



**Town of Surfside
Town Commission Meeting
AGENDA**

**February 14, 2012
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 to Commissioner Ted Kopelman – Mayor Daniel Dietch**
- H. Presentation from Miami Dade County Commissioner Sally Hayman – Mayor Daniel Dietch (SET FOR TIME CERTAIN AT 7:30PM)**
- I. Officer of the Year award – David Allen, Chief of Police**
- J. Police Civilian of the Year – David Allen, Chief of Police**
- K. Citizen Recognition of Dr. Shaw and Eli Tourgeman – David Allen, Chief of Police**
- L. Recognition of Larry Feder for his contributions to the Holiday Toy Drive – David Allen, Chief of Police**

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 17, 2012 Regular Commission Meeting Page 1-11**
January 23, 2012 Special Commission Meeting Page 12-14
- B. Budget to Actual Summary as of November 30, 2011 – Roger M. Carlton, Town Manager Page 15-16**
- *C. **Town Manager’s Report (Points of Light) – Roger M. Carlton, Town Manager Page 17-49**
- *D. **Town Attorney’s Report – Lynn M. Dannheisser, Town Attorney Page 50-53**
- *E. **Projects Progress Report – Calvin, Giordano and Associates, Inc. Page 54-56**

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

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

B. First Readings Ordinances

- *1. **Sidewalk Businesses – Duncan Tavares, TEDACS Director Page 57-76**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 18 AND SPECIFICALLY DIVISION 3 “SIDEWALK BUSINESSES” AND SPECIFICALLY AMENDING SECTIONS 18-80, 18-81; AND CREATING SECTIONS 18-82, 18-83, 18-84, 18-85, 18-86, 18-87, 18-88, 18-89, 18-90, 18-91, 18-92, AND 18-93 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 sidewalk cafes]

5. Resolutions and Proclamations

(Set for approximately 8:45 p.m.) (Note: Depends upon length of Good and Welfare)

- *A. **A Resolution of the Mayor and Town Commission Permanently Extending the Provisions Contained in Resolution 11-1997 and 11-2043 that Provide for Police Officers to Enforce Certain Provisions of the Town Code – Joe Damien, Code Compliance Director Page 77-80**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING THE PERMANENT EXTENSION OF THE PROVISIONS CONTAINED IN RESOLUTION 11-1997 AND 11-2043 THAT PROVIDE FOR CODE ENFORCEMENT OFFICERS, WHO MAY INCLUDE LAW ENFORCEMENT OFFICERS, TO ADDRESS CODE VIOLATIONS FOR SECTION 90-79 “RESTRICTED AND PROHIBITED PARKING”, SECTION 74-01 “COMMERCIAL VEHICLES IN RESIDENTIAL AREA”; SECTION 54-02 “HANDBILL DISTRIBUTION”; SECTION 54-63 “SIDEWALK OR STREET OBSTRUCTION”; SECTION 54-78 “PROHIBITED NOISES”; SECTION 14-29 “CONSTRUCTION WORK WITHOUT PERMIT”; SECTION 10-28 “LEASH LAWS”; SECTION 10-32 “FECAL DISPOSAL”; SECTION 10-33 “DOGS ON THE BEACH”; SECTION 10-36 “BARKING OR VICIOUS DOGS”; SECTIONS 34-78 THROUGH 34-80 “LITTER ORDINANCE”; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. Resolution in Sympathy to the family of Jack Stevens, a Downtown Vision Advisory Committee Member – Roger M. Carlton, Town Manager Page 81-82**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, EXPRESSING SYMPATHY TO THE FAMILY OF JACK STEVENS, A LONG TIME PROPERTY OWNER IN DOWNTOWN SURFSIDE AND AN ACTIVE MEMBER OF THE DOWNTOWN VISION ADVISORY COMMITTEE.

- *C. Executive Recruitment of Finance Director – Roger M. Carlton, Town Manager Page 83-135**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN EXPENDITURE FROM THE GENERAL FUND FOR AN EXECUTIVE RECRUITING FIRM FOR SELECTION OF A FINANCE DIRECTOR; AUTHORIZING AN EXPENDITURE NOT TO EXCEED \$25,000; 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

- *A. Discussion of 4th of July Events – Tim Milian, Parks and Recreation Director Page 136**
- *B. Update on Candidate Forum (Verbal) – Roger M. Carlton, Town Manager**
- C. Surfside Ballot question(s) for the upcoming United States Presidential election of 2012; to be held on Tuesday, November 6, 2012 regarding multi-level parking garage(s) and the location(s) – Vice Mayor Joe Graubart Page 137**
- D. Soft Drinks/Soda Vending Machine at 96th Street Park – Vice Mayor Joe Graubart Page 138 - 140**
- E. Resort Tax Update – Duncan Tavares, TEDACS Director Page 141-142**
- F. Ratification of the Fraternal Order of Police Local 135, Collective Bargaining Agreement– Roger M. Carlton, Town Manager (Verbal Report)**

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.townofsursidefl.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
Town Commission Meeting
MINUTES
January 17, 2012
7 p.m.**

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

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:07 P.M.

B. Roll Call of Members

Town Clerk, Sandra Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Graubart, Commissioner Karukin and Commissioner Olchyk. Commissioner Kopelman was absent.

C. Pledge of Allegiance

Chief Allen led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

1. Announcement Regarding Special Commission Meeting on Monday,

January 23, 2012 at 7:00 p.m. to vote on Young Israel Litigation Settlement

Mayor Dietch announced the Special Commission Meeting for Monday, January 23, 2012 at 7:00 p.m.

Commissioner Olchyk spoke about the upcoming election and encourages any women interested in participating to come forward and run for office.

Commissioner Karukin gave thanks to Commissioner Olchyk for advocating cleaning up the beach walk.

Vice Mayor Graubart also asked people to step up and run for office and interest themselves in what's happening in the Town that can impact their lives.

Mayor Dietch thanked all for putting together a great election skills seminar on January 12, 2012 with the Miami Dade Commission on Ethics and Public Trust and gave thanks to Ms. White and Ms. Acosta from the Miami Dade County Elections Department for attending. He thanked Duncan Tavares, Surfside Urban Gardeners, Ready-to-Grow Gardens, Luke's Landscaping, and the many volunteers who participated in the 2nd annual Dr. Martin Luther King Jr. Day of Service on January 16, 2012. Ten fruit trees were planted throughout Surfside for the benefit of the community.

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

Vice Mayor Graubart pulled item 3A, page 1; item 9, page 17, item 3C, number 15, page 20; item 3D, page 32.

Commissioner Karukin pulled item 13, page 18; item 20, page 22; item 30, page 24 and item 31, page 24.

Commissioner Olchyk pulled item 15, page 20; item 30, page 24 and item 33, page 25.

Mayor Dietch pulled item 35, page 25.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced the following events:

The Tourist Bureau is sponsoring the next Third Thursday event on January 19, 2012. The Parks and Recreation Department will be hosting a Family Fun Day on Sunday, January 22, 2012 at the 96th Street Park.

The next Surf-Bal-Bay Farmers Market will be in Bay Harbor Islands on Sunday, January 22, 2012 on Kane Concourse.

The next Bike Ride with the Chief is Tuesday, January 24, 2012 at 5:00 p.m.

Starting on January 26, 2012 two new programs begin at the Community Center, one of them will be Capoeira Martial Arts and the other one will be Elementary School Tutoring.

He invited everyone to join the Parks and Recreation Department as it hosts a Football Party at the Community Center on February 5, 2012 at 5:30 p.m.

The next DVAC meeting will be held on Wednesday, February 8, 2012 at 7:00 p.m. in the Commission Chambers.

The Parks and Recreation Department will be hosting a Senior Valentines Dance at the Community Center on February 10, 2012 between 7:00 p.m. and 10:00 p.m.

The Mayor announced that Commissioner Sally Heyman had just released information and the application for the Miami Dade “Mom and Pop” grant.

G. Employees of the Quarter; Front Office Staff - Darlene Martinat, Sabrina Ferreira, Treva Bolus, LaSonya Nixon, Magalie Bichotte and Mayte Gamiotea – Yamileth Slate-McCloud, Human Resources Director

Mrs. Slate-McCloud presented the Employees of the Quarter award to the front office staff. These nominations were made by an employee and reviewed by the selection committee for the great improvements of the front office.

Mrs. Gamiotea thanked the Mayor, the Commissioners and the Town Manager on behalf of her staff for the support while revamping the front office. She explained that the process has been challenging and rewarding at the same time and they will continue to improve while providing excellent customer service.

H. Recognition of Larry Feder for his contributions to the Holiday Toy Drive –

David Allen, Chief of Police

Item deferred by David Allen, Chief of Police

I. Recognition of Parking Enforcement Officer Willie Perez for Police Civilian of the Month December 2011 – David Allen, Chief of Police

Item deferred by David Allen, Chief of Police

J. Officer of the Month presentation for Sgt. Rory Alberto, Detective Alberto

Knight and Reserve Officer Rolando Baldomero – David Allen, Chief of Police

David Allen, Chief of Police presented Sgt. Rory Alberto, Detective Alberto Knight and Reserve Officer Roland Baldomero with the officer of the month for December 2011 award.

The Chief of Police explained why these officers were nominated.

Sgt. Alberto and Detective Knight thanked the Chief of Police and Assistant Chief of Police for their support during the investigation and stated that it was a team effort.

K. Beautification Committee Members Recognition- Commissioner Marta Olchyk
Commissioner Olchyk presented the members of the Beautification Committee with a Certificate of Appreciation and thanked them for participating in all of the meetings and for volunteering in the DVAC Committee.

L. Presentation by Aletha Player – FPL District Representative – Roger M. Carlton, Town Manager (SET FOR TIME CERTAIN AT 7:45PM)

Ms. Player asked the Mayor and Commissioners if they have any concerns to bring to her attention. She stated that four of the seven leaning poles that were reported to FPL, belong to FPL the other three belong to AT&T. She reported that those four poles will be replaced before the end of this quarter. She also spoke about the benefits of undergrounding.

Commissioner Olchyk thanked Ms. Player for taking the time to come and speak to the Town Commission.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda (Set for approximately 7:55 p.m.)

Commissioner Karukin made a motion to approve the Consent Agenda less the items that were pulled. The motion received a second from Vice Mayor Graubart and all voted in favor.

**A. Minutes - December 13, 2011 Regular Town Commission Meeting
December 12, 2011 Beautification Committee Meeting**

Vice Mayor Graubart asked for the minutes to reflect a debate that went on over the 95th Street project. Also on page one (1) of the minutes on the last sentence, he would like to add “but the real savings were due to lower assessments”.

B. Budget to Actual Summary as of October 31, 2011 – Roger M. Carlton, Town Manager
Approved on consent

***C. Town Manager’s Report (Points of Light) – Roger M. Carlton, Town Manager**
Item # 9, page 17 – Vice Mayor Graubart asked the Manager to have Deco Bikes show a safe bike route. He has seen tourists going down Harding to get to Miami Beach and he thinks there are safer ways to get there. Mr. Tavares explained that the hard pack is part of the original plan and a map will appear on the kiosks.
Item # 13, page 18 – Commissioner Karukin had a question regarding the solid waste and recycling fees to be moved to the TRIM notice. He asked the Town Manager if that means that a resident tax bill will increase. The Town Manager

explained that it will go on the TRIM notice first but it will be a separate line item on their tax bill. This is only for the Single Family Homes, the bill is a set amounts for the entire year.

Item # 15, page 20 – Commissioner Olchyk asked about the item.

Ryan Shear, representing the Developer spoke in favor of the item. Vice Mayor Graubart wanted to talk about how much money is being spent on this project. He suggested contacting different universities and conducting a schematic design contest, providing the first place with \$5,000.00, second place with \$3,000.00 and third place with \$2,000.00. The Town Manager said that the administration is in agreement with contacting the Universities and that they will bring back a plan for of Commission review.

Item # 20, page 22 – Commissioner Karukin asked the Manager to talk about the different DOT issues that are currently going on. The Manager explained that one of the main issues is the repaving project throughout the entire length of Collins and the northern two blocks of Harding. He explained that the issue before the Town Commission is problems with a bus pull out on 96th Street that buses are not using because it is very difficult to get back into traffic. The County is currently studying the issue and if it gets approved and the sidewalk could be moved out, then some landscaping could go into that area. The Manager also talked about the constant work going on with DOT on 96th, Harding and Collins on the Water/Sewer and Storm Drainage Project with the permits, timing and traffic. The Town Commission also asked the Manager to review the issue with congestion on Byron and 88th Street. This issue will be on the table once the water and sewer project is out of the way.

Item # 30, page 24 – There are residents' concerns from the multi-family buildings regarding parking shortages along Collins Avenue in particular. There is a conflict as to where to park their cars and the Mayor has asked the Manager through the Points of Light to take a look at this issue and report back with mitigation strategies.

Item 31, page 24 – Commissioner Karukin wanted to know if the study will include every position in Town Hall from top to bottom including Town Manager, Town Attorney and so forth. Town Manager, Roger M. Carlton responded affirmatively.

Item 33, page 25 – Commissioner Olchyk wanted to understand how the Town will benefit from the program. Mayor Dietch responded by stating that the plan is to raise consciousness in our everyday life regarding rising sea levels. The Mayor will prepare a fact sheet for the Commission and an action will be taken at the next Commission meeting.

Item 35, page 25 – Bill Evans, Public Works Director, spoke about the bus linkages with Sunny Isles. All of the linkages are posted on the Town's website.

***D. Town Attorney's Report** – Lynn M. Dannheisser, Town Attorney

Approved on consent

***E. Projects Progress Report** – Calvin, Giordano and Associates, Inc.

Vice Mayor Graubart asked a representative from Calvin, Giordano and Associates, Inc. if they have received any change orders that are causing the Water/Sewer and Storm Drainage Project to go over budget. Mr. Giordano stated that there are a few change orders both up and down but the only one that has gone through is the direct

purchase order. The other ones are still in conversations with the Public Works Director and the Town Manager.

Vice Mayor Graubart expressed his concerns that if the Town is going to borrow additional funds, it may indicate that the project is going to go over budget and if the Town borrows additional funds it might put the town in further debt.

Vice Mayor Graubart asked why Calvin, Giordano and Associates, Inc. are submitting their monthly report on the Town's stationary. Mr. Carlton explained that if anyone is uncomfortable with the way it is being done he will change it to CGA's stationary. There was no direction from the Town Commission to make the change..

Commissioner Karukin made a motion to approve the pulled items from the Consent Agenda. Commissioner Olchyk seconded the motion and all voted in favor.

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

***1. Temporary Construction Fences – Sarah Sinatra, Town Planner**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-56.1 "CONSTRUCTION FENCING" 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 delegates to the Town Manager the authority to waive temporary construction fencing setback requirements and approval of certain graphics on said fencing]

Sandra Novoa, Town Clerk read the ordinance by title.

Mayor Dietch opened the Public Hearing. No one wishing to speak on the item, Mayor Dietch closed the Public Hearing.

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

***2. Town of Surfside Amended off Street Parking compliance for SD-B40 and Religious Places of Public Assembly Ordinance – Lynn Dannheisser, Town Attorney**

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

[This Ordinance makes applicable the off-street parking requirement options for mitigation to changes of use from service business to retail or restaurant within the SD-B40 district and for religious places of public assembly. It also allows an opportunity for a property owner to apply for a reduction in mitigation on a case by case basis]

Sandra Novoa, Town Clerk read the ordinance by title.

Sarah Sinatra, Town Planner gave a brief presentation on the ordinance.

Mayor Dietch opened the Public Hearing. No one wishing to speak on the item, Mayor Dietch closed the Public Hearing.

Commissioner Karukin made a motion to approve the ordinance. The motion received a second from Commissioner Olchyk. The motion passed 3-1 with Vice Mayor Graubart voting in opposition. Commissioner Kopelman was absent.

***3. Awning Ordinance – Sarah Sinatra, Town Planner**

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” AND SPECIFICALLY AMENDING SECTION 14-52 “COMMERCIAL STANDARDS ESTABLISHED”; AND CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-47 “YARDS GENERALLY, ALLOWABLE PROJECTIONS”; SECTION 90-49 “AWNINGS AND CANOPIES”; AND SECTION 90.99 “APPENDIX-EXHIBIT A, DESIGN GUIDELINES FOR SINGLE FAMILY RESIDENTIAL PROPERTIES, MULTIFAMILY AND COMMERCIAL PROPERTIES.”; 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 design review standards for awnings in the downtown business district]

Sandra Novoa, Town Clerk read the ordinance by title.

Mayor Dietch opened the Public Hearing.

Ms. Nicole Gitzon posted a question to Sarah Sinatra, Town Planner.

No one else wishing to speak, Mayor Dietch closed the Public Hearing

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

B. First Readings Ordinances

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

5. Resolutions and Proclamations

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

A. Casino Gambling Expansion Opposition Resolution – Roger M. Carlton, Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO REJECT ANY AND ALL EXPANSIONS OF GAMBLING IN FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Dietch passed the gavel to the Vice Mayor and made a motion to approve the resolution. The motion received a second from Commissioner Karukin. Vice Mayor made a friendly amendment to put it as a referendum to the Miami Dade County electors.

Mayor Dietch and Commissioner Karukin accepted the friendly amendment and all voted in favor.

***B. Approval of Loan Application for State Revolving Funds for the Construction of Water, Wastewater and Stormwater Infrastructure – Roger M. Carlton, Town Manager (Linked to Item 9J)**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION FOR \$9,312,881 FOR CONSTRUCTION ACTIVITIES ASSOCIATED SURFSIDE WATER, WASTEWATER AND STORMWATER IMPROVEMENTS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Manager, Roger M. Carlton spoke on the item and answered questions posted by the Commission.

After a discussion, the Manager suggested to amend the resolution by adding a “Whereas” clause that says that these funds would not be used for anything that was not in the original scope of work.

Commissioner Karukin made a motion to approve the resolution as amended. The motion received a second from Commissioner Olchyk. The motion passed 3-1 with Vice Mayor Graubart voting in opposition.

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

Mr. Sasha Plutno spoke about CGA's report being on the Town's stationery when they are an independent contractor and should be using their own. He spoke about the flood insurance discount issue not being resolved as of today. He also talked against piggybacking on other cities contracts and thinks that the Town should advertise and give everyone a fair chance by doing open bidding. Mr. Plutno made two allegations about a Town Employee harassing a resident that has code enforcement violations and the Manager taking pictures of his property. Mr. Carlton responded to Mr. Plutno's allegations and stated that they have no validity. He also addressed the FEMA issue and explained that the Town is doing everything possible to get FEMA to come in to do the inspection and currently waiting for a date.

Mr. Carlton talked about the process of piggybacking and competitive bidding which saves the Town considerable time and money.

Mrs. McLaughlin asked about the status of Friends of Surfside Cats and if she should try to get volunteers and/or donations. Mr. Carlton gave her an update on the program and said that any efforts and or donations will be very well appreciated.

Ms. Ann Finley spoke about her wishes to have a dedicated dog park. She is representing 26 homes and 30 dog owners that have signed a petition and would love to have a place to take their dogs. Mayor Dietch spoke about some of his efforts towards this program. The Mayor said that Ms. Finley should form a not profit group like the Garden Club and continue to develop the concept.

Ms. Flory Borden, a Beauty Salon, owner spoke about how unhappy she is with the lack of parking on Harding Avenue and how dirty the streets are.

Mr. Sergio Castaneda spoke in support of the feasibility parking study.

Ms. Nicole Gitzen spoke about the Community Garden fence that was put up. She also stated that the water that comes out of her faucets smells very bad. Mr. Evans, Public Works Director will take a sample of her water to test.

Mr. Ken Arnold spoke in support of the parking garage feasibility study.

Ms. Jennifer Brilliant spoke about the Town's prohibition of chain link fences.

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

*A. Town Sponsored Candidate Debate Presentation from the League of Women Voters– Mayor Daniel Dietch (SET FOR TIME CERTAIN AT 7:30PM)

Roger M. Carlton spoke about the possibility of having the Miami Dade League of Women Voters or the Miami Dade County Commission on Ethics to conduct the candidate debate that was approved on the previous meeting. He presented Ms. Tery Coble, President of the Miami Dade League of Women Voters and Gigi Pardo, Voter's Services Chair. Ms. Coble spoke about the format of the Candidate forum. Commissioner Karukin made a motion to proceed with the Miami Dade League of Women Voters, televise the debate live and repeat it. The motion received a second from Commissioner Olchyk and all voted in favor.

B. Local Business Tax Receipt and Certificate of Use: Non-compliant Businesses Action Program – Joe Damien, Code Compliance Director

Joe Damien, Code Compliance Director, explained the Town's effort to have all of the businesses to obtain their Local Business Tax receipts and Certificate of Use.

