles to be washed, refilled and resold.

When a retailer buys beverages from a distributor, a deposit is paid to the distributor for each can or bottle purchased. The consumer pays the deposit to the retailer when buying the beverage. When the consumer returns the empty beverage container to the retail store, to a redemption center, or to a reverse vending machine, the deposit is refunded. The retailer recoups the deposit from the distributor, plus an additional handling fee in most U.S. states. The handling fee, which generally ranges from 1-3 cents, helps cover the cost of handling the containers.

The costs to distributors and bottlers can be offset by the sale of scrap cans and bottles and by short-term investments made on the deposits that are collected from retailers. In addition to this income, distributors and bottlers realize windfall profits on beverage containers that consumers fail to return for the refund.

All about bottle bills

No time to read this whole website? View the PowerPoint presentation instead. [Container Deposit Legislation: Past, Present, Future](#) provides a quick look at the most important facts about bottle bills. This presentation is also a great tool for activists needing to present information in support of a bottle bill.



Full-page figure

These "unclaimed" or "unredeemed" deposits remain the property of the distributors and bottlers in most states, and amount to millions of dollars a year. In Michigan and Massachusetts, the courts have ruled that because these unclaimed deposits are "abandoned" by the public, they rightfully belong to the state, and they are now used to fund environmental programs in those states. In Hawaii and California as well, the state collects all of the unredeemed deposits, which are then used to administer the deposit system. [Learn more about unclaimed deposits.](#)

Why bottle bills?

In short, bottle bills create a privately-funded collection infrastructure for beverage containers and make producers and consumers (rather than taxpayers) responsible for their packaging waste. There are many other reasons to institute a bottle bill, which are described in the section "[Benefits of Bottle Bills.](#)"

Why beverage containers?

With so many recyclable materials out there, people wonder why it's worthwhile to focus on beverage containers only. One reason is that beverages compose 40-60% of litter. A deposit encourages people to return these containers, keeping them off the streets and out of the waterways and wilderness. According to industry estimates, one-third of beverages are consumed on the go—away from the home recycling bin and often in places where recycling is not available. The refundable deposit helps ensure that these containers are saved and recycled. In addition, recycling beverage containers rather than manufacturing new ones prevents the consumption of enormous amounts of energy and the emission of great quantities of greenhouse gas emissions.

History of bottle bills

For decades we drank our beer and soda from refillable glass bottles that were reused dozens of times before



being discarded. Then, in the 1930's, the steel beverage can was introduced on the market, revolutionizing the beverage market. Unbelievably, consumers were encouraged to toss their empty beer cans out wherever they happened to be.

It was not until after World War II that cans began replacing glass bottles in the beer industry. The convenience and disposability of cans helped boost sales at the expense of refillable glass bottles, and by 1960 approximately 47 percent of beer sold in the U.S. was packaged in cans and no-return bottles. Soft drinks, however, were still sold almost exclusively in refillable glass bottles requiring a deposit. Can market share was just 5 percent. With the centralization of the beverage industry, and a more mobile and convenience-oriented society, the decade of the sixties witnessed a dramatic shift from refillable soft drink 'deposit' bottles to 'no-deposit, no-return, one-way' bottles and cans.

The gradual demise of refillable beer and soft drink bottles in the fifties and sixties and the rise in one-way, no-deposit cans and bottles resulted in an explosion of beverage container litter. This prompted environmentalists to propose bottle bills in their state legislatures that would place a mandatory refundable deposit on beer and soft drink containers.

The first bottle bill was passed in Vermont in 1953. However, it did not institute a deposit system. It merely banned the sale of beer in non-refillable bottles. The law subsequently expired four years later after strong lobbying from the beer industry.

By 1970, cans and one-way bottles had increased to 60 percent of beer market share, and one-way containers had grown from just 5 percent in 1960 to 47 percent of the soft drink market. British Columbia enacted the first beverage container recovery system in North America in 1970.

In 1971, Oregon passed the first bottle bill (also known as a deposit law) in the United States, requiring refundable deposits on all beer and soft drink containers. By 1986, ten states (over one-quarter of the U.S. population) had enacted some form of beverage container deposit law or bottle bill.

The so-called "bottle bills" were intended not only to reduce beverage container litter, but to conserve natural resources through recycling and reduce the amount of solid waste going to landfills. They proved to be extremely successful in achieving those goals.

Seven states reported a reduction of beverage container litter ranging from 70 to 83 percent, and a reduction in total litter ranging from 30 to 47 percent after implementation of the bottle bill. High recycling rates were also achieved.

Today, eleven states and eight Canadian provinces have a deposit law requiring refundable deposits on certain beverage containers ([Delaware's](#) deposit law will come to an end in 2011). Although bottle bills meet with [opposition](#) from many members of the beverage and grocery industry, several states and provinces have expanded their laws to cover beverages such as juice and sports drinks, teas and bottled water—beverages that did not exist when most bottle bills were passed.

[Benefits of Bottle Bills](#)

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Town of Surfside Commission Communication

- Agenda Item #** 9B
- Agenda Date:** February 8, 2011
- Subject:** Five Year Financial Forecast for the Town of Surfside, Florida
- Objective:** To initiate a policy direction discussion regarding general long-term financial strategy after receiving and understanding the analysis and assumptions developed by the Administration concerning future financial alternatives for the Town of Surfside.
- Recommendation:** It is recommended that the Town Commission receive the FY 2012 - 2016 Five Year Financial Forecast Summary (Attachment A) and provide direction for further discussion and analysis. Staff is not requesting or expecting closure on this document during the February 8, 2011 Town Commission Meeting.
- Background:** As with many municipalities, the Town of Surfside has faced a series of increasing limitations to expenditures (through unfunded mandates) and revenues (through modifications to State law regarding property tax limits). Additional reductions to revenue have resulted from declining property values and a nearly stagnant international economy (sales tax revenues, tourism revenues, etc). As a result, an increased need to forecast future conditions arises. It is Administration's intention to incorporate a recurring five year financial projection into the budget process. The attached report represents the first of those projections and covers the Fiscal Years 2012 through 2016.
- Analysis:** Financial consideration of the next five years reflects two possible futures with many variables. One possibility assumes that the development of three key sites will be in-filled with tourism related facilities. The other assumes that none of the three sites will be developed. We have not analyzed the in-fill of these sites with residential. Comments made at the end of the first joint meeting of the Town Commission and Planning and Zoning Board were far ranging but generally in favor of hotel development.

The in-fill hotel scenario and use of some unassigned reserves allows for little, if any, property tax increases above the rolled-back rates for the next several years. It also anticipates significant accompanying Tourist Bureau revenue growth which impacts both the Tourism Fund and the General Fund.

The no in-fill scenario anticipates the need for upward tax levy adjustments each year as well as the depletion of unassigned reserve funds. This scenario anticipates only a slight growth in Tourist Bureau revenues (three percent – 3% annually). Even this growth may be optimistic as the fund's history shows a steady decline in revenues for the past several years.

Both of the projections (with in-fill and without in-fill) assume a modest (2% to 3%), increase in general expenditures over the next five years and higher annualized increases for energy costs (particularly electricity and fuel). Both also assume an increase to personnel salaries of 1.5% annually and that operating efficiencies of 2% annually will be identified and implemented.

The general conclusions for these models are that with in-fill of key sites, the Town of Surfside is reasonably well situated to meet the policy goals of: 1) create and maintaining a healthy reserve in each fund; 2) reducing the burden of property taxation on residential properties; 3) smoothing rate changes in all funds; and 4) continuing with existing service level commitments. Without in-fill: 1) reserves may be grown provided they are not utilized to offset anticipated property tax or user fee rate swings; 2) the property tax burden on residential properties will remain at nearly 90% of the total property tax burden; 3) property tax rates will approach 7 mills; 4) further modifications (reductions) to service levels may well result; and 5) tourism funding available for Town quality of life programs will remain relatively flat.

The paragraph above presents the stark differences. While it is clear that in-fill is financially preferable for the Town's long-term economic health, the manner in which this is accomplished is critically important to maintain our small town life style and residential quality of life.

By presenting this material, the Administration desires to accomplish a variety of goals: 1) introducing a new level of analysis – the 5 year financial forecast; 2) identifying to the Town Commission anticipated challenges for the next several years under two alternative scenarios (and initiating policy discussion); 3) identifying to the Town Commission comparative information regarding the portion of the Town's total property tax burden paid by residential properties (and seeking policy discussion regarding the equity of this distribution); 4) identifying to the Town Commission information regarding reserve targets for all funds (and seeking policy discussion), and 5) having all the above guidance available for preparation of the Fiscal Year 2011/2012 budget.

Budget Impact:

Accepting this document and beginning discussions, has no immediate budget impact per se. Conclusions drawn from policy discussions will impact development of the FY 2011/2012 and future budgets.

Growth Impact: If the in-fill strategy becomes the stated goal of the Town Commission, there will be an impact related to growth. The key will be managing the process in a manner that maintains and enhances the unique quality of life in the Town of Surfside.

Staff Impact: The policy impacts anticipated to grow from further discussions are expected to impact budgeting, service levels, administrative goals and personnel decisions for the next several years.



Finance Support Services Dept.



Town Manager

Five Year Financial Forecasting for
The Town Of Surfside, Florida
Fiscal Years 2012 – 2016

Requested by and Presented to:

Mayor Daniel Dietch

Vice Mayor Joe Graubart

Commissioner Marta Olchyk

Commissioner Michael Karukin

Commissioner Edward Kopelman

Prepared and Written

Roger M. Carlton, Town Manager

Martin D. Sherwood, Finance Support Services Director

Carl A. Berkey-Abbott, Budget and Management Consultant

February 8, 2011

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Brief Description of Document:

This document contains a forecast of revenues and expenditures for the Town of Surfside, Florida for the period October 1, 2011 through September 30, 2016. These dates cover the five fiscal years of Fiscal Year 2011/12 through 2015/16. This document is based upon the current expenditure and revenue histories of the Town along with certain assumptions about forthcoming or continuing external trends. It serves as a baseline forecast against which the effects of certain policy and/or funding decisions may be compared. It generally assumes the intent to continue on course with current service delivery goals, although, continued declines in the property values may cause the need for contraction in operations if new revenue sources are not developed. The document is intended to become an element of the annual budget deliberations so that decisions are made both on an annual and long term basis. This is an initial effort and will be modified after Town Commission discussion on February 8, 2011.

Brief History:

The State of Florida has averaged at least one substantial tax reform per decade for the past few decades. In general these "reforms" tend to limit the flexibility and autonomy of local governments while expanding inequities in the property tax payments made by our citizens. At the same time, Florida remains a low wage, moderately high living cost state for its residents. The combination of these realities coupled with a substantial international economic decline, have resulted in an environment of declining property values and rising costs for such staples as fuel.

To address financial difficulty, the typical candidates for analysis are analyzed. On the expenditure side, these steps include: reviewing pension and benefits, examining technology opportunities, reviewing office and janitorial supply expenditures, reducing energy consumption, reviewing risk management policies, reviewing contractual expenditures, restricting overtime usage, reviewing organizational structure, examining purchasing practices, and negotiating health care costs. On the revenue side, staff has sought: to improve billing and collection practices, to develop and meet fee for services policies, to address fee for services subsidies, and looked for opportunities for intergovernmental cooperation.

Consequently, this analysis has also incorporated a move toward sustainability of programs. All Capital Improvement Projects and program modifications now include a statement of anticipated recurring costs and benefits associated with the adoption of programs/projects. Not using non-recurring revenues to support recurring operating expenditures is another way in which the Town of Surfside has moved toward financial sustainability. This document seeks to answer the important question: Will current policies be sustainable financially over the next five years? The answer unfolds in this document.

Steps toward Resiliency:

These and other practices to be introduced in the Fiscal Year 2011/12 budget should ensure the Town of Surfside remains financially stable in a steady state of service levels. The corollary question to the one above is: Will the economy and our evolving population allow a steady state to be the underlying philosophy of the next five years of budget development or do we need to develop strategies that increase non ad valorem revenues and move our ad valorem (property tax) revenues to a more equitable balance between residential and commercial sources?

Long-range Forecasting:

To achieve a resilient financial position, long-term financial planning is critical as is institutionalizing financial policies related to: debt, reserves, ad valorem goals, property tax burden distribution, and diversification of alternative revenue sources. Institutionalizing long-term financial planning provides a number of advantages, including:

- Helps prioritize services
- Involves and focuses employees
- Decentralizes budget responsibilities and holds Department Heads accountable
- Stabilizes services and service levels which can be consistently funded
- Encourages consensus from stake holders
- Plays a role in optimizing public investments
- Aids in avoiding potential emergencies / unanticipated challenges.

Given the potential for changes in elected and appointed officials, policy direction, intergovernmental relationships, and a variety of other influences, it is tempting to discount the value of this process. It should be noted, however, the more successful local governments utilize long range financial planning.

General Assumptions:

A variety of assumptions have been made regarding each of the nine funds analyzed in this report and a detailed list of all assumptions is appended to the end of this document. Some assumptions, however, apply to multiple funds and are articulated here:

1. *If no action is taken, the Town of Surfside's revenue streams will remain relatively flat or continue declining.*
2. *Interest yields on reserves will continue to remain low .*
3. *Real and personal property value assessments will continue to decline through at least January 1, 2012 (impacting through at least Fiscal Year 2012/13).*
4. *At current benefit levels, the Town of Surfside costs for employee health and life insurance may continue to increase at approximately 5% annually for the length of the forecast.*
5. *Town of Surfside contributions to meet defined benefits pension payments could continue at their historic rate of increase of approximately 8% annually after an identified adjustment in FY 2012. Note: this increase is predominantly attributable to fund performance rather than increases in salaries or the number of employees.*

6. *Increases to costs of living will make their way to the United States resulting in inflationary pressures for general consumable goods of approximately three percent (3%) annualized in FY 2014 and beyond and 2.5% annually in Fiscal Years 2012 and 2013.*
7. *General and bargaining unit employees could receive a salary increase of approximately 1.5% annually. This assumption is subject to change based on the economy and the financial status of the Town each year. It should not be viewed as the bases of future budget or collective bargaining negotiations. Simply, we need to project something to complete the report.*
8. *Worker's Compensation costs will increase by approximately 3% annually.*
9. *Electric Costs will outpace general inflation at a rate of approximately 2.5% annually.*
10. *Fuel Costs will outpace other costs at an increase of approximately 5% annually for two years and then 3% thereafter.*
11. *Existing programs are assumed to continue at current service levels.*

General Findings:

To fund the same level of services over the next five years, the Town of Surfside should consider concerted action to the following funds:

General Governmental Funds:

General Operating Fund: Increases to taxable valuation (through well designed and environmentally sensitive infill of major sites), increases to non ad valorem revenues, and/or identifying substantial efficiencies in existing operational expenditures will be required to maintain existing service levels.

Capital Projects Fund: Projects within the currently adopted plan will need to be have corollary operational funding sources that do not burden the General Operating Fund before a "go/no-go" decision is made.

Special Revenue Governmental Funds:

Tourist Bureau Fund: Funding available for Tourism related activities and quality of life programs will be limited and generally continue to decline unless/until additional resort units are added and existing units are upgraded.

Police Forfeiture Fund: With the reduction of fund reserves, future funding is substantially limited unless a major unforeseen crime is solved and the Town of Surfside receives a major share. The key issue with the fund is to be extremely careful to control the use of reserves for recurring expenditures.

Municipal Transportation Fund: This fund has a healthy reserve and will continue in this mode through the next several years. The key issue will be to use the revenues available prudently to enhance the downtown area and the residential neighborhoods within the constraints of the enabling legislation.

Enterprise Funds:

Water / Sewer Fund: Rate adjustments as projected in the rate study completed for the Town of Surfside by TichlerBise and adopted by the Town Commission as part of the Fiscal Year 2010/11 budget should be anticipated. The key issue will be to stabilize these increases by holding down operational costs wherever possible.

Municipal Parking Fund: There is a need to analyze and prioritize potential projects to keep the fund's earnings growing. There is also a need to adjust rates in accord with market factors. This fund could become a financial engine to support downtown improvements that are carefully selected to maintain our small Town feeling yet generate opportunities for existing and new businesses.

Solid Waste Fund: Rates may need modification in relation to the Town's costs for tipping fees. The key to this fund is to review and adjust service levels which are very high in relation to peer cities and to determine if there are efficiencies that should be implemented through technology.

Stormwater Fund: Maintenance of existing rates for the next five years, with a possible downward rate adjustment in the last two years, is the most likely occurrence for this fund.

Notes on Presentation:

The Five Year Financial Forecast is designed to achieve these major goals:

- 1) Modernize the Town's annual budget development process to incorporate a best practice of including a five year projection of revenues and expenditures by fund,
- 2) Assist the Town Commission in establishing reserve policies for each fund that allow smoothing of any potential rate increases and ensure that necessary repairs are made with available reserves to avoid the need for total replacement such as are currently needed for the water, sewer, and stormwater drainage projects,
- 3) Analyze the financial impact of various decisions regarding economic/tourism investments such as downtown improvements on the property tax burden of our residents and the future economic base of our business community, and
- 4) Analyze the property tax burden reduction potential to our residents if in-fill development occurs in the remaining three significant sites located along the Harding / Collins corridors.

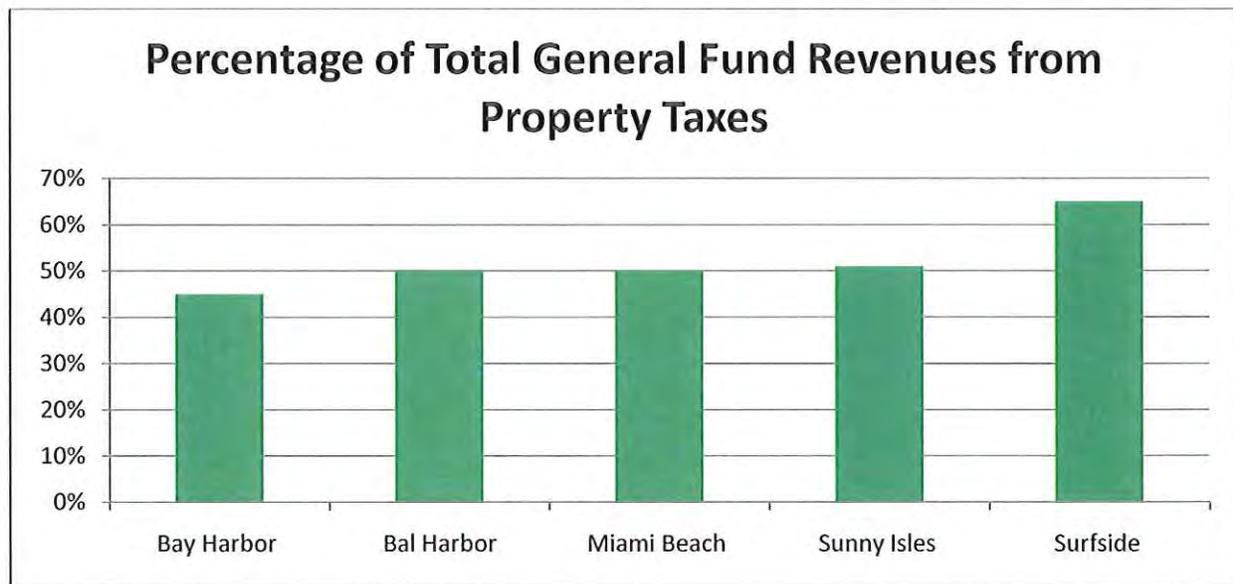
Each fund's information includes the following elements:

- Introduction to Fund
 - Trends in the Fund
 - Assumptions Specific to the Fund
 - Forecast Chart
 - Forecast Chart Explanation
 - Funding Requirements on Current Course in Relation to Alternative Strategies
-

General Operating Fund

Fund Introduction: The General Fund (or General Governmental Operating Fund) is the primary fund that supports governmental operations and services. The General Fund makes up 34% percent of the total FY 2011 budget net of capital items. The primary revenue supporting these services is ad valorem (property taxes) which account for approximately 65% of revenues to be received in the fund this year. By way of comparison, this percentage is 45% in Bay Harbor, 50%¹ in Bal Harbour², 50% in Miami Beach³, and 51% in Sunny Isles Beach⁴.

Figure 1: Percentage of Total General Fund Revenues from Property Taxes



Fund Trends: Many of the pressures impacting all local governments impact the General Fund. Revenues are declining or generally flat. Taxable valuations are declining. Inflationary pressures are expected. Services have already been adjusted in departments and we will continue to seek out efficiencies.

Fund Assumptions: Assumptions specific to this fund are: 1) property valuation will decline approximately 7% for Fiscal Year 2012 and an additional 3% for Fiscal Year 2013 before they begin to recover at a rate of 1.5 – 2% annually, 2) the forecast assumes that even with the decrease in valuation, the same level of revenues will be approved in the “roll-back” rate, and 3) a factor of 2 percent in operating cost has been forecast for further service level adjustments.

With the forecasted reduction in property valuation in Fiscal Year (FY) 2012 and FY 2013, roll-back millage rates of 6.025 and 6.211 mills respectively would be needed to generate the same amount of revenue as the current year (5.6030 mills). In FY 2014 – FY 2016, those rates would be approximately

¹ E-mail from Alan Short, Finance Director of Bay Harbor

² From Adopted Budget Book on Town’s Official Website

³ From Proposed Budget Book on Miami Beach Website

⁴ From Adopted FY 2009 – 2010 Budget Book of Sunny Isles

6.120, 6.0, and 5.882 mils respectively. These millage rates are based on projections and assumptions which may be modified considerably once actual numbers are known and the Town Commission has provided policy guidance.

Figure 2, below, reflects what would happen to millage rates under four different scenarios. “In-fill” means that three significant undeveloped, or underdeveloped, properties are built out with hotel projects. “Unassigned Reserves” are monies available in the General Fund above the \$2 million in reserves assigned for hurricanes and other emergencies. Drawing down these reserves allows the millage rate to be lower. The most likely scenario where we can control millage significantly over the next five years is with environmentally sensitive in-fill development.

While line 2 (No In-Fill / Use of Unassigned Reserves) increases greatly after 2013, this is the result from running out of unassigned reserves.

Figure 2: Predicted Millage Rates With and Without In-fill:

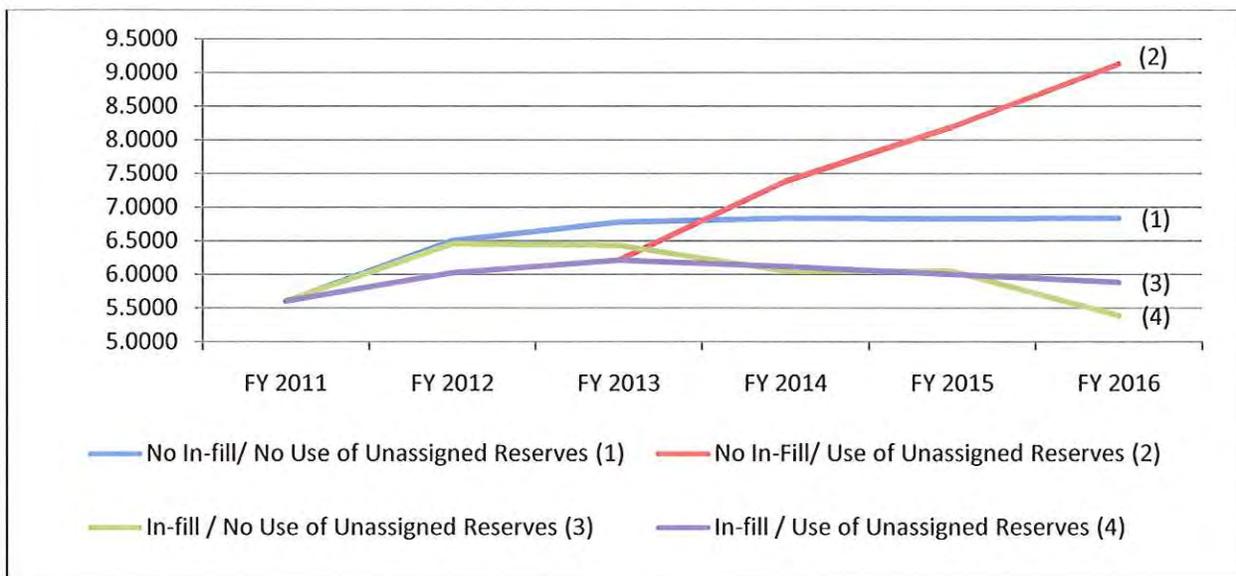
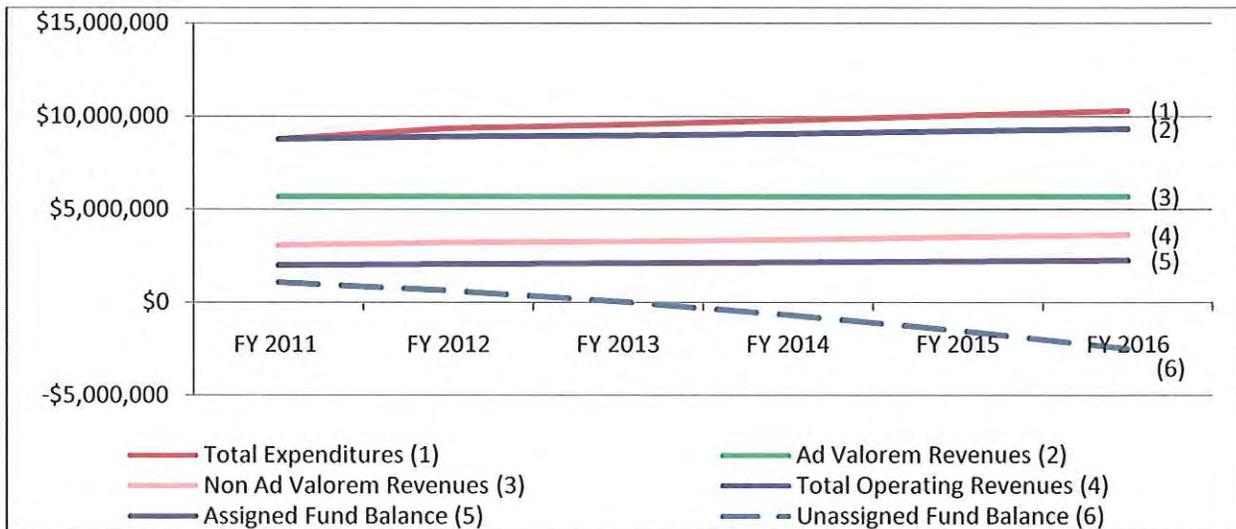


Figure 3, below, shows that difficult decisions may emerge for the Town no later than Fiscal Year 2013 if the identified in-fill projects do not occur. At that point, the portion of unassigned reserves available to offset increases to a roll-back millage rate for property taxes will not be sufficient. This condition is likely to result in service level cuts and creates the potential for millage rate increases beyond the roll back rate.

