



**Town of Surfside
Town Commission Meeting**

June 14, 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**
- G. Presentation of Town Commission One Dollar Per Year Salary – Roger M. Carlton, Town Manager**

2. Quasi-Judicial Hearings (None)

3. Consent Agenda (*Set for approximately 7:15 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 – April 12, 2011 Regular Commission Meeting Page 1-21
May 10, 2011 Regular Commission Meeting Page 22-37**
- B. Budget to Actual Summary as of March 31, 2011 – Martin Sherwood, Finance Director Page 38-39**

**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.*

***C. Town Manager's Report (Points of Light) – Roger M. Carlton, Town Manager
Page 40-73**

***D. Town Attorney's Report – Lynn M. Dannheisser, Town Attorney Page 74-78**

***E. Projects Progress Report – Calvin, Giordano and Associates, Inc. Page 79-82**

***F. Document Imaging – Debra Eastman, Town Clerk and Director of
Administrative Services Page 83-122**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF
SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN
AGREEMENT WITH MUNICIPAL CODE CORPORATION LLC., OF
FLORIDA AND THE TOWN OF SURFSIDE PIGGYBACKING OFF THE
COMPETITELY BID CONTRACT AWARDED BY THE STATE OF TEXAS;
AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO
ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE
CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.**

***G. After the Fact Agreement for Concessionaire Services – Roger M. Carlton,
Town Manager. Page 123-139**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF
SURFSIDE, FLORIDA APPROVING AN AFTER-THE-FACT
EXPENDITURE FOR CONCESSIONAIRE SERVICES FOR SURFSIDE
COMMUNITY CENTER AND POOL FACILITY WITH IMPORT
INTERNATIONAL, LLC, A FLORIDA LIMITED LIABILITY COMPANY,
D/B/A SURF CAFÉ.**

***H. After the Fact Fire Works Agreement – Roger M. Carlton, Town Manager
Page 140-149**

**A RESOLUTION OF THE TOWN COMMISISON OF THE TOWN OF
SURFSIDE, FLORIDA, APPROVING AN AFTER-THE-FACT
EXPENDITURE FOR ZABELLI FIREWORKS MANUFACTURING CO.
FOR EXHIBITION AND DISPLAY OF FIREWORKS; PROVIDING FOR AN
EFFECTIVE DATE.**

***I. Town Commission Budget Workshop, June 23, 2011 – Roger M. Carlton, Town
Manager Page 150**

***J. Professional Website Vendor Services – Roger M. Carlton, Town Manager and
Debra Eastman, Town Clerk and Director of Administrative Services Page 151-164**

***K. Report of Proclamations – Janet Tearle and Trish Farver, Retiring Ruth K.
Broad Bay Harbor K-8 Teachers – Mayor Daniel Dietch Page 165-166**

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. **Resort Tax Ordinance** – Roger M. Carlton, Town Manager and Duncan Tavares, Tourism, Economic Development and Community Services Director Page 167-196
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 THOUGH 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.

[This ordinance updates resort tax imposition and adds an appeal process.]

- *2. **Film Photo Ordinance** – Roger M. Carlton, Town Manager Page 197-207
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CREATING CHAPTER 11 “ARTS, CULTURE, AND ENTERTAINMENT” AND ARTICLE I “FILM AND PRINT PRODUCTIONS” AND SPECIFICALLY CREATING SECTION 11-1 “FILM AND PRINT PRODUCTION PERMITS”, 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.

[Prohibits filming in the single family district west of Harding.]

B. First Readings Ordinances

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

- *1. **Repeal of Moratorium** – Lynn M. Dannheisser, Town Attorney Page 208-245
(SET FOR 7:45 PM)
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, REPEALING ORDINANCE 2011-1571 “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” AS WAS FURTHER DELINEATED IN THE MAP ATTACHED AS EXHIBIT “A” TO ORDINANCE 2011-1571; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

[This Ordinance repeals the moratorium on downtown uses that are non-retail, non restaurant and acknowledges a package of recommendations from the Downtown Vision Advisory Committee.]

***2. Special Events Permit – Lynn M. Dannheisser, Town Attorney Page 246-253**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CREATING CHAPTER 35 “EVENTS” AND ARTICLE I “SPECIAL EVENTS” AND SPECIFICALLY CREATING SECTIONS 35-1 “PERMITS FOR SPECIAL EVENTS”, SECTION 35-2 “EXEMPTIONS”; SECTION 35-3 “ENFORCEMENT”; AND 35-4 “COORDINATION WITH TOWN POLICE DEPARTMENT” 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 requires the issuance of permits for special events in order to regulate and address issues such as additional policing, imposition of bonds or insurance coverage, traffic and noise.]