C. Massive Parking Problem – Commissioner Edward Kopelman Item deferred

D. Abbott Lot Parking – Vice Mayor Joe Graubart

Item was linked by Vice Mayor to item 9C.

Vice Mayor Graubart spoke about the issues at the Abbott lot with people parking all day long from construction companies without paying and/or using handicap stickers. He talked about his concerns about residents only being able to enter by Abbot or Harding due to the high traffic volume.

A discussion took place about the time limits and the enforcement from the staff. Commissioner Karukin suggested that the post office parking lot could be used for employee parking.

E. 95th Street "Streetscape Project" – Vice Mayor Joe Graubart

Roger M. Carlton, Town Manager explained that Vice Mayor Graubart requested for the Administration to contact Universities, either Engineering or Architects to see what can they do for the Town, keeping in mind that there is \$350,000.00 committed to this project. The Mayor asked to research for potential grants that could be used towards the project.

Vice Mayor Graubart stated that he would like to defer Phase I and II indefinitely. There was no second.

Commissioner Karukin made a motion to authorize the Manager to meet with the schools on a design between the "hard-packed" sand and Collins. The motion received a second from Commissioner Olchyk and all voted in favor.

F. Incorporating the 'name' of new businesses established in Surfside – Vice Mayor Joe Graubart

Vice Mayor Graubart would like to draft a resolution encouraging business to use the name “Surfside” as part of branding. The Mayor explained that it was researched by the Planning and Zoning Board and the Town cannot force businesses by resolution to use “Surfside” on their business information.

G. Resort Tax Audit Update – Roger M. Carlton, Town Manager

Town Manager, Roger M. Carlton gave an update on the Resort Tax Audit process and explained that some residents who were alleged to be short time residents have been signing an affidavit stating otherwise.

H. Downtown Vision Process Continuum – Roger M. Carlton, Town Manager

Duncan Tavares, Tourism Director gave a brief explanation of the Downtown Vision Process and updated the Commission on where the committee stands.

***I. Request for Proposals for Municipal Parking Structure(s) – Roger M. Carlton, Town Manager**

Roger M. Carlton, Town Manager asked the Commissioners to adopt the scope of work and allow staff to advertise for proposals to do a feasibility study.

Commissioner Karukin amended certain language in the RFP and spoke on the potential impacts of a parking garage.

Commissioner Olchyk and Vice Mayor Graubart spoke about their concerns.

Commissioner Karukin made a motion to approve advertisement with the amendments. The motion received a second from Commissioner Olchyk. The motion passed 3-1 with Vice Mayor Graubart voting in opposition.

***J. 88th Street & Byron Avenue Traffic Calming Design Alternatives- Roger M. Carlton, Town Manager (Linked to Item 5B)**

Town Manager, Roger M. Carlton explained that 88th Street is being re-done due to the water and sewer project. He would like to call a neighborhood meeting to talk about the intersection and proposed design. The Town Commission favored the oval shaped design and authorized the meeting to be held.

Commissioner Karukin made a motion to extend the meeting 10 minutes. The motion received a second from Commissioner Olchyk and all voted in favor.

K. Discussion of Miami Dade County Water and Sewer Department’s Miami Herald Article of January 16, 2012 Re: Risks of Replacing 54” Line Under Government Cut – Mayor Daniel Dietch

The Town Manager spoke about the article that was in the Miami Herald and explained that Surfside, Bal Harbour Village and Bay Harbor Islands need to put pressure on the County to implement the \$8,000,000.00 project allowing their sewage to go to the Hallover Park – North Dade Regional Plant. The Manager will come back next month with more information about a possible study and how much would it cost.

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 11:06p.m.

Accepted this ____ day of _____, 2012

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk



Town of Surfside
Special Town Commission Meeting
MINUTES
January 23, 2012
7 p.m.

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

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:01 P.M.

B. Roll Call of Members

Town Clerk, Sandra Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Graubart, Commissioner Kopelman, Commissioner Karukin and Commissioner Olchyk.

C. Pledge of Allegiance

Vice Mayor Graubart led the Pledge of Allegiance.

2. Vote on Final Settlement of 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 Court of Florida.

Town Attorney, Lynn Dannheisser spoke about the process and how the parties achieved a settlement. She also explained the process moving forward.

Mr. Jack Gluck a member of the Young Israel thanked the Town Manager, the Town Attorney, the Mayor and the Commissioners for settling the case and welcomed everyone to their new home.

Dorit Weintraub spoke in favor of approving the settlement agreement and thanked the Mayor, the Commissioner and the members of the Young Israel Congregation.

Sheldon Lisbon thanked the Mayor, the Commission, the Town Attorney and the Town Manager for everything they did and spoke in favor of the settlement agreement.

Jessie Flax spoke against the settlement agreement because of the amount of traffic the building will bring to Byron Avenue.

Pieter Bakker spoke against the building being built in his backyard and the amount of traffic it will bring to the community.

Barbara McLaughlin spoke about neighborhood impacts.

Alex Niznik spoke in favor of the synagogue but explain the traffic problems he encounters every day leaving and coming to his home. He also stated that his home will lose value by having the loading docks of the synagogue faces his property.

Anen Citron spoke regarding the resident's concerns and spoke in favor of the synagogue.

Commissioner Kopelman made a motion to pass and adopt the settlement agreement. The motion received a second from Commissioner Karukin.

Vice Mayor Graubart had a question on page eight (8) of the settlement agreement regarding the transaction notice. He said that he has been very consistent during his tenure on the Planning and Zoning Board and as Vice Mayor and he is very concerned how the community is informed regarding land use issues. He stated that the public hasn't had a great deal of input on the issue and he sees that problematic and potentially setting a precedent on how the Town deals with variances. He said that he voted "no" on the 92nd Street and Harding Avenue Hotel Project, "no" on the 94th Street hotel project due to size and the proposed garage on Abbott. He stated that he is voting "no" on the project as proposed and planned as he thought that the traffic would burden and threaten the quality of life of the residents and especially those that live in the near by area.

Commissioner Kopelman stated that Vice Mayor Graubart voted in favor of the settlement during the Executive Session and that was inconsistent.

Mayor Dietch asked the Town Attorney for clarification due to concern over whether the request in question was for a "variance". Town Attorney, Lynn Dannheisser explained that this was a request for relief by a religious institution not a request for a zoning variance.

Mayor Dietch clarified for the record that Vice Mayor Graubart spoke in error on his comments about the proposed garage and that the Commission voted on a feasibility study for a garage during the January 17, 2012 Commission Meeting.

Vice Mayor Graubart disagreed with the Mayor's statement.

Commissioner Karukin spoke about the notification process and that in this case the list was expanded to include all residences to 94th Street, within the 10 day window.

Town Manager, Roger M. Carlton added that besides the mailings, an ad was run on the Saturday edition of the Miami Herald in the local section. There were three signs on the edges of the property.

Vice Mayor Graubart expressed his concerns about what other religious institutions may ask for in future Commission meetings. Town Attorney, Lynn Dannheisser explained that each matter has to be evaluated on its individual merits.

Mayor Dietch asked the Town Clerk to call the question.

Vice Mayor Graubart voted against.

Commissioner Kopelman voted in favor and stated that once the Executive Session minutes are made available, everyone will know that he was against part of the settlement but after it was addressed, he has been "able to sleep at night". It is been a long process but he thinks it will benefit the Town for many years to come.

Commissioner Olchyk voted in favor and stated that they have had many discussions about the case. She has studied in detail the case and feels that for the betterment of the community they have to go along with mediation because there is no better lawsuit that the one that it is not filed. She is proud to say that after many hours of thinking and studying about it, she feels that the community and Young Israel deserve for them to do the right thing and not what is politically correct.

Commissioner Karukin voted in favor and said that he had read a lot about these cases and spoke about different articles and a book he has read about RLUPA cases. He had a few concerns on height, setback, parking and traffic impact on Byron that we came to a

fair compromise on the parking and setbacks issues and he hopes that through the DIC process, staff will be able to mitigate some of his remaining concerns on ingress and egress on Byron. He spoke about this lawsuit shadowing the Town for nearly 11 years and based on everything he read and the many cases in the court system he concludes that it is not in the best interest of the Town to continue spending money on the lawsuit. He thanked the staff, the Mayor and the Congregation and all who worked so hard on this settlement.

Mayor Dietch reminded that the Town was sued by the Congregation and that it is his responsibility to the residents to find a solution that minimizes the risk and exposure to the Town. He also spoke about Young Israel being part of our Community and it is important to him to focus on embracing this opportunity instead of putting up road blocks. The Mayor also stated that there is a time for leadership to put the Town first and allows them to move past this dark chapter in the Town's history. He thanked his colleagues, staff, Young Israel and the people of Surfside, hoping they understand that there is a lot that goes into this decision.

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

3. **Adjournment**

There being no further business to come before the Commission, the meeting adjourned at 8:07p.m.

Accepted this ____ day of _____, 2012

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk

TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2011/2012
As of NOVEMBER 30, 2011
17% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page 1 of 2

Agenda Date: February 14, 2012

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET	
GENERAL FUND				
REVENUE	\$1,498,121	\$9,325,305	16%	
USE OF UNASSIGNED FUND BALANCE		\$188,000	17%	
EXPENDITURES	\$1,165,103	\$9,513,305	12%	A
Net Change in Fund Balance	\$333,017			
Fund Bal.-Beg. of FY (unaudited assigned+unassigned)	\$3,979,723			
Fund Balance-November 30, 2011	<u>\$4,312,740</u>			
RESORT TAX				
REVENUE	\$12,386	\$134,988	9%	B
EXPENDITURES	\$21,745	\$134,988	16%	
Net Change in Fund Balance	(\$9,359)			
Fund Balance-Beg. of Fiscal Year (unaudited)	\$184,806			
Fund Balance-November 30, 2011	<u>\$175,447</u>			
POLICE FORFEITURE/CONFISCATION				
REVENUE	\$13	\$34,166	0%	C
USE OF RESTRICTED FUND BALANCE		\$45,044	17%	
EXPENDITURES	\$6,166	\$79,210	8%	
Net Change in Fund Balance	(6,153)			
Fund Balance-Beg. of Fiscal Year (unaudited)	\$116,769			
Fund Balance-November 30, 2011	<u>\$110,616</u>			
TRANSPORTATION SURTAX				
REVENUE	\$13,967	\$170,535	8%	D
USE OF RESTRICTED FUND BALANCE		\$128,579	17%	
EXPENDITURES	\$18,041	\$299,114	6%	
Net Change in Fund Balance	(4,074)			
Fund Balance-Beg. of Fiscal Year (unaudited)	\$239,760			
Fund Balance-November 30, 2011	<u>\$235,686</u>			
CAPITAL PROJECTS				
REVENUE	\$109	\$400	27%	
USE OF ASSIGNED FUND BALANCE		\$274,600	17%	
EXPENDITURES	\$5,574	\$275,000	2%	A
Net Change in Fund Balance	(5,466)			
Fund Balance-Beg. of Fiscal Year (unaudited assigned)	\$442,435			
Fund Balance-November 30, 2011	<u>\$436,969</u>			

NOTES:

- A. Timing Difference - Discretionary expenditures ordered in October and November are received and paid during December
- B. Timing Difference - Includes only Oct - the Nov resort taxes are collected starting in December.
- C. Timing Difference - Forfeiture revenue fluctuates widely
- D. Timing Difference - Includes only Oct - the Nov CITT revenue is not received until late Feb 2012.

ENTERPRISE FUNDS

ACTUAL

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

WATER & SEWER

REVENUE	\$454,647	\$3,045,252	15%	
USE OF NET ASSETS/LOAN PROCEEDS		\$10,342,572	17%	
EXPENDITURES	\$1,172,828	\$13,387,824	9%	E
Change in Net Assets*	(\$718,181)			
Unrestricted Net Assets-Oct 1 (unaudited)	\$1,140,704			
Unrestricted Net Assets-November 30, 2011	<u>\$422,523</u>			

MUNICIPAL PARKING

REVENUE	\$135,788	\$693,944	20%	
USE OF NET ASSETS		\$1,500,000	17%	
EXPENDITURES	\$111,503	\$2,193,944	5%	E
Change in Net Assets*	\$24,285			
Unrestricted Net Assets-Oct 1 (unaudited)	\$1,383,464			
Unrestricted Net Assets-November 30, 2011	<u>\$1,407,749</u>			

SOLID WASTE

REVENUE	\$555,405	\$1,277,684	43%	F
EXPENDITURES	\$173,039	\$1,277,684	14%	
Change in Net Assets*	\$382,366			
Unrestricted Net Assets-Oct 1 (unaudited)	\$203,543			
Unrestricted Net Assets-November 30, 2011	<u>\$585,909</u>			

STORMWATER

REVENUE	\$84,839	\$1,073,452	8%	G
USE OF NET ASSETS/LOAN PROCEEDS		\$1,712,289	17%	
EXPENDITURES	\$113,017	\$2,785,741	4%	E
Change in Net Assets*	(\$28,178)			
Unrestricted Net Assets-Oct 1 (unaudited)	\$206,661			
Unrestricted Net Assets-November 30, 2011	<u>\$178,483</u>			

NOTES:(con't)

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

E. Underage due to Infrastructure/Capital Outlay projects (\$10.4 mill for water/sewer, \$2.2 mill for stormwater, \$1.6 mill for parking)

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

G. Timing Difference - Underage primarily due to a budgeted and committed State Grant (FDEP #SO374) in the amount of \$474k that will not be received until mid FY 11/12


Deputy Finance Support Svcs Dept Head


Town Manager



**Town of Surfside
Town Commission Meeting
February 14, 2012**

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

**POINTS OF LIGHT
After Action Items**

1. Downtown Vision Project

Current Status: A comprehensive review of Downtown Vision Advisory Committee's activities, initiatives and vision was presented to Town Commission at the January 17, 2012 meeting as a means of providing perspective on all that has occurred over the past year and as a reminder of the overall vision. At that meeting the Town Commission approved an Awnings Ordinance, the latest in a series of initiatives coming from DVAC, on second reading. A Sidewalk Café Ordinance is tentatively before the Town Commission for first reading on February 14, 2012. Please see this agenda packet for further information. The wayfarer sign program has been scaled back to include entry signs at 96th/Harding and Collins Avenue/Veterans Park, locational signs and parking identifier signs for the parking lots and a single sign for beach access points to clean up the plethora of signs which appear today. The Town Commission accepted the design during the December 13, 2011 meeting and the consultant will finalize the RFP bid package during February 2012. With Commission approval on January 17, 2012, the parking garage feasibility RFP was issued with a March 9, 2012 deadline for proposal submissions. The Town Commission will be kept apprised of the process as it develops. Staff also continues to research the Business Improvement District potential with a discussion item held on DVAC's February 8, 2012 Meeting Agenda.

Due to the number of initiatives occurring in the Downtown Business District, Staff has recommended a "Town Hall" style meeting to be held at a location in the district to engage the property owners and business operators in an open dialogue. As many of these stakeholders are unable to come to Town Hall for evening meetings, a dialogue is now more than ever necessary to discuss the positive changes that have occurred, outline the vision for the future and to provide an opportunity for discussion on how the Town and Surfside businesses can continue to work together. This meeting will occur on a week day morning at a downtown venue (yet to be determined) at the end of February / beginning of March. Based on turn out at this meeting, a second meeting may be necessary to be held during the early afternoon/evening hours. We are also working on new appointments to DVAC to bring in more overall community perspective, replace business owners who have been unable to attend and replace Jack Stevens who very adequately represented the interests of the property owners.

2. Water, Sewer and Storm Drainage and Collins Avenue Force Main Projects

Current Status: The project began on August 15, 2011 and is progressing on schedule. Nearly 95 percent of the permission slips to install the water tie-ins have been received, 359 water services have been replaced, 11,500 linear feet of water pipes have been installed, 8500 feet of sewer laterals have been repaired or lined, 445 sewer connections have been replaced or repaired, 11,000 linear feet of water main has been installed, 8200 linear feet of sewer main has been lined and 1200 linear feet of sewer main point repairs have been completed. 48,500 square yards of asphalt has been placed (first lift) on the various roads throughout Phase 1. We have also had to repair nearly 50 small and 10 major pipe breaks since the project started to keep the old system operational. The Collins Avenue sewer force main project is complete and we expect to begin operating by the end of March 2012 subject to regulatory agency approvals. This will allow the Town and Bal Harbour to clean and video the 60 plus year old force main on Byron and decide the best strategy.

A very interesting opportunity has presented itself in that the State of Florida and Bal Harbour have both offered financing at rates of 2.5 to 2.6 percent respectively to partially replace and enhance our current project financing which carries a 4.72 percent rate. The Administration is working with our bond counsel and financial advisor and is in the process of updating the TischlerBise (now Black & Veatch) rate study to determine the best course of action. We have also met with Regions Bank to determine if their interest rate could be lowered. The water/sewer/storm drainage citizen committee will be reconvened with a report to be made to the Town Commission regarding the best recommended strategy. The bottom line is that we may be able to hold our current rates in place if the interest rate is lowered and any prepayment penalty is absorbed while providing everything necessary to complete the project as originally envisioned. The sources of funds to achieve this would be interest rate savings, the project contingency account, reserves and possible additional funds from the State of Florida. All of this will be included in a major report to be presented in early spring.

3. Feral Cat and Dog Feces Concerns: Mayor Daniel Dietch

Current Status: The Town is developing a feral cat program with trained volunteers to assist with trapping, neutering, and releasing the cats and to be responsible for the feeding and cleanup at specific locations. The program has been advertised on the website and in recent Gazettes for volunteers to become approved feeders. We now have our first volunteer. A follow up meeting was held with the Police Department, Code Enforcement Director, Suely Carmelo and Helena Forbes of the City of Sunny Isles Beach who oversees their feral cat program. More than 150 feral cats have been trapped, neutered and released (TNR) over the past year in Surfside. Five feeding locations on the beach have been identified. Volunteers will be issued identification cards and a tunic to wear. A surplus police car has been donated to the Friends of Surfside Cats to support the program and the transportation of traps and cats. The Town has increased the TNR payment from \$25 to \$30 per neutered animal to further assist with the program. The key to success is finding volunteers to complete the training. With the December 13, 2011 Town

Commission approval of a small stipend for volunteers, we should be able to move this effort forward at a more rapid pace. A meeting was held on January 4, 2012 with Veterinary Medical Director, Dr. Marc Kramer from the Meow Mobile. The Town of Surfside will host the Meow Mobile on February 12, 2012. The Meow Mobile will be parked in a municipal lot and perform 40 surgeries per day including feral cats and domestic cats from Surfside residents neutered at a discounted price. Surfside resident Adam Markow has been retained to write a grant from PetSmart to assist in this ongoing effort.

4. Tourist/Resort Tax Auditor/Certificate of Use/Local Business Tax Receipt/Short Term Rentals Programs

Current Status: See separate report on the February 14, 2012 Town Commission Agenda for the status update on the Tourist Resort Tax Audit effort.

Short Term Rentals: To date, Code Compliance in concert with Police and Building staff have completed the initial phase of the short term rental investigation associated with the test cases at an oceanfront condominium association owned units and a group of single family residences, owned by a particular entity, that had been historically associated with the short term rental issue. As to the condominium, the Town has requested and received an affidavit, executed by one of the condominium association directors, affirming that: 1) in accordance with a resolution of the Board of Directors on September 8, 2011, short term rentals will not be permitted at any condominium units owned by the Association; 2) that there are presently no units owned by the Association that are the subject of short term rentals; and 3) the Association does not intend in the future to rent any of the units it owns or will own for short term rentals. As to the single family properties, recent investigation has determined that the properties all have been sold except for one which is currently occupied by the owner.

Code Compliance initiated efforts to investigate web based advertising and gathering additional information from other departments to facilitate verification and support the development of prosecutable cases. It is expected that in the following weeks those involved in advertising these rentals will be notified, and initially be sent an invoice for resort tax that would be due based on their advertised rental rates.

Certificate of Use/Local Business Tax Receipt efforts to achieve compliance continue.

5. Bus Shelters: Mayor Daniel Dietch

Current Status: Miami Dade County has repeatedly failed to meet its deadline for installing the shelters. We have elevated this situation to the Miami Dade County Mayor's office and have offered to install the shelters with our own workforce since the material is in inventory with the County. This very frustrating situation is at the top of Staff's list to resolve.

6. Clean Up/Update/Enhance Town Website Content: Commissioner Michael Karukin

Current Status: A Commission Workshop on the issue of improving our communication program was held on December 5, 2011. A report was made at the December 13, 2011 Town Commission meeting. An agreement with e-City Services was authorized by the Town Commission, using similar agreements the company has with DeLand and Oldsmar, to provide Surfside with a modern, fully functional website. Staff is working with Commissioner Karukin and the Town Attorney to ensure that the agreement provides a much improved website at the most reasonable cost possible. This project should be completed in four months.