Figure 3: Predictable Effect of Current Policies and Goals Without In-fill on the General Fund:



The chart below (Figure 4) demonstrates the effects that in-fill of three properties will have on ad valorem (property taxes) within the Town of Surfside. The bottom line assumes the roll-back millage rate will be utilized each year. The top line (with in-fill) shows the total property tax revenues when the roll-back rate is applied to the anticipated new property values then added to the “without in-fill” amount.

Figure 4: Predictable Effect on Property Tax Revenues With and Without In-fill:

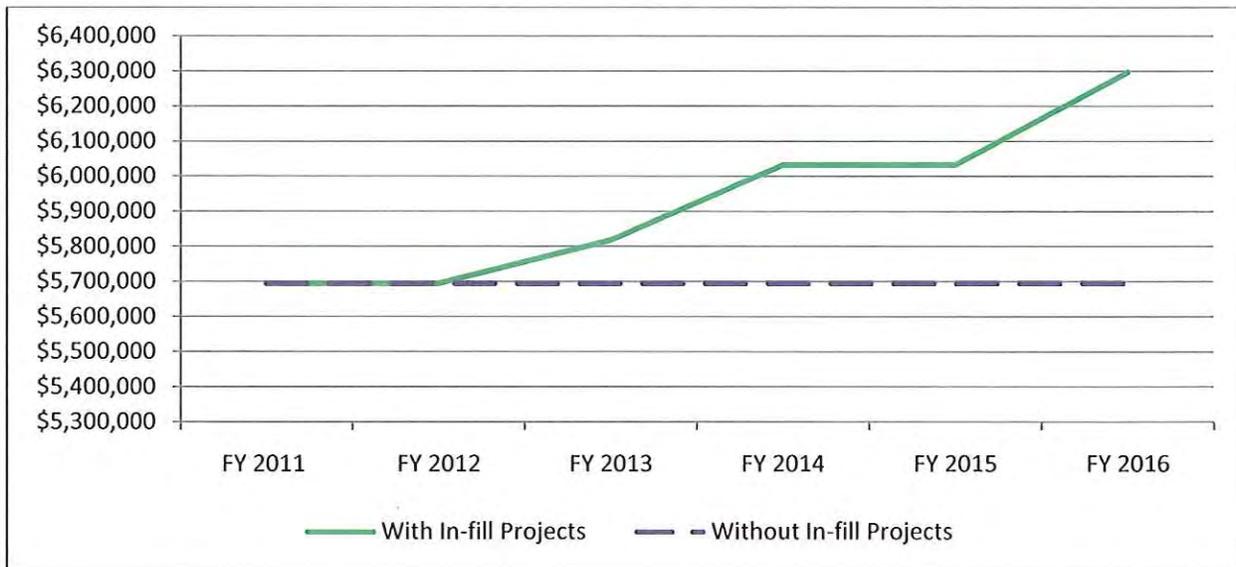


Figure 5, below, shows that with in-fill and use of the “unassigned fund balance” to close the forecasted budget gap, service levels can be preserved while aggregate property taxes are modified only by the value added through in-fill development. The \$2 million assigned for emergencies would be preserved while utilizing the additional unassigned fund balance to close the forecasted budget gap.

Figure 5: Predictable Effect of Current Policies and Goals With In-fill on the General Fund:

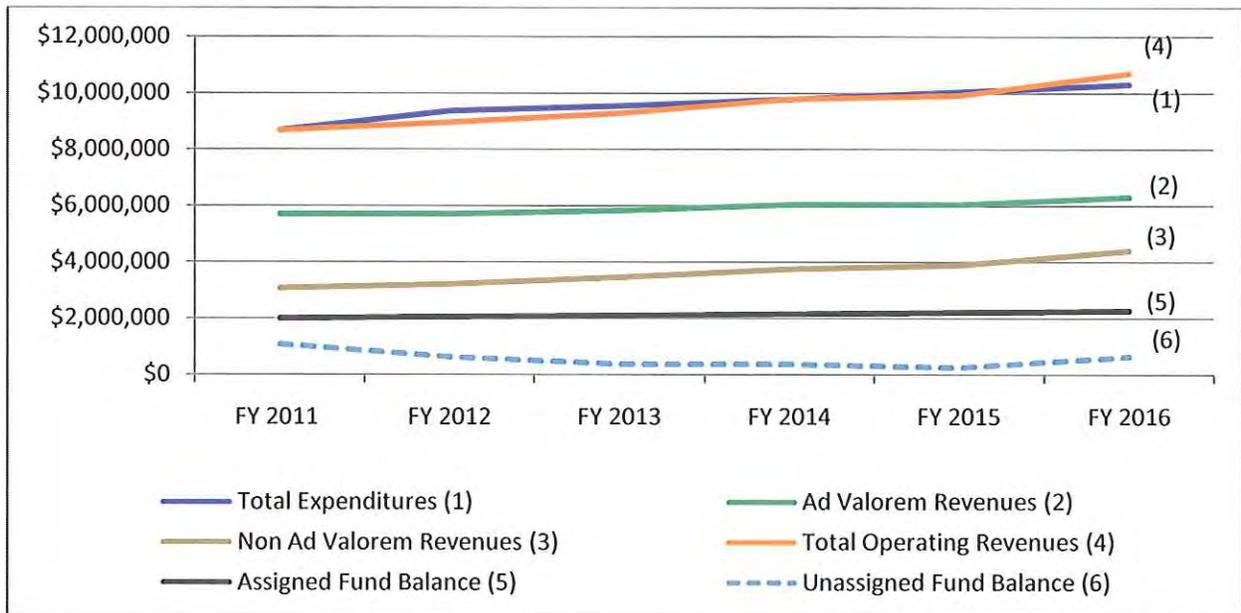


Figure 6, below, (in contrast to Figure 5) shows that without in-fill the strategy of using “unassigned fund balance” to fund the forecasted budget gap could only be utilized through Fiscal Year 2013. This strategy is not recommended as it is not sustainable and soon depletes funding which could be utilized to maintain services.

Figure 6: Predictable Effect of Current Policies and Goals on General Governmental Fund Balance Percentages of Operating Budget Without In-fill:

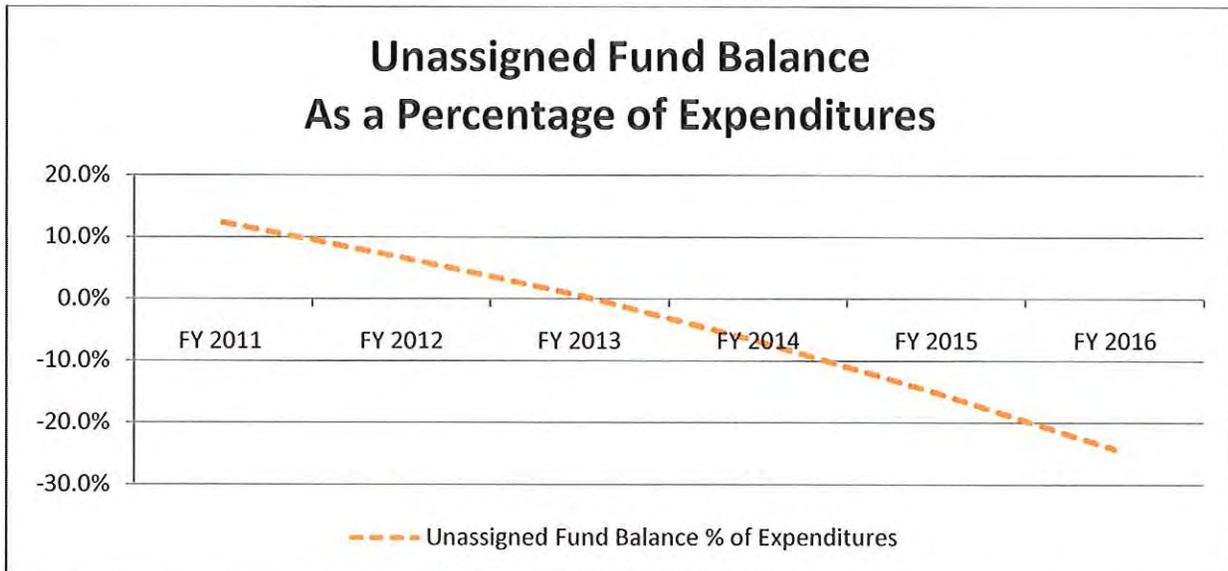
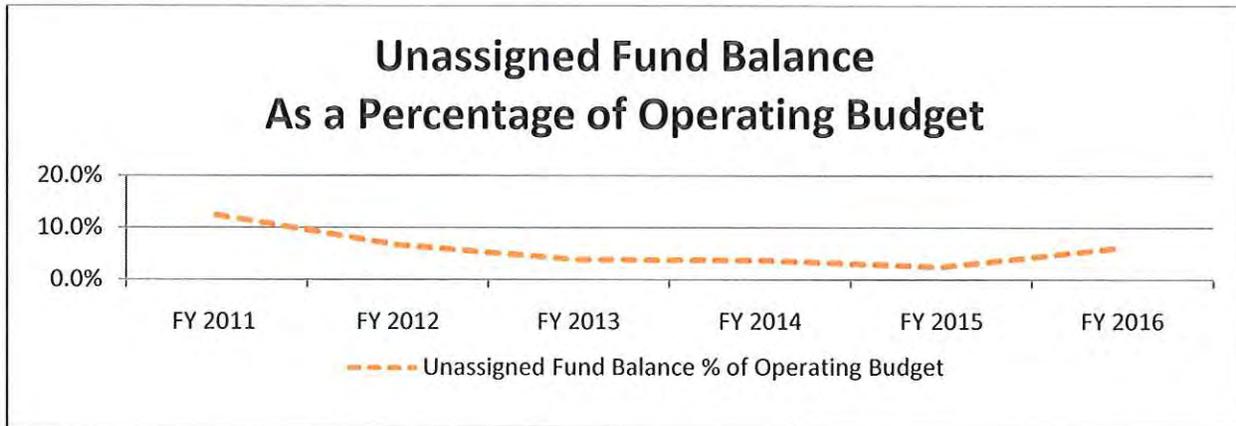


Figure 7, below, demonstrates the predictable effect on fund balance percentages should in-fill occur. The assigned fund balance portion would remain at approximately \$2.0 million dollars. The unassigned fund balance would be utilized to smooth any revenue to expenditure differences over the projection

period. As a result, the unassigned portion would fluctuate between 4.6% and 12.6% of expenditures. In the final year, this percentage begins to grow again from a low of 4.6% in FY 2015 to 8.8% in FY 2016.

Figure 7: Predictable Effect of Current Policies and Goals on General Governmental Fund Balance Percentages of Operating Budget With In-fill:



Fund Forecast Chart Explanation: As the Figures 6 and 7 illustrate, expenditures are forecast to exceed revenues consistent with the assumptions in the next several years if certain outcomes to increase the tax roll are not achieved. This includes: 1) a new commercial project at 92nd Street, 2) new construction at the Beach House property, and 3) replacement or upgrade of the Best Western Hotel at 94th Street. As shown in the chart, if these projects become a reality the General Fund will continue to grow its surplus and / or the millage rate may be held or reduced depending upon actions in future years.

Funding Requirements on Current Course: From FY 2012 through FY 2016 revenues are less than expenditures by \$406,019; \$523,116; \$667,744; \$788,357; and \$922,699 respectively over the next five years without the in-fill projects. To make up these differences through a millage rate increase, the needed millage rates would be approximately: 6.6567, 6.9940, 7.0521, 7.0464, and 7.0523 mills respectively for years FY 2012 – FY 2016. For forecasting purposes, the “in-fill” alternative includes three possible projects: 1) a new commercial project at 92nd Street, 2) the proposed project at the Beach House Property, and 3) the creation of a new or upgraded hotel at the Best Western site. The increases in ad valorem revenues would be \$124,000, \$214,000, and \$264,690 respectively based on expected building costs of \$20,000,000, \$35,000,000, and \$47,732,000 at the roll-back millage rate. While these numbers are not precise, the analysis should be viewed as indicative of the difference between a “do nothing” strategy and a strategy which recognizes that supporting good, environmentally sound and community sensitive projects on the few remaining sites available in the Town of Surfside makes sense from a financial planning and tax equity standpoint.

Millage Impact to Property Owners:

The number of residential properties in the Town comprises 93.91% of the total number of parcels representing 88.5% of real property tax revenues received. For Miami-Dade County the number of residential properties comprises 84.85% of the total number of properties and 66.60% of property tax revenues received. The difference in property type percentage burden in the Town is 5.11% while the difference in property percentage burden in Miami-Dade County is 18.25%. This information establishes that the tax burden for residences within the Town is greater than the tax burden for residences in Miami-Dade County at large.

The following table represents the portion of total ad valorem payments which are made by residential property owners in certain other Miami-Dade municipalities. It shows that in the municipalities that are similar to the Town of Surfside in composition (commercial to residential), it is much more typical for residential property owners to carry closer to 80% of the ad valorem burden. Our residents carry 88.5% of the burden.

Municipality	Total Real Property Taxable Value	Residential Taxable Value	Res. % of Total
West Miami	\$296,100,075	\$192,020,416	64.85%
M-D County (At Large)	\$182,073,857,313	\$121,255,264,254	66.60%
North Bay Village	\$672,564,043	\$539,311,130	80.19%
Bal Harbour	\$2,334,443,814	\$1,882,407,198	80.64%
Sunny Isles Beach	\$4,754,229,343	\$3,928,659,788	82.64%
Bay Harbor Islands	\$594,127,026	\$496,153,081	83.51%
Surfside	\$1,057,460,764	\$936,026,978	88.52%

The percentage of ad valorem taxes paid for residential property in the Town of Surfside is not only higher than in similar communities and Miami-Dade County at large, but the percentage is growing. As Figure 8 (below) shows, the Town's residential property portion of the ad valorem burden has gone from approximately 83% in Fiscal Year 1995 to nearly 90% in three of the past four years. Should this trend continue without strategic interventions by the Town's leadership at all levels, residential property owners may be carrying as much as 92% of the total property tax burden by Fiscal Year 2016.

Figure 8: Percentage of Town Property Taxes Paid For Residential Properties:

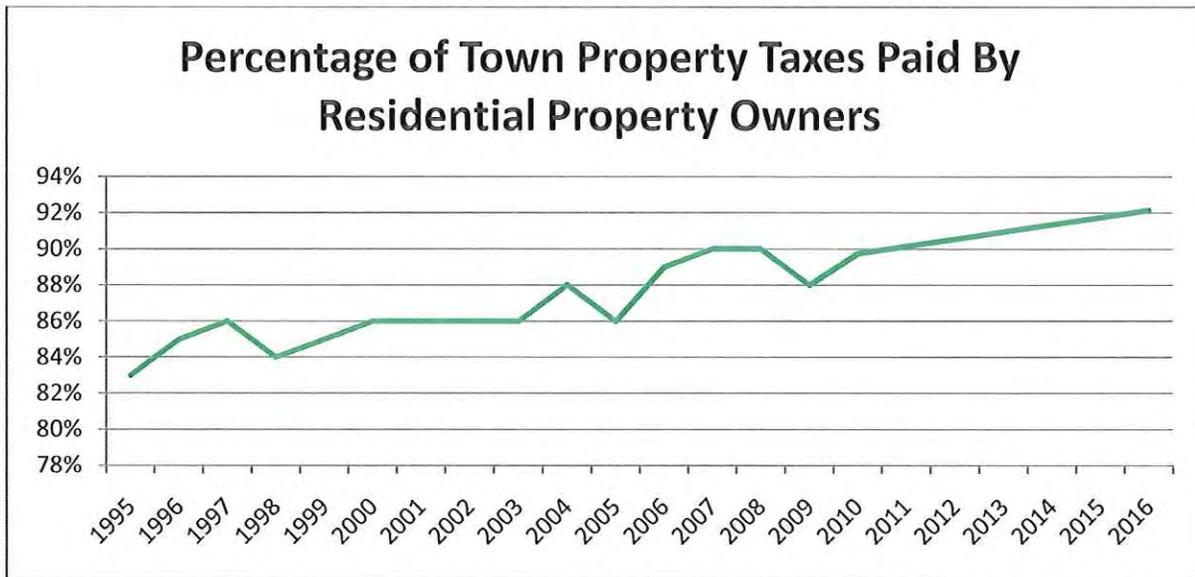
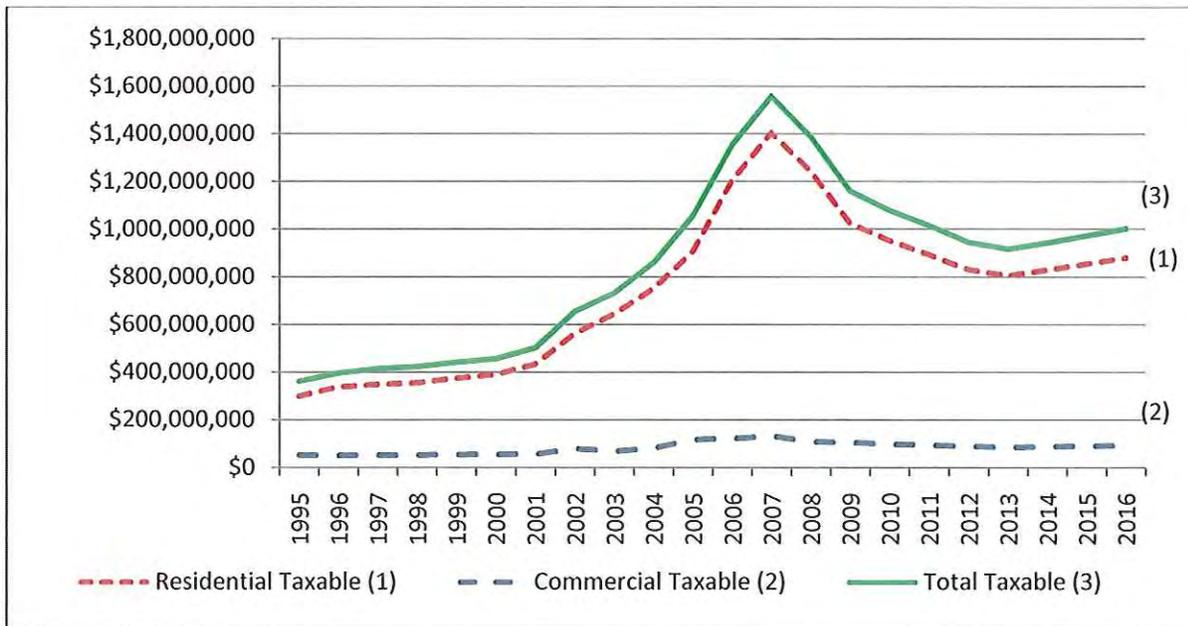


Figure 9 demonstrates that the Commercial Taxable value over the past ten years has experienced some increasing valuation, but compared to the significant increases in residential valuations has remained relatively flat. The “Residential” category has experienced the most growth and comprises approximately 90% of all taxable valuation within the Town.

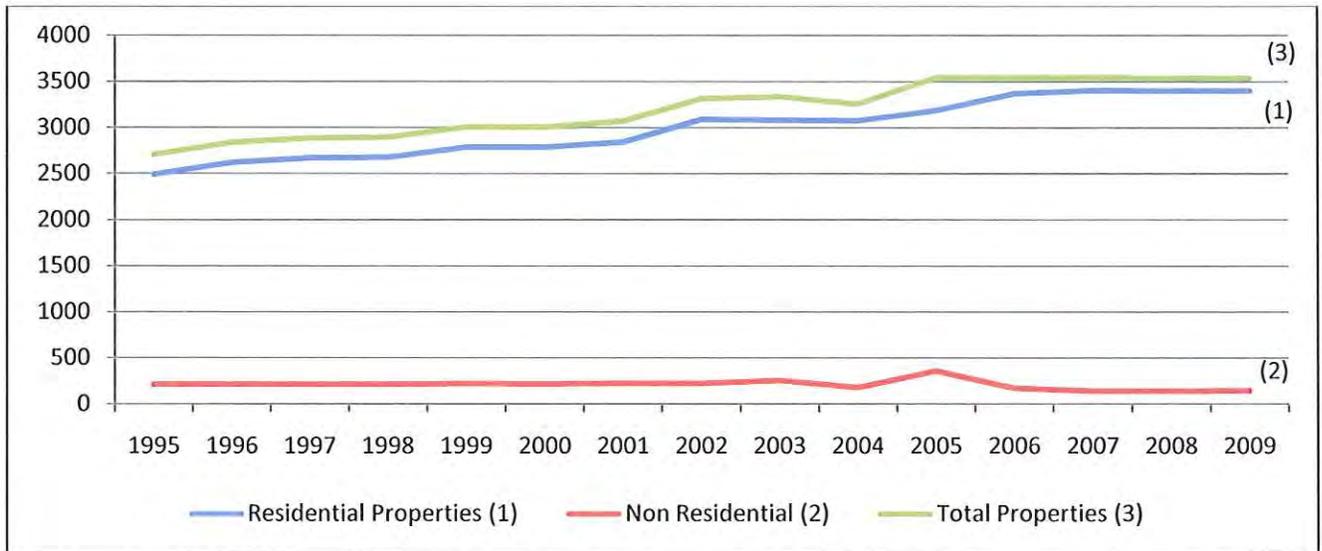
Figure 9: Town Commercial To Residential Value Comparisons:



Part of the reason for this increase in burden to residential property owners is that the number of folios for commercial properties has decreased. As Figure 10 (below) demonstrates, the number of residential properties has increased while the number of non-residential properties (combined

“Commercial” and “other”) has decreased in the past ten years. Part of this shift results from the conversion of commercial rental properties to condominiums.

Figure 10: Town of Surfside History of Properties by Type:



Despite the complex reason for the shift, residential property owners are carrying an unusually large portion of the total ad valorem tax burden in the Town of Surfside. Ideally, the balance of responsibility would be re-distributed such that residential property owners would not carry more than 80% of total ad valorem burden. The reduction in burden to residential property owners could provide relief to a significant portion of the Town’s population.

To accomplish the reduction in burden for residential property owners while continuing to provide municipal services at desired levels, the most immediate solution is expanding the taxable value of commercial properties. The difference in taxable value between the 89 - 90% residential percentage of total ad valorem payments and the target of 80% is \$100,632,975 in value. In other words, to restore a balance between commercial and residential tax burdens consistent with similar communities, the Town would need to add approximately \$101 million in commercial property value. Coincidentally, the estimated net value of the three in-fill properties listed earlier would be approximately \$102,732,000 which would close this gap. Further upgrades to the downtown area and certain public-private partnership projects could move the residential portion below the 80% target should that become a goal of the Town Commission.

Should the \$101 million in commercial property development be accomplished, the residential property portion would meet the 80% target. In other words, the class of residential property owners would be paying a smaller percentage of total Town taxes and there would likely be no need for a tax increase beyond the roll-back rate in the foreseeable future. If the Town Commission wishes to adopt future budgets below the roll back rate additional strategies will be necessary.

Capital Projects Fund

Fund Introduction: The Capital Projects Fund is a governmental fund type without its own revenue stream(s) unless grants are received. The Town Commission recently took action to increase grants through approval of the eCivis grant search engine. Further, the financial forecast for the General Fund provides for \$150,000 in transfers to the Capital Project Fund in each year for projects to be determined throughout the budget process. The Capital Projects Fund reflects expenditures and funding for those projects greater than \$25,000 which create enduring capital assets. The capital assets accounted for in this fund cannot be associated with other enterprise and/or special revenue funds, hence, their general governmental nature. In FY 2011, the fund accounts for the Phone System Upgrade, Public Safety Vehicle Replacements, and the completion of construction of the Community Center.

The Capital Projects Fund is a general governmental fund as is the General Operating Fund. The governmental funds (General Operating Fund and Capital Projects Fund) share their reserves so a separate reserve is allowed, but not required for this fund. Currently, there is a fund balance for this fund sufficient to pay for the remainder of the Community Center Construction. Transfers from the General Operating Fund will pay for the balance of approved projects.

A supplemental vehicle to fund these projects is through impact fees from developers. The manner in which these fees are calculated and collected is the subject of a separate future report.