***3. Vacant Storefronts - – Lynn M. Dannheisser, Town Attorney Page 254-261**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 14 BUILDINGS AND BUILDING REGULATIONS; SECTION 14-52 COMMERCIAL STANDARDS ESTABLISHED RELATING TO THE APPEARANCE OF VACANT STOREFRONTS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[This Ordinance provides for the installation of regulated window coverings in vacant storefronts designed to give an appealing and uniform appearance.]

***4. Newsracks – Lynn M. Dannheisser, Town Attorney Page 262-271**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS” AND SPECIFICALLY ARTICLE III “PROPERTY MAINTENANCE STANDARDS”; CREATING SECTION 14-

57 “NEWSRACKS ON PUBLIC RIGHTS-OF-WAY” 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 size, placement and appearance of newsracks throughout the Town for aesthetic and safety purposes.]

- *5. Retirement Plan Opt Out – Roger M. Carlton, Town Manager Page 272-276**
AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SURFSIDE; RELATING TO THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-171 OF THE CODE TO REVISE THE DEFINITION OF EMPLOYEE TO PERMIT CHARTER OFFICERS TO OPT OUT OF THE PLAN; AMENDING SECTION 2-174 TO CREATE A MECHANISM FOR CHARTER OFFICERS TO OPT OUT OF THE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

[This Ordinance permits Charter Officers to opt out of the Town’s pension plan.]

5. Resolutions and Proclamations

(Set for approximately 10:00 p.m.) (Note: Depends upon length of Good and Welfare)

- *A. Water/ Sewer/ Storm Drainage Contract Award and Related Matters – Roger M. Carlton, Town Manager Page 277-361**
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A CONTRACT WITH THE FIRM OF RIC MAN INTERNATIONAL, INC. FOR THE INFRASTRUCTURE REHABILITATION PROJECT; AUTHORIZING OTHER APPROVALS AND POSSIBLE ADDITIVE ALTERNATES; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE TERMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.
- *B. Mid-Year Budget Amendment – Martin Sherwood, Finance Director Page 362-370**
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE ANNUAL APPROPRIATIONS RESOLUTIONS ADOPTED FOR THE FISCAL YEAR OCTOBER 1, 2010 TO SEPTEMBER 30, 2011; FOR THE PURPOSE OF

AMENDING THE CURRENT YEAR'S GENERAL FUND BUDGET, CAPITAL PROJECTS FUND BUDGET, RESORT TAX FUND BUDGET, AND POLICE FORFEITURE FUND BUDGET, UPWARD; AND THE WATER & SEWER FUND BUDGET, AND THE STORMWATER FUND BUDGET DOWNWARD, AND OTHER BUDGETARY ADJUSTMENTS REQUIRED TO THE FISCAL YEAR ENDED SEPTEMBER 30, 2011 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

- *C. Parking Lot Review and Upgrade Design Services – Assistant Police Chief John DiCenso Page 370-383**

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE AWARD OF THE CONTRACT TO FLORIDA TRANSPORTATION ENGINEERING, INC. (FTE) AS THE TOWN'S ENGINEER/ARCHITECT FOR THE PARKING LOT IMPROVEMENT PROJECT; AUTHORIZING THE MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE TERMS OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

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

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

7. Town Manager and Town Attorney Reports

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

All items on the Consent Agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the consent agenda and discussed separately.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications (Set for approximately 10:30 p.m.)

- *A. Community Center Initial Rules and Summer Events – Roger M. Carlton, Town Manager and Tim Milian, Parks and Recreation Director Page 384-391**
- *B. Town Manager's Employment Agreement – Commissioner Edward Kopelman Page 392**
- *C. Police Vehicle Lease Program – Assistant Police Chief John DiCenso Page 393-395**
- *D. Discussion of Miami Dade League of Cities Appointments – Mayor Daniel Dietch Page 396**
- *E. Change of July Town Commission Meeting Date – Commissioner Marta Olchyk (verbal)**
- *F. Resident Parking Program – Assistant Police Chief, John DiCenso Page 397-398**
- *G. Crime Prevention Initiatives – Assistant Police Chief, John DiCenso Page 399-409**

- *H. Police Communications Unit - Assistant Police Chief, John DiCenso Page 410-411
- *I. Report on 2011 Hurricane Preparedness – Assistant Police Chief John DiCenso
(verbal)

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.