7. Bike Rental Station: Vice Mayor Joe Graubart

Current Status: Based on the determination to move forward with the Deco Bike rental program made by the Town Commission during the September 13, 2011 meeting, negotiations have been completed with Deco Bikes. The contract was approved with amendments during the November 8, 2011 Town Commission agenda. The agreement has been signed, and the two stations will be installed at Town Hall on Collins Avenue and 94th Street outside Publix mid-February 2012.

8. eReaders, Wi-Fi, Large Screen TV's and Broadcasting Capabilities for the Community Center: Commissioner Ted Kopelman

Current Status: Free Wi-Fi at the Community Center has been up and running since January 18, 2012. The eReader program guidelines have been reviewed by the Parks and Recreation Committee. The eReaders will soon be available on a daily basis for use at the Community Center.

The installation of both 70 inch screen TV's for the addition room and the main room has been completed. This will enable a broader range of services and events at the Community Center.

Broadcasting meetings from the Community Center will be quite expensive and the cost will be considered as part of the FY 2012/13 Budget process. Item completed.

9. New Crime Prevention Initiatives: Mayor Daniel Dietch

Current Status: Six crime prevention initiatives were reviewed by the Town Commission at the May and June 2011 Commission meetings. Four initiatives were completed and one was eliminated. The following initiative will be implemented as time and funding is available.

- Crime prevention through environmental design – landscaping, lighting, and physical barriers at the entrances to residential areas enhances safety and deters criminal activity. Several options for entrance features to major streets have been designed by the same firm that is designing the “Wayfarer” signs and the alleys east and west of Harding Avenue. Now that the signage design has been approved, Staff will seek funding sources for the entrance features and will bring a more complete single family entrance feature program to the Town Commission in the near future.

10. Beach Concessions

Current Status: As the only service and maintenance provider for the beach in Miami Dade County, the Miami Dade County Parks and Recreation Department has determined that a lease from the State of Florida for the beach in Surfside and Bal Harbour similar to their agreement in Sunny Isles Beach is necessary. The lease will include a management plan. The management plan will identify the services the County will provide for the beach, the manner and frequency the area will be maintained and rules or standards for upland properties regarding the storage and deployment of chairs, umbrellas, and cabanas on the beach. Mayor Dietch has requested that a situation wherein condominium associations place chairs on the beach in an area marked “private” be clarified and that concerns will be incorporated in the negotiations. John Ripple, Beach Operations and Maintenance Supervisor for the Miami Dade County Parks and Recreation Department met with the Town Manager and Parks and Recreation Director Tim Milian on November 30, 2011 to begin the negotiation.

The surveys and legal descriptions for the State of Florida Lease Agreement are being prepared by the County and should be available for review during February, 2012. The Town Manager, Staff and Town Attorney will meet with representatives from Bal Harbour and the County to review the agreement in February. The negotiation process is projected to be completed in April, 2012. The Points of Light report will continue to bring updates as this effort progresses.

11. Single Family Residential Solid Waste and Recycling Bills on FY 12/13 TRIM Notice and Property Tax Bills

Current Status: The four required advertisements have been completed and the Town Commission adopted the first required resolution during the November 8, 2011 Town Commission meeting. The second resolution was approved during the December 13, 2011 Town Commission agenda. Meetings will now be held with the Miami Dade County Property

Appraiser and Tax Collector to complete the process, thereby allowing the majority of solid waste and recycling bills to appear on the 2012 Property Tax TRIM notices and tax bills. This will greatly enhance the efficiency of collection and avoid the need to file liens for non-payment of solid waste/recycling charges in the single family neighborhood. Item completed.

12. Policy on Art in the Community Center

Current Status: The new art exhibit in the Community Center was installed February 1, 2012. Daryle Prager, a Surfside resident of 46 years and named "Artist of Merit" by the Town of Surfside in 1994, is the current artist. A review of her work will run in the March Gazette. Item completed.

13. 9501 Collins Avenue Townhome Development

Current Status: The Town Commission declined the first right of refusal for acquisition of the site during the August 9, 2011 meeting. Subsequently Greystone Residential LLC closed on the property and will develop the seven permitted townhomes. While there was not a legal requirement for the developer to make any capital contributions to the Town, as a matter of goodwill, the developer has offered a \$100,000 contribution to the 95th Street Gran Concourse project which will renovate 95th Street from the hard pack to Abbott Avenue. In a recent meeting, the developer agreed to an additional \$50,000 based on release of a security deposit which has been held by the Town since 2005. With the \$200,000 committed by the Grand Beach Surfside Hotel plus funds available in the Parking Enterprise Fund it is now possible to build the first block of the project. The Town Commission viewed preliminary renderings of the project during the October 11, 2011 Town Commission meeting and passed a resolution accepting the funds. During the January 17, 2012 Town Commission meeting, Staff was authorized to make contact with the architecture/engineering departments of FIU and UM to determine their interest in a design competition with cash prizes for the top three submissions. This process is underway with initial contacts made.

Related to the 9501 townhouse development, an agreement has been worked out by the developer and the condominium to the north regarding the swimming pools on the roof and other matters that were mentioned in the January 2012 Points of Light. Therefore, there are no issues at this time requiring Town Commission action.

14. Replacement of Publix in North Beach – Shuttle Service for Miami Beach Residents

Current Status: This matter has now become a negotiation with Publix and the bus service vendor. Our route will remain the same and any additional service to the old North Beach Publix site will not impact Surfside's bus operation. Item completed.

15. Property Assessed Clean Energy (PACE): Program to retrofit existing residential and commercial buildings for energy efficiency: Mayor Daniel Dietch

Current Status: Staff has just begun to investigate this program which allows existing buildings to be retrofitted for energy efficiency with the cost funded from a loan pool authorized by the State of Florida and funded by Barclay's Capital. The low interest loans are repaid from a long term assessment on the property. There are no guarantees provided by the Town of Surfside. When Staff has completed research on the program, a report will be brought to the Town Commission.

16. FPL/AT&T/Cable Undergrounding Project

Current Status: The Town Commission allocated funds in the Water/Sewer/Storm Drainage project to provide mid-block crossover conduit so that a future undergrounding project would not have to break the pavement. Staff is working with FPL and other utilities to complete their study of the cost of undergrounding Town wide. We will keep the Town Commission aware of progress in the FPL study and bring forth methods for funding the project when the study is complete. By way of information, FPL was late in delivering the first supply of conduit necessary for the Phase 1 water/sewer/storm drainage project. Staff made the decision to complete the first course of paving before the holidays and install the conduit as a "patch", which is now underway. The final paving will cover the patch for a smooth job. This will not happen again in future phases of the water/sewer/storm drainage project.

17. FEMA Flood Insurance Status

Current Status: Due to the extraordinary work of Building Director Paul Gioia, FEMA has sent us a letter saying that all issues which this Town Commission and Administration inherited have been resolved. We have received notice from FEMA that their Community Assistance Visit, which is the necessary step to lower rates, will occur on March 21 and 22, 2012. This issue is a high priority item for Staff and we will keep the pressure on to ensure the visit occurs.

18. Bus Stop Pull-in at East Bound 96th Street, West of Abbott Avenue

Current Status: Due to the heavy traffic on 96th Street, busses do not use the pull-in because it is difficult to return to the line of vehicles. Staff has made contact with Miami Dade Transit and FDOT to determine the feasibility of closing this bus pull-in. Miami Dade County is studying the request and we have elevated the item to Mayor Gimenez' staff.

19. American Cancer Society – Relay for Life Event: Vice Mayor Joe Graubart

Current Status: At the request of the Vice Mayor, Staff met with the American Cancer Society in an effort to replace their overnight event which cannot be held any longer at Ruth K. Broad K-8. The Surf/Bal/Bay event will be held on the hard pack on May 5, 2012 and will be named to capitalize on the romanticism of the full moon. An initial meeting was held on November 16, 2011 with strong support provided by Bal Harbour. A second meeting was held on January 5, 2012 and an event Chair, Orly Alexander, has volunteered. Our Town coordinator will be Yami Slate-McCloud. Future Points of Light will keep the Town Commission up to date as this event evolves.

20. Surf/Bal/Bay Jointly Signed Letter to FPL and AT&T Referencing Leaning Poles: Vice Mayor Joe Graubart

Current Status: FPL has agreed to replace four of the seven leaning poles by the end of the first quarter 2012. The remaining three poles belong to AT&T. We are currently working with AT&T to have them replaced as well.

21. Grease Trap Ordinance

Current Status: Paul Gioia has determined that existing County enforcement program is not sufficient to protect our new sewer system investment. This problem has been growing with more and more clogs coming from restaurants not maintaining or not having adequate grease traps. Code Enforcement Director Joe Damien is working on an enforcement program to help alleviate this situation, however, Miami Dade County has balked saying that this enforcement is their responsibility. A meeting will be scheduled to work out the issues and to ensure that Miami Dade County meets its obligations.

22. Five Year Financial and Operation Plan Update Department Directors Retreat

Current Status: Members of the Board have expressed concern regarding the workload, priorities, resources available and other related matters that are managed by Staff on a short, mid and long term basis. In order to analyze the long term direction the Town is taking and update the Five Year Financial and Operations Plan adopted by the Town Commission in early 2011, Staff held a retreat in the Community Center on December 1, 2011. As required by the Open Government (Sunshine) Law, we requested the Town Commission to attend the meeting individually in 15 minute intervals to share their views on prioritization and long term strategic and financial goals. Mayor Dietch and Commissioners Olchyk and Karukin attended. Commissioner Kopelman was out of town. The final document will be included in the FY

2012/13 proposed budget. This item will now move to the budget process. Item completed for Points of Light.

23. Welcome to Town of Surfside Packet for New Residents: Vice Mayor Joe Graubart

Current Status: Staff is reviewing the costs, benefits, desired content and potential for sponsorship for a welcome packet to be given to new residents. A report will be made in the near future regarding the potential for this program.

24. Restore Bird Houses at Beach-side Street Ends: Mayor Daniel Dietch

Current Status: Frank McBride III, a young Town resident, built the birdhouses in 2001 as an Eagle Scout project. Two birdhouses remain at the beach street ends on 88th and 90th Streets. Surfside resident Richard Iacobacci has agreed to build six bird houses. Staff expects this to be done in a reasonable time.

25. Options to Mitigate Inadequate Number of Parking Spaces at many of the Multi-family Establishments along the Collins Avenue Corridor: Mayor Daniel Dietch

Current Status: Staff has begun an investigation of this Point of Light to determine if all the buildings on the east side of Collins actually built the number of spaces required in their development approval. This will be called the “first level shortfall”. The “second level shortfall” will be a number developed with the condominium managers regarding peak time of day and seasonal shortages. We will then develop strategies that require little or no capital cost such as potentially issuing monthly after hours parking permits in the street ends. As can be seen from this Point of Light update, the solution to the parking issue along Collins Avenue is not a short term project. Staff will continue to report as progress is made on this Point of Light.

26. Job Classification Study

Current Status: Four proposals for the job classification study, including a fringe benefit analysis, for this FY 11/12 adopted budget approved project were received. The proposers were Cody and Associates with a not to exceed price of \$7200, Mercer Group for \$8500, Archer Group for \$16,480 and on the high end, MGT of America Inc. at \$25,670. Based on the Manager’s authority to award contracts below \$8500, the project Notice to Proceed was awarded to Cody and Associates effective November 21, 2011 with a 60 day completion. The study will include review of all positions, recommended pay ranges based on comparable jurisdictions and internal equities and an analysis of the cost and/or savings for implementation. Once the study is completed it will be brought to the Town Commission for review and approval. This study will be very helpful for building the FY 12/13 Budget beginning February 2012, and for providing

independent and professional analysis of the comparability of compensation paid to our employees with similar jurisdictions. It is anticipated that the study will be brought to the Town Commission in April, 2012.

27. Community Center Concession Operation Concerns

Current Status: During the September 19, 2011 Parks and Recreation Committee, a recommendation was made to allow limited outside food to be brought in. The Town Commission in the October 11, 2011 meeting modified that recommendation to keep the exclusive policy through May 2012 to allow the actual financial performance to be monitored. Staff continues to work very closely with the sole bidder vendor, David Jacobson, to ensure quality, variety (healthy and Kosher products) and hours of operation. Unfortunately the amount of business being done once school went back into session does not meet either the Town's or the vendor's expectation and we have been requested by the vendor to assist financially as well as in marketing to maintain the current operation. Options under review include limiting winter hours (underway), reducing rent during the winter season, expanded marketing of parties and special events (already underway), specials for lunch and Town employees (also underway) and expansion of Parks and Recreation programming at the Community Center (also underway). A separate report regarding expanded programming appeared on the December 13, 2011 Town Commission agenda and was accepted. This Point of Light is to make the Town Commission aware that the bring in food policy you adopted was correct and that Staff is working closely with the vendor to alleviate the situation.

The Town set new operating hours for the winter month of February 2012 for the Community Center concession. The new hours are in place to help assist the continued success of the Surf Café during the slow winter months. The new hours are Thursday through Sunday 12:00 pm – 5:00 pm. Expanded hours will be reinstated later in the spring and full operating hours will commence in the summer. All hours of operation have been posted on the Town website, Community Center and Gazette.

After one full month of operation under the new hours for the winter months, we have not received any complaints other than the need to post the hours on the Town website which has been done. The Town will continue the new hours for the month of February 2012 while monitoring this situation closely. Item completed.

28. Sea Level Awareness Project (SLAP): Mayor Dan Dietch

Current Status: Surfside resident Howard Rennert and the Eagle Scouts are interested in creating a dozen decorative poles that, when placed around Town, will visually show the level of sea water in that area if global warming occurs. These indicators are used to create awareness of the outcomes of global warming and to stimulate community discussion and action regarding this issue. While being a community educational initiative, the poles also serve as public art.

Further discussion ensued during the January 17, 2012 Town Commission meeting and Mayor Dietch agreed to present additional information which is attached to the Points of Light. The Administration now recommends that two poles be installed at locations to be determined. The cost will be less than \$200 for this informational and environmentally sensitive project.

29. Expanded Programming at the Community Center

Current Status: The Parks and Recreation Department submitted a report to the Town Commission on December 13, 2011 regarding the expansion of programming at the Community Center. The report listed 90 programs which were currently in place or could be added to expand the utilization of the Community Center by our residents and visitors, increase revenue to help our operational costs and meet the needs of targeted populations. The addition of this new group of programs stretches our capacity to manage, opens a new intellectual and artistic direction, strives to bring the community together through cross cultural events, celebrates more holidays and reaches out to our teen and senior citizen populations. Staff has been diligently working to implement the newly expanded programming. As of February 1, 2012, over 30 new programs have been implemented or are currently in progress, including programs related to the new 70” televisions. Item completed. (We believe this item should never be completed. We are just finishing it as a Point of Light).

30. Community Center Flat Screen TV's

Current Status: This item has been incorporated in Point of Light #10 related to communications at the Community Center. Item completed.

31. 2011 Red Light Camera Safety Program Report

Current Status: The quarterly report will be presented in March 2012. Regarding the proffer by ATS, the red light camera vendor, to reduce our monthly fee by \$500 per camera, the firm has now requested that we extend their agreement by one year plus a one year option from the current three years. Chief Allen met with the president and senior executives of the firm at a recent conference to discuss this situation. Staff recommends that we accept this proffer which will save the Town \$30,000 annually plus \$10,000 retroactively as the cameras have proven to be a success. The amended agreement will be brought to the Town Commission in March 2012.

32. Paper Recycling: Mayor Daniel Dietch

Current Status: Staff has reviewed this project which would have allowed citizens to bring personal papers to be shredded by the firm shredding boxes of papers we are eliminating from

Iron Mountain. After careful consideration of operational and legal issues, this project will not move forward. Item completed.

33. Dog Park: Mayor Daniel Dietch

Current Status: Pursuant to the direction of the Town Commission at the January 17, 2012 meeting, concerned citizens will form an organization to develop a dog park in a similar manner as the group that formed the urban garden. Ms. Ann Findlay has agreed to spearhead this resident driven effort. This item will be reported on from time to time as events occur.

34. Vehicle Auction Revenue

Current Status: We have completed the on-line auction of police vehicles and the total revenue collected was \$12,618. A total of ten vehicles were sold as follows:

- 9 - Ford Crown Victoria's ranging in age from 1998 -2005 with an average mileage of 104,000
- 1 - Kawasaki off-road utility vehicle (2003)

This strategy more than doubled the amount of revenue we have obtained in previous surplus vehicle processes over the years. Item completed.

35. Isaac Bashevis Singer Movie: Mayor Dietch

Current Status: The Mayor, Town Manager and TEDACS Director recently met with Mr. Daniel Strehlau of The Windows Film Studio regarding his documentary feature on the life of Isaac Bashevis Singer. Mr. Strehlau plans on filming some of this feature in Surfside. The TEDACS Director is in continued contact with him to ensure that he understands Surfside's film ordinance requirements and has also provided a number of contacts within the County and State's Film Offices as well as introductions to various Surfside residents who may be of assistance. The Tourist Board, at their February 6, 2012 meeting, discussed the possibility of underwriting a scene in the feature where Surfside's shoreline and downtown will be prominently featured in exchange for film credits. The Town Commission will be kept apprised of any developments regarding this Point of Light.

36. H.O.P.E: Mayor Dietch

The H.O.P.E. in Miami Beach Foundation (www.hopemiamibeach.org) in conjunction with the Miami Beach Community Church, collects used or new clothing, backpacks, luggage, prescription eyeglasses, blankets and haircutting/trimming items (etc) for the homeless. There will be an effort to collect these commodities in Surfside which Dana Kulvin has offered to spearhead. The collection is distributed to homeless clients at the Church located on Lincoln Road in Miami Beach.

37. Upgrade to Town Hall Elevator

Current Status: This item will appear for Town Commission approval on the March 13, 2012 agenda. This was one of the projects included in the Town Commission “shovel ready” discussion.

38. Replacement of Town Hall Roof

Current Status: This item will appear for Town Commission approval on the March 13, 2012 agenda. This was one of the projects included in the Town Commission “shovel ready” discussion.

39. Monitoring Heavy Use, High Security, Traffic Congestion creating Events at Haulover Park

Current Status: Recently the Miami Dade County Parks and Recreation Department announced an event at Haulover Park that had been very difficult to manage in a previous incarnation. Staff met with officials from Bal Harbour Village, Bay Harbor Islands, Sunny Isles Beach and Miami Dade County in an effort to better manage or cause this event to be scheduled elsewhere where its impacts could be more limited. Per the attached letter from County Commissioner Sally Heyman, this event will not be held at Haulover Park. Item completed.

The following items have been completed. These items have been deleted from the January 2012 Points of Light report.

3. Community Garden: Mayor Daniel Dietch

Current Status: The dedication for this project was held on December 3, 2011. Staff continues to support the efforts of the Surfside Urban Gardeners Club to ensure that the urban garden is well maintained and meets the requirements of the agreement with the Town. Our appreciation

to Public Works Director, Bill Evans and Tourist Bureau Director, Duncan Tavares for their concerted efforts to make this happen. The 12 fruit trees were planted on January 16, 2012 as part of National Day of Service volunteerism and the project sign was installed before the holidays. The low picket fence has been installed. Mayor Dietch has requested that Staff investigate the possibility of installing a shared storage shed for the Gardeners Club. That request is underway. Item completed.

5. Bike Racks: Mayor Daniel Dietch

Current Status: Four bike racks in inventory have been installed. Two bike racks are located at the Community Center and one at the 95th Street parking lot. The fourth rack is located at Town Hall. The bike rack element of the Points of Light is completed.

8. Feasibility of Surfside Sharing Sunny Isles Beach Street Sweeper: Mayor Daniel Dietch

Current Status: The first cost estimate submitted by Bal Harbour was too high and negotiations to lower the price were unsuccessful. Sunny Isles Beach finalized its offer at \$17,395 per year for twice monthly town wide sweeping. We have also rejected this offer and have awarded a contract to Dynaserv at the cost of \$11,500 annually for the same level of service. This contract was awarded using a previously competitively bid State contract. The first pass was made January 15, 2012. Initiating this service allows us to meet federal and local mandates for street sweeping to avoid polluting the waters surrounding Surfside. The project will be funded from the Storm Water Utility and will not utilize General Fund revenues. Item completed.

11. New Crime Prevention Initiatives: Mayor Daniel Dietch

Current Status: The following crime prevention initiatives were reviewed by the Town Commission at the May and June 2011 Commission meetings: Implementation has begun.