Figure 11: Fund Revenue to Expenditure Chart for Capital Projects :

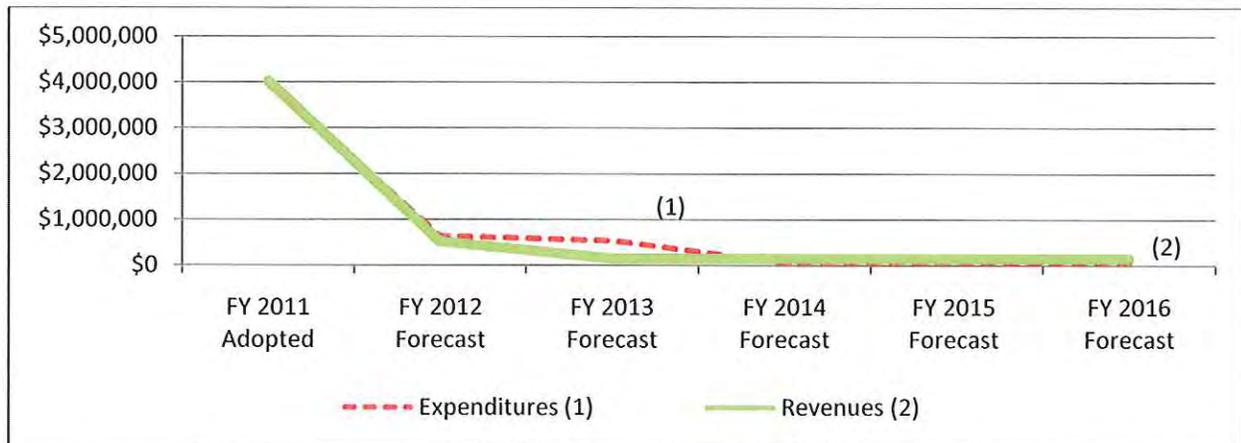


Figure 11 shows an anticipated reduction in most general governmental capital projects spending after completion of the Community Center in the current year. To fund projects proposed for FY 2013 (Beachwalk Lighting and Police Vehicle Replacement) additional income will be required (either appropriations from the unassigned General Fund reserves, impact fees or General Fund revenues).

Tourist Bureau Fund

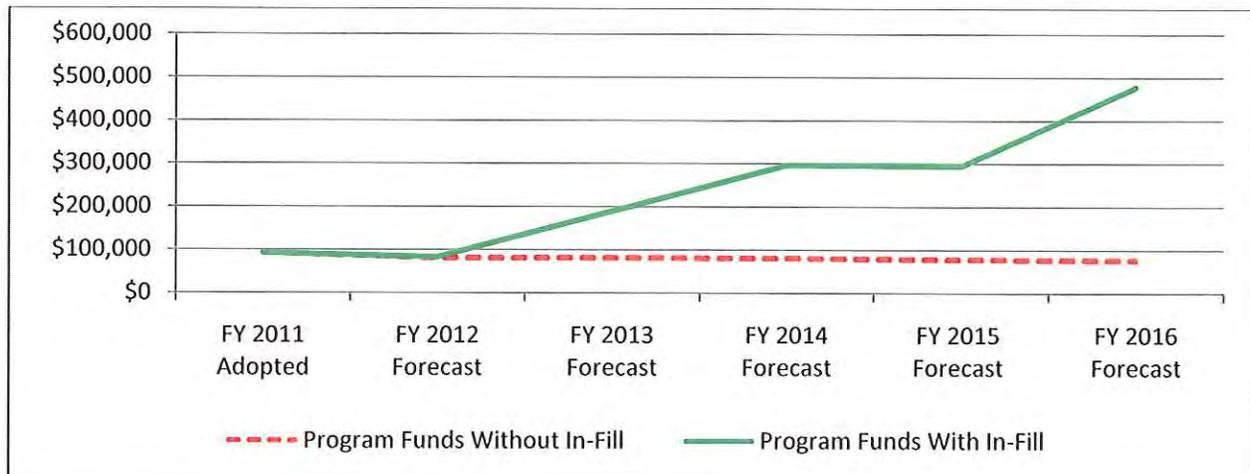
Fund Introduction: The Tourist Bureau Fund is a general governmental fund which accounts for special revenues generated through (and restricted by) Florida Statute. The funds are generated by a 4% charge on certain resort properties and a 2% tax on certain food service establishments. The funds are intended for tourism related promotional events and their use is articulated in and governed by the Town of Surfside Town Charter and State law. This special revenue fund is encouraged to spend its funds to comply with funding requirements and maintenance of a fund balance is not required.

Fund Trends: The Revenues for this fund have decreased by an average of 5.6% annually for the past six years and are forecast to continue on this trajectory. While the revenues for this fund are directly tied to tourism, there is historically no discernible correlation between revenue declines and changes in the economic climate as one might expect. Factors which account for the declining revenues are: 1) reduction in qualified resort properties through conversion to condominium properties, 2) failure of qualified business owners to remit proper payment, and 3) not enforcing the tax on all eligible sources. To address the second concern, a resort tax auditor position was funded in Fiscal Year 2011.

Fund Assumptions: Assumptions specific to this fund are: 1) 25% of the Director’s position will continue to be funded in this fund, 2) the historical declines will continue or at least one more year, 3) condo conversions have generally stopped at this point stabilizing some of the decline, 4) the policy of reducing expenditures to match projected revenues will continue, and 5) no attempt to create unassigned reserves will be pursued.

Clearly the continued decline in revenues is unacceptable and action must be taken to reverse the trends and accelerate revenue creation. Those actions include the retention of the auditor (which will have a small to medium impact), the energizing of the downtown visioning process (which will have a major impact on the 2% food service tax) and creation of more environmentally sensitive hotel product (which will have significant impact on the 4% resort tax).

Figure 12: Tourism Bureau Promotional Funds Forecast Chart:



Fund Forecast Chart Explanation: Like other special revenue funds, the expenditures made from this fund must fall into the conditions set for receiving the income/revenue. As such, there is no need for the maintenance of reserves. The excess of revenue over on-going expenditures is the amount available for program operations. The above chart shows the forecasted changes in funding available for tourism promotion under two scenarios.

Figure 12 shows the difference that in-fill can make on the funds available for enhancing the quality of life in the Town of Surfside. Without in-fill these funds are anticipated to stabilize after a slight decline. With in-fill of the properties previously identified, the funding available for eligible activities may well be hundreds of thousands of dollars more. It should be noted, that Figure 12 accounts for only the projected increases to the 4% Tourism Tax (applied to beds). An increase to the 2% Tourism Tax (applied to food and beverages) is not included in the revenue estimates.

The bottom line represents the continuation of declining revenues in this fund. Forecast funding for eligible activities in this scenario falls from just over \$83,000 in FY 2012 to a forecasted \$76,755 in FY 2016. As a reference, in Fiscal Years 2007 and 2008, \$145,255 and \$105,853 respectively were available for eligible activities in Surfside. This line forecasts the fund's position if no new hotel rooms are added within the Town.

The upper line represents the impact of completion of the three in-fill projects. In this scenario, the excess of revenues over on-going expenditures represents the funding available for eligible activities in the Town of Surfside increasing to \$189,797 by Fiscal Year 2012 – 2013 and approximately \$400,000 in Fiscal Year 2016. As a reference, Miami-Dade County has estimated that Bal Harbour will receive approximately \$1,860,700 for tourism revenues in Fiscal Year 2011.⁵ The increase assumes unit numbers comparable to newer developments and an occupancy rate of approximately 60%.⁶

Police Forfeiture Fund

Fund Introduction: The Police Forfeiture Fund is a general governmental fund which accounts for special revenues generated through (and restricted by) Florida Statue. Once a forfeiture occurs at the task force level, funds are used to pay for expenses of the task force. The remainder is distributed based upon the number of officers each municipality has assigned to the Task Force. Other funds may come from the Surfside Police Department conducting its own investigations that may result in seizures. Funds may also come from Surfside's participation in a joint investigation with a Federal agency that results in asset forfeiture⁷. The primary limitation on the expenditures is that they provide for a new / non-operational program and/or project aimed at reducing crime, drug awareness program and/or supporting new or expanded police initiatives.

⁵ E-mail including payment from St. Regis in lieu of resort tax. E-mailed Appendix E: Transient Lodging and Food and Beverage Taxes for Tourist Development, Convention Development, and Homeless and Domestic Violence Programs and Facilities - \$967,000 (p. 154).

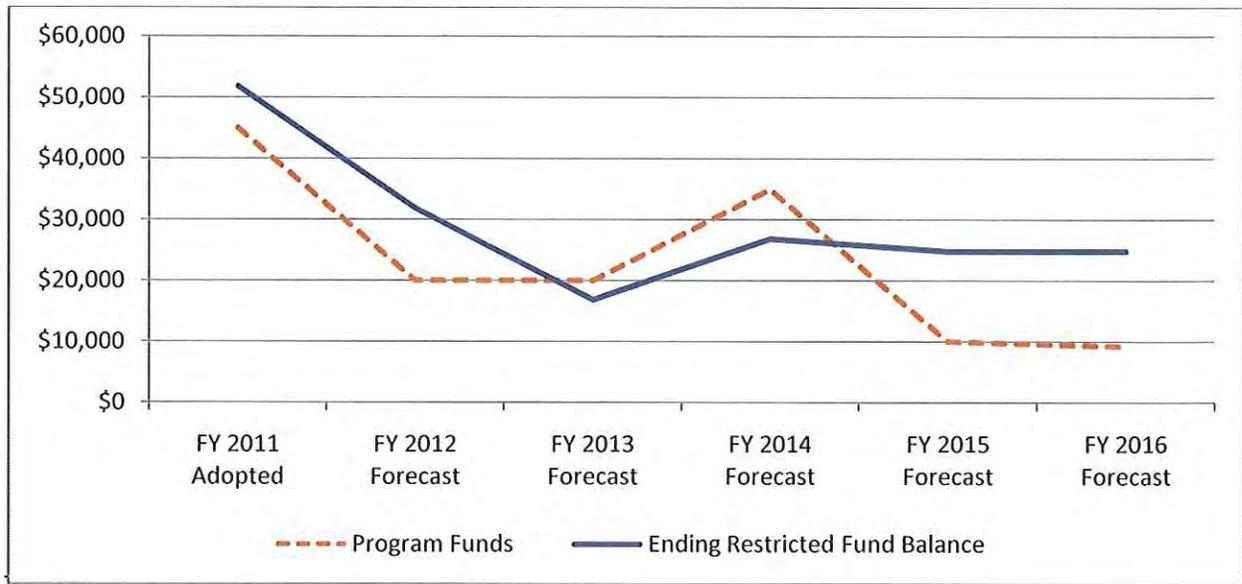
⁶ A 61% – 62.7% occupancy rate is projected by HVS (a leading consultant to the hotel industry).

⁷ E-mail from Chief David Allen January 2011

Fund Trends: The Town of Surfside has utilized the accumulated reserves in the past several years. Historically, revenues are very sporadic. Recently, more assets (illegal drugs, modified weapons, etc) have been seized rather than cash⁸. Since the illegal drugs cannot be liquidated and turned into cash, the revenues available for distribution have declined.

Fund Assumptions: Assumptions specific to this fund are: 1) revenue collections will continue to be sporadic, and 2) the Town will continue to fund, through the General Fund, an Officer who participates in the Task Force.

Figure 13: Forecasted Forfeiture Program Funds:



Fund Forecast Chart Explanation: As a special revenue fund, the expenditure of the revenues is restricted to specific uses. Figure 13 above shows a decline in program funding from the current year which utilized fund balance to fund nearly half of the programs.

Funding Requirements on Current Course: To increase the revenues and provide for additional qualified expenditures, additional seizures of cash (or assets which can be legally converted to cash) would be required. As revenues decline and the once much more robust reserves are reaching their end, a periodic evaluation of receipts to all true costs should be pursued.

Municipal Transportation Fund

Fund Introduction: The Municipal Transportation Fund is a general governmental fund which results from restricted revenues from the Citizen’s Initiative Transportation Trust (CITT) program. As with other

⁸ Based on discussions with Chief Allen during Departmental Budget Workshop meetings for FY 2011.

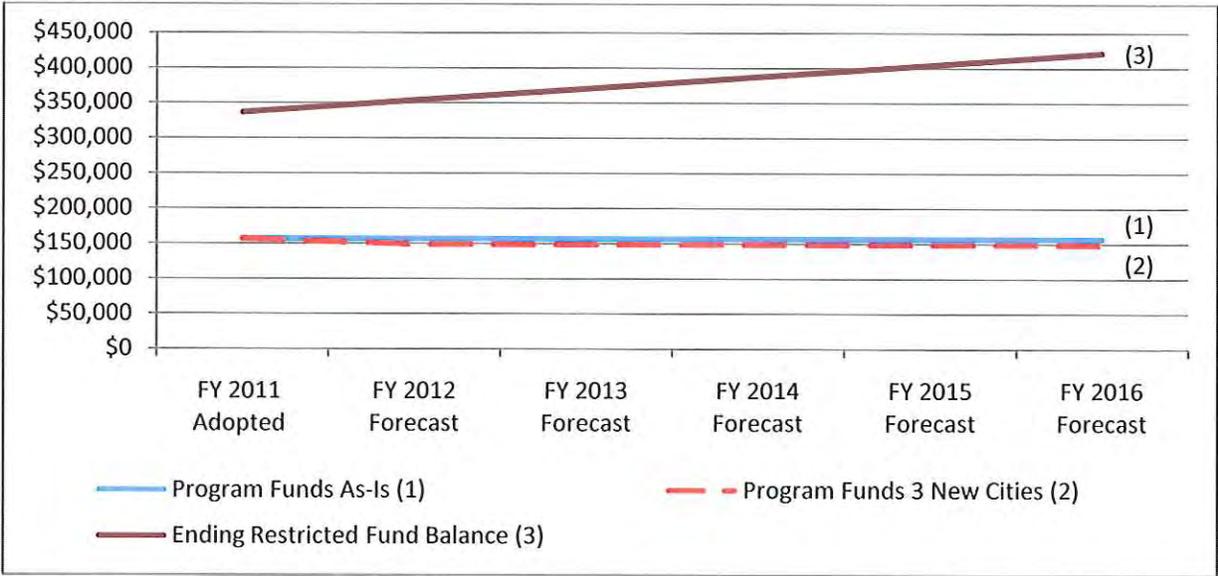
special revenues funds, revenues are only received if they are spent on particular types of qualified projects. These projects generally include projects which will improve traffic safety or benefit or encourage the use of mass transit services. Some elements of downtown and residential transportation projects are likely qualified expenditures.

A Maintenance of Effort (MOE) is also required from the Town to continue to qualify for funding. The MOE is a level of expenditure which the Town must dedicate to transportation purposes from other funding sources. To receive the approximately \$163,000 for transportation projects, the Town spends just over \$62,000 from the General Operating Fund. The recent proposals from Miami Dade County to resolve litigation from Miami Gardens and possibly Doral and Cutler Bay may diminish the MOE expenditures.

Fund Trends: The revenues for this fund result from the distribution of a one-half penny tax on each gallon of gasoline sold in Miami-Dade County. Since Fiscal Year 2008 revenues have fallen. Over the past several years, the Town has accumulated a positive fund balance in this fund resulting from receiving more restricted revenues than real expenditures on qualified projects. Staff is studying all qualified opportunities to utilize these funds to improve transportation and will be making a presentation on potential uses to the Town Commission in the near future.

Fund Assumptions: Assumptions specific to this fund include: 1) revenues will continue to be limited, 2) the declining trend in revenues will continue through FY 2013 then begin to rebound modestly (3% annually), and 3) the debate regarding how the three cities incorporated since the tax was enacted will be resolved either by negotiation or litigation within the next two years.

Figure 14: Municipal Transportation Program Funds Forecast Chart:



Fund Forecast Chart Explanation: Figure 14 shows that the current expenditure plan does not adequately provide for the use of surpluses in this fund. As previously mentioned, a comprehensive presentation will be made soon to resolve this concern. While a fund balance can be carried for a few

years to pre-pay portions of a project cost, administrators of these funds (CITT) may request repayment of the funds if they are not utilized.

Funding Requirements on Current Course: Adequate funding is available for qualified and needed projects.

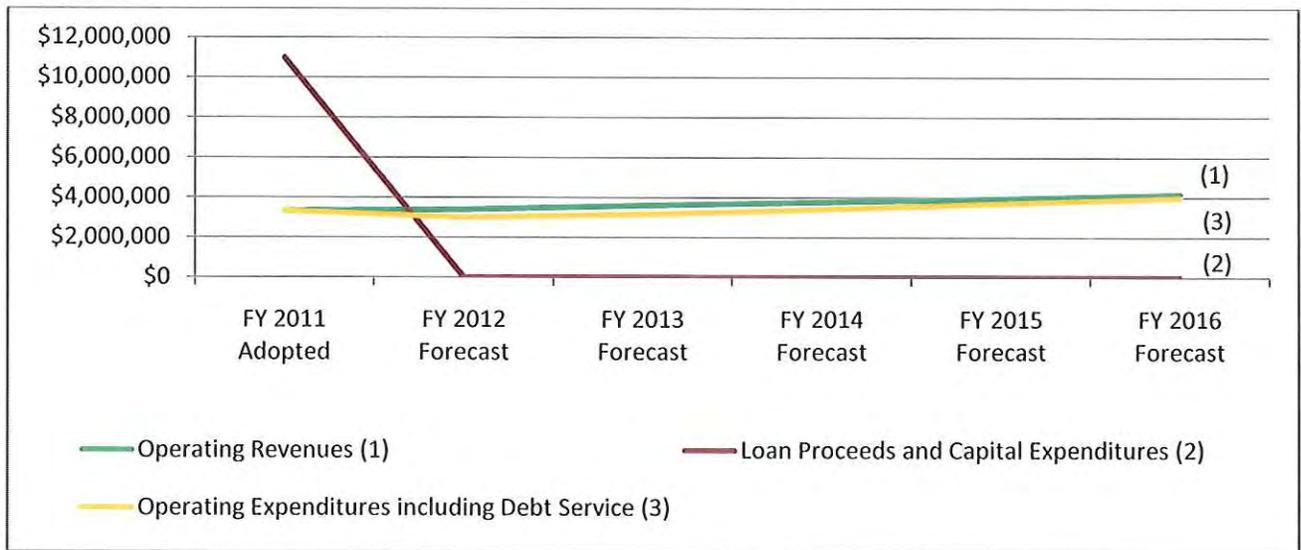
Water and Sewer Utility Fund

Fund Introduction: The Water and Sewer Utility Fund is an enterprise fund which relies upon user fees for revenues and borrowing for major capital projects. The fund is established to provide for independent water and sanitary sewer planning, operations, and improvements.

Fund Trends: South Florida water experts have said: “the cheapest potable water from now on in South Florida is the water that isn’t used”. Clean water sources are becoming more scarce in South Florida and are likely to continue to do so. Costs for water supply and waste water treatment have been increasing and are passed on to municipalities that distribute water and collect sewage. As a result of these costs and the implementation of overdue infrastructure repairs, combined with insufficient retained net assets, this fund has been strained in the past several years.

Fund Assumptions: The Town of Surfside commissioned a rate study in Fiscal Year 2010 with TichlerBise; Fiscal, Economic & Planning Consultants. The study was utilized during the FY 2010/11 budget process and has been incorporated for this forecast. Assumptions specific to this fund are: 1) water costs are forecasted to increase an average of 12% annually, 2) sewage treatment costs are forecasted to increase an average of 15% annually, 3) revenues have been adjusted in the forecast to adopt the rate adjustments proposed in the rate study, 4) retained net assets will be replenished, and 5) financing for capital projects will close without changes to the anticipated terms. The anticipated debt service costs have been included in the expenditure projections. While we are using the TichlerBise study for this report, the Administration is working with our Financial Advisor to develop strategies to help manage the need for the projected rate increases.

Figure 15: Water and Sewer Fund Revenue to Expenditure Chart (including debt service payments):



Fund Forecast Chart Explanation: Figure 15, above, shows the impact of expenditures for capital improvement projects (water system repair and sanitary sewer repairs) on Fiscal Year 2011. The timing for borrowing is expected in FY 201011 pending the Financial Advisor’s recommendations. By Fiscal Year 2013 these projects should be completed.

Figure 16: Water and Sewer Fund Net Assets Information:

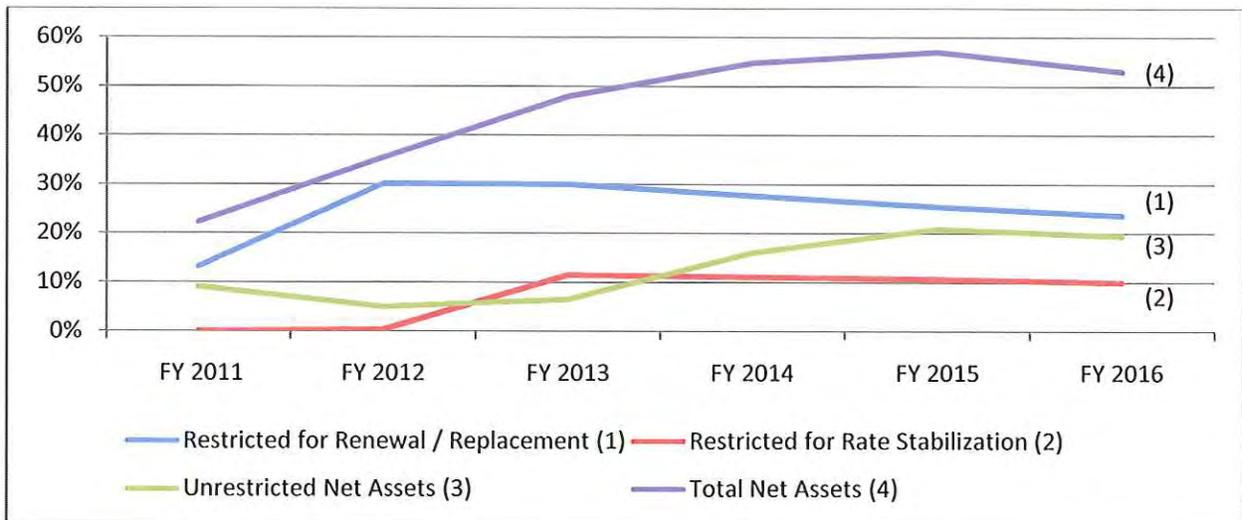


Figure 16, above, shows the complete plan for restricted and un-restricted net assets. These percentages are based on the TischlerBise rate study and show the reservation of net assets for future replacement, and reservation for rate stabilization, as well as the unrestricted net assets percentages of the anticipated operating budgets.

Funding Requirements on Current Course: With the rate study recommended rates adopted, this fund meets the revenue to expenditure test of liquidity. There will be more detail provided as the financial advisors for the water, sewer, and storm drainage bond issue provides their recommendations.

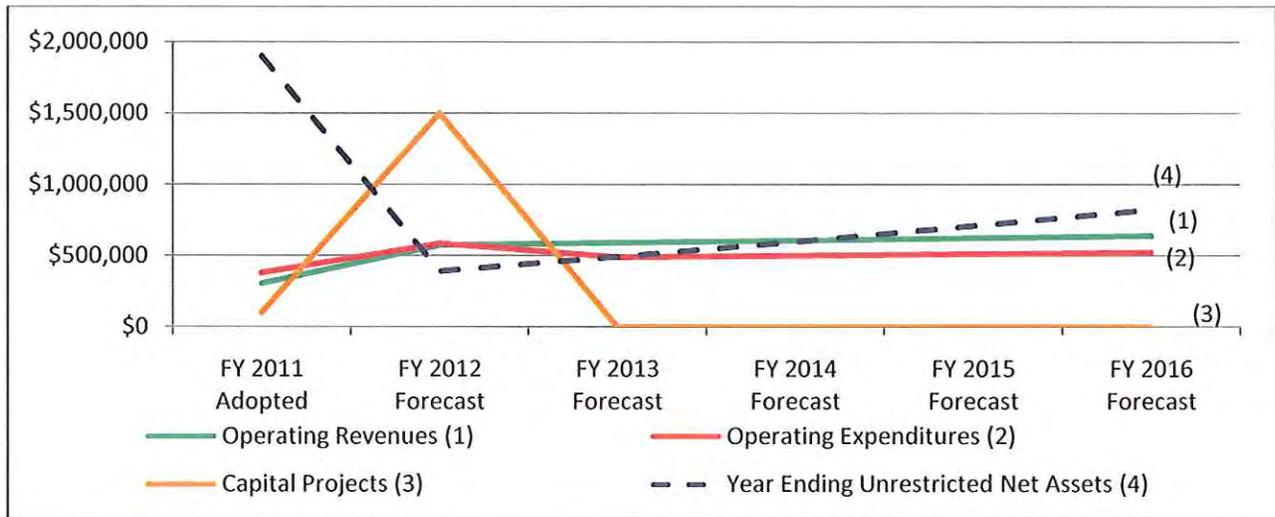
Municipal Parking Fund

Fund Introduction: The Municipal Parking fund is an enterprise fund which relies upon user fees for parking spaces and facilities as well as parking violations for revenues. The fund is established to provide for public parking planning, operations, and improvements.

Fund Trends: The operations of this fund have been stable for a number of years and have kept pace with revenues over expenditures. The retained net assets have begun to be utilized in recent years to make infrastructure improvements or acquire land related to parking. Requested improvement costs exceed retained net assets. Careful consideration and prioritization of these requests will need to be undertaken. The operating revenue to expenditure comparison for this fund remains strong for the foreseeable future and in fact will increase greatly with the installation of the electronic multi-space meters.

