



**Town of Surfside
Town Commission Meeting
April 12, 2011**

7 p.m.

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

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
Baynanza Saturday, April 16, 2011 **Page 1-2**
- G. National Moment of Remembrance** – Eliot Pearlson, Rabbi of Temple Menorah
- H. Recognition of Library Volunteers** – Roger M. Carlton, Town Manager and
Duncan Tavares, Tourism, Economic Development and Community Services
Director
- I. Special Presentation to Town Commission and Town Employees** – Stan Bershad,
North Shore Kiwanis
- J. Employee of the Quarter** – Bobby Gabriel, Parks and Recreation presented by Tim
Milian, Parks and Recreation Director
- K. Police Officer of the Month** – January and February – January –Diana Dulaney and
Craig Lovellette; February, Diana Dulaney

2. Quasi-Judicial Hearings (None)

3. Consent Agenda (Set for approximately 7:45 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.

**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.*

- A. **Minutes** – January 18, 2011 Town Commission Meeting
February 8, 2011 Town Commission Meeting **Page 3-33**
- B. **Budget to Actual Summary as of January 31, 2011** – Martin Sherwood, Finance Director **Page 34-35**
- *C. **Town Manager’s Report (Points of Light)** – Roger M. Carlton, Town Manager **Page 36-58**
- *D. **Town Attorney’s Report** – Lynn M. Dannheisser, Town Attorney **Page 59-64**
- E. **Projects Progress Report** – Calvin, Giordano and Associates, Inc. **Page 65-68**
- F. **Earth Day Resolution** – Duncan Tavares, Tourism, Economic Development and Community Services Director **Page 69-71**
**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA
PROCLAIMING EARTH DAY APRIL 22, 2011 TO RAISE PUBLIC
AWARENESS ABOUT ENVIRONMENTAL PROTECTION AND
SUSTAINABILITY.**
- G. **Census Data** – Roger Carlton, Town Manager **Page 72**
- H. **Code Enforcement Ad Hoc Committee Appointment** – Commissioner Michael Karukin (**Note – appointment can be rescinded if Code Enforcement Committee is Sunset*) **Page 73 (Linked to Item 8A)**
- *I. **Professional Lobbying Services Agreement Extension** - Roger M. Carlton, Town Manager **Page 74-79**
- J. **Parks and Recreation Committee Appointment** – Commissioner Michael Karukin **Page 80-81**

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

- *1. **Ordinance – Joint Meeting Recommendations Ordinance** – Roger M. Carlton, Town Manager, Lynn M. Dannheisser, Town Attorney, Sarah Sinatra Gould, Town Planner **Page 82-121**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-2 “DEFINITIONS”, AMENDING SECTION 90-20. “DEVELOPMENT REVIEW REQUIREMENTS” TO ESTABLISH A DEVELOPMENTAL IMPACT COMMITTEE; AMENDING SECTION 90-23 “CONDITIONAL USES”; 90-41 “REGULATED USES”; 90-45. “SETBACKS.”; 90-45.1 “AGGREGATION OF LOTS”; SECTION 90-44 THROUGH SECTION 90-67 RELATING TO DESIGN REVIEW GUIDELINES; SECTION 90-73 “PROHIBITED SIGNS.”; SECTION 90-87 INSTALLATION OF LANDSCAPING AND IRRIGATION; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

***2. Master Utility Bond Ordinance – Roger M. Carlton, Town Manager**
Page 122-167 (linked to item 5D) [Note: The updated TischlerBise Water and Sewer Rate Study includes 33 pages and is placed separately in the agenda package. It is available on the town website.]

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$16,000,000 UTILITY SYSTEM REVENUE BONDS, SERIES 2011, TO FINANCE THE COSTS OF WATER, SEWER, STORMWATER AND RELATED CAPITAL IMPROVEMENTS; PLEDGING CERTAIN NET REVENUES OF THE UTILITY SYSTEM FOR THE PAYMENT OF SUCH BONDS; PROVIDING FOR THE RIGHTS OF HOLDERS OF SUCH BONDS; MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

***3. Ordinance Calling for a Temporary Moratorium, Memo of Law and Report by Town Attorney – Lynn M. Dannheisser, Town Attorney Page 168-185**
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE PROCESSING OF SITE PLANS, BUILDING PERMITS, AND THE ISSUANCE OF CERTIFICATES OF USE OR OCCUPANCY FOR NON-RETAIL, NON-RESTAURANT USES FOR THE PROPERTIES GENERALLY LOCATED BETWEEN 96TH AND 94TH STREET AND HARDING AVENUE, MORE PARTICULARLY DEPICTED ON THE DOWNTOWN BUSINESS DISTRICT AREA ZONING MAP ON EXHIBIT “A” ATTACHED HERETO; PROVIDING FOR A STUDY; PROVIDING FOR A WAIVER; VESTED RIGHTS, APPEAL; EXHAUSTION OF ADMINISTRATIVE REMEDIES AND TERM; PROVIDING FOR DIRECTIONS TO THE TOWN MANAGER; PROVIDING FOR EXCEPTIONS; PROVIDING FOR ADOPTION OF PRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

[This ordinance imposes a temporary moratorium on the issuance of Certificates of Use and Certificates of Occupancy for non-retail, non-restaurant uses]

B. First Readings Ordinances

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

***1. Short Term Rentals – Lynn Dannheisser, Town Attorney Page 186-195**
AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE IV “DISTRICT REGULATIONS” SECTION 90.41 “REGULATED USES” ADDING A NEW SECTION 90.41.1.5 ENTITLED “SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS, AND TOWNHOMES” REQUIRING REGISTRATION OF SHORT TERM RENTALS IN RESIDENTIAL NEIGHBORHOODS; PROVIDING FOR SEVERABILITY;

PROVIDING FOR REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

[This ordinance requires registration of short term rentals for compliance with resort and other taxes. It also limits short term rentals to no more than three per year.]