- The Police Department reviewed technology for license plate readers. The Police Department is recommending not purchasing either the mobile or stationary license plate readers. The mobile readers were tested during the past few months and Staff was not satisfied with the product or software. The stationary reader is cost prohibitive. Item completed.

25. Draft a Policy on How the Town Commission Places Items on the Agenda: Mayor Daniel Dietch

Current Status: Based on discussion during the December 13, 2011 Town Commission meeting, this item requires no further action. Item completed.

28. Micro-Finance Employee Benefit Program

Current Status: The Town Commission was briefed during the November 8, 2011 Town Commission by BMG Money Inc. regarding a small loan program for Town employees wherein the loans are made to employees at reasonable terms with payment made from payroll deduction. Given the difficult financial times many of our employees face, this method of financing is a worthwhile program. The experience in Doral and Sweetwater where this program has been implemented has been very positive. Subsequent to the December 13, 2011 Town Commission acceptance of the Agreement with BMG Money, Inc, nine Town employees have participated in the program. Item completed.

25. Parking Forbearance for the Holiday Season: Mayor Daniel Dietch

Current Status: The Downtown Vision Advisory Committee discussed in their November 30, 2011 meeting various options for a good-will parking gesture during the holiday season. The Town Manager recommended a one hour forbearance on receiving a parking citation beginning Thanksgiving and ending January 1, 2012. Late parkers received a note from the Town thanking them for their business downtown and letting them know they did not receive a citation for a one hour grace period. Based on Town Commission approval during the November 8, 2011 meeting, the program was implemented. From November 24, 2011 thru January 1, 2012 parking enforcement officers issued a total of 472 parking grace period notices. This program will become institutionalized in future holiday seasons. Item completed.

30. Linkage of Bus Routes with Sunny Isles Beach: Mayor Dan Dietch

Current Status: After long discussions with Sunny Isles Beach, this project will finally become a reality before the end of January, 2012. The connection point will be at the Surfside Publix. Schedules have been posted on the Town website and a story will appear in the February 2012 Gazette. Item completed.



**Town of Surfside
Town Commission Meeting
February 14, 2012
7 p.m.**

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

DISCUSSION ITEM MEMORANDUM

Title: Sea Level Awareness Project (SLAP)

Objective: To provide the Town Commission background information on SLAP.

Consideration: This item was first presented in the Points of Light during the December 13, 2011 Commission Meeting and was accepted by the Town Commission. During the January 17, 2011 Commission Meeting this item was again presented in the Points of Light (Item 33) with a status update. Commissioner Olchyk requested additional information about sea level rise and SLAP, which is presented below:

- In 1998, the U.S. Environmental Protection Agency initiated and funded the study of sea level rise impacts on nation's economy.
- In 2000, the U.S. Environmental Protection Agency contracted with the Southwest Florida Regional Planning Council to coordinate sea level rise study within Florida.
- In 2002, the Southwest Florida Regional Planning Council contracted with the South Florida Regional Planning Council to map sea level rise in 7 counties (Indian River, St. Lucie, Martin, Palm Beach, Broward, Miami-Dade, Monroe). See the attached presentation that summarizes the findings and the following website for more information: <http://www.sfrpc.com/climatechange.htm>.
- The Sea Level Awareness Project was started in 2008 by Alec Loorz, an 8th grade student from Ventura, CA. His concept was to awaken the community to the adverse impacts of sea level rise in his community. The project involved students from two middle schools that erected poles that showed how far under water you'd be at certain locations based on predicted sea level rise and that show problems we'll be facing at incremental sea level rise as well. The hope was that it would focus the discussion away from "well, MY house is above the line" to "what are we as a community going to do about this?" Inspired by Alec's passion, the project has been replicated in coastal communities throughout the United States. See attached photographs.
- In Surfside, the project would be undertaken by an Eagle Scout candidate mentored by Surfside resident Howard Rennert. There would be no cost to the Town.



Alec Looz explaining pole message to Ventura City Manager, Rick Cole

SLAP team installing prototype pole for documentary film crew



The SLAP pole prototype

Sea Level Rise Map Projections

Prepared by Peter Harlem

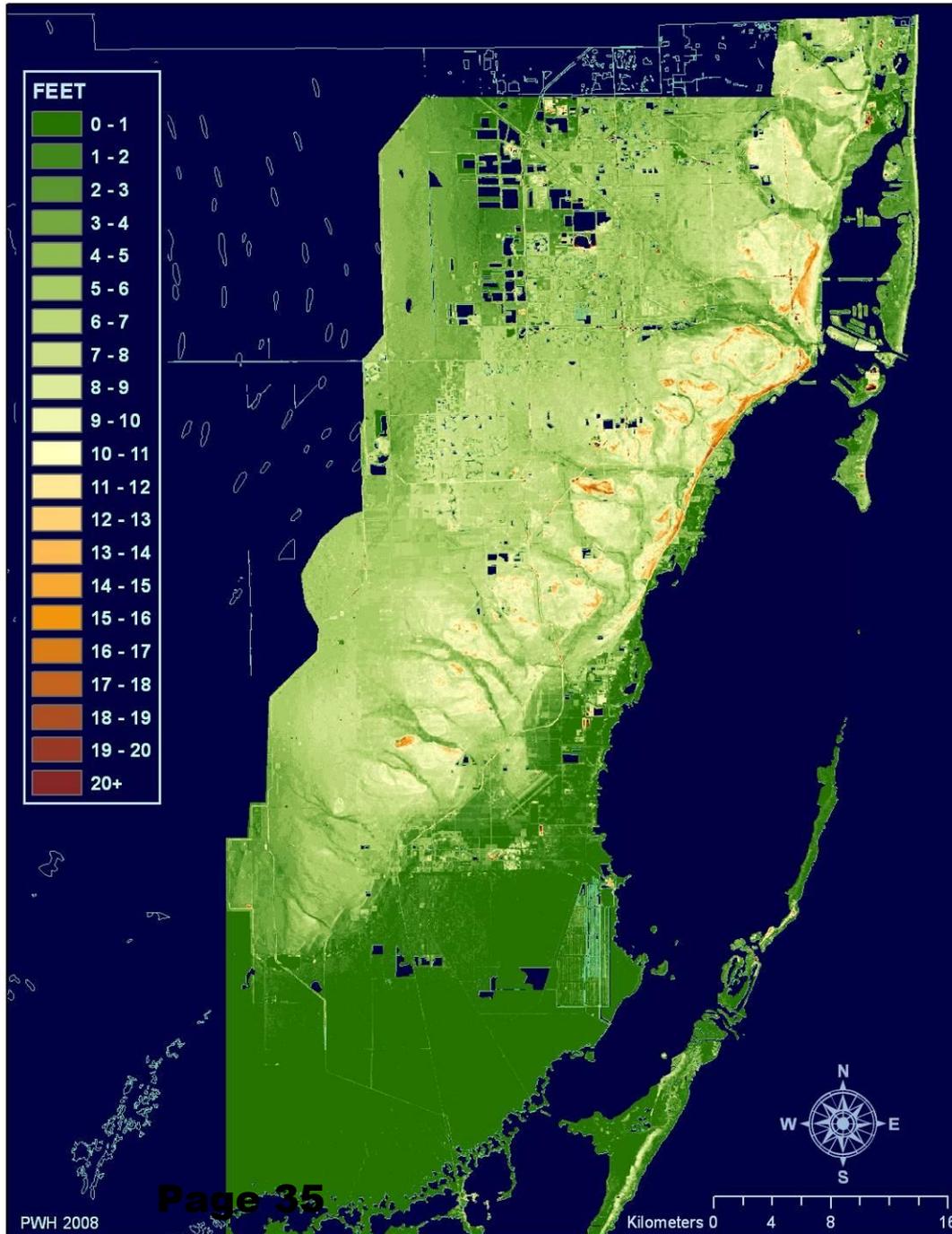
SLR = 0 Ft.

DATE = 2004

Current Conditions

- Raster elevation map of area covered by combined LiDAR data sets.
- Brown areas are high ground, dark green are near sea level.
- Main limestone ridge, barrier islands are IHRC data.
- Area from Turkey Point south and NW lake region from USACE-CSOP data.

Prepared by:
Peter Harlem, 2008

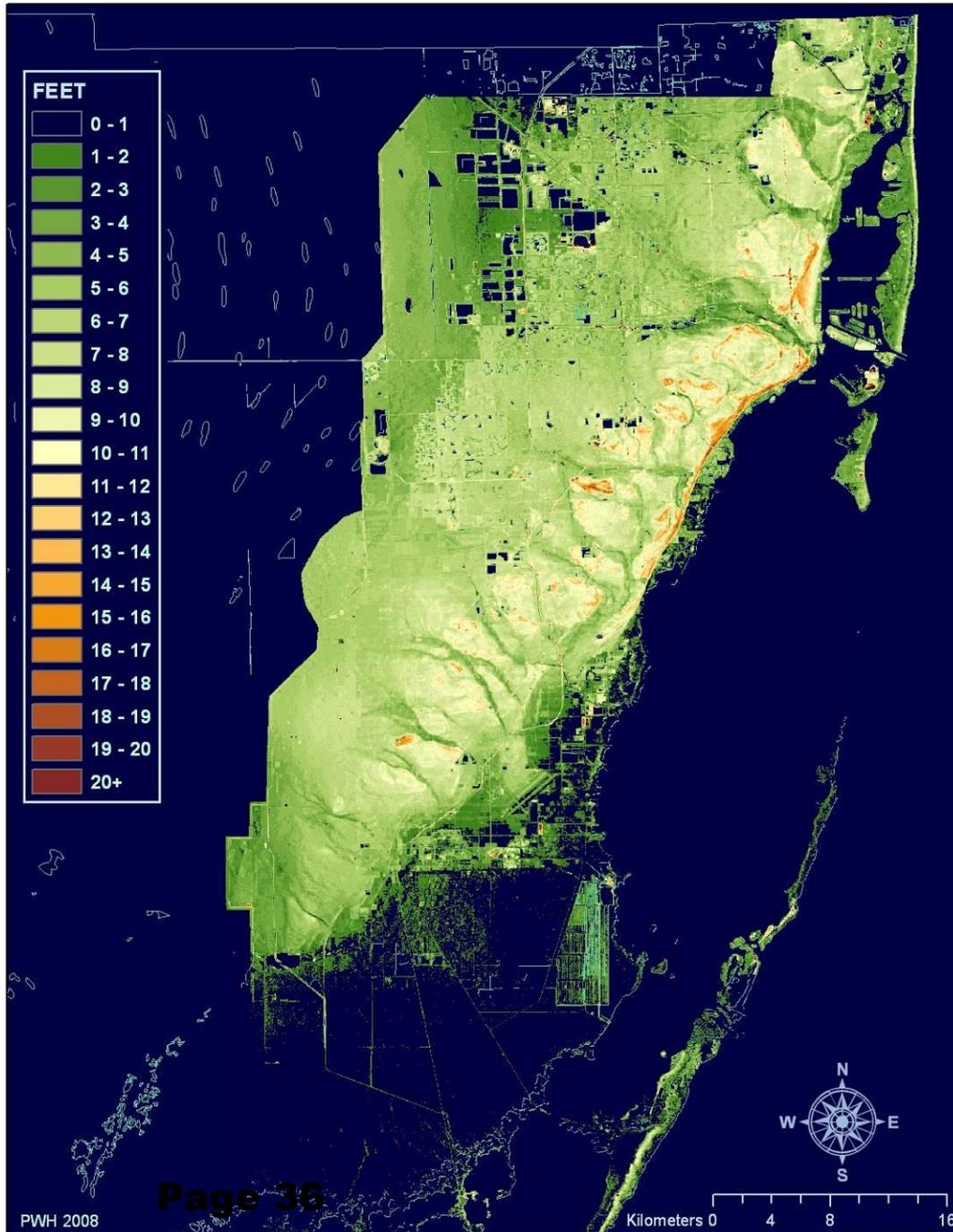


+ 1 Ft.

DATE = 2042

- 83% of land surface remains above mean high tide.
- Coastal plain and marshes inundated at high tides.
- Mangrove swamps deepen, coastal vegetation migrates upslope.
- Beach erosion increases.
- Levees like the L-31E expected to restrict encroachment - delaying salt water intrusion in south Miami-Dade.
- Southern Everglades not protected by equivalent structure.

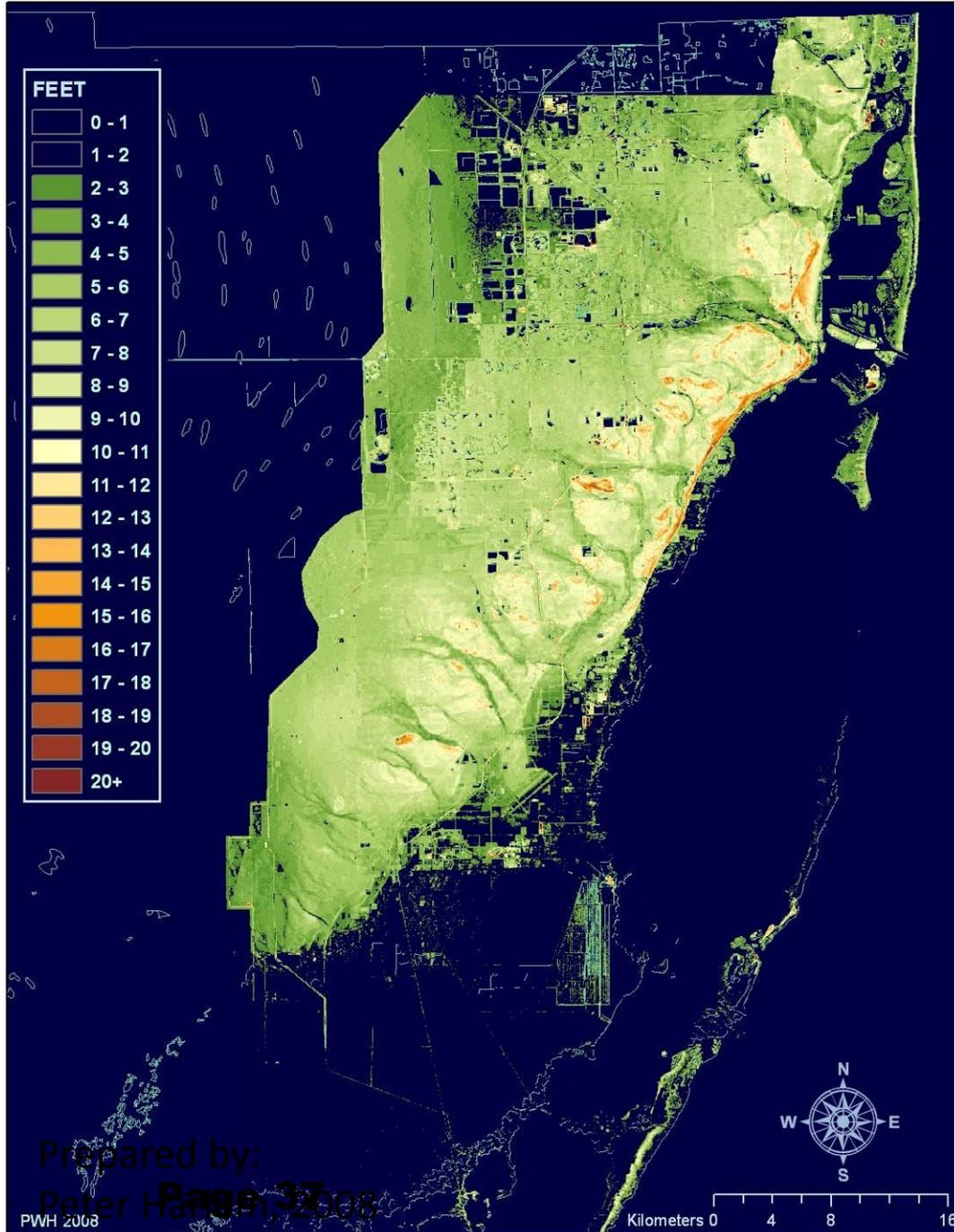
Prepared by:
Peter Harlem, 2008



+ 2 Ft.

DATE = 2066

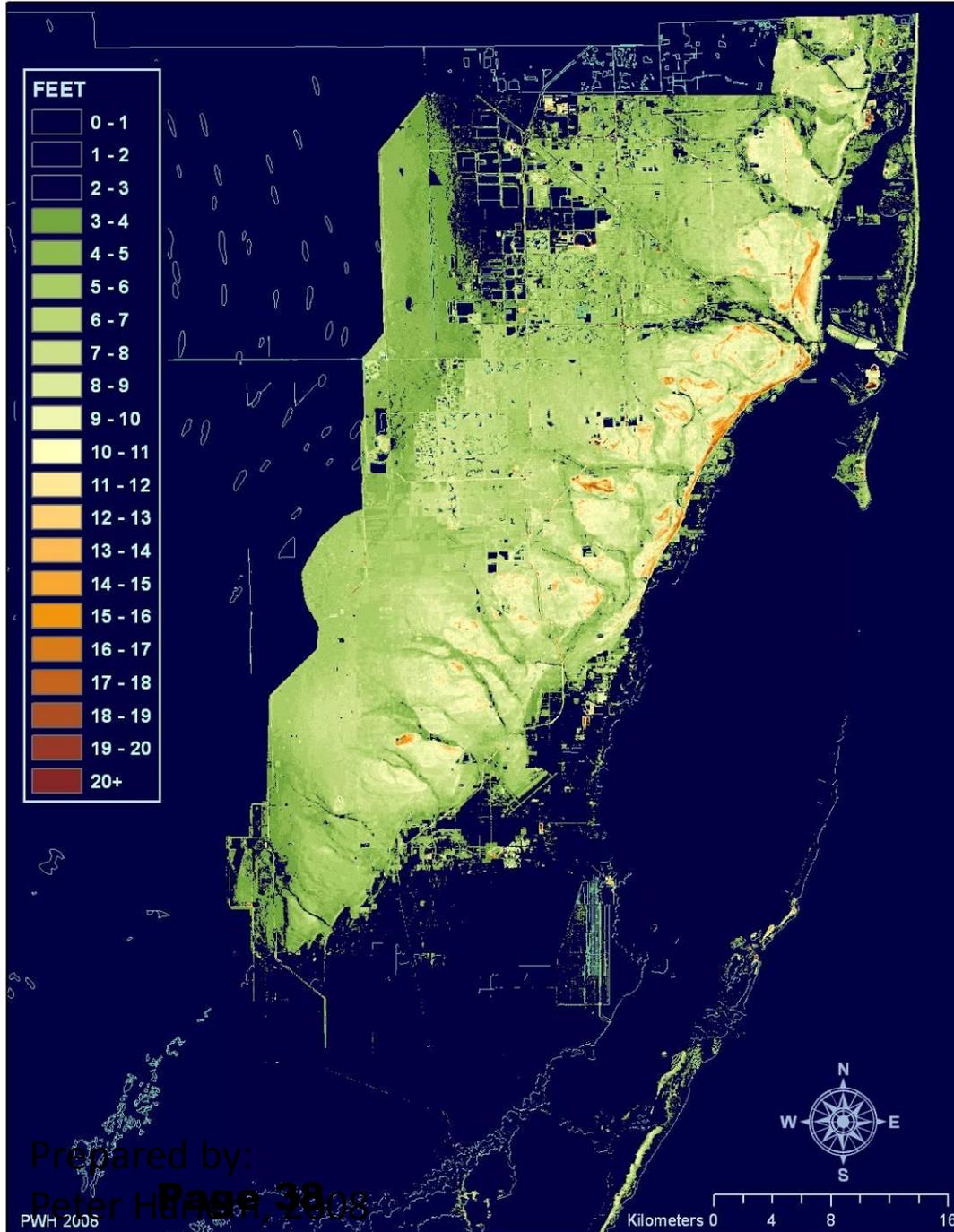
- 72% of land surface remains.
- Sandy barrier islands challenging to live on: fill areas eroding; beach front rapidly eroding; storm channeling.
- Existing mangrove swamps collapse; inundation and collapse of lower freshwater marshes.
- Much of upper and lower Keys inundated.
- Coastal levees under wave attack.
- Access to barrier islands and public works becomes difficult – Turkey Point, South Dade landfill.



+ 3 Ft.