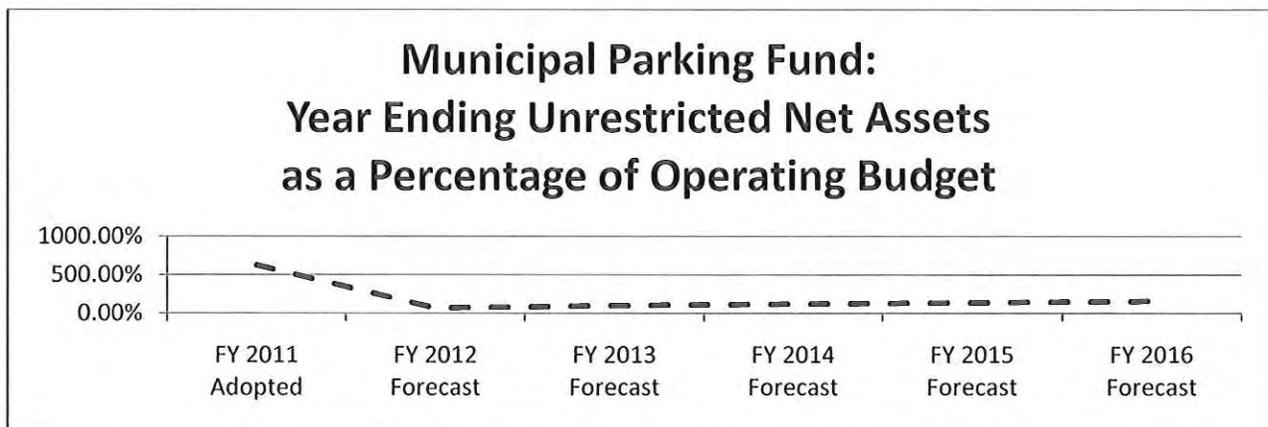
Fund Assumptions: Assumptions specific to this fund are: 1) the additional parking spaces at the 95th Street lot will add revenue to the parking system annually, 2) the electronic multi-space meters will add \$112,000 in revenue to the parking system annually, 3) capital needs for renovation of existing lots will require approximately \$100,000 in Fiscal Years 2011 and 2012, 4) subject to substantial community input and policy discussion by the Town Commission, public private joint venture upgrades to the Abbott lot and the Harding and 94th Street lot may be included in the fund, and 5) additional land may be acquired to link the 94th and 93rd/Harding lots as well as properties near Town Hall. For purposes of this report, it is assumed that the larger projects may require revenue bonds and that the smaller projects will be funded with reserves.

Figure 17: Municipal Parking Fund Revenue to Expenditure Chart:



Fund Forecast Chart Explanation: Figure 17 shows that operating revenues for this fund will continue to outperform anticipated expenditures thereby increasing unrestricted net assets. Figure 18 highlights the strength of the unrestricted net assets in this fund and the availability of same for capital investment. Both Figures 17 (above) and Figure 18 (below) anticipate expansion of the available parking facilities during Fiscal Year 2012. Specific recommendations will be provided in subsequent discussions.

Figure 18: Municipal Parking Fund Year End Unrestricted Net Assets as a Percentage of Operating Budget:



Solid Waste Fund

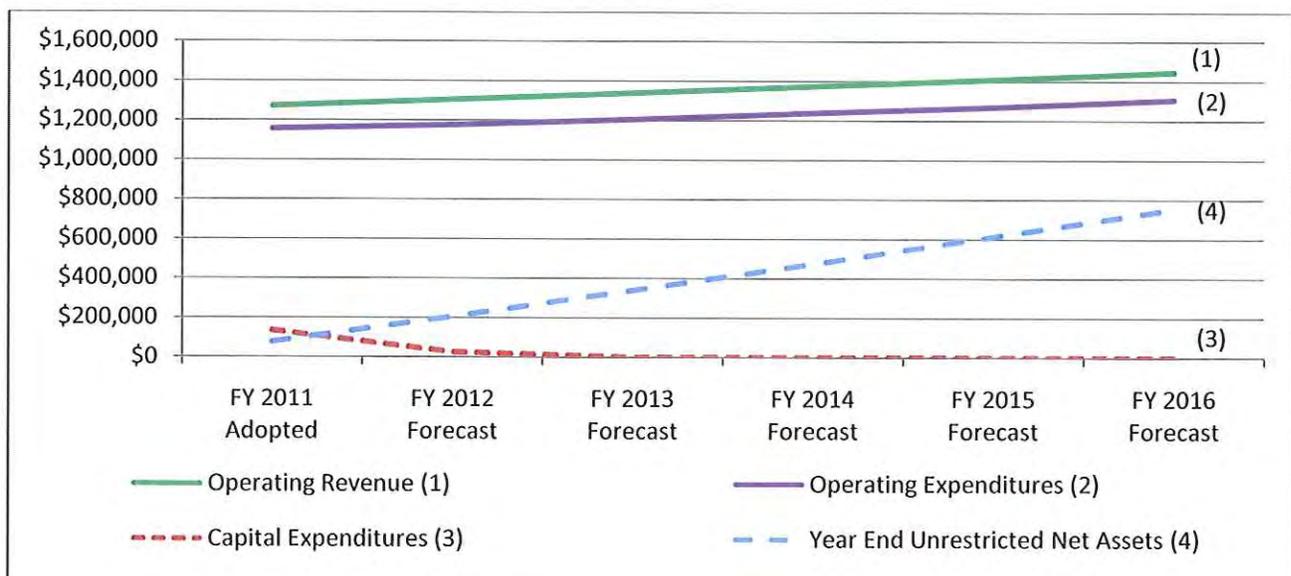
Fund Introduction: The Solid Waste fund is an enterprise fund which relies upon user fees for revenues. The fund is established to provide for solid waste planning, operations (collections), disposal at landfill sites, recycling and equipment replacement.

Fund Trends: During Fiscal Year 2010 this fund achieved a gain which removed the negative net assets which it had been carrying. The operations of this fund are becoming more stable. Revenues are projected to exceed expenditures and provide for well considered equipment replacement.

Fund Assumptions: Assumptions specific to this fund are: 1) waste disposal fees and recycling costs to the Town will not increase more than 3% on an annualized basis, 2) retained net assets will be replenished to achieve fifty (50%) of operating costs within the covered five year cycle, 3) increased operating costs to the Town will be passed on to end users, and 4) it is possible to smooth the need for increases by creating sufficient net assets each fiscal year to allow for the prudent use of those reserves to reduce or eliminate the need for annual rate increases. Savings from new technology for collection or reduced collection day(s) are not included in the analysis.

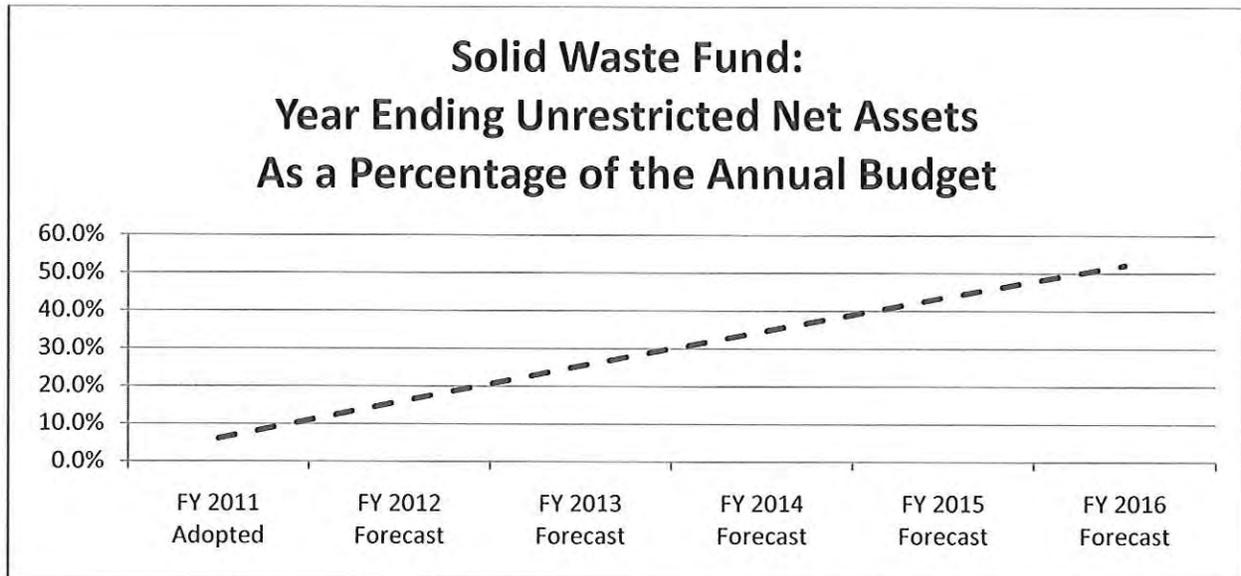
A note to assumption 4 above: to meet the 3% annualized increases to the Town, a 3% annual rate increase is assumed.

Figure 19: Solid Waste Fund Revenue to Expenditure Chart:



Fund Forecast Chart Explanation: Figure 19, above, shows the revenues outpacing expenditures in each year and the building of the net asset amount. Figure 20, below, identifies the retained net assets amount as a percentage of the annual operating budget. This progressive building of same is the device which better ensures sufficient funds to smooth future increased costs to the Town and reduce or eliminate the need to pass the rate increase to residents.

Figure 20: Solid Waste Fund Year Ending Unrestricted Net Assets as a Percentage of the Operating Budget:



Funding Requirements on Current Course: Without implementation of the rate increase to meet increased costs to the Town of Surfside for recycling and waste tipping fees, expenditures would exceed revenues every year. If the Town increases its rates by the same percentage increase the Town has to pay, it should remain in a net positive position. When the revenue to expenditure ratio is favorable the addition of more customers will have a positive benefit to this fund. Ultimately, this benefit can be shared with all solid waste customers.

Stormwater Fund

Fund Introduction: The Stormwater fund is an enterprise fund which relies upon user fees for revenues. The fund is established to provide for stormwater drainage planning, operations and improvements.

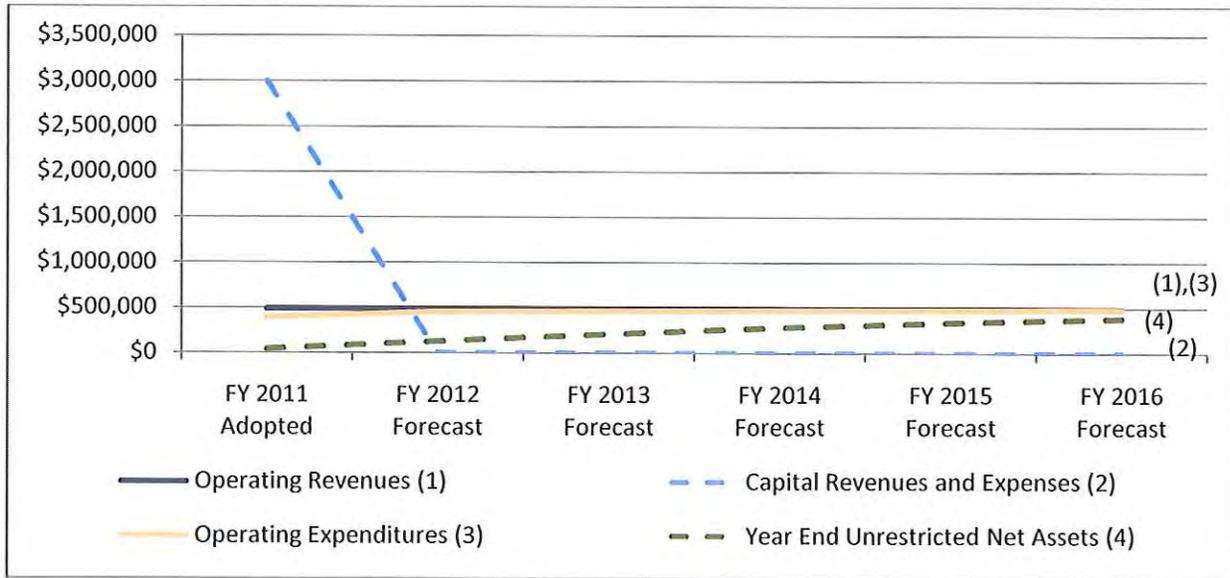
Fund Trends: The operations of this fund are generally stable. The need to implement stormwater improvements (and meet the requirements of a Consent Decree with Miami Dade County DERM) has created a spike in capital expenditures utilizing revenue bond funds in FY 2011 and FY 2012 and resulted in the need to increase the stormwater assessment. The spikes are related to capital infrastructure improvements. Bonds will be issued for this project and the debt service on those bonds is included in the expenditure numbers.

Fund Assumptions: Assumptions specific to this fund are: 1) the stormwater project will be completed as planned, 2) the new recurring operating costs (most particularly electric use related to running and maintaining the pumps stations and debt service payments) will occur, and 3) reserves are identified to exceed a preliminary target of fifty percent of operating by the end of the covered five year cycle. As

with the water and sewer bond issue, this planned growth of reserves may be utilized to smooth possible future rate increases.

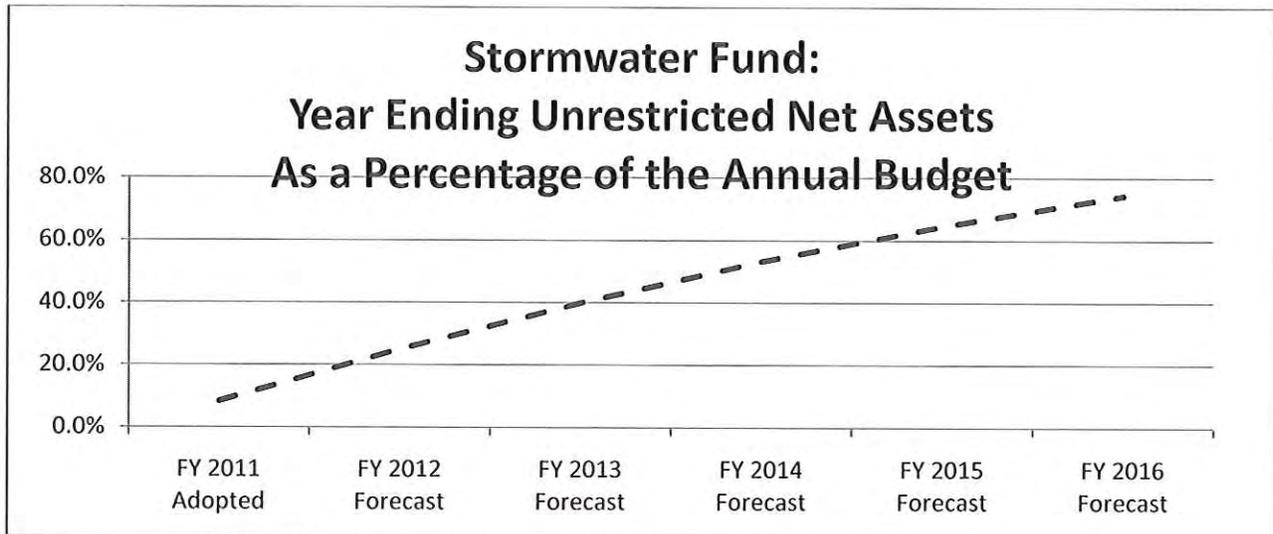
Figure 21 shows that very little change is anticipated in either the revenues or expenditures for this fund. The expenditures are budgeted to include re-building the fund balance to smooth potential future increases and potentially secure better borrowing terms for the revenue bond.

Figure 21: Stormwater Fund Revenue to Expenditure Chart (including debt service payments):



Fund Forecast Chart Explanation: Figure 22, below demonstrates the growth of the reserves as a percentage of the annual budget. The preliminary target of 50% reserves is met at the end of Fiscal Year 2013 (September 30, 2013). It may be possible to lower rates if this projection proves true.

Figure 22: Stormwater Fund Year Ending Unrestricted Net Assets as a Percentage of the Operating Budget:



Funding Requirements on Current Course: On the current course, the operating revenue to expenditure ratio in this fund is forecast to be slightly favorable for the next several years. As with the other enterprise funds, the addition of new customers in a favorable environment increases profitability and ultimately provides an opportunity for future relief for all stormwater customers.

Appreciation: It is necessary to thank Finance Director Martin D. Sherwood and Budget and Management Consultant Carl A. Berkey-Abbott for their efforts in creating this document. We collectively wish to thank the Town Commission for their foresight and strategic thinking that requested this document to be prepared.



Town of Surfside Commission Communication

Agenda Item # 9C

Agenda Date: February 8, 2011

Subject: Land Acquisition of Two Parcels Immediately South of Town Hall

Background: At the October 12, 2010 Town Commission meeting staff was directed by the Town Commission to secure appraisals on the vacant lots contiguous to Town Hall and to report back with a recommendation. This is to inform the Commission that staff has met with the principal owner of two of the adjacent parcels of property. These properties are in foreclosure and a mediation session with BankUnited before former Chief Supreme Court Justice Gerald Kogen is scheduled for February 8, 2011. Due to a Town Commission meeting being held on the same day, staff is moving forward with negotiations. Realizing that we do not have the authority to purchase the properties it is my intent to enter into conversation with BankUnited regarding a short sale to include short term financing.

In March 2006 the two parcels sold for \$2.2 million. In January 2007, the Town Commission directed the Town Manager to continue to look into the purchase of potential properties and the current principal owner of the property stated there was discussion with the Town to purchase the parcels for \$1.9 million.

In October 2010 an appraisal was done on the parcels and the market value was determined to be \$1.06 million. Both parcels have a total taxable and assessed value for 2010 and 2009 of approximately \$676,000 and \$848,000 respectively.

The FY 10/11 Parking budget includes \$1.205 million for land acquisition (see exhibit A) with a total of \$1.9 million in unrestricted net assets (reserves) in the Municipal Parking Fund. The staff strategy is to make an offer of \$676,000 for both parcels of property including as an all cash transaction. The Administration believes this is a unique opportunity and that these two parcels of property may never be available at a lower price.

Analysis: N/A

Budget Impact: The FY 10/11 Parking budget includes \$1.205 million for land acquisition. This will leave enough funding to acquire two additional parcels (one south of the 94th Street lot and one where the police department vehicles are parked) depending on the final price of the two parcels included in this Commission Communication.

Staff Impact: N/A

Recommendation: It is recommended that the Surfside Town Commission give authorization to continue negotiations for the two parcels of property.



Department Head



Town Manager

Funded

Town of Surfside, FL

Capital Improvement Project

Project:	Parking Acquisition and Development						
Priority:	2	Project Manager:		Assistant Police Chief			
Department:	Public Safety	Division:		Municipal Parking			
Project Location:	To Be Determined						
Fiscal Year:	FY 11	FY 12	FY 13	FY 14	FY 15	Total	Prior FYs
Plans and Studies:							
Engineering/Architecture:							
Land Acquisition/Site Preparation:	\$1,205,000					\$1,205,000	
Construction:							
Equipment/Furnishings:							
Transaction Costs:	\$45,000					\$45,000	
TOTAL COST:	\$1,250,000					\$1,250,000	
Revenue Source:	MPF						

Description (Justification and Explanation)

This project seeks to address the shortage of municipal parking within the Town's commercial district. Funding from the Municipal Parking Fund's reserve is requested to pursue the purchase of additional lands and the land's development as parking space.

The costs are estimated based on the amount of acreage desired and the current average market value of acreage according to recent sales information.

This revenue positive project would pay for itself in not more than 11 years.

Future Annualized Impact on Operating Budget

Personnel		The Town anticipates additional revenue to result from the fee based service being provided. Incremental recurring operating costs will also be involved. Generally, the fee based program covers the costs of operation. As a result, the only long term recurring operating costs associated with this item would be the prorated maintenance of the lot itself (approximated at \$15,000 annualized). These costs would be more than recovered by increased parking revenues. The anticipated net increase in funding is projected at \$95,000.
Operating:	\$15,000	
Replacement Costs:		
Revenue/Other:	(\$110,000)	
Total:	(\$95,000)	



Town of Surfside Commission Communication

Agenda Item # 9D

Agenda Date: February 8, 2011

Subject: Acquisition of Single Family Home at 9333 Harding Avenue

Background: There are two single family homes on the east side of the 9300 block of Harding Avenue that are situated between two municipal parking lots. One of the homes, 9333 Harding Avenue, is for sale with an asking price of \$298,000. This is to inform the Commission that staff has met with the real estate agent representing the property owner. According to the realtor, the owner recently refused an offer of \$250,000.

Staff had an appraisal done on the home and the market value was determined to be \$253,000. The home has a taxable and assessed value for 2010 and 2009 of approximately \$87,269 and \$83,548 respectively. It is this low because the owner has lived in the home for many years and enjoys a variety of exemptions.

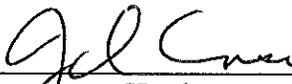
The FY 10/11 parking budget includes \$1.205 million for land acquisition (see Exhibit A) with a total of \$1.9 million in unrestricted net assets (reserves) in the Municipal Parking Fund. Staff has made an offer of \$275,000 for the home as an all cash transaction.

Analysis: N/A

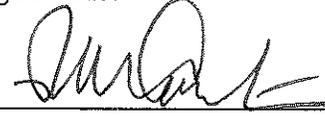
Budget Impact: The FY 10/11 Parking budget includes \$1.205 million for land acquisition. This shall leave enough funding to acquire three additional parcels (two directly south of Town Hall and one where the Police Department vehicles are parked) depending on the final price of the home included in this Commission Communication.

Staff Impact: N/A

Recommendation: It is recommended that the Surfside Town Commission give authorization to continue negotiations for the single-family home located at 9333 Harding Avenue.



Department Head



Town Manager

Funded

Town of Surfside, FL							
Capital Improvement Project							
Project:	Parking Acquisition and Development						
Priority:	2	Project Manager:		Assistant Police Chief			
Department:	Public Safety	Division:		Municipal Parking			
Project Location:	To Be Determined						
Fiscal Year:	FY 11	FY 12	FY 13	FY 14	FY 15	Total	Prior FYs
Plans and Studies:							
Engineering/Architecture:							
Land Acquisition/Site Preparation:	\$1,205,000					\$1,205,000	
Construction:							
Equipment/Furnishings:							
Transaction Costs:	\$45,000					\$45,000	
TOTAL COST:	\$1,250,000					\$1,250,000	
Revenue Source:	MPF						
Description (Justification and Explanation)							
<p>This project seeks to address the shortage of municipal parking within the Town's commercial district. Funding from the Municipal Parking Fund's reserve is requested to pursue the purchase of additional lands and the land's development as parking space.</p> <p>The costs are estimated based on the amount of acreage desired and the current average market value of acreage according to recent sales information.</p> <p>This revenue positive project would pay for itself in not more than 11 years.</p>							
Future Annualized Impact on Operating Budget							
Personnel:		The Town anticipates additional revenue to result from the fee based service being provided. Incremental recurring operating costs will also be involved. Generally, the fee based program covers the costs of operation. As a result, the only long term recurring operating costs associated with this item would be the prorated maintenance of the lot itself (approximated at \$15,000 annualized). These costs would be more than recovered by increased parking revenues. The anticipated net increase in funding is projected at \$95,000.					
Operating:	\$15,000						
Replacement Costs:							
Revenue/Other:	(\$110,000)						
Total:	(\$95,000)						



Town of Surfside Commission Communication

Agenda Item # 9E

Agenda Date: February 8, 2011

Subject: Beach Maintenance

Objective: To provide a plan as requested by Commissioner Olchyk to improve maintenance along the areas of the beach that are the Town of Surfside's responsibility.

Recommendation: In a careful manner invasive plant species and debris will be removed and a small area around the sea grapes will be cleared to allow more detail raking of the dead leaves. This would be implemented gradually with the goal of completing one block per week and then maintaining the entire beach cleaning weekly.

Background: Parks and Recreation, Public Works and Parking Department employees began an enhanced maintenance program in December 2010. Since such time we have been warned in writing by FDEP to adjust our cleaning efforts within the dunes. Attachment

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 the responsibility of Town of Surfside. Feral animal feeding containers are collected on a daily basis. With the addition of the new maintenance worker provided by the Parking Department the dunes and hard-pack are cleaned once a week. The edging, weed removal and weed spraying are done on a quarterly basis. Miami Dade County provides this service to the east side of the dunes. FDEP will be consulted with as needed to insure we remain compliant with the State regulations. Per an agreement with Miami Dade County existing trash receptacles on the beach will be replaced with new receptacles by the end of February. A new receptacle will be placed at each beach entrance off the hard pack to ensure that trash may be disposed of easily by beachgoers. We also intend to locate a dog feces receptacle at every other beach access as funds become available.

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.

Growth Impact: N/A

Staff Impact: Analysis to be developed.



Department Head



Town Manager



Florida Department of Environmental Protection
 Office of Beaches and Coastal Systems
 3900 Commonwealth Boulevard - MS 300
 Tallahassee, FL 32399-3000
 (850) 487-4475
 (850) 414-7772

TO: (name) TOWN OF SURFSIDE

(address) 9293 HARDING AVENUE

(city /state /zip) SURFSIDE, FL 33154

- Property Owner
- Contractor
- Agent
- Other

(305) 868-7287
 (specify)

WARNING NOTICE
POSSIBLE VIOLATION
CHAPTER 161, FLORIDA STATUTES

You are hereby notified that it appears that you are in violation of Chapter 161, The Beach and Shore Preservation Act, and thus, may be liable for civil and criminal penalties as prescribed by law, and may be ordered to remove unauthorized structures and restore damaged topography and vegetation. You are requested to cease all activities including excavation, construction, and damage to the beach or dunes and the vegetation growing thereon, seaward of the coastal construction control line until a determination regarding the apparent violation can be made. Work which has occurred as of the date of this inspection and which appears to be in violation of Chapter 161, Florida Statutes, includes:

THE UNAUTHORIZED, NON-PERMITTED TRIMMING, REMOVAL, ETC. OF VEGETATION,
PRIMARILY CONSISTING OF SEA OATS (UNIOLOA PANICULATA), ALONG THE LANDWARD
PORTION OF THE WESTERN DUNE FEATURE ADJACENT TO THE SERVICE VEHICLE LANE.