- *2. Resort Tax – Roger M. Carlton, Town Manager and Duncan Tavares, Tourism, Economic Development and Community Services Director Page 196-223**
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 70 AND SPECIFICALLY ARTICLE IV “RESORT TAX” DIVISION 1 “RESORT TAX” AND DIVISION 2 “RESORT TAX BOARD” SPECIFICALLY AMENDING SECTIONS 70-106 THROUGH 70-111; AND CREATING SECTIONS 70-112 THROUGH 70-127, 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.

[Updates resort tax imposition and adds an appeal process]

5. Resolutions and Proclamations

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

- *A. Reappropriation of Resort Tax Reserves – Duncan Tavares, Tourism, Economic Development and Community Services Director Page 224-240**
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE REAPPROPRIATION OF RESORT TAX FUND BALANCE (RESERVES) TO THE TOURISM, ECONOMIC DEVELOPMENT & COMMUNITY SERVICES DIRECTOR FOR THE COMMUNITY CENTER CONSTRUCTION; AMENDING THE TOWN’S BUDGET FOR FISCAL YEAR 2010-2011; AND PROVIDING FOR AN EFFECTIVE DATE.
- *B. VOIP Phone System Replacement – Roger M. Carlton, Town Manager and Debra Eastman, Town Clerk and Director of Administrative Services and Eric Wells and Hector Perez, CGA Page 241-285**
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA SELECTING INTERACTIVE SERVICES NETWORK, INC., TO PERFORM PHONE REPLACEMENT SERVICES IN RESPONSE TO RFP NO. 11-01; AUTHORIZING THE TOWN MANAGER OR HIS/HER DESIGNEE TO ENTER INTO A CONTRACT CONTAINED IN EXHIBIT “A” WITH SAID TELEPHONE SERVICE COMPANY PROVIDED SAID CONTRACT IS APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY THE

TOWN ATTORNEY; FURTHER AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

- *C. Municipal Code Corporation – Munibills - Roger M. Carlton, Town Manager and Debra Eastman, Town Clerk and Director of Administrative Services Page 286-317**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH MUNICIPAL CODE CORPORATION FOR MUNIBILLS FOR INVOICING WATER, SEWER AND STORMWATER; AUTHORIZING THE FUNDS TO PAY FOR; AND PROVIDING FOR AN EFFECTIVE DATE.

- *D. Resolution for Master Utility Bond – Roger M. Carlton, Town Manager Page 318-332 (Linked to Item 4A2)**

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA SUPPLEMENTING ORDINANCE NO. ____ ; AUTHORIZING THE NEGOTIATED AND PRIVATE SALE OF THE NOT TO EXCEED \$16,000,000 TOWN OF SURFSIDE, FLORIDA UTILITY SYSTEM REVENUE BONDS, SERIES 2011; AWARDING SAID SERIES 2011 BONDS TO THE ORIGINAL PURCHASERS THEREOF; APPROVING THE TERMS OF SAID SERIES 2011 BONDS; PROVIDING FOR THE DELIVERY OF SAID SERIES 2011 BONDS TO THE ORIGINAL PURCHASER; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND SETTING FORTH THE EFFECTIVE DATE OF THIS RESOLUTION.

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 (Set for approximately 9:45 p.m.)

- A. Report of Code Compliance Ad Hoc Committee – Anthony Blate, Chairman
Page 333-341**

9. Mayor, Commission and Staff Communications (Set for approximately 10:00 p.m.)

- A. Rescheduling of May 10, 2011 Commission Meeting –**
Commissioner Michael Karukin (verbal)
- B. Rescheduling of July 12, 2011 Town Commission Meeting –** Roger M. Carlton,
Town Manager **Page 342**
- *C. Fiscal Year 2009-2010 CAFR** *[Note: The CAFR report includes 94 pages and
is placed separately in the agenda package. It is available on the Town website.]*
- D. Smoking Ban-** Vice Mayor Joe Graubart **Page 343**
- E. 9/11 Memorial Ceremony –** Vice Mayor Joe Graubart **Page 344**
- F. Grace Period for Parking Citations –** Vice Mayor Joe Graubart **Page 345**
- G. FPL, Telephone and Cable Underground Conversion of Existing Overhead
Service Lines Report –** Roger M. Carlton, Town Manager and Bill Evans, Director
of Public Works **Page 346-366**
- *H. Professional Concessionaire Services Agreement –** Tim Milian, Parks and
Recreation Director **Page 367**
- I. Bike Rental Station –** Vice Mayor Joe Graubart **Page 368**
- *J. Crime Prevention Initiatives–** Mayor Daniel Dietch **Page 369**
- *K. Photo/Film Ordinance Update –** Roger M. Carlton, Town Manager **Page 370-387**

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.