DATE = 2084

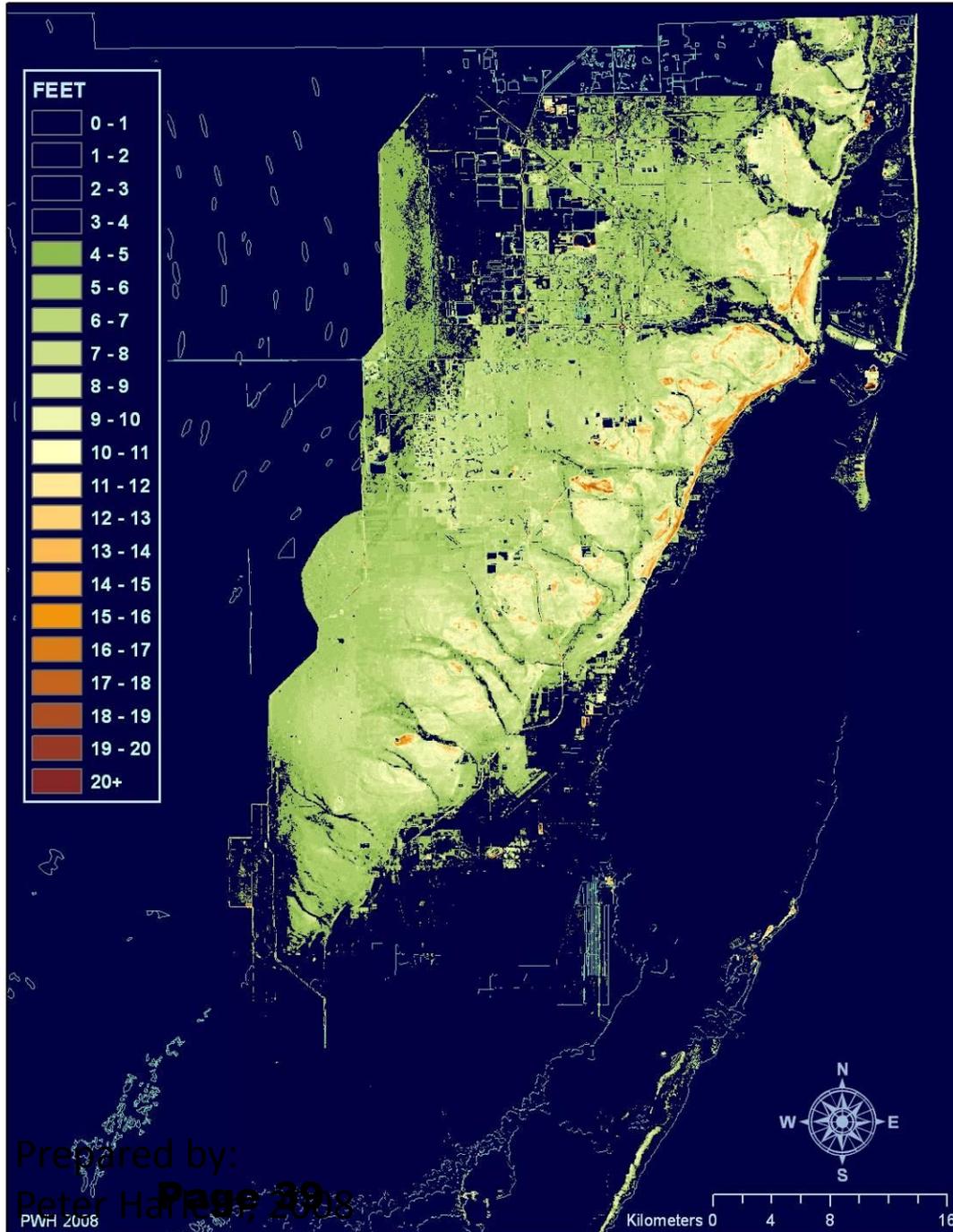
- 67% of land surface remains.
- Sandy barrier islands essentially gone.
- Massive amounts of mud and organics clogging coastal bays and inner coasts.
- Potable water supply threatened by salt water encroachment.
- Flooding and saline intrusion through paleo channels through coastal ridge (transverse glades) – threat to major economic engine and county water quality.
- Causeways inundated.



+ 4 Ft.

DATE = 2098

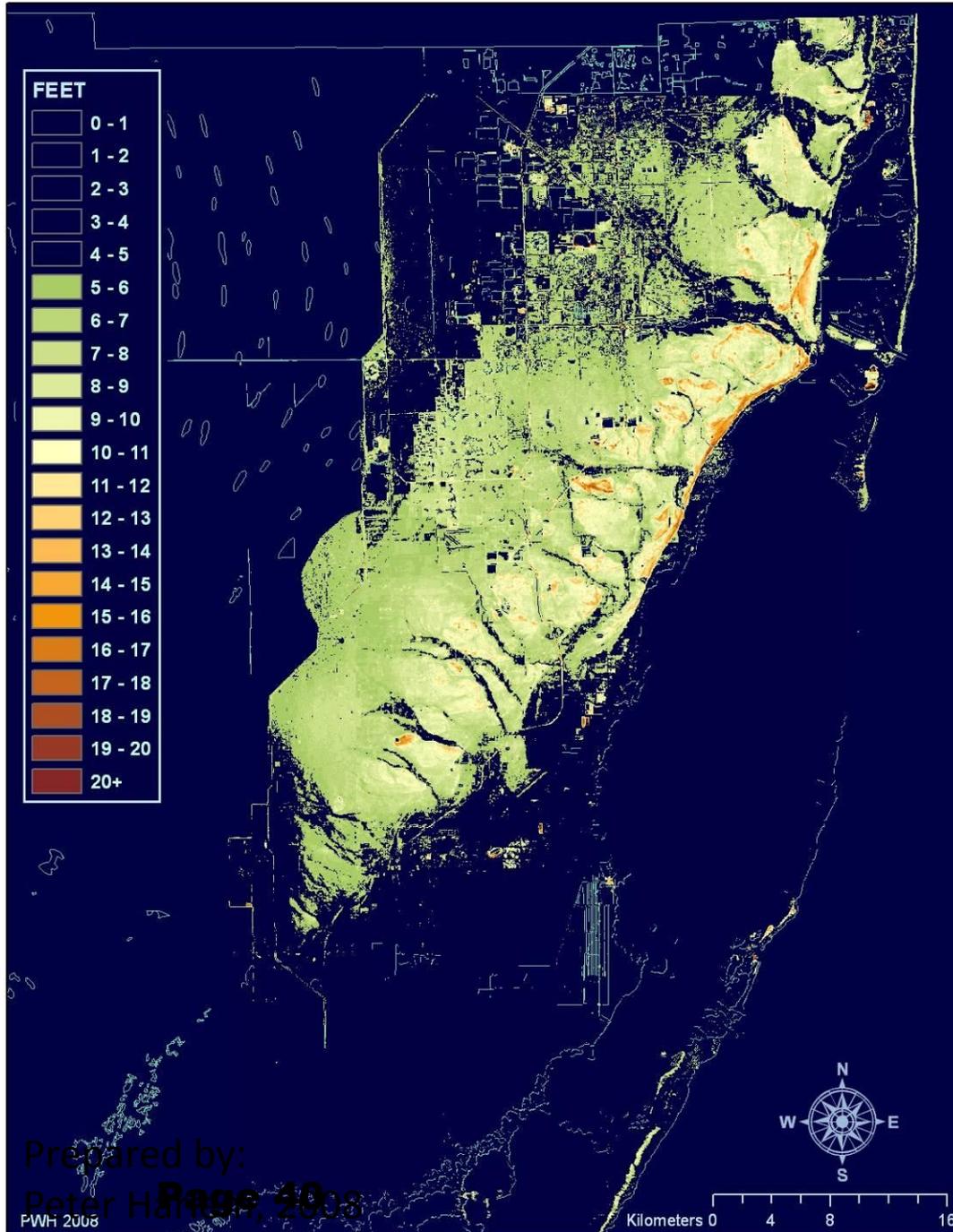
- 62% of land surface remains.
- Northern rivers tidal dominated producing interior flooding.
- Only highest portions of barrier and man made islands remain above tide.
- Increased coastal wave energy.
- Everglades inundated west of Miami-Dade County. Groundwater flow to bays ends causing total collapse of estuaries.
- Much of remaining low upland in west Miami-Dade County becoming wetland habitat.



+ 5 Ft.

DATE = 2110

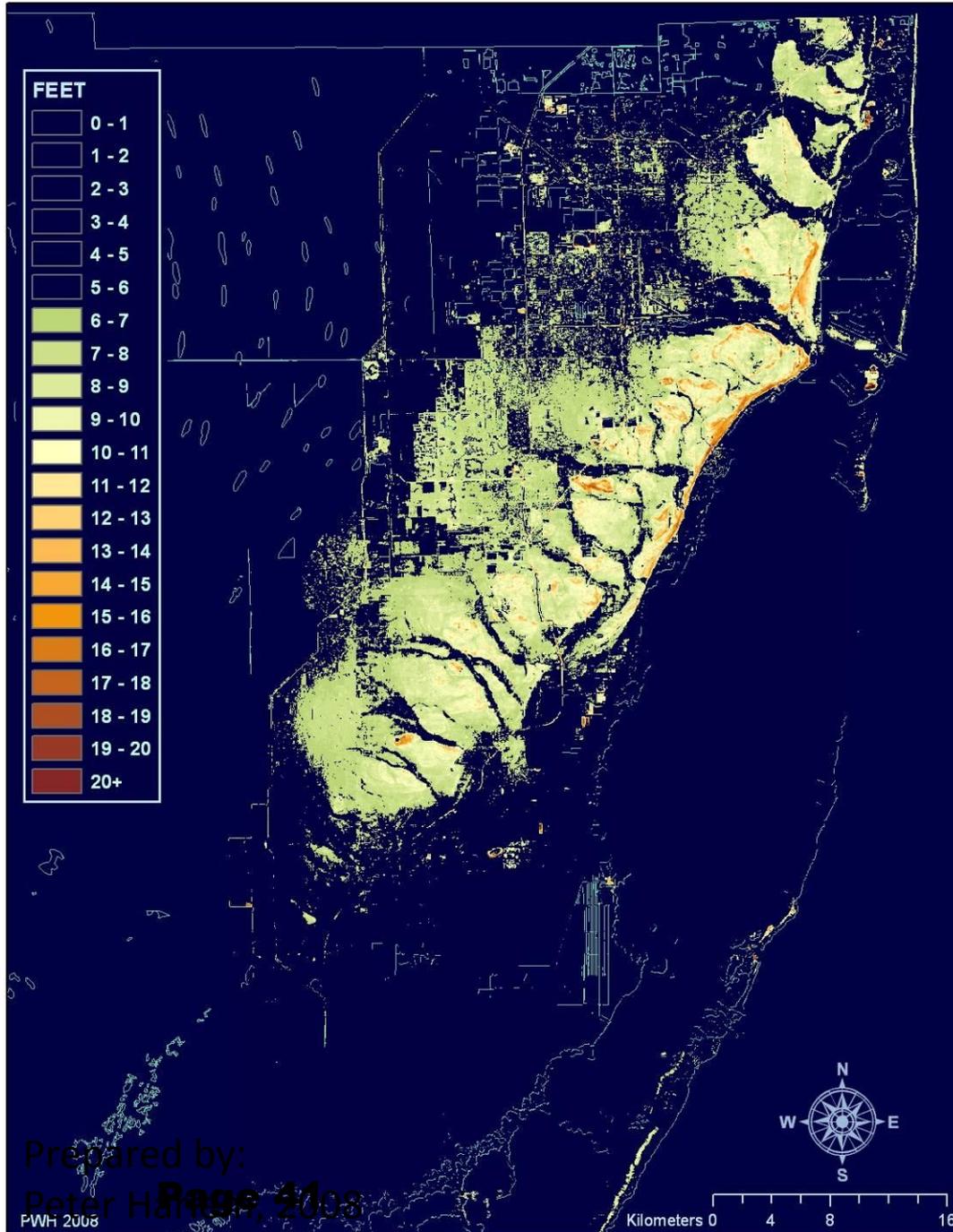
- 54% of land surface remains.
- Most transverse glades flooded at high tide.
- Coastal ridge now divided by tidal channels into a series of independent islands.
- Everglades inundated to north of Broward County with major tidal channels through ridge in north Miami-Dade and Broward.
- Rainfall greatly reduced.



+ 6 Ft.

DATE = 2120

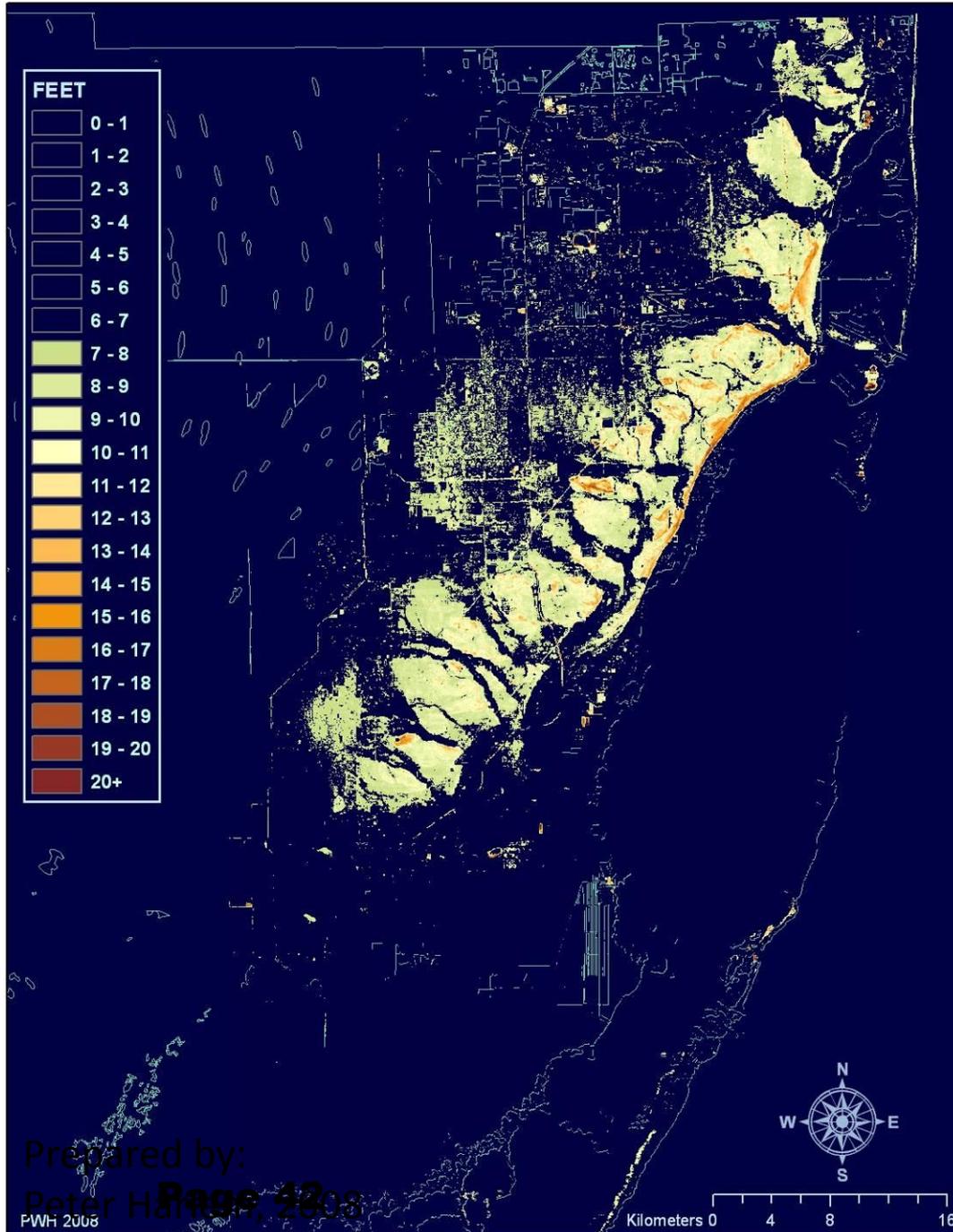
- 44% of land surface remains.
- Dry climate prevails as land for convection diminishes - onset of Florida Keys-like environment.
- SW portion of ridge inundated.
- Waste disposal sites inundated and releasing to the sea.
- Storm surges moving up Everglades estuary compound risk.



+ 7 Ft.

DATE = 2128

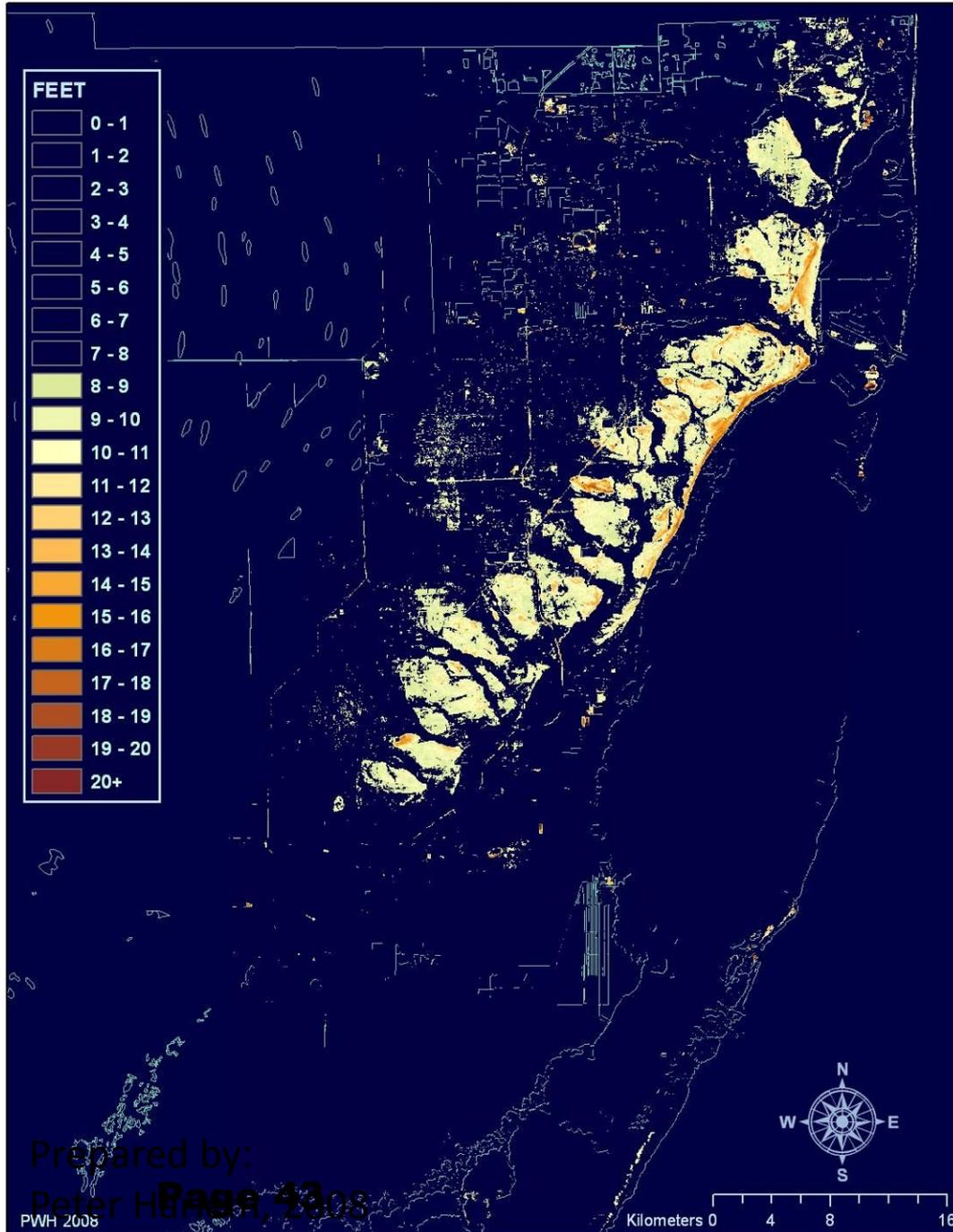
- 33% land surface remaining.
- Total loss of mainland climate.
- Storm surges have reduced much of historical development below 10 feet to rubble.
- Vast mud flat attempting to form on west side of coastal ridge



+ 8 Ft.