As an exception to the above request, for the limited purpose of securing construction or public safety, you may proceed with the following without incurring additional liability:

This written report will be transmitted to the Department's professional and legal staff. The staff will make a prompt determination of whether or not a violation of Chapter 161, Florida Statutes, exists, and will advise you directly of its findings.

Further construction shall be at your own risk and shall not give vested rights in equity or give any estoppel of equity rights in consideration of a possible permit application pursuant to Chapter 161, Florida Statutes, and may result in additional civil fines.

Enquiries concerning this notice should be directed to the address or telephone number shown above.

Wesley C. Kim - Wes Kim
 Engineer/Area Inspector

01/10/11
 Date of Inspection and Notice

COPIES - WHITE: File YELLOW: Person Notified PINK: Inspector



Town of Surfside Commission Communication

Agenda Item # 9F

Agenda Date: February 8, 2011

Subject: Household dry cell battery recycling station at Town Hall

Objective: To provide to the citizens of Surfside a drop off point for household dry cell batteries to be recycled.

Recommendation: Place a recycling container in the lobby of Town Hall where citizens of the community can drop off their used household dry cell batteries to be recycled. A picture of the proposed container is attached.

Background: The Mayor and Commission are in the process of considering actions to become more environmentally friendly. Providing this recycling opportunity to the citizens of Surfside is an element of that process.

Analysis: For very little cost, the citizens of Surfside can make a positive impact on the environment by reducing the amount of batteries that go into the landfill.

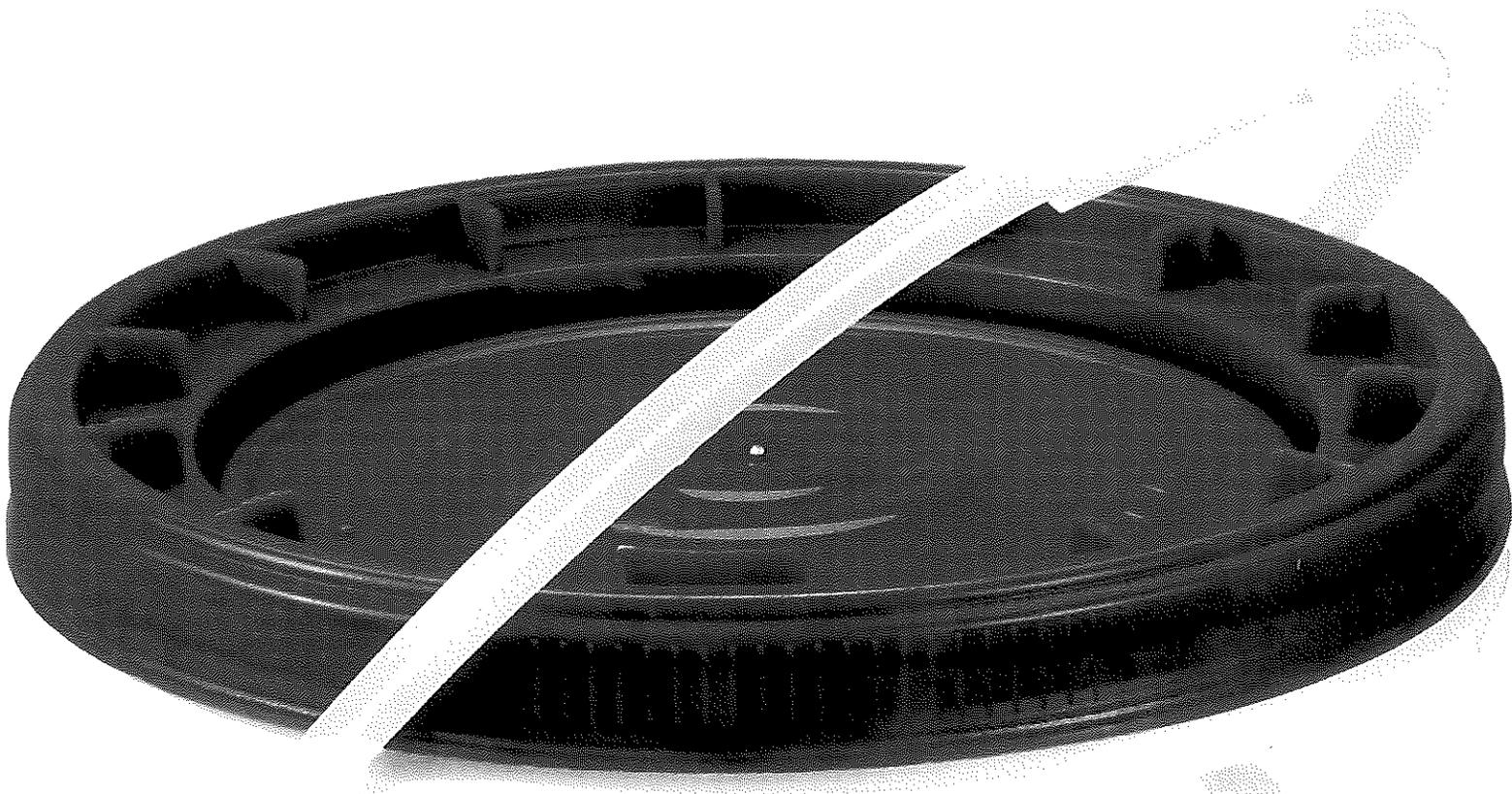
Budget Impact: The cost is \$107 for each container which is 3.5 gallons in size and holds up to 55lbs of dry cell batteries. This price includes the shipping cost to the recycling center when the container is full. We cannot predict the frequency of filling the container; however, we will publish this new initiative in the Gazette and on the Town's website.

Growth Impact: N/A

Staff Impact: A minimal effort to remove the shipping container when full will be required. This will be accomplished with existing staff.

Department Head

Town Manager



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TODAY!**
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EASYPAK
Recycling Made Easy

**BATTERY
RECYCLING
CONTAINER**

WWW.LAMPRECYCLING.COM

888.640.6700

Dry cell batteries include AA, AA, C, D, 9-volt, lantern
and types such as mercury, nickel cadmium, magnesium,
nickel metal hydride, alkaline, iron, zinc carbon and silver



Recycling Made Easy

Air Cycle Corporation
 2200 Ogden Avenue, Suite 100
 Lisle, IL 60532
 Phone: (800)909-9709
 Fax: (866)909-6725
 sima@aircycle.com

QUOTE

Date	Quote #	Revision
01/31/2011	125198	A

Bill To:
 Surfside Town
 Bill Evans
 9293 Harding Ave
 Bal Harbour, FL 33154

Ship To:
 Surfside Town
 Bill Evans
 9293 Harding Ave
 Bal Harbour, FL 33154

PO #	Terms	Sales Rep	Ship Via	Comments
	Net 30 Days	SIMA	UPS GROUND	*Shipping will be pre-paid and added to invoice

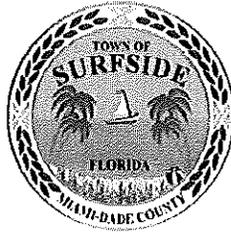
Item	Description	Qty	List	Actual	Discount	Extended
330-140	EasyPak Battery Recycling Container	5	107.00	107.00	0.00	535.00
	FREE shipping!		0.00			

Subtotal	535.00
Tax	0.00
Shipping*	TBD
Total	535.00

PLEASE NOTE OUR NEW ADDRESS

Thank You!

This quote is valid for 45 days – All parts included are covered by a one year limited warranty (filters excluded)



Town of Surfside Commission Communication

Agenda Item # 9G
Agenda Date: February 8, 2011
Subject: Budget High Level Direction

In January 18, 2011 Town Commission meeting, the Administration presented the Town Commission with a preliminary budget calendar for the Fiscal Year (FY) 2011/2012 budget. During the presentation and discussion the Town Commission expressed a keen interest in being more involved in the process at an early stage. The item presented provides the first of several opportunities for the Town Commission to provide input and direction to the Administration.

Two documents are provided to begin to shape budget discussion. The first contains a very preliminary projection of revenues and expenditures for each fund for the current year (FY 2010/11). Based on these early projections a tentative carryover amount has been identified for each of the Town's funds. Initial projections suggest that five of the Town's nine funds may end the current fiscal year with an excess of revenues over expenditures. They are:

- General Fund (\$239,587)
- Water and Sewer Fund (\$15,000)
- Municipal Parking Fund (\$215,000)
- Solid Waste Fund (\$10,700)
- Stormwater Fund (\$5,100)

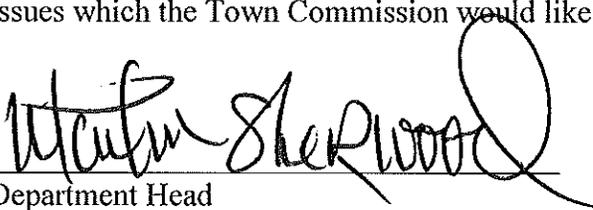
Should these very early projections for the current fiscal year prove true, the excess could be utilized to assist with funding service levels in the coming year (FY 2011/12), building reserves, initiating projects/services, reducing rates/taxes or a combination of all these outcomes.

Attachment 1 begins with these preliminary estimates of carry over for the current fiscal year, adds all likely revenues, and identifies likely expenditures for maintenance of current service levels for next year. The net effect of these resources and expenses is that three of the Town's nine funds are preliminarily projected to have greater expenditures than revenues to maintain existing service levels next fiscal year. The funds are:

- General Fund (\$338,135)
- Capital Projects Fund (\$278,000)
- Police Forfeiture Fund (\$20,000)

This is a manageable situation if we complete the current year conservatively, limit capital expenses next year and adjust the Forfeiture Fund to expend only the funds available. At the end of the day, it is far better to put these projections on the table when we start the budget process, then when you get a draft three or four months from now.

Some initial ideas for policy direction are provided in Attachment 2 regarding some of the issues which will be discussed during formation of the FY 2011/12 budget. Staff seeks the input of the Town Commission early in the process regarding these issues, and any additional issues which the Town Commission would like to direct Staff to consider.



Department Head



Town Manager

General Fund Preliminary Estimates – Fiscal Year 2011/2012

Fund Revenues

Fiscal Year 2010/2011 Carryover	\$239,587
Property Taxes (Rollback)	\$5,693,987
Non Ad-Valorem	\$3,118,197
Total Available Revenue	\$9,051,771

Fund Expenditures

Salary / Fringe	\$6,637,992
Operating	\$2,495,914
Capital Outlay and Projects	\$59,000
Transfers / Non-operating	\$197,000
Total Expenditures	\$9,389,906

Shortfall (Excess of Expenditures Over Revenues)	(\$338,135)
---	--------------------

Possible Sources to Address Shortfall

<i>Unassigned Reserves – [\$1,081,807]</i>	
<i>Increases to Revenues</i>	

Total Increases to Revenues

Decreases to Expenditures

Total Decreases to Expenditures

Total Possible Modifications

Difference (Shortfall to Possible Sources)

Capital Projects Fund Preliminary Estimates – Fiscal Year 2011/2012

Fund Revenues

Fiscal Year 2010/2011 Carryover	\$0
Transfers from General Fund	\$150,000
Miscellaneous Revenues	\$0
Total Available Revenue	\$150,000

Fund Expenditures

Vehicle Replacement Program	\$58,000
Town-wide Software Replacement Project	\$295,000*(lease)
Technology Replacement Program (lease)	\$75,000
Total Expenditures	\$428,000

Shortfall (Excess of Expenditures Over Revenues)	(\$278,000)
---	--------------------

**Note: This number may be adjusted easily by deferring a portion of leasing the software*

Possible Sources to Address Shortfall

<i>Unassigned Reserves [\$561,000]</i>	
<i>Increases to Revenues</i>	
Total Increases to Revenues	
<i>Decreases to Expenditures</i>	
Total Decreases to Expenditures	
Total Possible Modifications	
Difference (Shortfall to Possible Sources)	

Tourist Bureau Fund Preliminary Conditions – Fiscal Year 2011/2012

Fund Revenues

Fiscal Year 2010/2011 Carryover	\$0
Tourist Tax Revenues	\$113,479
Miscellaneous Revenues	\$1,545
Total Available Revenue	\$115,024

Fund Expenditures

Salary / Fringe	\$17,066
Operating	\$97,958
Capital Outlay and Projects	\$0
Total Expenditures	\$115,024

Excess of Revenues over Expenditures	\$0
---	------------

Possible Additional Sources:

<i>Restricted Reserves [\$174,221]</i>	
<i>Increases to Revenues</i>	
Total Increases to Revenues	
<i>Decreases to Expenditures</i>	
Total Decreases to Expenditures	

Total Possible Modifications	
-------------------------------------	--

Difference (Shortfall to Possible Sources)	
---	--

Police Forfeiture Fund Preliminary Conditions – Fiscal Year 2011/2012

Fund Revenues

Fiscal Year 2010/2011 Carryover	\$0
Forfeitures	\$15,000
Miscellaneous Revenue	\$0
Total Available Revenue	\$15,000

Fund Expenditures

Salary / Fringe	\$15,000
Operating	\$20,000
Capital Outlay and Projects	\$0
Total Expenditures	\$35,000

Shortfall (Excess of Expenditures Over Revenues)	(\$20,000)
---	-------------------

Possible Sources to Address Shortfall

<i>Restricted Reserves [\$68,332]</i>	
<i>Increases to Revenues</i>	

Total Increases to Revenues

Decreases to Expenditures

Total Decreases to Expenditures

Total Possible Modifications

Difference (Shortfall to Possible Sources)

Municipal Transportation Fund Preliminary Conditions – Fiscal Year 2011/2012

Fund Revenues

Fiscal Year 2010/2011 Carryover	\$0
CITT Funding	\$151,000
Miscellaneous Revenues	\$0
Total Available Revenue	\$151,000

Fund Expenditures

Salary / Fringe	\$0
Operating	\$91,850
Capital Outlay and Projects	\$0
Transfers / Non-operating	\$5,255
Total Expenditures	\$97,105

Excess of Revenues over Expenditures	\$53,895
---	-----------------

Possible Additional Sources:

<i>Restricted Reserves [\$408,316]</i>	
<i>Increases to Revenues</i>	
Total Increases to Revenues	
<i>Decreases to Expenditures</i>	
Total Decreases to Expenditures	
Total Possible Modifications	
Difference (Shortfall to Possible Sources)	

Water and Sewer Fund Preliminary Conditions – Fiscal Year 2011/2012

Fund Revenues

Fiscal Year 2010/2011 Carryover	\$15,000
Services Revenues	\$3,395,414
Miscellaneous Revenues	\$0
Total Available Revenue	\$3,410,414

Fund Expenditures (including debt service)

Salary / Fringe	\$305,258
Operating	\$2,609,794
Capital Outlay (not incl. rehab. project)	\$11,760
Transfers / Non-Operating	\$133,500
Total Expenditures	\$3,057,312

Excess of Revenues over Expenditures	\$353,102
---	------------------

Possible Additional Sources:

<i>Unrestricted Net Assets[\$367,287]</i>	
<i>Increases to Revenues</i>	

Total Increases to Revenues

Decreases to Expenditures

Total Decreases to Expenditures

Total Possible Modifications

Difference (Shortfall to Possible Sources)

Municipal Parking Fund Preliminary Conditions - Fiscal Year 2011/2012

Fund Revenues

Fiscal Year 2010/2011 Carryover	_____	\$215,000
Parking Revenues	_____	\$575,600
Miscellaneous Revenues	_____	\$0
Total Available Revenue	=====	\$790,600

Fund Expenditures

Salary / Fringe	_____	\$213,267
Operating	_____	\$197,014
Capital Outlay (not incl. Land Acquisition)	_____	\$0
Transfers / Non-Operating	_____	\$76,028
Total Expenditures	=====	\$486,309

Excess of Revenues over Expenditures	_____	\$304,291
---	-------	------------------

Possible Additional Sources:

<i>Unrestricted Net Assets[\$1,953,899]</i>	_____	
<i>Increases to Revenues</i>	_____	

Total Increases to Revenues

Decreases to Expenditures

Total Decreases to Expenditures

Total Possible Modifications

Difference (Shortfall to Possible Sources)

Solid Waste Fund Preliminary Conditions – Fiscal Year 2011/2012

Fund Revenues

Fiscal Year 2010/2011 Carryover	\$10,700
Garbage Service Collections	\$1,271,343
Miscellaneous Revenues	\$0
Total Available Revenue	\$1,282,043

Fund Expenditures

Salary / Fringe	\$488,185
Operating	\$579,831
Capital Outlay (not incl. Replacement Vehicles)	\$25,000
Transfers / Non-Operating	\$106,802
Total Expenditures	\$1,199,818

Excess of Revenues over Expenditures	\$82,225
---	-----------------

Possible Additional Sources:

<i>Unrestricted Net Assets[\$77,312]</i>	
<i>Increases to Revenues</i>	
Total Increases to Revenues	
<i>Decreases to Expenditures</i>	
Total Decreases to Expenditures	
Total Possible Modifications	
Difference (Shortfall to Possible Sources)	

Stormwater Fund Preliminary Conditions - Fiscal Year 2011/2012

Fund Revenues

Fiscal Year 2010/2011 Carryover	\$5,100
Stormwater Utility Fees	\$487,000
Miscellaneous Revenues	\$0
Total Available Revenue	\$492,100

Fund Expenditures (including debt service)

Salary / Fringe	\$72,201
Operating	\$81,668
Capital Outlay (not incl. Rehab. Project)	\$0
Transfers / Non-Operating	\$314,190
Total Expenditures	\$468,059

Excess of Revenues over Expenditures	\$24,041
--------------------------------------	----------

Possible Additional Sources:

<i>Unrestricted Net Assets [\$35,214]</i>	
<i>Increases to Revenues</i>	
Total Increases to Revenues	
<i>Decreases to Expenditures</i>	
Total Decreases to Expenditures	
Total Possible Modifications	
Difference (Shortfall to Possible Sources)	

Budget Development Issues by Department

General Concerns:

Revenue Constraints from State
Program Mandates
Property Valuations
Development of Commercial / Hotel Properties
Insurance Rates

Town Attorney

Costs of Litigation

Town Clerk's Office

Minutes for Committees
Codification update

Building Services Department

Code Enforcement Program

- Succession Plan for Code Enforcement Officer
- Fees and charges and fines
- Special Master
- Levels of Enforcement
- Areas of Enforcement

Human Resources

- Conversion of Salary Adjustments to Performance

Police Department

Service level / response time
Replacement of fleet – program
Reopening Collective Bargaining: April 1, 2011
Forfeiture Fund – cost/benefit ratio for special task force participation
Red Light Program – revenues

Public Works

Beautification Programs

Use of CITT Surplus

Solid Waste Service Standards and Operational Processes / Solid Waste Study

Charges for Single Family/Multi-Family and Commercial Equity

Capital Improvement Projects:

- General Fund Allocation
- Downtown Visioning Process
- Impact Fees (Negotiated)

Water Rates / Sewage Rates/ Storm drainage fees

Costs for water purchases and sewage treatment

Parks Department

Full year Community Center operations

- Raising revenues / fee schedule / marketing use of facility
- Allowing non-resident use (fees)
- Concession Stand Revenue

Level of cleaning and maintenance of beach area

Tennis Center Discussion

Turf Replacement with Artificial Turf

Tourism Bureau

Auditing program

Sort term rental revenues

Parking Fund

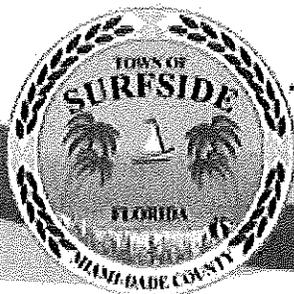
Parking Rate Increase

Increased Revenue from Multi-space Meters

Capital Program (Renovation and Land Acquisition)

Enforcement Revenues go to General Fund

Phase Down of Free Resident Parking



TOWN OF SURFSIDE

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

MEMORANDUM

TO: Elected Officials
FROM: Roger M. Carlton, Town Manager 
DATE: February 4, 2011
SUBJECT: EWM Real Estate Analysis of Sales Valuations in the Town of Surfside
 (February 8, 2011 Town Commission agenda Item 9H)

EWM is one of the largest real estate firms in South Florida. The firm President, Ron Shuffield, is a long time friend. Ron prepared an analysis of real estate sales across a number of parameters for the Town of Surfside at no cost to the Town.

The purpose of this presentation is to provide the Town Commission with a trend analysis facts regarding residential real estate sales (residential is approximately 90 percent of our value) to support the estimates of decline in the tax base included in the Five Year Financial Forecast which appears as agenda Item 9B in the February 8, 2011 Town Commission agenda. As mentioned in the Five Year Financial Forecast, the estimate of decline in the value of the roll may change significantly in either a positive or negative direction as we develop the budget.

Chart 1 tracks the number of single family homes for sale vs. sold over an eight year period as well as the average price per square foot. The median price (equal number of sales above and below) is also tracked.

Chart 2 is more specific in that it tracks the number of single family homes sold vs. for sale for the past fifteen months. The median price is also tracked.

Chart 3 tracks for the past 15 months the single family homes sold in foreclosure and short sales vs. the number of home sales in this situation. The average and median prices for the sales is also tracked. The December 2010 numbers may be an anomaly which we are researching. The key concern here is that the much lower prices of foreclosures and short sales drags down the value of all homes as this type of distress sale becomes more prevalent.

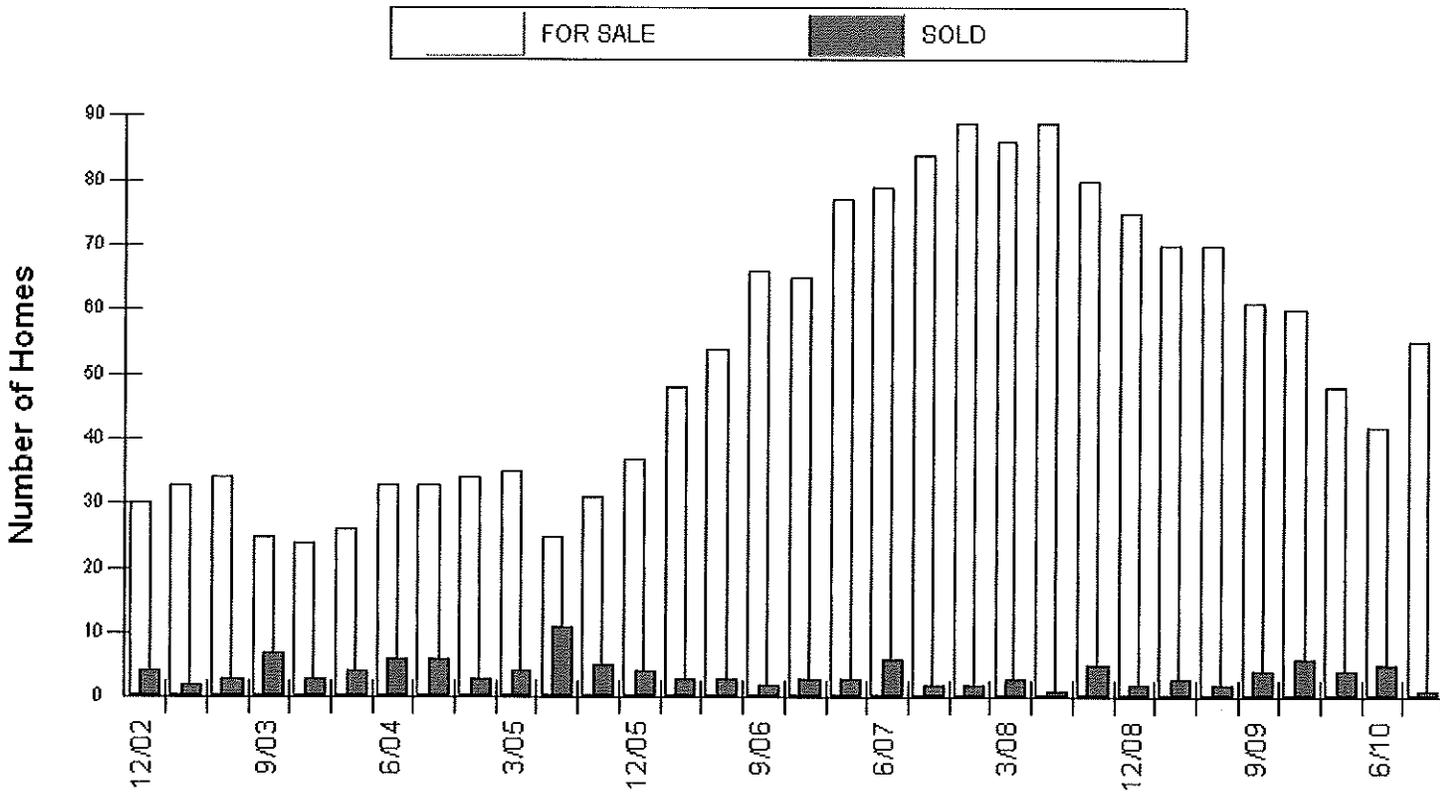
Charts 4-6 provide the same analysis as Charts 1-3 for condominiums.

In summary, the information provided by EWM helps staff to prepare a budget with improved ability to project the value of a mill, which is not made final by the Miami Dade Property Appraiser until late in the process. Staff hopes the information is of benefit to the members of the Town Commission as you consider the Five Year Financial Forecast and give staff guidance in the development of the FY 11/12 Budget. I wish to thank Ron Shuffield for providing this analysis.

(Attachments - 6)

CHART 1

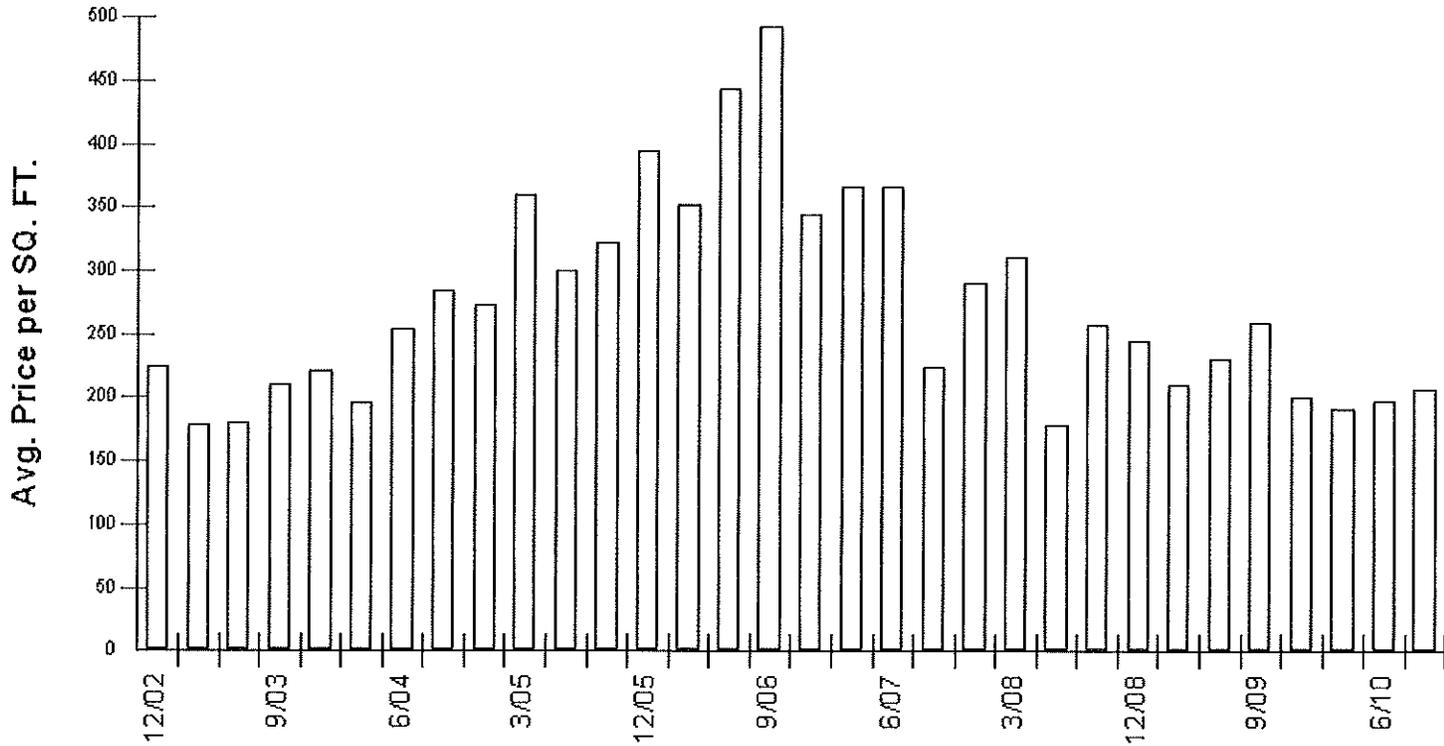
SINGLE FAMILY HOMES
8 YEAR TREND



Copyright © Trendgraphix, Inc.

	Curnt vs. Prev Qtr			Curnt vs. Same Qtr 1 Yr Ago			Curnt vs. Same Qtr 8 Yrs Ago			Curnt vs. Same 12 Months 1 Yr Ago			Curnt vs. Same 12 Months 7 Yrs Ago		
	Oct. 10 to Dec. 10	Jul. 10 to Sep. 10	% Change	Oct. 10 to Dec. 10	Oct. 09 to Dec. 09	% Change	Oct. 10 to Dec. 10	Oct. 02 to Dec. 02	% Change	Jan. 10 to Dec. 10	Jan. 09 to Dec. 09	% Change	Jan. 10 to Dec. 10	Jan. 03 to Dec. 03	% Change
For Sale	55	55	0%	55	60	-8.3% ▼	55	30	83.3% ▲	50	65	-23.4% ▼	50	29	72.4% ▲
Sold	3	1	200% ▲	3	6	-50% ▼	3	4	-25% ▼	3	4	-13.3% ▼	3	4	-13.3% ▼

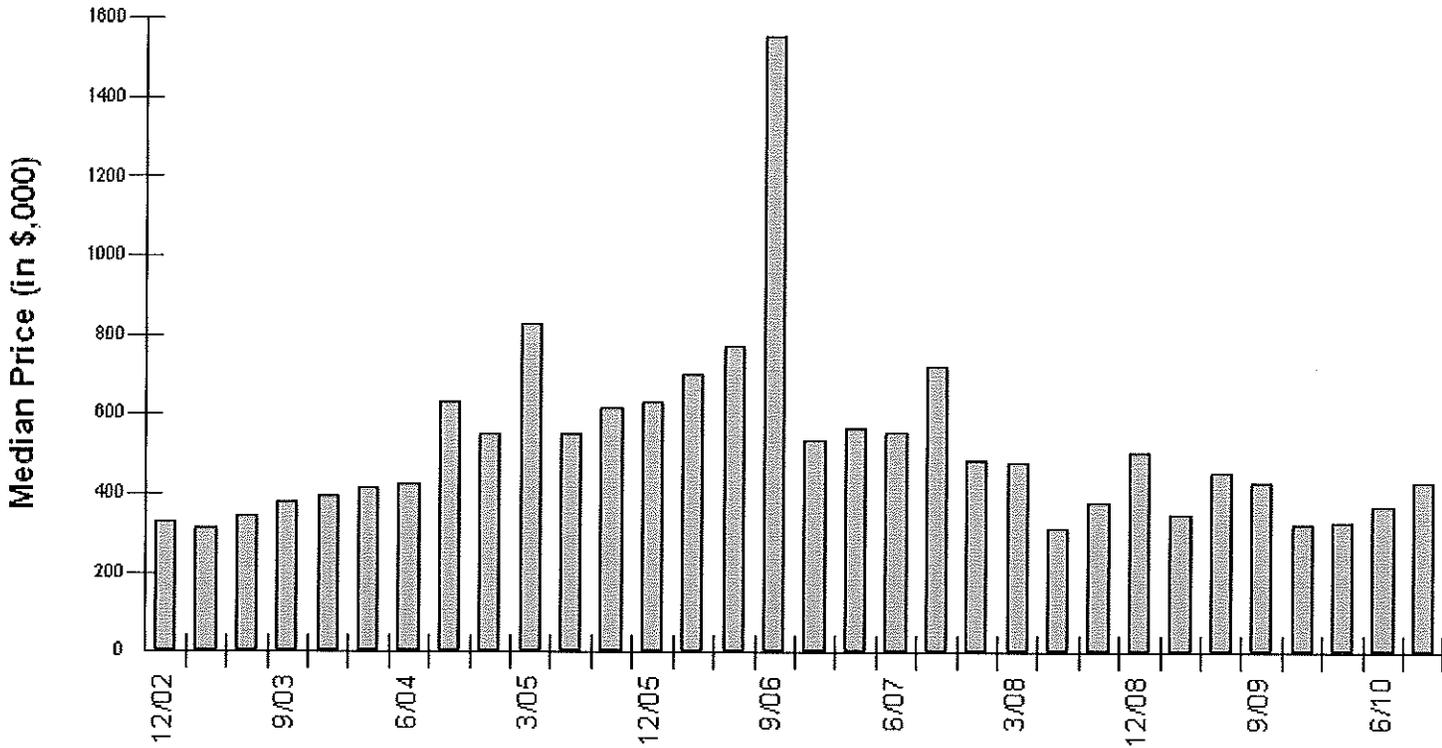
Average Price per SQFT - Last 8 years (Quarterly)



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	Curnt vs. Prev Qtr			Curnt vs. Same Qtr 1 Yr Ago			Curnt vs. Same Qtr 8 Yrs Ago			Curnt vs. Same 12 Months 1 Yr Ago			Curnt vs. Same 12 Months 7 Yrs Ago		
	Oct. 10 to Dec. 10	Jul. 10 to Sep. 10	% Change	Oct. 10 to Dec. 10	Oct. 09 to Dec. 09	% Change	Oct. 10 to Dec. 10	Oct. 02 to Dec. 02	% Change	Jan. 10 to Dec. 10	Jan. 09 to Dec. 09	% Change	Jan. 10 to Dec. 10	Jan. 03 to Dec. 03	% Change
Avg. Sq. Ft. Price	200	207	-3.4% ▼	200	200	0.1% ▲	200	224	-10.7% ▼	199	225	-11.4% ▼	199	198	0.7% ▲

Median Price of Sold - Last 8 years (Quarterly)



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	Curnt vs. Prev Qtr			Curnt vs. Same Qtr 1 Yr Ago			Curnt vs. Same Qtr 8 Yrs Ago			Curnt vs. Same 12 Months 1 Yr Ago			Curnt vs. Same 12 Months 7 Yrs Ago		
	Oct. 10 to Dec. 10	Jul. 10 to Sep. 10	% Change	Oct. 10 to Dec. 10	Oct. 09 to Dec. 09	% Change	Oct. 10 to Dec. 10	Oct. 02 to Dec. 02	% Change	Jan. 10 to Dec. 10	Jan. 09 to Dec. 09	% Change	Jan. 10 to Dec. 10	Jan. 03 to Dec. 03	% Change
Median	382	433	-11.8% ▼	382	325	17.5% ▲	382	332	15.1% ▲	379	390	-2.8% ▼	379	359	5.6% ▲

Date	12/02	6/03	12/03	6/04	12/04	6/05	12/05	6/06	12/06	6/07	12/07	6/08	12/08	6/09	12/09	6/10
For Sale	30	34	24	33	34	25	37	54	65	79	89	89	75	70	60	42
New Listing	8	11	6	14	9	12	10	13	15	15	17	13	11	12	13	11
Sold	4	3	3	6	3	11	4	3	3	6	2	1	2	2	6	5
Pended	3	5	4	6	4	9	2	3	3	5	3	3	3	4	4	6
Months of Inventory (Closed Sales)	7.5	11.3	8	5.5	11.3	2.3	9.3	18	21.7	13.2	44.5	89	37.5	35	10	8.4
Months of Inventory (Pended Sales)	10	6.8	6	5.5	8.5	2.8	18.5	18	21.7	15.8	29.7	29.7	25	17.5	15	7
Absorption Rate (Closed)	13.3	8.8	12.5	18.2	8.8	44	10.8	5.6	4.6	7.6	2.2	1.1	2.7	2.9	10	11.9

Sales) %																	
Absorption Rate (Pended Sales) %	10	14.7	16.7	18.2	11.8	36	5.4	5.6	4.6	6.3	3.4	3.4	4	5.7	6.7	14.3	
Avg. Active Price	581	635	697	1009	990	1546	1417	1175	1130	1088	945	1038	1172	1023	902	950	
Avg. Sold Price	480	341	395	498	668	600	832	937	710	712	501	314	512	450	369	382	
Avg. Sq. Ft. Price	224	180	222	254	273	301	395	444	344	367	290	179	245	230	200	198	
Sold/List Diff. %	94	93	92	96	92	96	91	98	92	91	94	55	94	93	90	92	
Days on Market	67	57	147	58	94	60	37	85	72	117	38	61	93	65	104	81	
Median	332	343	393	424	552	549	634	773	535	559	488	314	507	456	325	370	

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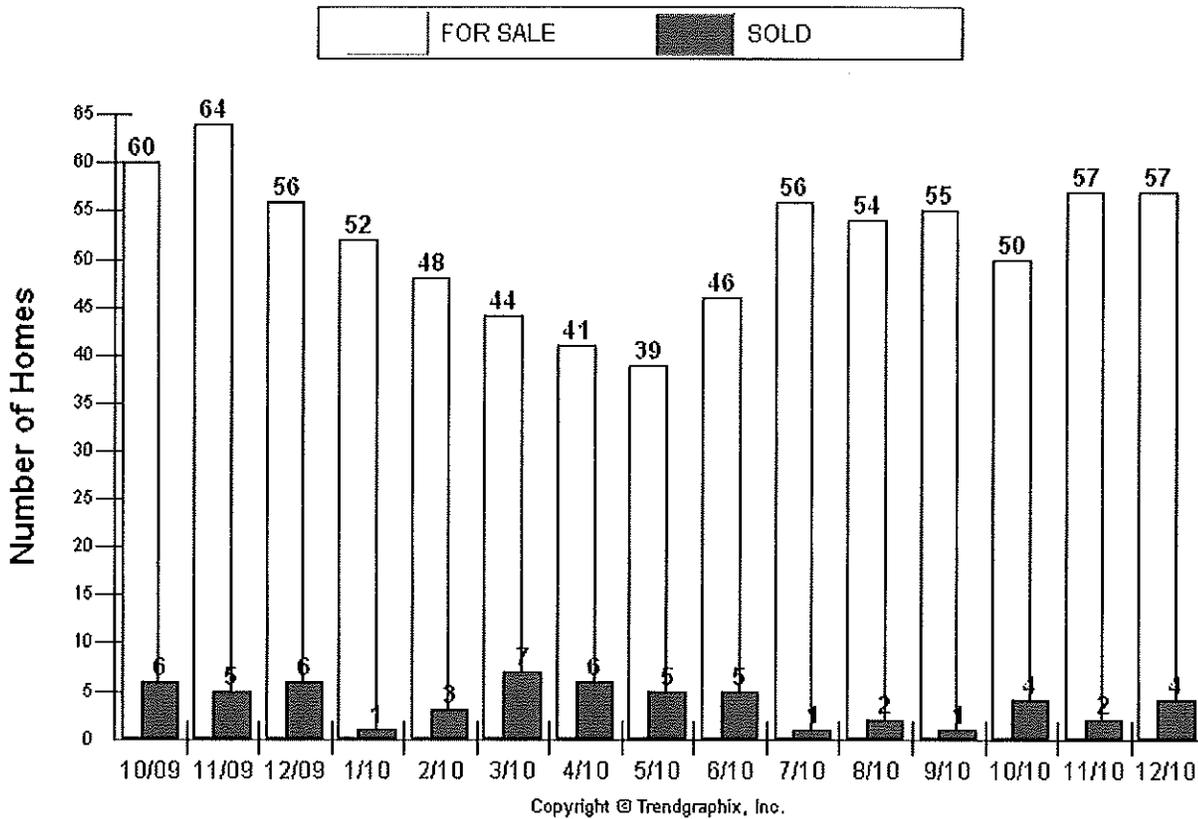
Location: Surfside (MC 14)

Price Range: \$0 - No Limit

SQFT Range: 0 - No Limit

Property Types: Single Family Homes - All Properties - All Properties

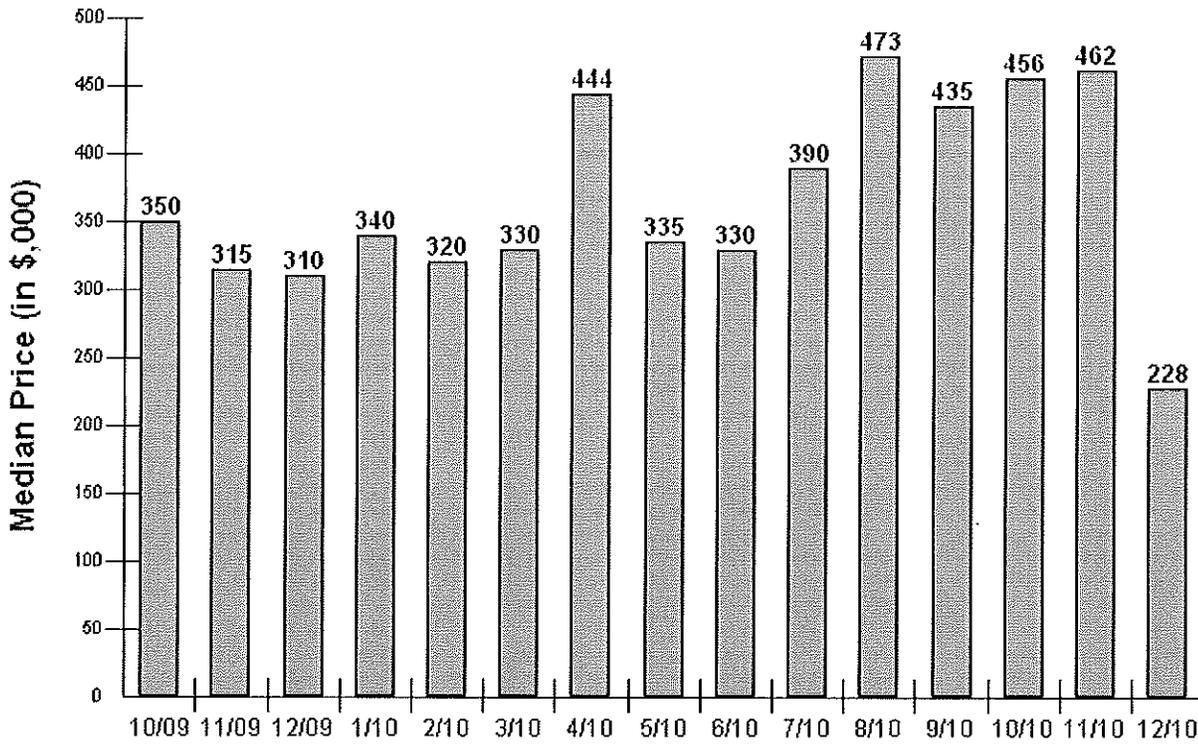
Number of Homes For Sale vs. Sold (Oct. 2009 - Dec. 2010)



	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Dec. 10	Nov. 10	% Change	Dec. 10	Dec. 09	% Change	Oct. 10 to Dec. 10	Oct. 09 to Dec. 09	% Change
For Sale	57	57	0%	57	56	1.8% ▲	55	60	-8.9% ▼

Sold	4	2	100% ▲	4	6	-33.3% ▼	3	6	-41.2% ▼
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Median Price of Sold (Oct. 2009 - Dec. 2010)



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	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Dec. 10	Nov. 10	% Change	Dec. 10	Dec. 09	% Change	Oct. 10 to Dec. 10	Oct. 09 to Dec. 09	% Change
Median:	228	462	-50.6% ▼	228	310	-26.5% ▼	382	325	17.5% ▲

Date	10/09	11/09	12/09	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10	10/10	11/10	12/10
For Sale	60	64	56	52	48	44	41	39	46	56	54	55	50	57	57
New Listing	14	17	7	7	11	14	10	11	13	11	6	7	13	10	10
Sold	6	5	6	1	3	7	6	5	5	1	2	1	4	2	4
Pended	4	5	4	5	11	4	7	5	5	2	4	2	4	2	2
Months of Inventory (Closed Sales)	10	12.8	9.3	52	16	6.3	6.8	7.8	9.2	56	27	55	12.5	28.5	14.3
Months of Inventory (Pended)	15	12.8	14	10.4	4.4	11	5.9	7.8	9.2	28	13.5	27.5	12.5	28.5	28.5

Sales)															
Absorption Rate (Closed Sales) %	10	7.8	10.7	1.9	6.3	15.9	14.6	12.8	10.9	1.8	3.7	1.8	8	3.5	7
Absorption Rate (Pended Sales) %	6.7	7.8	7.1	9.6	22.9	9.1	17.1	12.8	10.9	3.6	7.4	3.6	8	3.5	3.5
Avg. Active Price	898	897	910	877	979	983	1001	880	968	899	880	808	909	854	834
Avg. Sold Price	392	321	393	340	304	335	437	314	396	390	472	435	489	461	207
Avg. Sq. Ft. Price	199	197	204	217	157	198	244	179	172	204	221	197	219	250	133
Sold/List Diff. %	90	93	87	92	91	94	93	96	88	82	94	88	99	95	89
Days on Market	205	41	65	78	87	87	69	136	38	71	99	251	49	46	30
Median	350	315	310	340	320	330	444	335	330	390	473	435	456	462	228

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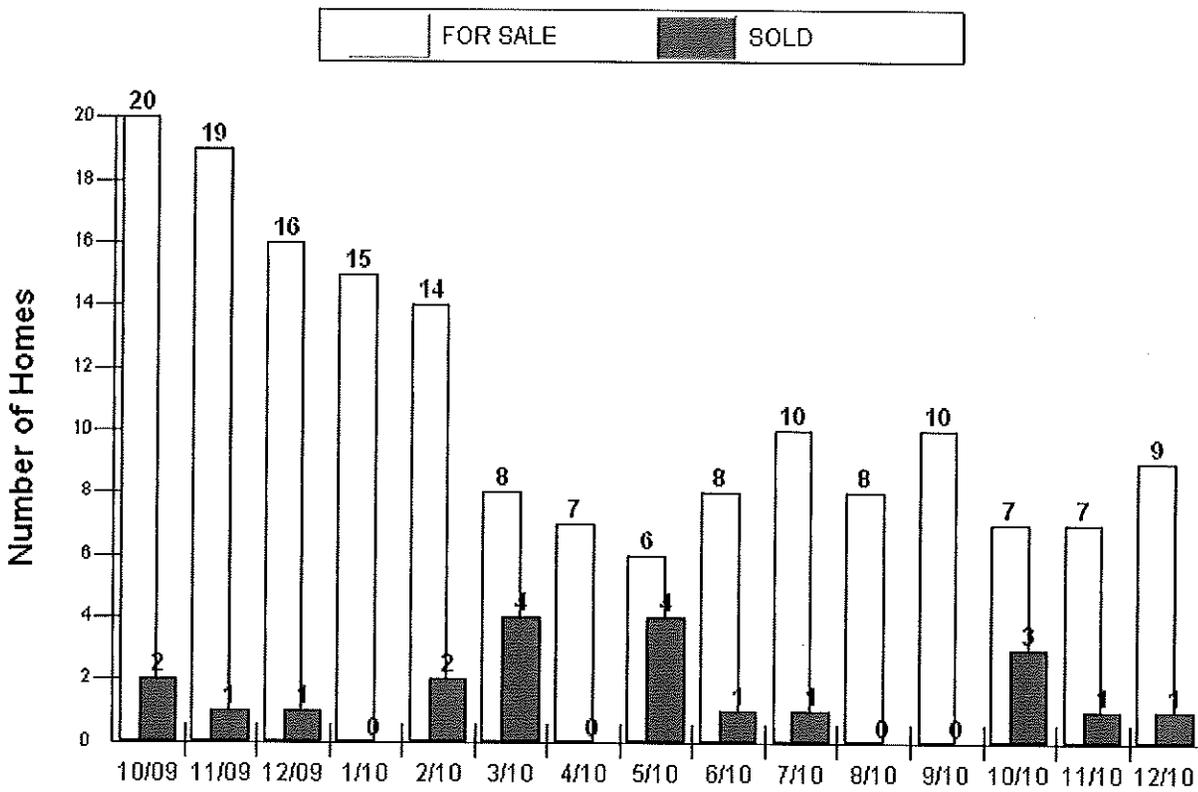
Location: Surfside (MC 14)

Price Range: \$0 - No Limit

SQFT Range: 0 - No Limit

Property Types: Single Family Homes - All Properties - REO, Short Sale

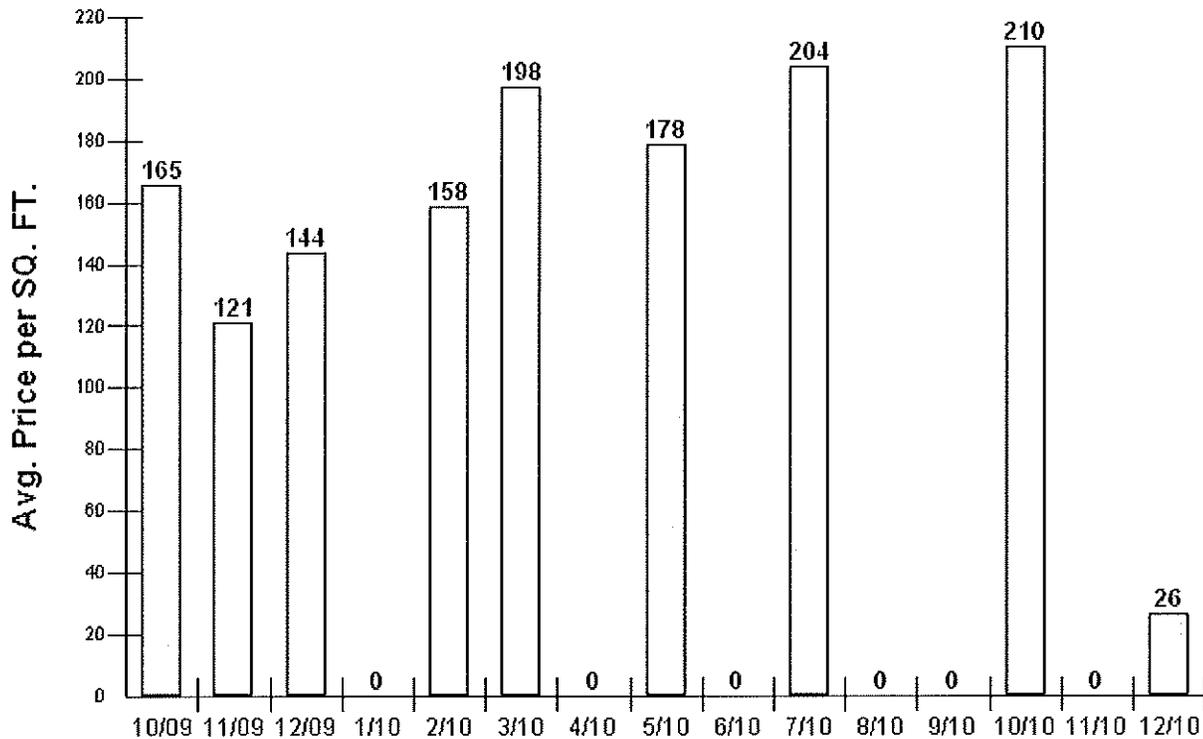
Number of Homes For Sale vs. Sold (Oct. 2009 - Dec. 2010)