DATE = 2135

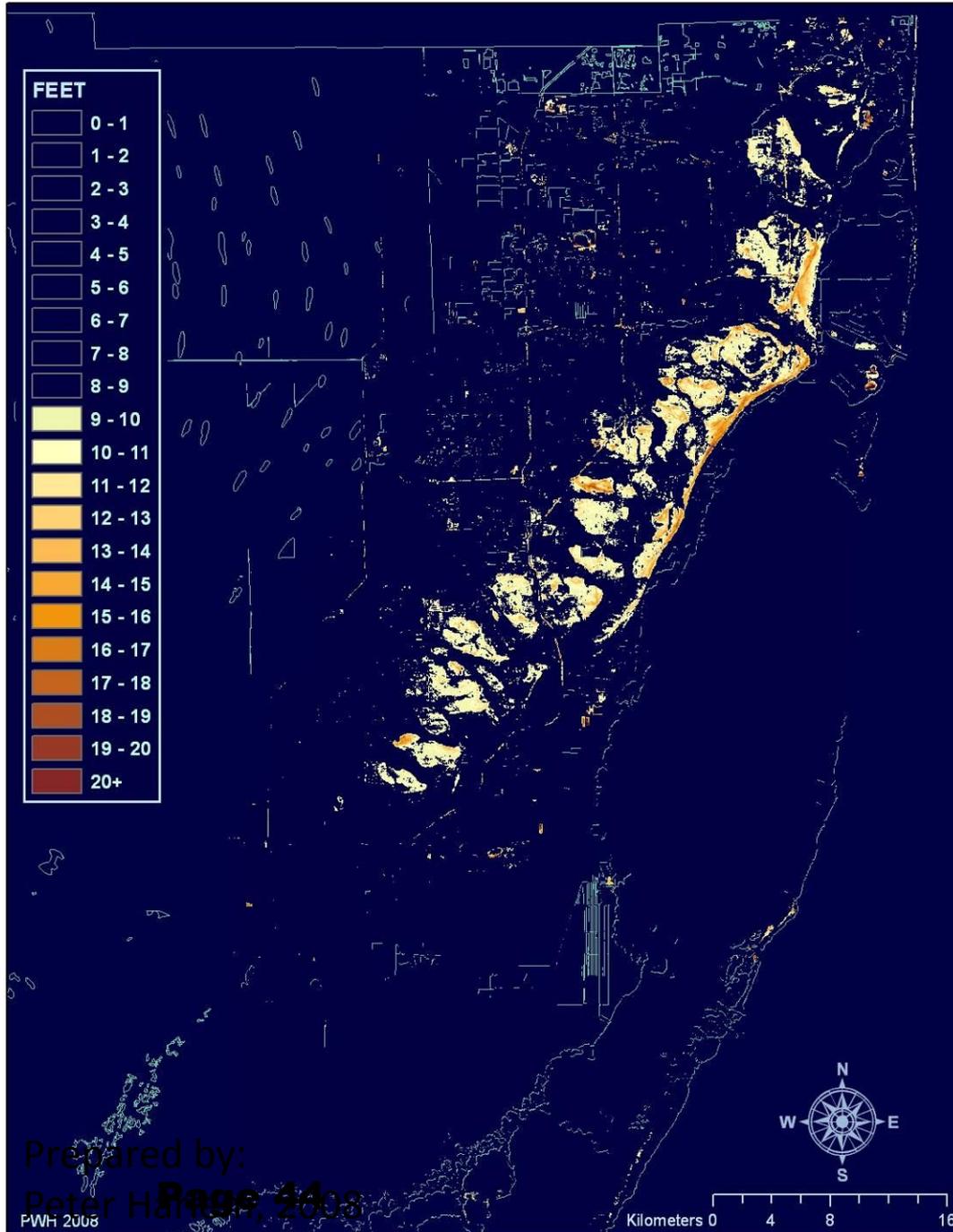
- 12% land surface remaining.
- Rate of rise accelerating - ~1 ft. every 6-7 years.
- Everglades now extension of Florida Bay.
- Shoreline energy increased considerably – large surf common.



+ 9 Ft.

DATE = 2144

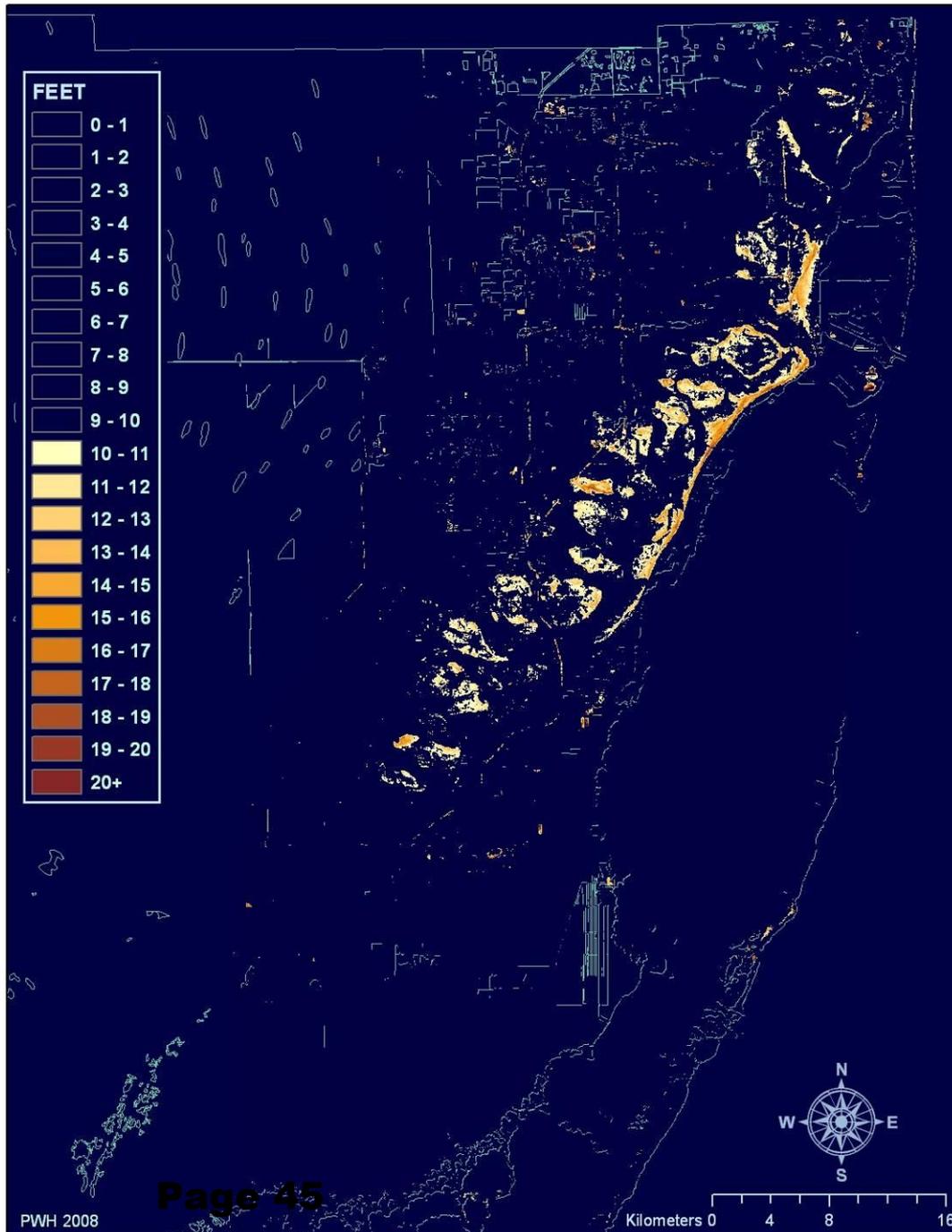
- 14% land surface remaining.
- Transverse glades now passes between many small islands.
- Creation of extensive nearshore shelf ecosystems.
- Transportation restricted to boat or helicopter.



+ 10 Ft.

DATE = 2150

- 9% of land surface remaining.

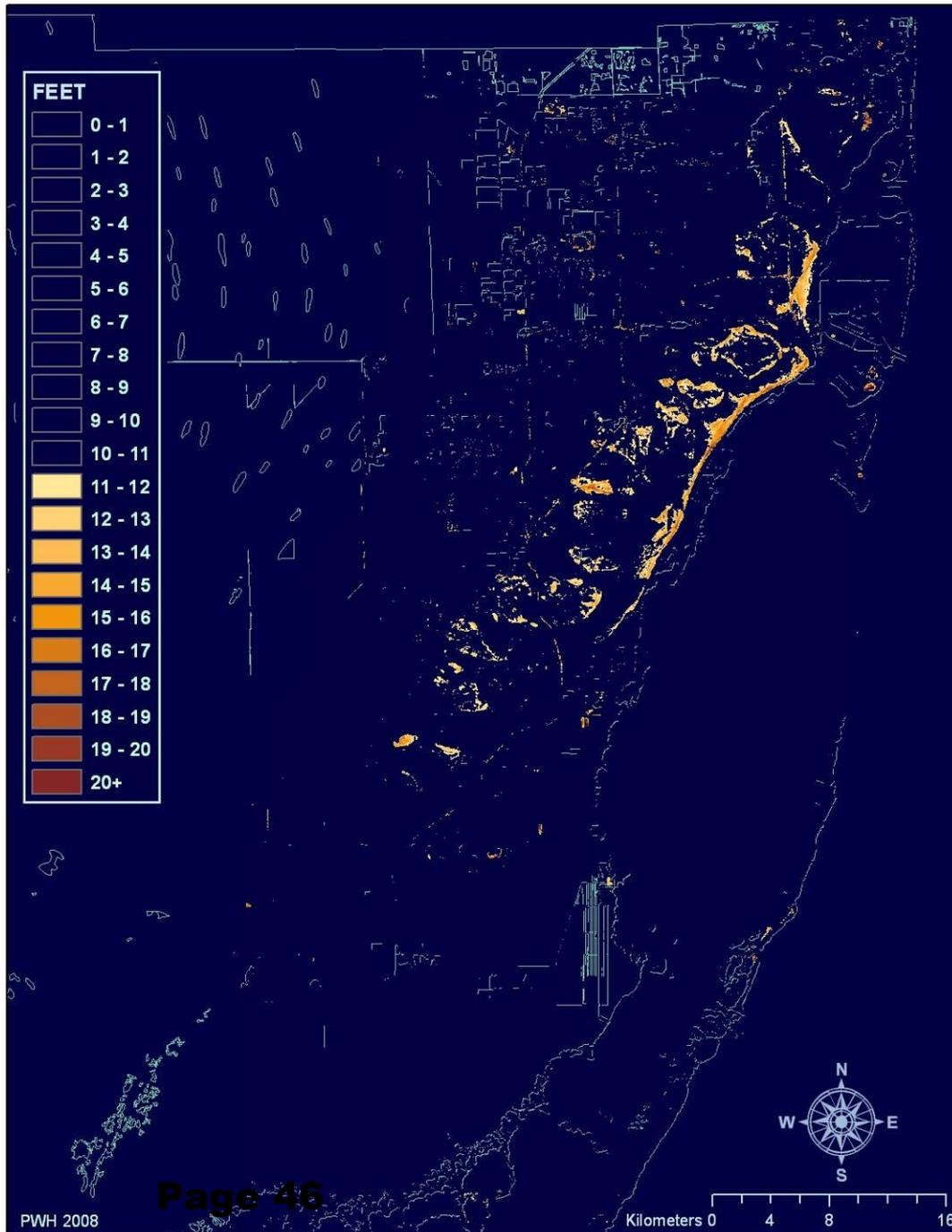


Prepared by:
Peter Harlem, 2008

+ 11 Ft.

DATE = 2155

- 5% of land surface remaining.

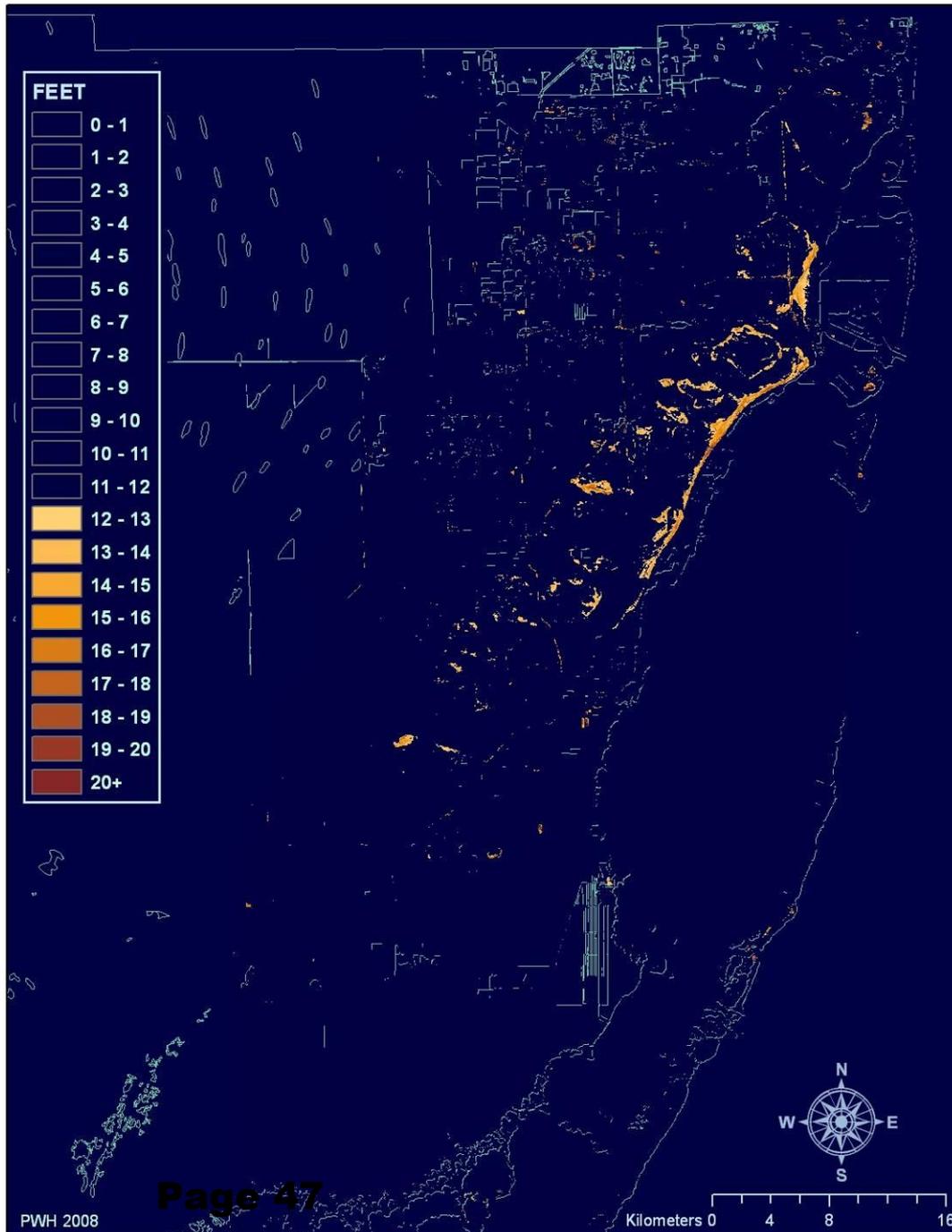


Prepared by:
Peter Harlem, 2008

+ 12 Ft.

DATE = 2159

- 3% of land surface remaining.



Prepared by:
Peter Harlem, 2008



SALLY A. HEYMAN
COMMISSIONER

Board of County Commissioners
MIAMI-DADE COUNTY - FLORIDA

STEPHEN P. CLARK
111 N.W. FIRST STREET, SUITE 220
MIAMI, FLORIDA 33128 1963
(305) 375-5128

February 7, 2012

Village of Bal Harbour
655 96 Street
Bal Harbour, FL 33154

Re: Funkshion Event

Dear Manager, Mayor, Council and Police Chief,

In November 2011, after meeting with a private enterprise/promoter regarding a multi-day, multi-arts and concert event at Haulover Park; I advised the event representatives to meet with the Miami-Dade Parks Director and also Law Enforcement. This was subsequently done.

In early January 2012, I facilitated a meeting with representation that included representation of the Event Promoter, Miami-Dade Parks, Miami-Dade Police and invited Law Enforcement from contiguous municipalities. At that time a presentation was made by the Promoter of the intended multi-day event, issues were raised by County Parks and Law Enforcement and concerns regarding traffic, noise and event logistics by all Law Enforcement. At the conclusion of this meeting I stated, "The decision to permit and approve event application(s) will be the decision of the professional Directors (and designees) of the County." "The integrity of the event and the safety of the site and surrounding communities will be assessed by professionals and decisions made on factual information and will not be made by gossip and innuendo."

Since our joint meeting, event competitors and communities have expressed great concern about the proposed Funkshion at Haulover Event. **Last week, Miami-Dade Parks and Miami-Dade Police DENIED THE APPLICATION and EVENT PERMIT based on several logistical requirements that could not be resolved/satisfied to the level required by our County.**

Thank you for your patience, your engagement in representing your municipality's concerns and allowing the process that is in place to run its course. In the end, the value is reaffirmed in reliance of professionals doing their jobs.

Page 2
Village of Bal Harbour
February 7, 2012

As always, it is a pleasure representing your government and our constituents at the County.

Sincerely,

A handwritten signature in black ink, appearing to read "Sally A. Heyman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Sally A. Heyman
Commissioner
District 4

cc: Honorable Carlos A. Gimenez, Mayor
Jack Kardys, Director, Miami Dade Parks
James Loftus, Director, Miami Dade Police Department
Mark Jeter, Major, Miami Dade Police Department



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 

CC: Roger M. Carlton, Town Manager

DATE: February 14, 2012

SUBJECT: Town Attorney Monthly Update for February, 2012

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:

Sidewalk Café

Resolutions:

1. Resolution Permanently Extending the Provisions Contained in Resolution 11-1997 and 11-2043 that Provide for Police Officers to Enforce Certain Provisions of the Town Code
2. Resolution urging Miami Dade County to Reject any and all Large Scale Special Events
3. Ratification of the Fraternal Order of Police Local 135 Collective Bargaining Agreement
4. Resolution for Retention of Finance Director Recruitment Firm by Town Manager

The Town Attorney has prepared for, attended and/or rendered advice for the following meetings:

January 17, 2012 Commission Meeting
January 23, 2012 Special Commission Meeting
January 26, 2012 Planning & Zoning Meeting
February 2, 2012 Design Review Committee Meeting

Town Manager and Town Clerk Issues:

1. SOF Beach Lease
2. Research Internal Affairs Public Records Request and other various prr's
3. West Final Payment and closeout issues
4. AECOM – close out
5. Fundraptions – dispute resolution issues
6. 9501 Collins issues relating to continuing obligations of developer
7. Research and follow up re 9200 Collins extension by Growth Management legislation and Governor's subsequent executive order and render opinion re same
8. ATS contract negotiations for enforcement of most favored nations clause; prepare demand letter
9. FPL – municipality rates – most favored nation clause
10. Web Services Contract review and preparation of addendum; work with Manager and Duncan Tavares re same
11. Sephardic Temple site plan issues
12. Young Israel settlement execution; research traffic study methodology; review site plan traffic, landscape and all other comments for compliance with settlement agreement and render opinions re same
13. State RLF legal issues
14. Election issues for Town Clerk, respond to candidate questions; review elections chart prepared by legal intern
15. Magen David site plan issues
16. Water, Sewer, Storm Drainage and Collins Avenue Force Main issues
17. Business Development District including vacant window, sign, awning, and uses issues
18. Bay Harbor/SIB sewer issue
19. Preparation of Draft Ordinance re: "lifts"
20. FOP meeting advertising requirements
21. FDOT sidewalk agreement addendum
22. Aleph Institute event issues
23. League Insurance coverage issues

Agenda for January 26, 2012 Planning Board Sitting With Design Review Board:

Dock Ordinance
Sign Ordinance
Young Israel Settlement Stipulation Explanation of Process

Building Department/Code Enforcement/Planing:

Lien foreclosure issues and continuing advice on various issues

Human Resources Department:

FOP Arbitration closure

Finance Department:

1. Finalize audit letter

Parks and Recreation:

1. Review hypnosis agreement for Parks & Rec
2. Review and revise art agreement

Police Department:

Meetings to discuss favored nation clause to re-negotiate Red Light Camera fees with ATS; prepare demand letter.

Davis v Surfside issues

Conclude Blum case issues

Public Works:

Assist with Water Sewer Utility project issues.

FPL/Cable undergrounding issues

Tourist Bureau:

Review and revise FDOT Sidewalk Agreement and prepare proposed companion sidewalk ordinance

Waiver X event

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 as to discovery with a previous case filed by a former sergeant in the Town's police department. The Court denied the Motion to Consolidate both cases for trial. The Court has ordered mediation which is scheduled for February 21, 2012. Trial is scheduled for the week of July 30, 2012.

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). This matter is primarily being defended by The Florida League of Cities which has approved counsel to assist in the defense of this case. Mediation was held on January 4, 2012 with a follow-up Executive Session on January 9, 2012. A settlement was negotiated and approved at a Special Commission Meeting held on January 23, 2012. The Stipulation of Settlement has been filed with the Court and a joint motion to stay the matter for 120 days has been filed with the Court. A site plan was filed, and the first of several reviews are underway. The Design Review Committee met on February 2, 2012. We will ensure the site plan complies with the terms of the settlement.