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	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Dec. 10	Nov. 10	% Change	Dec. 10	Dec. 09	% Change	Oct. 10 to Dec. 10	Oct. 09 to Dec. 09	% Change
For Sale	9	7	28.6% ▲	9	16	-43.7% ▼	8	18	-58.2% ▼
Sold	1	1	0%	1	1	0%	2	1	25% ▲

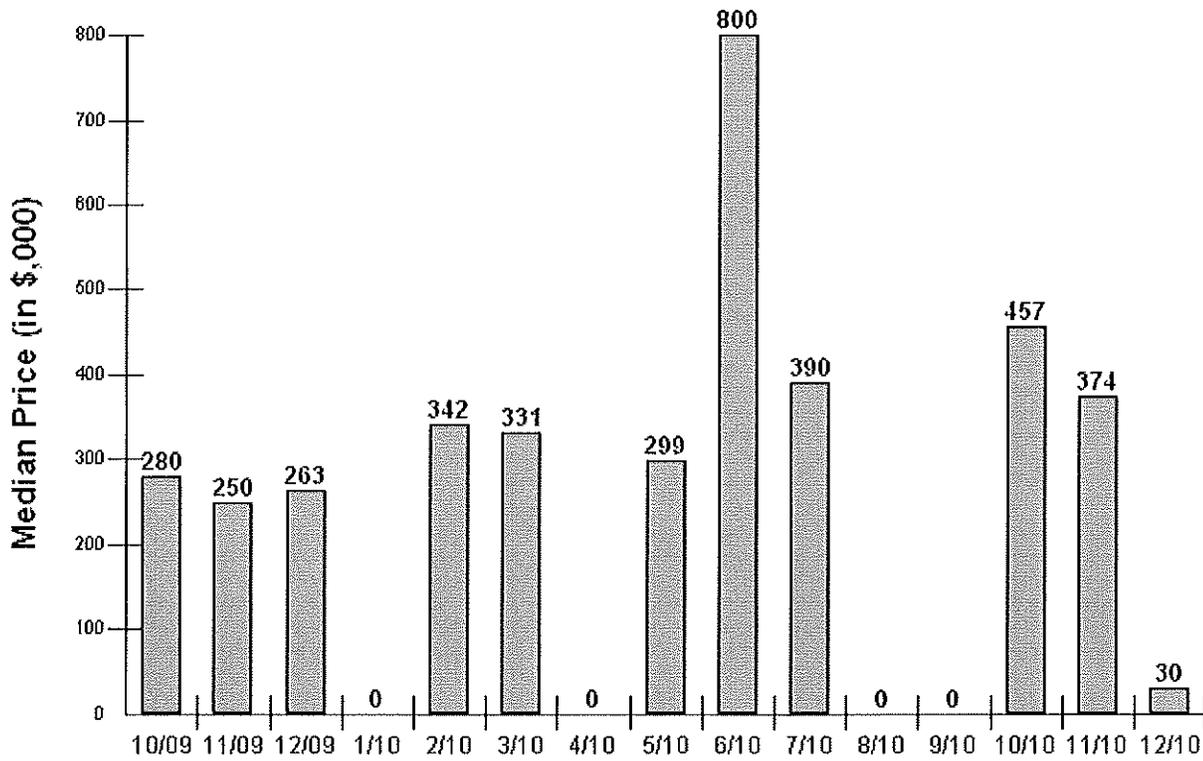
Average Price per SQFT (Oct. 2009 - Dec. 2010)



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	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Dec. 10	Nov. 10	% Change	Dec. 10	Dec. 09	% Change	Oct. 10 to Dec. 10	Oct. 09 to Dec. 09	% Change
Avg. Sq. Ft. Price	26	0	N/A	26	144	-81.7% ▼	79	143	-45.1% ▼

Median Price of Sold (Oct. 2009 - Dec. 2010)



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	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Dec. 10	Nov. 10	% Change	Dec. 10	Dec. 09	% Change	Oct. 10 to Dec. 10	Oct. 09 to Dec. 09	% Change
Median	30	374	-92% ▼	30	263	-88.6% ▼	287	264	8.6% ▲

Date	10/09	11/09	12/09	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10	10/10	11/10	12/10
For Sale	20	19	16	15	14	8	7	6	8	10	8	10	7	7	9
New Listing	8	7	1	2	5	4	3	4	2	4	1	2	4	3	4
Sold	2	1	1	0	2	4	0	4	1	1	0	0	3	1	1
Pended	1	3	0	5	5	2	3	1	2	1	4	1	2	1	1
Months of Inventory (Closed Sales)	10	19	16	N/A	7	2	N/A	1.5	8	10	N/A	N/A	2.3	7	9
Months of Inventory (Pended Sales)	20	6.3	N/A	3	2.8	4	2.3	6	4	10	2	10	3.5	7	9
Absorption Rate (Closed Sales) %	10	5.3	6.3	0	14.3	50	0	66.7	12.5	10	0	0	42.9	14.3	11.1
Absorption Rate (Pended)	5	15.8	0	33.3	35.7	25	42.9	16.7	25	10	50	10	28.6	14.3	11.1

Sales) %															
Avg. Active Price	750	780	833	857	1158	1405	1560	917	770	715	633	541	763	672	653
Avg. Sold Price	280	250	263	0	342	324	0	299	800	390	0	0	500	373	30
Avg. Sq. Ft. Price	165	121	144	0	158	198	0	178	0	204	0	0	210	0	26
Sold/List Diff. %	77	98	105	0	94	93	0	96	94	82	0	0	99	98	125
Days on Market	73	7	36	0	57	79	0	165	0	71	0	0	11	8	61
Median	280	250	263	0	342	331	0	299	800	390	0	0	457	374	30

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Published January 2011*

Location: Surfside (MC 14)

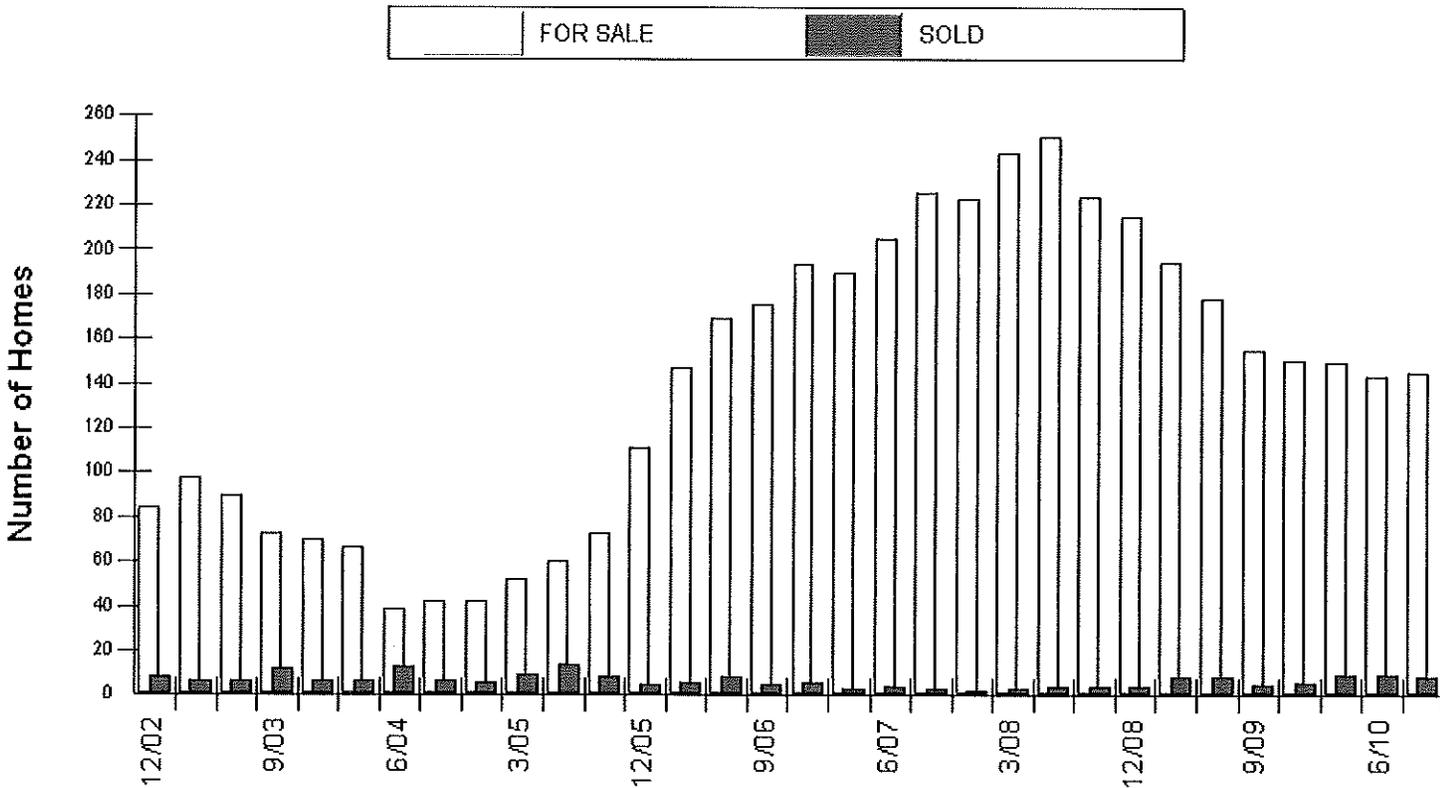
Price Range: \$0 - No Limit

SQFT Range: 0 - No Limit

Property Types: Condo/Townhomes - All Properties - All Properties



Number of Homes For Sale vs. Sold - Last 8 years (Quarterly)

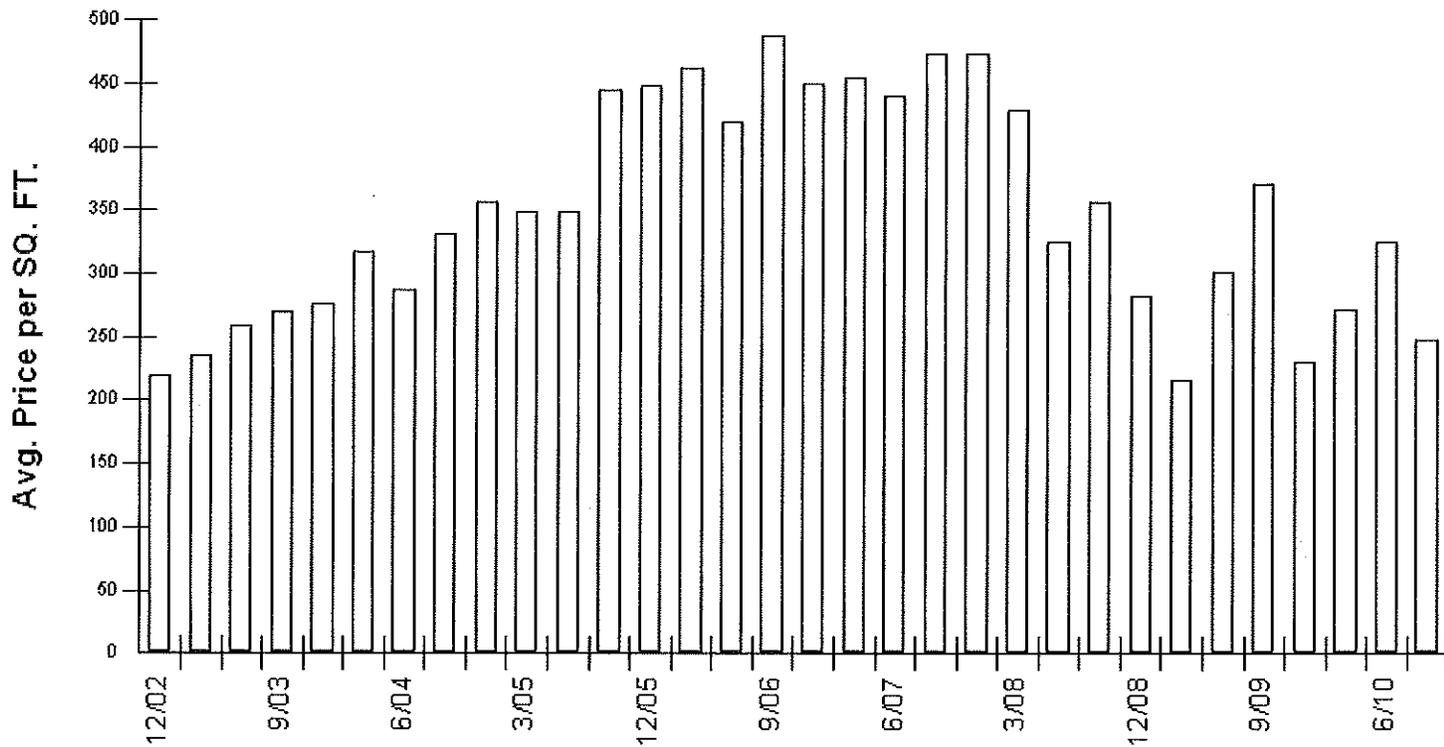


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Curnt vs. Prev Qtr			Curnt vs. Same Qtr 1 Yr Ago			Curnt vs. Same Qtr 8 Yrs Ago			Curnt vs. Same 12 Months 1 Yr Ago			Curnt vs. Same 12 Months 7 Yrs Ago		
Oct. 10	Jul. 10		Oct. 10	Oct. 09		Oct. 10	Oct. 02		Jan. 10	Jan. 09		Jan. 10	Jan. 03	
to	to	%	to	to	%	to	to	%	to	to	%	to	to	%
Dec. 10	Sep. 10	Change	Dec. 10	Dec. 09	Change	Dec. 10	Dec. 02	Change	Dec. 10	Dec. 09	Change	Dec. 10	Dec. 03	Change

For Sale	132	145	-9% ▼	132	150	-12% ▼	132	84	57.1% ▲	142	169	-16% ▼	142	83	71.9% ▲
Sold	9	8	12.5% ▲	9	6	50% ▲	9	8	12.5% ▲	9	7	29.6% ▲	9	8	6.1% ▲

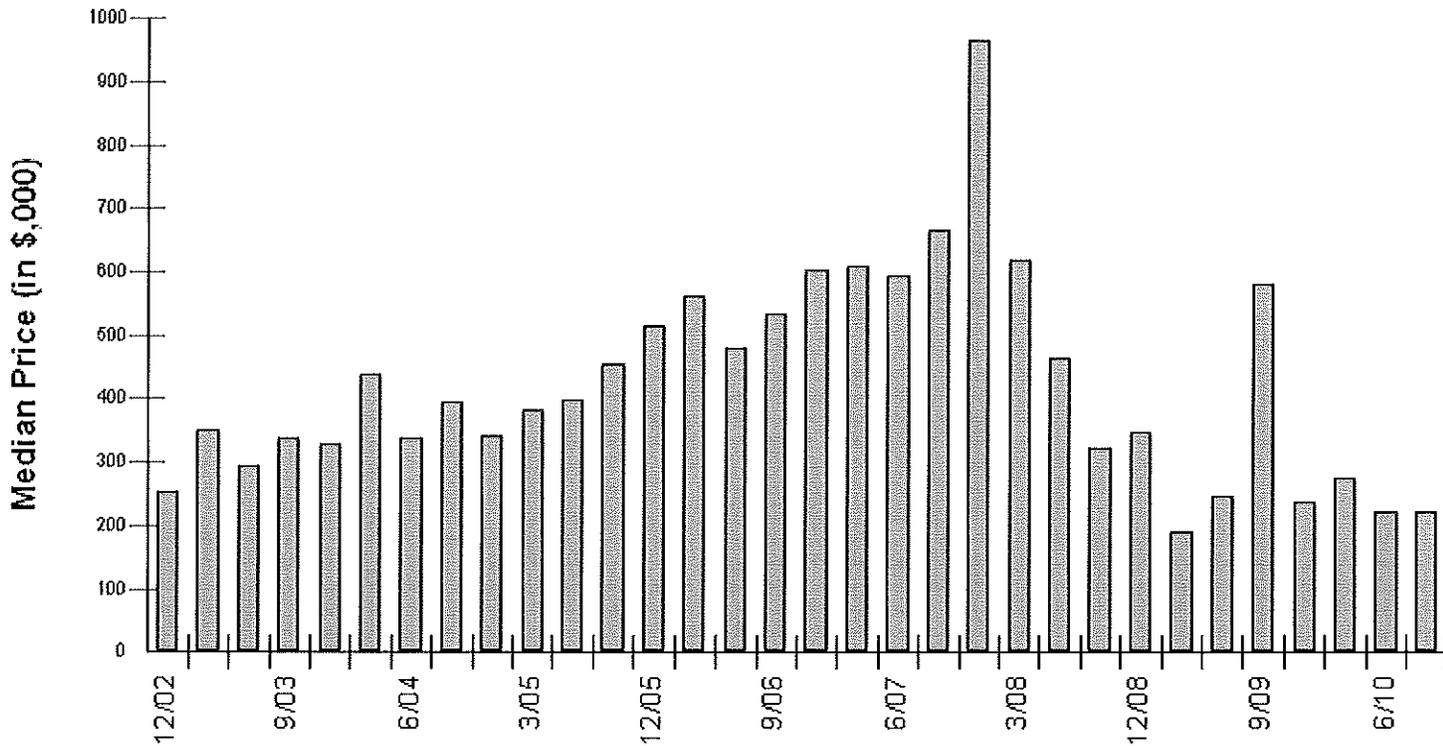
Average Price per SQFT - Last 8 years (Quarterly)



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	Curnt vs. Prev Qtr			Curnt vs. Same Qtr 1 Yr Ago			Curnt vs. Same Qtr 8 Yrs Ago			Curnt vs. Same 12 Months 1 Yr Ago			Curnt vs. Same 12 Months 7 Yrs Ago		
	Oct. 10 to Dec. 10	Jul. 10 to Sep. 10	% Change	Oct. 10 to Dec. 10	Oct. 09 to Dec. 09	% Change	Oct. 10 to Dec. 10	Oct. 02 to Dec. 02	% Change	Jan. 10 to Dec. 10	Jan. 09 to Dec. 09	% Change	Jan. 10 to Dec. 10	Jan. 03 to Dec. 03	% Change
	Avg. Sq. Ft. Price	311	247	25.6% ▲	311	231	34.5% ▲	311	220	41.3% ▲	289	280	3% ▲	289	260

Median Price of Sold - Last 8 years (Quarterly)



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	Curnt vs. Prev Qtr			Curnt vs. Same Qtr 1 Yr Ago			Curnt vs. Same Qtr 8 Yrs Ago			Curnt vs. Same 12 Months 1 Yr Ago			Curnt vs. Same 12 Months 7 Yrs Ago		
	Oct. 10 to Dec. 10	Jul. 10 to Sep. 10	% Change	Oct. 10 to Dec. 10	Oct. 09 to Dec. 09	% Change	Oct. 10 to Dec. 10	Oct. 02 to Dec. 02	% Change	Jan. 10 to Dec. 10	Jan. 09 to Dec. 09	% Change	Jan. 10 to Dec. 10	Jan. 03 to Dec. 03	% Change
Median	249	222	12.2% ▲	249	238	4.6% ▲	249	255	-2.4% ▼	243	313	-22.6% ▼	243	328	-26% ▼

Date	12/02	6/03	12/03	6/04	12/04	6/05	12/05	6/06	12/06	6/07	12/07	6/08	12/08	6/09	12/09	6/10
For Sale	84	90	70	39	42	60	111	169	193	205	223	250	215	178	150	143
New Listing	19	20	15	13	14	29	31	40	32	35	30	28	21	21	18	20
Sold	8	7	7	13	6	14	5	8	6	4	2	4	4	8	6	9
Pended	4	10	8	11	7	16	4	8	5	4	3	6	6	10	7	12
Months of Inventory (Closed Sales)	10.5	12.9	10	3	7	4.3	22.2	21.1	32.2	51.3	111.5	62.5	53.8	22.3	25	15.9
Months of Inventory (Pended Sales)	21	9	8.8	3.5	6	3.8	27.8	21.1	38.6	51.3	74.3	41.7	35.8	17.8	21.4	11.9
Absorption Rate (Closed)	9.5	7.8	10	33.3	14.3	23.3	4.5	4.7	3.1	2	0.9	1.6	1.9	4.5	4	6.3

Sales) %																	
Absorption Rate (Pended Sales) %	4.8	11.1	11.4	28.2	16.7	26.7	3.6	4.7	2.6	2	1.3	2.4	2.8	5.6	4.7	8.4	
Avg. Active Price	527	494	484	503	605	623	801	819	734	720	700	613	603	649	588	528	
Avg. Sold Price	308	349	416	376	452	419	554	501	625	637	966	457	381	402	322	386	
Avg. Sq. Ft. Price	220	258	276	288	356	349	448	420	449	440	473	325	282	302	231	325	
Sold/List Diff. %	95	93	92	95	94	97	96	96	90	94	88	88	87	87	93	88	
Days on Market	60	112	104	69	93	36	100	115	72	99	111	101	238	182	136	105	
Median	255	293	329	339	342	398	514	481	602	595	967	464	347	246	238	222	

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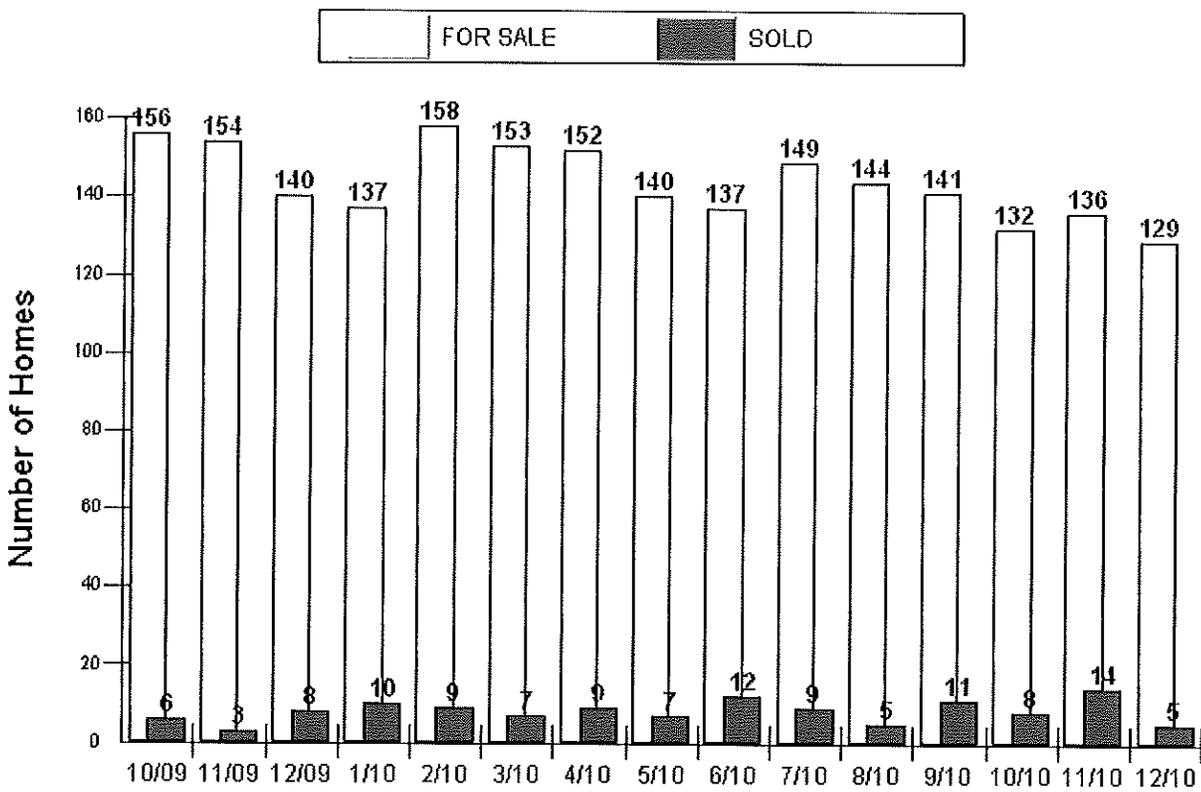
Price Range: \$0 - No Limit

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Number of Homes For Sale vs. Sold (Oct. 2009 - Dec. 2010)

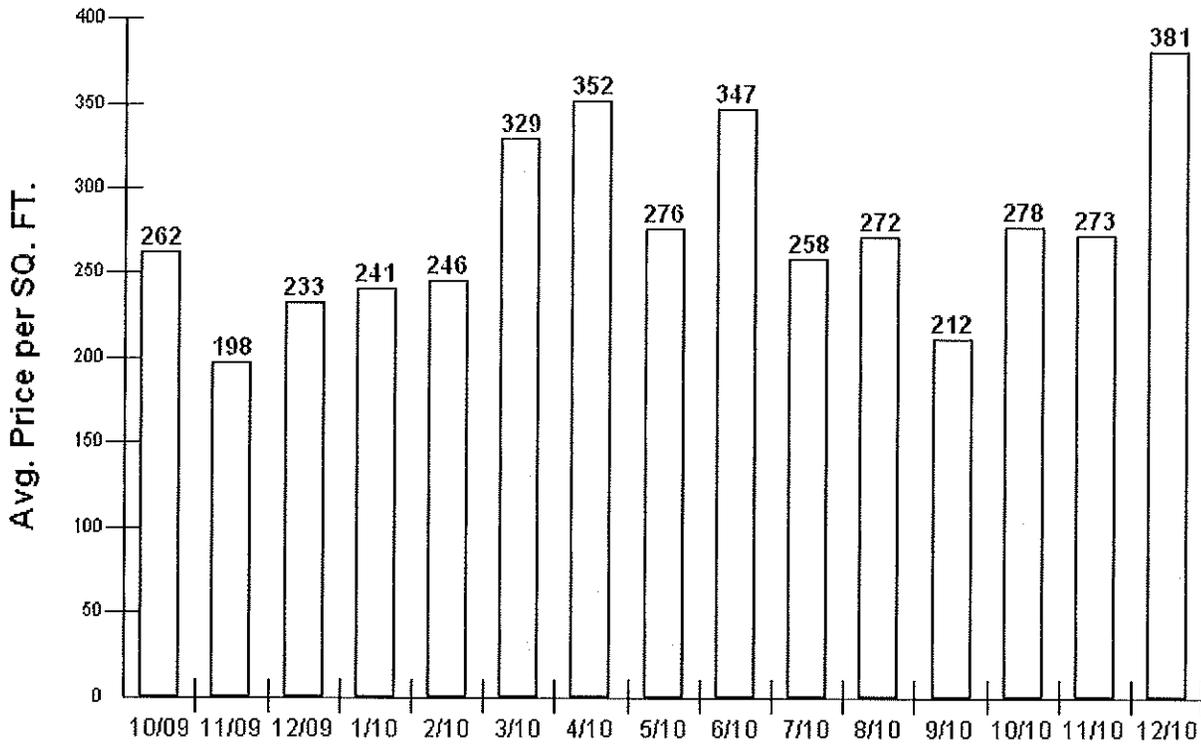


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	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Dec. 10	Nov. 10	% Change	Dec. 10	Dec. 09	% Change	Oct. 10 to Dec. 10	Oct. 09 to Dec. 09	% Change
For Sale	129	136	-5.1% ▼	129	140	-7.9% ▼	132	150	-11.8% ▼
Sold	5	14	-64.3%	5	8	-37.5%	9	6	58.8% ▲



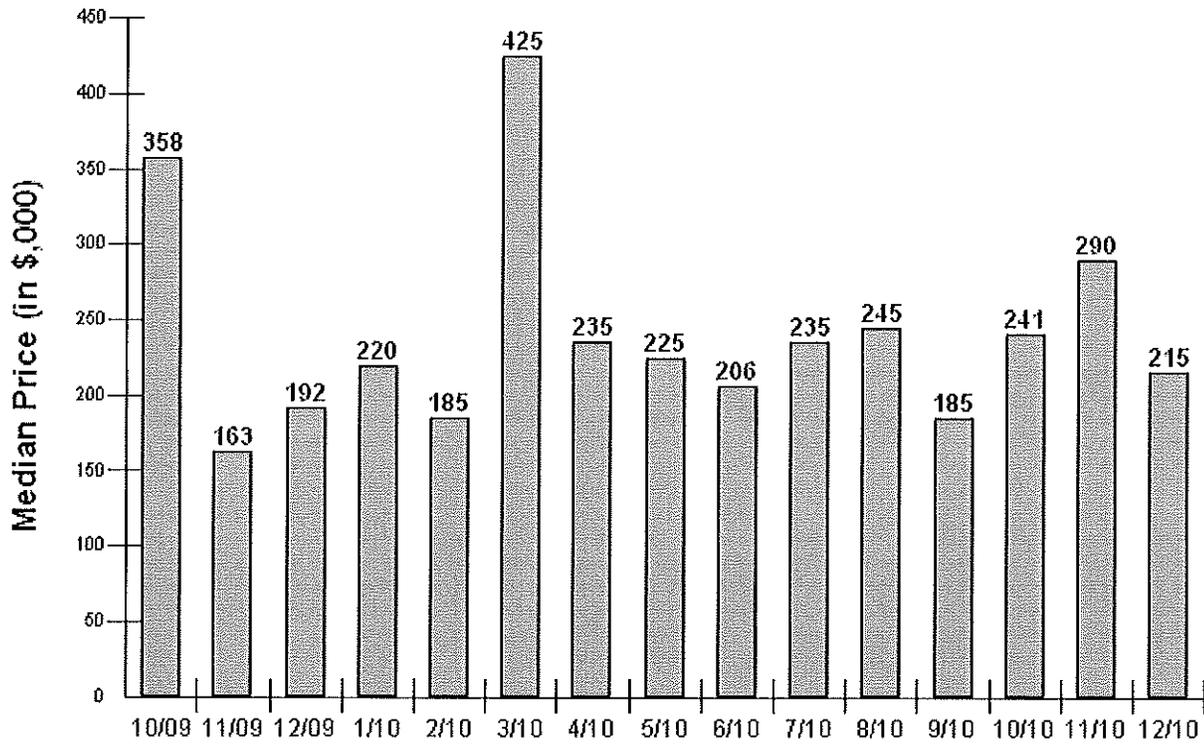
Average Price per SQFT (Oct. 2009 - Dec. 2010)



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	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Dec. 10	Nov. 10	% Change	Dec. 10	Dec. 09	% Change	Oct. 10 to Dec. 10	Oct. 09 to Dec. 09	% Change
Avg. Sq. Ft. Price	381	273	39.5% ▲	381	233	63.4% ▲	311	231	34.5% ▲

Median Price of Sold (Oct. 2009 - Dec. 2010)



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	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Dec. 10	Nov. 10	% Change	Dec. 10	Dec. 09	% Change	Oct. 10 to Dec. 10	Oct. 09 to Dec. 09	% Change
Median	215	290	-25.9% ▼	215	192	12% ▲	249	238	4.6% ▲

Date	10/09	11/09	12/09	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10	10/10	11/10	12/10
For Sale	156	154	140	137	158	153	152	140	137	149	144	141	132	136	129
New Listing	22	17	16	25	40	34	23	18	20	28	22	18	10	13	10
Sold	6	3	8	10	9	7	9	7	12	9	5	11	8	14	5
Pended	6	6	10	12	11	14	15	15	7	6	6	13	10	7	5
Months of Inventory (Closed Sales)	26	51.3	17.5	13.7	17.6	21.9	16.9	20	11.4	16.6	28.8	12.8	16.5	9.7	25.8
Months of Inventory (Pended Sales)	26	25.7	14	11.4	14.4	10.9	10.1	9.3	19.6	24.8	24	10.8	13.2	19.4	25.8
Absorption Rate (Closed Sales) %	3.8	1.9	5.7	7.3	5.7	4.6	5.9	5	8.8	6	3.5	7.8	6.1	10.3	3.9
Absorption Rate	3.8	3.9	7.1	8.8	7	9.2	9.9	10.7	5.1	4	4.2	9.2	7.6	5.1	3.9

(Pended Sales) %															
Avg. Active Price	609	577	578	600	573	564	541	531	513	509	479	481	489	476	476
Avg. Sold Price	376	180	409	242	262	491	416	301	440	285	330	220	348	367	458
Avg. Sq. Ft. Price	262	198	233	241	246	329	352	276	347	258	272	212	278	273	381
Sold/List Diff. %	90	97	91	90	96	85	78	95	90	93	84	93	89	91	91
Days on Market	189	131	88	103	74	141	83	102	130	170	109	86	53	187	81
Median	358	163	192	220	185	425	235	225	206	235	245	185	241	290	215

If your email program is not displaying the chart graphs properly, please click on the following link which will take you to a web page that contains the graphs: [Show Chart](#)

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FORECLOSURES/SHORT SALES 15 MONTH TREND

Facts and Trends™

Published January 2011*

Location: Surfside (MC 14)

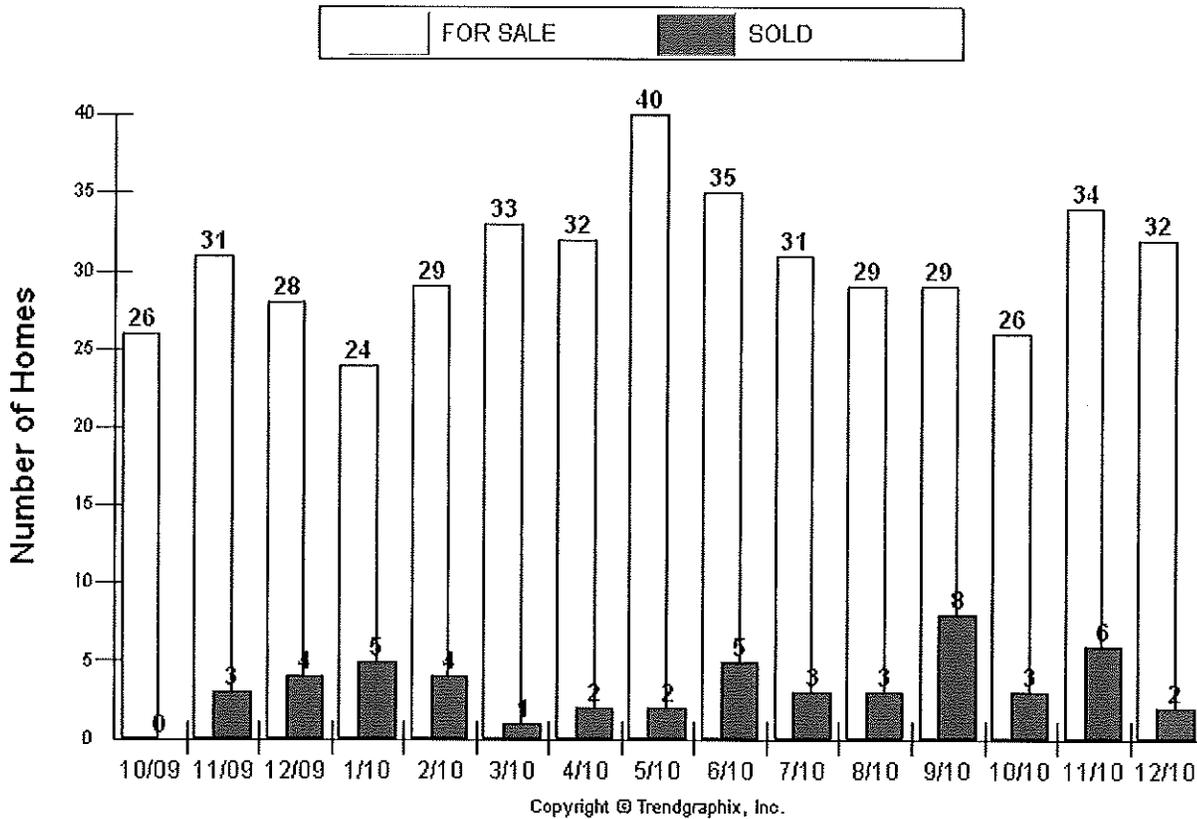
Price Range: \$0 - No Limit

SQFT Range: 0 - No Limit

Property Types: Condo/Townhomes - All Properties - REO, Short Sale

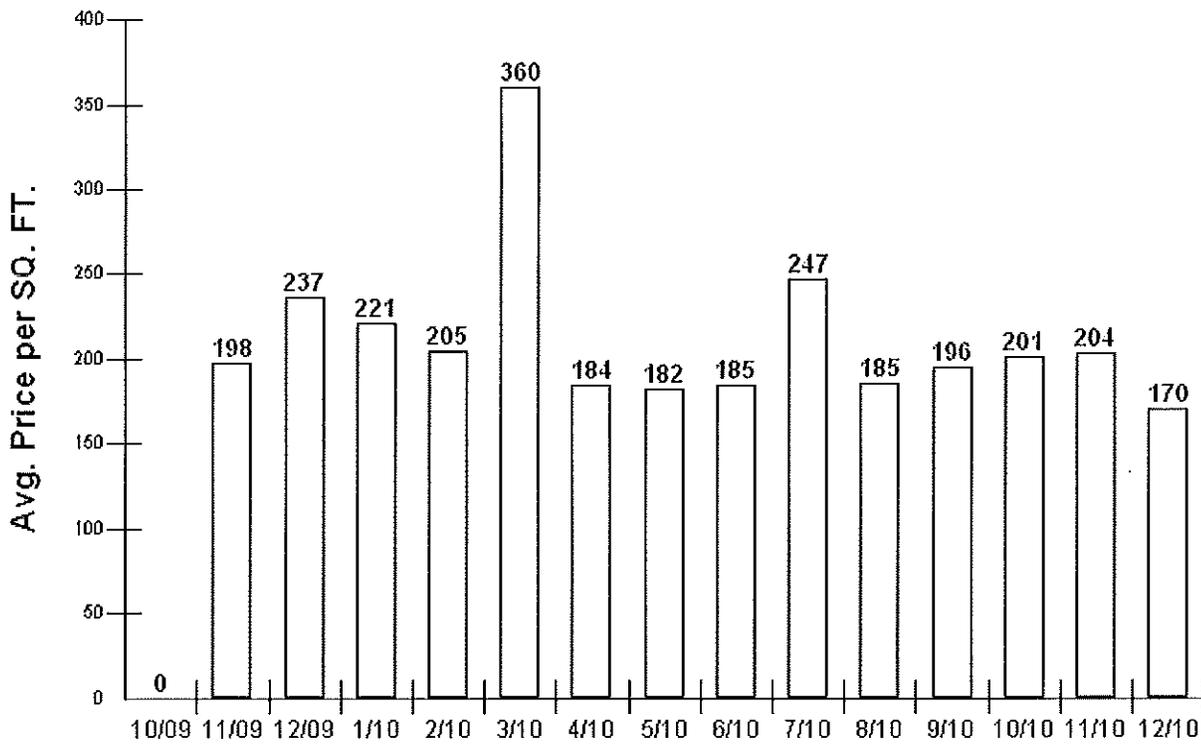


Number of Homes For Sale vs. Sold (Oct. 2009 - Dec. 2010)



	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Dec. 10	Nov. 10	% Change	Dec. 10	Dec. 09	% Change	Oct. 10 to Dec. 10	Oct. 09 to Dec. 09	% Change
For Sale	32	34	-5.9% ▼	32	28	14.3% ▲	31	28	8.2% ▲
Sold	2	6	-66.7% ▼	2	4	-50% ▼	4	2	57.1% ▲

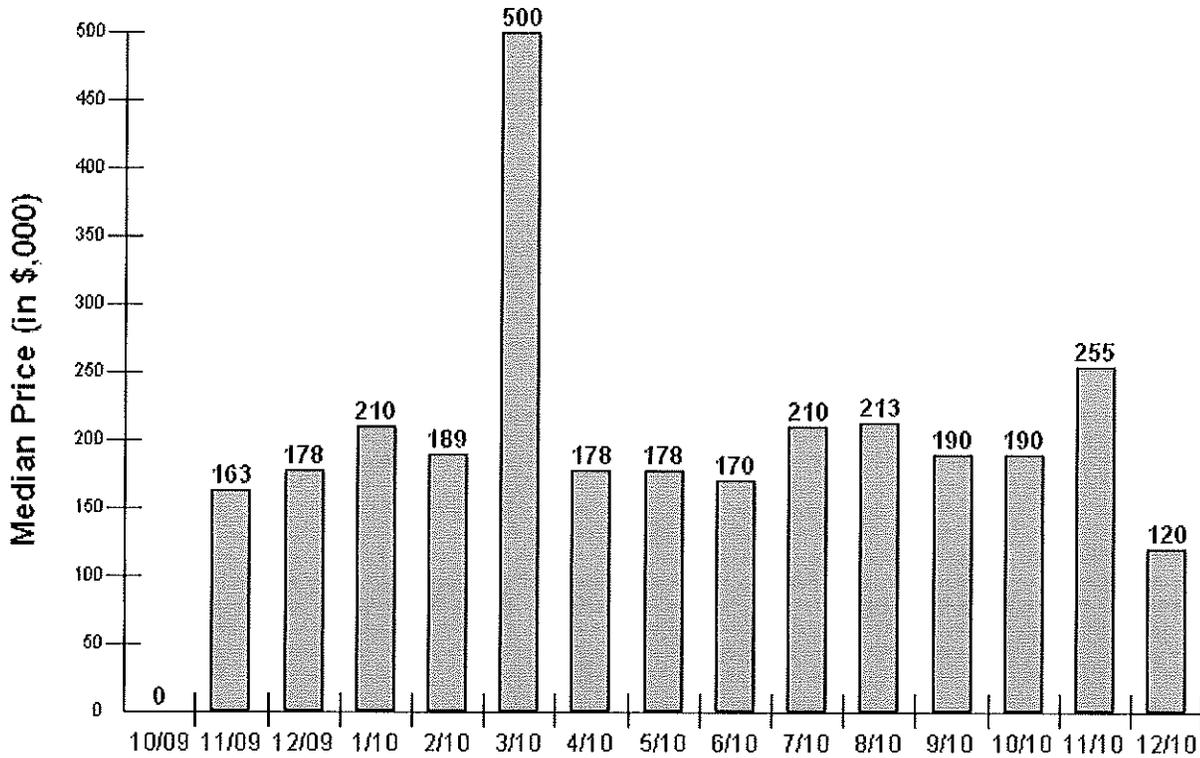
Average Price per SQFT (Oct. 2009 - Dec. 2010)



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	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Dec. 10	Nov. 10	% Change	Dec. 10	Dec. 09	% Change	Oct. 10 to Dec. 10	Oct. 09 to Dec. 09	% Change
Avg. Sq. Ft. Price	170	204	-16.4% ▼	170	237	-28% ▼	192	145	32.3% ▲

Median Price of Sold (Oct. 2009 - Dec. 2010)



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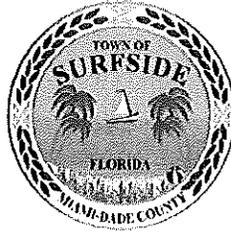
	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Dec. 10	Nov. 10	% Change	Dec. 10	Dec. 09	% Change	Oct. 10 to Dec. 10	Oct. 09 to Dec. 09	% Change
Median	120	255	-52.9% ▼	120	178	-32.6% ▼	188	114	65.7% ▲

Date	10/09	11/09	12/09	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10	10/10	11/10	12/10
For Sale	26	31	28	24	29	33	32	40	35	31	29	29	26	34	32
New Listing	3	5	4	7	12	14	11	9	7	5	10	9	2	3	5
Sold	0	3	4	5	4	1	2	2	5	3	3	8	3	6	2
Pended	1	2	6	8	4	3	9	6	5	5	0	7	2	3	2
Months of Inventory (Closed Sales)	N/A	10.3	7	4.8	7.3	33	16	20	7	10.3	9.7	3.6	8.7	5.7	16
Months of Inventory (Pended Sales)	26	15.5	4.7	3	7.3	11	3.6	6.7	7	6.2	N/A	4.1	13	11.3	16
Absorption Rate (Closed Sales) %	0	9.7	14.3	20.8	13.8	3	6.3	5	14.3	9.7	10.3	27.6	11.5	17.6	6.3
Absorption Rate	3.8	6.5	21.4	33.3	13.8	9.1	28.1	15	14.3	16.1	0	24.1	7.7	8.8	6.3

(Pended Sales) %															
Avg. Active Price	267	261	255	277	263	270	272	288	284	251	244	276	296	311	316
Avg. Sold Price	0	180	246	236	198	500	177	178	174	207	171	171	205	269	119
Avg. Sq. Ft. Price	0	198	237	221	205	360	184	182	185	247	185	196	201	204	170
Sold/List Diff. %	0	97	97	94	106	100	114	109	92	94	85	97	99	91	100
Days on Market	0	131	153	25	28	183	78	27	136	59	86	82	31	230	56
Median	0	163	178	210	189	500	178	178	170	210	213	190	190	255	120

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Town of Surfside Commission Communication

Agenda Item #: 9I

Agenda Date: February 8, 2011

Subject: Sustainable Initiatives

Objective: Provide a list of realistic, low cost sustainable initiatives that could be incorporated into Surfside's "green effort" for the commission to review and provide feedback on.

Background: Many municipalities in South Florida and around the country are taking action to become increasingly sustainable. Accordingly, Miami Dade recently released "GreenPrint", or the counties roadmap to become a more sustainable County. Many other municipalities have their own plans to become more "green". The attached memo is a summary of a sample of low-impact programs that will help increase the overall sustainability of the Town of Surfside.

Analysis: There are a wide range of options available to the Town to accomplish the goal of becoming more sustainable. However, many of these items are unrealistic for Surfside based on their cost or their scope. The attached memo provides a list of realistic alternatives for the Town.

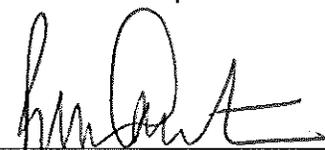
Budget Impact: The budget impact will vary depending on which solutions are chosen. Many of these alternatives can be implemented with no impact to the Town's budget.

Staff Impact: N/A

Recommendation: Each Commissioner should review the attached memo and indicate which initiatives they feel are appropriate for the Town. Once all initiatives are identified staff will provide a detailed memorandum on what it would take to implement each, including staff and budgetary impacts.



Department Head



Town Manager



Calvin, Giordano & Associates, Inc.
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Phone: 561.684.6161 • Fax: 561.684.6360

Memorandum

DATE: 01/18/11
TO: Roger Carlton, Town Manager
FROM: Shaun Bamforth, Project Manager
SUBJECT: Sustainable Initiatives
PROJECT: 06-5355
CC: Chris Giordano, CGA

Introduction

Miami Dade County recently released "GreenPrint" - their guide to a sustainable future. This plan suggests hundreds of sustainable initiatives that will reduce Green House Gasses (GHG), reduce water and energy usage, increase water and energy efficiency, develop future "green" leaders, and protect our environment. Many of these initiatives would be considered ambitious for Surfside, as they require a considerable investment, however there are a number of things the Town can do in the short term that are cost effective.

If the Town wishes to go further and be a frontrunner in the sustainable movement, a complete analysis of the Towns current policies and procedures would need to be undertaken. Furthermore, if the Town wishes to be recognized for their sustainability, there are rating systems through agencies such as the Florida Green Building Coalition that could potentially certify the Town of Surfside as a "Green Local Government".

The Town already has a number of sustainable programs either in place or in the planning stages. The Town already recycles. The Town is moving towards electronic utility billing that will cut down on the amount of paper used in that process. The implementation of a tiered water rate structure promotes efficiency in water use. These are all positive steps the Town has taken to becoming sustainable. This report will outline some additional low impact alternatives the Town should consider to become more "green". Some of these are initiatives that are presented in GreenPrint and others are methods commonly utilized by other South Florida municipalities in their pursuit to become a more sustainable community.

Sustainable Initiatives

Water Saver Program – A number of municipalities around the world are participating in water saver programs that aim to reduce the overall consumption of water by their residents and businesses. These programs vary widely in scope from educational programs for children and adults to rebate programs for residents to purchase low flow, dual flush toilets. Some of these programs are funded by local, national and private grants and if the Town is interested in pursuing a water saver program, a comprehensive search for grant funds should be undertaken. Below is a summary of some of the items commonly found in water saver programs.

- Support the South Florida Water Management District (SFWMD) residential water restrictions by actively fining residents for violating these restrictions. Fines should be set high enough to actively discourage residents from breaking the rules.
- Provide a self- Audit on the Web Site that residents can do for their home or business that will allow users to properly assess their current water usage and determine ways to reduce their consumption.
- Implement an educational component into community events and summer camps to teach children the importance of water conservation.
- Provide complete or partial rebates to residents for the purchase of a low flow toilet. This can also be accomplished by providing residents with replacement low-flow hardware for their toilets. These programs can reduce the water used by toilets by up to 75%.
- Provide rebates for upgrades to irrigation systems including the installation of wells, rain sensors and rain barrels.

Energy Saver Programs

- Provide residents with information on how to be more energy efficient. There is a vast amount of information that can be provided to residents about reducing electricity use through energy efficient appliances and light fixtures, by turning off lights and computers when leaving a room, by producing (or purchasing) “clean energy” produced by solar and other sustainable energy sources, and by educating residents on the importance on properly sealing your home, to name a few.
- Provide home energy audits to residents so they can analyze their current energy usage and determine ways to reduce their usage.
- Create a light fixture swap program where residents can exchange old fixture with more efficient ones. This also ensures that the old light bulbs are disposed of properly, eliminating potentially toxic waste from our landfills.

Promote use of Electric and Hybrid Vehicles.

- Electric Cars will be introduced to the South Florida Market in the next couple years, however without the infrastructure in place to recharge these vehicles this program will not be successful. The Town could provide electric car recharging stations in Town Lots to ensure it is doing its part to allow for this technology in this area. There is currently one company that will install the infrastructure and hardware for a charging station at no cost to

the entity providing the space. The Town would only need to dedicate one of its parking spaces for electric car recharging and all remaining costs would be picked up by the group offering this service.

Help Create the next generation of green leaders

- Implement sustainable education programs into Town programs and events. There are a number of ways to accomplish this goal however the easiest would be to develop partnerships with non-profit organizations that already provide this service. In many circumstances the Town could educate its youth at no cost by developing these relationships.
- Educate residents about the realities of global climate change.

Promote Sustainable Development within the Town

- Promote sustainable Development by offering incentives in the building code for developing a home or business so to achieve a certain level of sustainable certification. For example, provide a provision to relax certain setback requirements for any developments that achieve LEED silver or better.