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:

Americo Wehbe v Town of Surfside, Civil Action No. 11-23445 in the United States District Court for the Southern District of Florida. Plaintiff filed a ten (10) count Complaint served December 13, 2011 and a Motion to Dismiss to Strike or Motion for More Definite Statement was filed on January 18, 2012. Florida League counsel represents the Town and these claims are currently under investigation by the Florida League of Cities counsel in accordance with the Town's insurance policy and subject to the attorney-client privilege. This office is working with the Police Department and Florida League of Cities to sort out the facts and coverage issues. The Florida League previously investigated this matter and determined there was no liability on the Town or any of the officers, and the League stated there was no probable cause for the arrest. The Court is reviewing the Joint Scheduling Report. Trial has not been set.

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

The parties successfully negotiated a settlement of this case which began in 2001. (Quick reminder of facts: Blum was police officer who originally filed a worker's comp claim which turned into a work comp lawsuit. The Town and League settled this case but as a requirement of settlement, Blum was required to resign and Town would provide a neutral employment reference. When the Town did not do this, Blum sued for breach of settlement agreement, breach of contract, violation of policeman's bill of rights and fraud in the inducement.)

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

Plaintiff tripped over a raised portion of the sidewalk on the south side of SR 922 at the intersection of Bay Drive. Plaintiff lost several teeth, had extensive dental reconstruction work and claimed \$48,000 in past medical bills and another \$6-\$8,000 in future medical expenses. The Town defended based on the belief that FDOT owned and maintained the sidewalk in question. This case was tried by League counsel and on January 26, 2012, the jury returned a verdict that Surfside has ownership of the sidewalk upon which the Plaintiff fell. Of the approximately \$55,000 in damages sought, Plaintiff was awarded \$16,084 in medical expenses. The League will cover this verdict.

Special Matters:

Continued monitoring and cataloguing of new case law and legislation on Federal, State, and County levels.



**TOWN OF SURFSIDE
PROJECTS PROGRESS REPORT
CALVIN, GIORDANO & ASSOCIATES. INC.
February, 2012**

1. **Community Center** – Any and all warranty items are being brought to the Contractors attention for correction. The Town continues to hold \$23,000 in retainage for the remaining items to be corrected at the Activity Pool. The sub contractor for this work will be making final corrections this month.

2. **Planning and Community Development** – Planning staff presented discussion items regarding the length of boat docks and revising the sign code to the Planning and Zoning Board. The Planning and Zoning Board has indicated they would like signs to be illuminated. Staff is proposing illumination as well as modifying the permitted sign materials and types of lettering. Staff is preparing a proposed ordinance to be heard in an upcoming Town Commission meeting. Planning staff has also proposed completely revising the packets received by the Planning and Zoning Board members. The packets will include applicable prior resolutions and/or ordinances. Young Israel submitted a site plan to the Town. Staff has reviewed the plan and the first Development Review Group (DRG) meeting was held on February 2, 2012. The applicant received comments and will be scheduled for a second DRG meeting one week after the revised plans are submitted. Once all DRG comments are addressed, the application will be scheduled for the Development Impact Committee, which will be advertised and televised. Planning staff continues to answer general zoning calls and e-mails from the public and to review building permits for conformance with the zoning code.

3. **Website, Information Technology, TV Broadcasts** – The wifi system at the Community Center has been fully integrated and is operational. This will provide a wireless wifi signal that can be accessed inside each building and across the pool deck area. The public wifi is utilizing the existing cable broadband connection which has been isolated to protect the Town's internal network. The Community Center staff is utilizing the new AT&T T1, installed to improve bandwidth speed when accessing the Town's private network. The Community Center staff has received training on all e-reader devices. Two (2) 70" flat screen TVs have been installed at the Community Center, one in the reading room and the other in the main multipurpose room. IT staff continues to respond to IT support requests via email and phone on a daily basis.

Engineering
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- 4. Public Utilities / Engineering** – The Water/Sewer/Storm Drainage Project commenced on August 15, 2011 in the southern sector (Phase I) of the City. The project involves water main / water service replacements, lining of the gravity sewer mains and sewer lateral replacements, rehabilitation of the sewer pump stations, and improvements to the stormwater collection system including two new drainage pump stations. Construction also commenced within the Harding and Collins Avenues corridors (with a break that occurred during the holiday season) preceding the FDOT resurfacing project anticipated to commence in April 2012. The public information project website continues to be updated frequently. At the suggestion of Mayor Dietch, the Frequently Asked Questions (FAQ's) has been updated with information gathered from the Phase 2 pre-construction meeting which was held on January 11, 2012.

Bal Harbour Village has completed the construction / installation of a parallel force main within the Collins Avenue corridor through the Town. Bal Harbor received approval from WASD early in January to connect to the newly installed line. This will allow for the transfer of pumped sewage from the old Bal Harbour force main under Byron Avenue to the new / shared (Bal Harbour – Surfside) Collins Avenue force main. Once completed, the old force main can be cleaned, investigated and tested; the appropriate course of action (repair / abandonment / continued utilization) can then be determined.

CGA continues to work with the Town Manager regarding its potential for a partial refinancing of the project to reduce the interest cost and provide funding for a potentially expanded scope of work to include additional water mains serving the Collins / Harding Avenue corridors.

Stormwater System

Phase I Complete; majority of stormwater system work will occur in Phase II.

The construction includes the installation of a backbone stormwater conveyance system along Bay Drive that will interconnect existing stormwater culverts / piping and direct the run-off to two pump stations. Also, a third pump station will be constructed on the southern end of Carlyle Avenue. All permits have been obtained including contractor dewatering permit and FDEP well permit.

Sanitary Sewer Collection System

Phase I sewer lateral replacement is completed; TV, inspection and lining of sewer mains will continue Town wide.

Sewer lateral replacement, lining of the mains and television inspection of the gravity sewer mains has commenced in Phase II and shall continue within the Harding and Collins Avenue corridors. The improvements being completed on the Sanitary Sewer System are required per a consent decree with Miami-Dade County.

Water Distribution System

Phase I water main installation is completed; work outside of the roadway (in Right-of-Way and private property) will continue into February. As the work is completed and the Contractor receives all Department of Health approvals, water services are being transferred to the new system for all of Phase I.

Water main and water service installations have commenced in Phase II.

Grant status - Miami-Dade (GOB) Building Better Community Bonds \$829,000 – In place

Stormwater Master Maintenance

CGA staff assisted the Town with the response to the Florida Department of Environmental Protection comment letter on the July 2011 submittal of the Year 8 Annual Report Form. The Town staff has implemented the street sweeping program, with a private contractor sweeping every two weeks, as per National Pollution Discharge Elimination System permit requirements.

Funding Summary –

Funding Status:

<u>Grant</u>	<u>Amount</u>	<u>Status</u>	<u>Probability</u>
FDEP Grant	\$873,500	In place	100%
FDEP Grant	\$125,000	In place	100%
FDEP Grant	\$100,000	In place	100%

\$1,098,500 Total In Place Funding

FDEP State Revolving Fund Loan	\$9,312,881	In process*	90%
FEMA/PDM Grant	\$2,949,550	In process**	10%

\$5,720,550 Total In Process Funding

*The Town received the letter to incur costs on October 25, 2011.

**FEMA Anticipated determination in process funding sources is scheduled for June 2012.

- Neighborhood Improvements** – The Town Commission directed CGA to begin design alternatives working with the Contractor for a traffic calming solution for 88th St. The Town Commission determined to hold on the additive alternate projects until the water/sewer/storm drainage project was underway one year to determine if remaining contingency account funding would be available.



Town of Surfside Commission Communication

Agenda Item # 4B

Agenda Date: February 14, 2012

Subject: An Ordinance Amending Chapter 18, Division 3 "Sidewalk Businesses"

Background: Sidewalk cafes have become a mainstay of successful downtown districts across the country for decades. This popular amenity is a relatively recent addition to Surfside. The present Surfside sidewalk café code does not address many of the components that accompany existing twenty first century dining in Town. The downtown business community has increasingly pursued alternatives to additionally enhance the business district with the expansion of existing restaurant uses onto Harding Avenue sidewalks. This addition of sidewalk cafes is now a vital aspect of dining options for Surfside and has greatly enhanced the Harding Avenue Business District experience and will continue to contribute to the revitalization efforts for the district. Outside dining is fully supported by the Planning and Zoning Board, Downtown Vision Advisory Committee, Tourist Board, former Beautification Committee, and Surfside Business Association.

In response to the growth in sidewalk usage, and in an effort to manage future expansion of this amenity, the Town Administration reviewed the current Town Code of Ordinances associated with the guidelines and regulations for sidewalk businesses. The conclusion is that amendments to Chapter 18 of the Town Code would allow for a more comprehensive and effective process to provide the restaurants in the downtown business district with the ability to legally expand their operations, to include a sidewalk café component, while providing an effective means of ensuring accessible passage and to address safety requirements.

The sidewalks in the business district, and in fact all sidewalks on Harding and Collins Avenues through the entire length of the Town, actually come under the jurisdiction of The Florida Department of Transportation (FDOT). Therefore FDOT oversees the entire width of Harding Avenue right up to the walls of the buildings in the downtown district. As the Town is concerned about addressing accessible passage and safety requirements, so is FDOT. Through the Administration's ongoing efforts to engage and forge a cooperative working environment with FDOT, meetings were held with relevant FDOT and Town Administration to discuss the way forward on the issue of sidewalk cafes. This Ordinance is a product of such discussions. FDOT also informed the Town that it requires a lease agreement with Surfside

in order for their sidewalks to have cafes. In effect, without a valid lease substantiated with a comprehensive Town management plan (this Ordinance), sidewalk cafes are not permitted by the State on these State controlled rights-of-way. The existing ability to dine outside would be at risk and could result in a detrimental and economically negative effect for the downtown business community and the Town as a whole.

Analysis: Although Chapter 18 of the current Town Code contains a provision for open air cafes, said provisions are not comprehensive and do not sufficiently provide for the necessary level of detail required to appropriately administer this program. Additionally, the Town currently does not have a policy or procedure in place to accept, review and process applications and apply fees or issue permits. The new Ordinance would also address the following:

- Management of the placement and condition of sidewalk café furniture to ensure handicap and emergency accessibility as well as enhance the overall Business District aesthetic and experience.
- Prohibit the use of serving stations, including temporary storage of dirty dishes and trash receptacles, as well as the exhibit of food items.
- Provide for a comprehensive violation schedule and procedures for appeal.
- Manage the removal of items in case of emergency (hurricane) or continued violation.
- Formally address the encroachment of cafes in front of their adjacent properties.
- Allow for small menu boards to inform potential patrons.

Bay Harbor Islands, Miami Beach and Sunny Isles all have ordinances regulating sidewalk cafés and include fees associated with permitting the use of the sidewalks. The Surfside Ordinance fee schedule (Ordinance Appendix A) permits the use of the sidewalk via a fifteen dollar (\$15) per square foot charge. This is less than the twenty dollar per square foot (\$20) charge in Miami Beach which has an existing sidewalk café lease agreement with FDOT. Bay Harbour Islands and Sunny Isles utilize a per seat charge process that is more difficult to monitor and manage.

With regard to Surfside's lease with FDOT, the terms and conditions are presently in the negotiation stage. This lease will be brought to the Town Commission, upon second reading of this Ordinance, at the April 10, 2012 Town Commission Meeting for review. Both the Downtown Vision Advisory Committee and Planning and Zoning Board will have an opportunity at their next meetings to revisit this Ordinance and provide any additional recommendations before the second reading comes before the Town Commission. This Ordinance will also be discussed at a meeting with the downtown property owners and business owner/operators earmarked for the end of this month.

Adoption of this Ordinance will allow the Town to provide a process to legally permit sidewalk cafes to existing and future restaurants while providing appropriate processes for application, approvals and monitoring of sidewalk café use.

Budget Impact: While the initiation of this program will result in added revenues to the Town via Sidewalk Café permit fees, the charges are in direct relation to the anticipated administrative processing costs. However, a portion of the per square foot annual permit fee (currently anticipated at twenty percent) would go to the Florida Department of Transportation as part of the required lease agreement mentioned above.

Staff Impact: Existing staff will manage the application and permitting process as well as Ordinance compliance. The Sidewalk Café Permit process will be blended into the annual Certificate of Use and Local Business Tax Receipt requirements to create a single, seamless application process for the business community.

Recommendation: The Administration recommends that the Town Commission adopt this Sidewalk Café Ordinance on first reading.



Code Compliance Director
Joe Damien



TEDACS Director
Duncan Tavares



Town Manager
Roger M. Carlton

ORDINANCE NO. 12- _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 18 AND SPECIFICALLY DIVISION 3 "SIDEWALK BUSINESSES" AND SPECIFICALLY AMENDING SECTIONS 18-80, 18-81; AND CREATING SECTIONS 18-82, 18-83, 18-84, 18-85, 18-86, 18-87, 18-88, 18-89, 18-90, 18-91, 18-92, AND 18-93 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to establish guidelines and regulations for sidewalk businesses.

WHEREAS, The Town Commission held its first public reading on February 14, 2012 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 sidewalk business regulations on February 23, 2012 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 April 10, 2012 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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

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

DIVISION 3. SIDEWALK BUSINESSES

Sec. 18-80. ~~Open air cafes.~~ Definitions.

~~As an exception to sections 18-26, 54-62, 54-63 and 54-64 of this Code, a restaurant holding a valid local business tax receipt may serve customers at tables placed on the sidewalks adjacent to the restaurant. The tables may not unnecessarily impede traffic, including pedestrian traffic, or they shall be considered a nuisance and shall be removed. These tables shall be referred to as open air cafes in conjunction with a restaurant or food establishment and shall be considered an accessory use in this district.~~

Town manager means the town manager or the town manager's designee.

Code compliance officer means the code compliance officers, fire inspectors, or any other authorized agent or employee of the Town whose duty it is to assure code compliance.

Menu holder means a board allowing for the posting of a restaurant's complete menu and fabricated in such a manner so as not to constitute a form of general advertising or establishment identification. The location, size, design, materials and color of the menu board shall be approved by the town manager and shown on the sidewalk cafe site plan (as hereinafter defined). Menu boards shall be no larger than one and one half (1 ½) square feet and in conformance with requirements set forth in Article IV Signs of the Code. The menu board shall not be a sandwich or “A” frame sign (as defined herein) provided that for limited special events, the Town may utilize a temporary menu holder.

Permittee means the recipient of a sidewalk cafe permit under the terms and provisions of this division.

Restaurant for purposes of this division only, means a duly licensed food service establishment that is maintained and operated as a place where food and/or beverages are prepared and/or served and sold for consumption within the premises, or a business establishment which has, as an ancillary or secondary use, a part thereof where food and/or beverages are prepared and/or served and sold for consumption within the premises. Sidewalk cafe permits shall be issued to a restaurant whose local business tax receipt or certificate of use licensed for take-out only for certain items and. Such restaurant may have a bench, or similar furniture, only subject to application approval.

Right-of-way means land in which the state, the state department of transportation, the county or

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the town owns the fee or has an easement devoted to or required for use as a transportation facility or street.

Sandwich or "A" frame sign means a freestanding, A-frame structure located on a sidewalk or street which may be placed in position or is collapsible and which contains a sign (as defined in section 90-68).

Sidewalk means that portion of the right-of-way which is located between the curb line or the lateral line of a street and the adjacent property line and which is intended for use by pedestrians.

Sidewalk cafe means a use located on the sidewalk portion of the right-of-way which is associated with a restaurant and is primarily characterized by tables and chairs; may be shaded by awnings, canopies or umbrellas; and may include such other sidewalk cafe furniture (as hereinafter defined) as permitted and/or approved pursuant to this division.

Sidewalk cafe furniture means those nonpermanent items, furnishings and equipment associated with the operation of a sidewalk cafe and approved pursuant to this division including, without limitation, tables, chairs, umbrellas, planters, heaters, fans and menus and/or specials boards.

Sidewalk café signage means a sign located on an umbrella that is used as shelter for sidewalk tables.

Sidewalk cafe site map means a town-approved map detailing the location of the pedestrian pathway as it relates to a sidewalk cafe.

Sign shall have the same meaning as provided for in section 90-68.

Specials board means a board allowing for the posting of a restaurant's daily specials and fabricated in such a manner so as to not constitute a form of advertising or establishment identification. The location, size, design, materials and color of the specials board shall be approved by the town manager and shall be shown on the sidewalk cafe site plan. specials boards shall be no larger than one and one half (1 ½) square feet; and in conformance with requirements set forth in Article IV Signs of the Code. The menu board shall not be a sandwich or "A" frame sign (as defined herein).

Street means that portion of a right-of-way improved, designed or ordinarily used for vehicular traffic and/or parking.

Sec. 18-81. Conditions and restrictions. Declaration of necessity and intent.

~~(a) A site plan, drawn to scale, which shall have been approved by building and planning department staff, shall be submitted and approved by the town manager and his/her designee, as appropriate. Such plan shall include the floor plan of the existing restaurant, including tables, chairs and restrooms, and the proposed open air cafe. The plan shall also show the existing parking, any proposed landscaping, location of refuse containers, proposed lighting, layout of all tables, chairs, benches, and other furniture, and pedestrian ingress and egress. An open air cafe~~

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~~located on sidewalks must remain at the elevation of the existing sidewalk. All provisions of the South Florida Building Code with respect to handicapped accessibility and restroom fixtures shall apply.~~

~~(b) The operation of such open air cafe shall not be conducted in such a way as to become a public nuisance and that the operation of such business shall not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets, alleys or sidewalks. A minimum space of 44 inches shall be allowed for pedestrian circulation.~~

~~(c) The service of patrons of the open air cafe shall be at tables only and no counter service, self service or pass through window shall be permitted.~~

~~(d) The open air cafe shall not occupy an area of more than 30 percent of the total area of the primary restaurant operation in the B-1 district.~~

~~(e) The open air cafe shall be unenclosed and shall be open except that it may be covered with a canvas cover or structural canopy of a building's arcade, loggia or overhang as may be permitted by the Code. In the event such covering or canopy is utilized, the permitting requirements of Section 301.1, South Florida Building Code, shall apply.~~

~~(f) All kitchen equipment used to service the open air cafe shall be located within the kitchen of the primary restaurant.~~

~~(g) The open air cafe shall be kept in a neat and orderly appearance and shall be kept free from refuse and debris. After the close of business, all tables and chairs shall be removed from the premises unless they are properly secured.~~

~~(h) No additional signage shall be permitted in the open air cafe area.~~

~~(i) No outdoor speaker, stereo system, live bands, or outdoor entertainment shall be allowed except on occasion when a special permit for an event is issued by the town.~~

~~(j) In reviewing any site plan open air cafe, the department may prescribe appropriate conditions and safeguards in conformity with the provisions of the Code. Violations of such conditions and safeguards, when made a part of the terms under which the open air cafe is approved, shall be deemed grounds for revocation of the accessory use and punishable as a violation of the Town Code~~

~~(k) Seating and tables employed for an open air cafe shall comply with accessibility standards of F.S. §§ 553.501 through 553.513.~~

It is hereby found and declared that:

(1)

There exists the need for outdoor eating establishments (sidewalk cafes) in certain areas of the town to provide a unique environment for relaxation and food and/or beverage consumption.

(2)

The existence of sidewalk cafes encourages additional pedestrian traffic to these areas.

(3)

The presence of sidewalk cafes may however impede the free and safe flow of pedestrian traffic and thus there is a need for regulations and standards for the existence and operation of sidewalk cafes to facilitate and ensure a safe environment in these areas.

(4)

The establishment of permit conditions and safety standards for sidewalk cafes is necessary to protect and promote the general health, safety and

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welfare of the residents of the town and is granted only to the extent the Town enjoys a possessory interest in the sidewalks pursuant to a lease agreement for that purpose by and between the Town and the State of Florida Department of Transportation.

Sec. 18-82. Removal and storage fees; disposition of property.

If, pursuant to this Section 18, the town removes, relocates, and/or stores any sidewalk cafe furniture, the permittee shall be responsible for the reasonable expenses incurred by the town for the removal, relocation, and/or storage of all such sidewalk cafe furniture. The town manager shall promulgate and review, as needed, regulations regarding the storage and disposition of sidewalk cafe furniture under this division. The town and its officers and employees after due notice for non-compliance shall not be responsible for any damage to or loss of any sidewalk cafe furniture, removed, relocated and/or stored pursuant to this division.

Sec. 18-83. Appeals from the decision of the town manager.

Appeals from decisions of the town manager made pursuant to this division shall be to the special master in accordance with the procedures set forth in sections 15-12 and 15-13 hereof. Appeals from the decisions of the special master shall be to a court of competent jurisdiction by petition for writ of certiorari.

Sec. 18-84. Notice of Violation.

1. Code compliance officers shall issue 24-hour warning notices for all non-life safety violations of this division.

2. No warning notices shall be required prior to the issuance of life safety violations and/or sidewalk cafe site plan violations, and such violations shall be corrected immediately. Life safety violations are defined as those conditions which, in the reasonable determination and judgment of the town manager, involve serious danger and/or risk to the public health, safety or welfare (including, without limitation, blocking pedestrian pathways and violations of the state handicapped accessibility code for building construction). Site plan violations are defined to include those instances where the permittee is operating outside of the permitted sidewalk cafe area (as approved herein) and shall include a table or tables set up outside the approved boundaries of the sidewalk cafe site plan, and/or umbrellas, heaters, fans and other sidewalk cafe furniture found to be outside the approved site plan; but shall not be deemed to include instances where a chair or chairs are moved outside the approved boundaries of site plan by a sidewalk cafe patron(s).

3. If a code compliance officer finds a violation of this division, such code compliance officer shall issue a notice of violation to the violator, as follows:
 - a. For non-life-safety violations of this division (where a 24-hour notice has been previously issued within the preceding 60 days for the same violation), a violation will be issued.
 - b. For life safety violations of this division and for site plan violations, no 24-hour

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warning notice is required, and a violation may be issued at any time.

Sec. 18-85. Civil fines and penalties; denial of future permits to repeat violators.

1. The following civil fines and penalties shall be imposed for violations of this division:
 - a. First violation \$100.00
 - b. Second violation within the preceding 12 months \$250.00
 - c. Third violation within the preceding 12 months \$500.00
 - d. Fourth within the preceding 12 months \$750.00
 - e. Fifth violation within the preceding 12 months, suspension of the sidewalk cafe permit for one weekend (Saturday and Sunday) and \$1,000.00
 - f. Sixth violation within the preceding 12 months, revocation of the sidewalk cafe permit for the remaining portion of the permit year and \$1,000.00
 - g. Failure to apply for permit—termination of sidewalk cafe operations.
 - h. Failure to renew permit—suspension of sidewalk cafe operations.

2. A permittee who has been issued more than six violations pursuant to this division within a permit year shall be prohibited from applying for and obtaining a sidewalk cafe permit for a period of two permit years, following the permit year in which the applicant/permittee incurred the aforestated violations.

Sec. 18-86. Rights; payment of fine; right to appeal; failure to pay civil fine or to appeal.

1. A violator who has been served with a notice of violation shall elect either to:
 - a. Pay the civil fine in the manner indicated on the notice; or
 - b. Request an administrative hearing before a special master, to appeal the decision of the code compliance officer which resulted in the issuance of the notice of violation. Warnings may not be appealed.

2. The procedures for appeal shall be as set forth in sections 15-12 and 15-13 hereof.

3. Failure of the named violator to appeal the decision of the code compliance officer within twenty (20) days after the date printed on the notice of violation shall constitute a waiver of the violator's right to administrative hearing. A waiver of the right to administrative hearing shall be treated as an admission of the violation, and penalties shall be assessed accordingly.

4. Any party aggrieved by the decision of a special master may appeal that decision to the circuit court pursuant to section 15-15.

Sec. 18-87. Recovery of unpaid fines; unpaid fines to constitute a lien; foreclosure.

1. The town may institute proceedings in a court of competent jurisdiction to compel payment of civil fines pursuant to section 15-14.

2. A certified copy of an order imposing a civil fine may be recorded in the public records

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and thereafter shall constitute a lien upon any other real or personal property owned by the violator, and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the filing of any such lien which remains unpaid, the town may foreclose or otherwise execute on the lien.

Sec. 18-88. Permitted areas; conditional permit; town manager's right to remove sidewalk cafes.

1. Sidewalk cafes shall only be located where permitted by the town's zoning ordinance and land development regulations, as same may be amended from time to time.
2. The approval and issuance of a sidewalk cafe permit is conditional at all times and shall serve as an exception to sections 18-26, 54-62, 54-63, and 54-64.
3. It shall be unlawful for any person to operate a sidewalk cafe without a valid permit as required by this division. No permit shall issue without a Landlord's prior written approval
4. The town manager shall have the right to immediately remove, after 24-hours written and/or verbal notice to the permittee, any sidewalk cafe furniture used in connection with a sidewalk cafe which is operating without a valid permit.
5. The town manager may cause the immediate removal, relocation, and/or storage of all or part of a sidewalk cafe in emergency situations or for public safety considerations.
6. The town manager may require the temporary removal and/or relocation of all or part of a sidewalk cafe when street, sidewalk, or utility repairs, or other public construction, necessitates such action. If such temporary removal exceeds 15 days, the town manager shall pro-rate the remaining permit fee for each additional day the sidewalk cafe (or portion thereof) is removed and apply a credit toward the following year's permit fee or, upon written request by the permittee, refund the remaining fee to the permittee.
7. Upon written and/or verbal notification by the town manager of a hurricane or other major weather event, or the issuance of a hurricane warning by Miami-Dade County, whichever occurs first, the permittee shall, within no more than four hours of same, remove and place indoors all tables, chairs and any other sidewalk cafe furniture located on the right-of-way. The notification by the town manager of a hurricane or other major weather event, or the issuance of a hurricane warning, shall constitute a public emergency situation as referenced in this division. The town manager may remove, relocate, and/or store any sidewalk cafe furniture found on the right-of-way that has otherwise not been removed by the permittee pursuant to this subsection. Any and all costs incurred by the town for removal, relocation and/or storage of sidewalk cafe furniture shall be the responsibility of the permittee. Sidewalk cafes will not re-open for business following a

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hurricane or other major weather event until notified by the town manager. Violation of this subsection (g) shall result in the issuance of an immediate \$1,000.00 fine, and/or suspension, for up to 30 days, of the sidewalk cafe permit.

Sec. 18-89. Application.

1. A sidewalk cafe permit shall be effective for one year, from October 1 until September 30 of the following year. During the first year of implementation of this ordinance and/or permit application, the permit fee shall be pro-rated.
2. Application for a permit to operate a sidewalk cafe shall include, but not be limited to, the following information:
 - a. The name, address and telephone number of the applicant/permittee.
 - b. The name and address of the business establishment seeking a permit to operate the sidewalk cafe (including the name and address of the restaurant).
 - c. A copy of a valid town local business tax receipt to operate the restaurant in front of which the proposed sidewalk cafe will be operating. The total count of chairs to be utilized for the restaurant must include the number of chairs used in conjunction with the sidewalk cafe and the number of chairs inside the restaurant, as authorized by the license.
 - d. A copy of a valid certificate of use for the restaurant in front of which the proposed sidewalk cafe will be operating.
 - e. Copies of current certificates of insurance in the amounts and categories required by section 18-93.
 - f. At the time of the first request for approval, a site plan drafted by the Town Building Official or designee and paid for by the Applicant must be submitted and it shall accurately depict the layout and dimensions of the existing sidewalk area and adjacent private property; proposed location, size and number of tables, chairs, umbrellas, and any other sidewalk cafe furniture; and location of doorways, steps, trees and/or landscaped areas, fountains, parking meters, fire hydrants, bus shelters, directory/kiosks, public benches, trash receptacles, and any other existing public fixtures, furnishings and/or other obstruction(s), within the proposed sidewalk cafe area. The sidewalk cafe site plan must be approved by the town manager prior to the issuance of a sidewalk cafe permit and the permit shall be specifically limited to the subject area shown on the approved site plan. This requirement shall be waived each year thereafter provided there are no modifications to the originally approved site plan. Any changes will require the filing of a new site plan and associated fee.
 - g. Photographs, drawings or manufacturer's brochures fully describing the appearance and dimensions of all proposed tables, chairs, umbrellas, and any other sidewalk cafe furniture related to the operation of the sidewalk cafe. Tables, chairs, umbrellas, and any and all other sidewalk cafe furniture shall be approved by the town manager prior to the issuance of a sidewalk cafe permit.
 - h. A copy of the approved sidewalk cafe site plan, shall be maintained on the permittee's premises and shall be available for inspection by town personnel at all times.
 - i. The annual leasing permit and initial fees are set forth in Appendix A.
 - j. Applications shall be reviewed for compliance with applicable local, state and

Ordinance No. _____

federal laws, and must be reviewed and approved by the town's public works department; fire department; office of risk management; finance department; planning and zoning department; and building department.

- k. Prior to issuance of a sidewalk cafe permit, the town's Finance Director shall certify that there are no outstanding fines, monies, fees, taxes or other charges owed to the town by the applicant/permittee and/or the business establishment/restaurant. A sidewalk cafe permit will not be issued until all outstanding debts to the Town are paid in full.
 - l. A sidewalk cafe permit may not be transferred and/or otherwise assigned. A new owner and/or operator of a restaurant and/or business establishment with a sidewalk cafe permit will be required to apply for and obtain a new permit.
 - m. The permit covers only the public right-of-way. Tables and chairs on private property will be governed by other applicable regulations. No outdoor seating authorized pursuant to this division shall be used for calculating seating requirements pertaining to location of, applications for, or issuance of, a liquor license; nor shall the outdoor seating be used as the basis for computing required seating for restaurants, or as grounds for claiming exemption from such requirements under the provisions of any applicable town, county, and/or state law.
 - n. Sidewalk cafes shall comply with all applicable accessibility codes including, without limitation, the Americans with Disabilities Act (ADA), and state code provisions addressing accessibility for building construction, as same may be amended from time to time. Any café that would violate the terms of the lease agreement between the Town and Florida Department of Transportation shall be deemed in violation of this ordinance.
3. Renewals. As provided in subsection 82-371(b), a permittee who has been issued more than six violations pursuant to this division within a permit year, shall be prohibited from applying for and obtaining a sidewalk cafe permit for the following two consecutive permit years. Renewals shall be applied for and accompanied by the business tax receipt and certificates of use applications.

Sec. 18-90. Permit fee; penalties for late payments; review of fee.

1. The annual permitting fee for operation of a sidewalk cafe shall be as set forth in Appendix A, and shall be based on a per square foot calculation of permitted sidewalk area (including the area between the tables and chairs).
2. The town manager, in his reasonable discretion and judgment, may suspend or prorate the annual permitting fee in cases of public construction or public emergency situations.
3. The permitting fee shall be paid on or before October 1, and shall cover the time period from October 1 through September 30 of the following calendar year (license year). If the fee exceeds \$2,000.00, the fee may be paid in two semiannual installments, with the first installment due on October 1, and the second due on April 1. No permit shall be issued for any portion of a year, but any person/entity operating a sidewalk cafe for a period beginning after the commencement date of the full permit year (October 1) may obtain a permit for the remaining portion of that permit year upon payment of a pro-rated portion of the permit fee calculated from the first day of the month of issuance of the permit to

Ordinance No. _____

the end of the permit year. Except as expressly provided in this division, no refund of the permitfee shall be granted.

4. Late payments for fees shall accrue at the rate of ten percent per annum for the first 30 days. If the permit fee is not paid within 60 days after it is due, the permit shall terminate automatically. Any continued operation of a sidewalk cafe after termination of a permit shall be construed as operating a sidewalk cafe without a valid license, and the town manager shall have the right to remove, upon 24 hours' written and/or verbal notice to the permittee, any and all sidewalk cafe furniture used in connection with the sidewalk cafe.

Sec. 18-91. Permitted sidewalk café frontage; requests for expansions.

1. Sidewalk cafes are restricted to the sidewalk frontage of the restaurant to which the permit is issued or, if the restaurant is an ancillary and/or secondary use to another type of business establishment, the sidewalk cafe shall be restricted to the sidewalk frontage of the building (or portion thereof) of the "primary" business establishment (within which the restaurant is located).
2. An applicant for a sidewalk cafe permit may be permitted, upon prior written request by the permittee to the town manager, to extend by a maximum total of 50 feet in the right-of-way on one side and/or the other side of the restaurant to which the permit is issued (of the business establishment where the restaurant is located); the permittee shall make written application to the town manager setting forth the reason(s) for the proposed expansion and provide a site plan showing the proposed expansion. All requests for expansions pursuant to this subsection (b) shall be reviewed by the town manager on a case by case basis. In reviewing such requests, the town manager, in making his determination to approve or deny, shall consider the following:
 - a. Pedestrian access.
 - b. Visibility of the front of the adjacent owner's business.
 - c. Obstructions.
 - d. Accessibility to the adjacent owner's business by patrons.
 - e. The town manager, shall solicit input from businesses and property owners on the same block including, without limitation, the immediately adjacent (i.e., next door) business and property owners.
 - f. The property owner of record for the applying shall provide written notice via certified mail to the adjacent business establishment (tenant) and property owner of record on to whose frontage the sidewalk cafe proposes to expand. The notification shall include the following information: the name and address of the permittee/business establishment requesting the expansion; the approximate location and size of the area requested; and the name and address of the town

Ordinance No. _____

official and/or employee to forward comments to, and the time period within which to forward said comments (which time period shall be no less than fourteen (14) days). Said notice shall be sent, as to the adjacent business establishment (tenant), to the name and address on file with the town for the establishment's local business tax receipt and, for the property owner, to the name and address identified in the records of the Miami-Dade County Property Tax Appraiser's Officer. Any objections not submitted and received by the town within the date provided in the notice shall be deemed waived.

- g. The town manager may also consider any history of violations and/or warnings.
3. In the event of approval by the town manager to expand a sidewalk cafe pursuant to this subsection (b), the additional square footage will be computed into the new permit fee.
 4. Notwithstanding the town manager's approval of a sidewalk cafe expansion pursuant to this subsection (b), in the event that the adjacent business establishment and/or property owner (on to which a sidewalk cafe has expanded) subsequently elects to apply for a sidewalk cafe permit to operate a cafe in front of its premises, that new applicant/permittee shall provide the town manager with notice of such intent stating the applicant's name; the property address; the name of the business establishment and/or the restaurant (of which the cafe is a part of); and the anticipated opening date. The town will provide the business establishment (tenant) and property owner which is currently expanding into the proposed new applicant/permittee's frontage with a courtesy copy of the notice. Following receipt of said written notice by the town, and provided that the new applicant/permittee obtains a sidewalk cafe permit, as well as any other required permits and/or licenses for operation of the business establishment and/or restaurant associated with the proposed new sidewalk cafe, then the town manager's prior consent for expansion shall terminate, and the town shall provide written notice to the adjacent sidewalk cafe permittee advising it of such termination, and providing a termination date therefore. The town's notice shall provide the adjacent property owner with at least seven calendar days' notice prior to the effective date of termination of the expansion. Upon the termination date of the town's consent to expansion, the sidewalk cafe permit and the permit fee will be adjusted accordingly.

Sec. 18-92. Minimum standards, criteria, and conditions for operation of sidewalk cafes.

1. The permittee shall take any and all actions to assure that its use of the public right-of-way in no way interferes with patrons of other sidewalk cafes, or limits their free, unobstructed passage thereto, or the use of the public right-of way (including sidewalks) by the general public.
2. Sidewalk cafes shall be located in such a manner that a distance of not less than five feet is maintained at all times as a clear and unobstructed five-foot pedestrian path around public amenities and areas such as, by way of example, fountains, landscaped areas (excluding town planters), and seating/shade structures. Notwithstanding the preceding, the town manager, in his reasonable judgment and discretion, and on a case-by-case basis, may approve and allow for a pedestrian path of less than five feet where an applicant/permittee's sidewalk cafe operation would be significantly impacted. In

Ordinance No. _____

considering such cases, and in determining whether an applicant/permittee is "significantly impacted," the town manager may apply the criteria set forth in subsections 82-384 (c)(1)—(4). A five-foot pedestrian path shall also be required and established where the town manager, in his reasonable judgment and discretion, determines that the operation of a sidewalk cafe inhibits pedestrian access to an adjacent business establishment or adversely affects the visibility of an adjacent storefront.

3. No tables, chairs, umbrellas, or other sidewalk cafe furniture shall be permitted within ten feet of a bus bench and/or bus shelter. A distance of five feet shall be maintained from taxi stands, fire hydrants, bike racks, directory signage/kiosks, and/or other similar public street furniture and/or fixtures.
4. No tables, chairs, umbrellas or other sidewalk cafe furniture shall be permitted within five feet of an alley, pedestrian crosswalk, or corner curb cut.
5. No object shall be permitted around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the free use of the tables and chairs by the public, or which would have the effect of obstructing the pedestrian path or public access.
6. The area covered by a sidewalk cafe permit, and the sidewalk and street immediately adjacent to it, shall be maintained in a clean, neat and orderly appearance at all times by the permittee. The area of the sidewalk, curb and gutter immediately adjacent to the sidewalk cafe shall be cleared of all debris during hours of operation, and again at the close of each business day, or as may otherwise be determined by the town manager. The permittee shall be responsible for pressure cleaning the floor surface on which the sidewalk cafe is located at the close of each business day. The town shall pressure wash the right-of-way from time to time in accordance with such schedule as shall be established in the reasonable judgment and discretion of the town manager. In establishing said schedule, the town manager shall use reasonable efforts to assure that the town's pressure cleaning of the public right-of-way occurs at such times as will cause the least disruption to sidewalk cafe operations.
7. Tables, chairs, umbrellas and any other sidewalk cafe furniture shall be maintained in a clean, attractive, and orderly appearance, and shall be maintained and kept in good repair at all times.
8. All sidewalk cafe furniture shall be of high quality, design, materials, and workmanship and shall be maintained in such condition so as to ensure the safety and convenience of the public.
9. Only the sidewalk cafe furniture specifically shown on the approved sidewalk cafe site plan shall be allowed in the permit area.
10. All tables, chairs, umbrellas, and any other sidewalk cafe furniture shall be readily removable, and shall not be physically attached, chained, or in any other manner affixed

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to any public structure, street furniture, signage, and/or other public fixture, or to a curb and/or public right-of-way.

11. The stacking or piling up of chairs shall be prohibited on the right-of-way. Any and all other sidewalk cafe furniture may only be maintained in the permit area during hours of operation provided however, that planters that cannot be readily removed may remain within the permit area subject to the provisions hereof. Notwithstanding anything contained in this subsection, the town manager may require a permittee to store its tables, chairs and/or umbrellas off of the right-of-way if, in his reasonable judgment and discretion, the town manager determines that the sidewalk cafe permit area and immediately adjacent public right-of-way are not being adequately maintained in accordance with this division.
12. No storage of dishes, silverware or other similar sidewalk cafe equipment shall be allowed in the permit area, or in any other portion of the public right-of-way, or outside the structural confines of the building in which the restaurant is located.
13. There shall be no live entertainment or speakers placed in the permit area unless expressly permitted as a special event. Conditions such as hours and days of operation and audio levels will be regulated by the town's special events office, and these may vary during the year.
14. With the prior written approval of the Town Manager or his designee, one menu board and one specials board shall be permitted, per sidewalk cafe, for every 50 feet of frontage.
15. No food preparation, food storage, refrigeration apparatus or equipment, or fire apparatus or equipment, shall be allowed on the right-of-way. The use of garbage receptacles is also prohibited.
16. No food displays shall be permitted on the public right-of-way. No advertising signs or business identification signs shall be permitted on the public right-of-way except that the restaurant name and/or its logo may be permitted on umbrellas but such logos and/or lettering may not exceed six inches in height.
17. Umbrellas shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than six feet eight inches above the right-of-way. Two or more umbrellas may not be clipped, zipped or otherwise fastened together in order to form a tent like structure. Clear plastics or other materials may not be fastened, rolled or otherwise be attached to umbrella edges in order to create an enclosure. No additional signage shall be permitted on the umbrellas.
18. Permittees may make written request to the town manager to use town electricity for powering floor fans during the summer months. Summer months are defined as the period beginning on May 1, and ending on September 30. The town manager will make electrical outlets operable upon payment of a flat fee, which fee shall be determined, and

Ordinance No. _____

may be adjusted from time to time, in the reasonable judgment and discretion of the town manager, for each of the calendar days during the summer months. Town electrical outlets will be restricted to powering floor fans only. Using the electrical outlets for powering lights, menu board lighting, and any other electrical device is strictly prohibited. Any outside lighting must comply with existing building codes and is subject to approval. Permittees violating this restriction will have the electrical boxes deactivated and forfeit any monies paid for electrical use. Fans must be UL approved for outdoor use and fan blades must be fully encased for the safety of patrons and passersby. Extension cords are not allowed.

19. No permit shall be granted in an area designated in the sidewalk cafe site map as restricted for special and cultural events; provided however, that the town manager may approve temporary use of such area(s), on a case by case basis, and only for a defined, limited time.

Sec. 18-93. Indemnification and insurance.

1. The permittee agrees to indemnify, defend, save and hold harmless the town, its officers and employees from any and all claims, liability, lawsuits, damages and causes of action which may arise out of the permit or the permittee's activity on the public right-of-way.
2. The permittee agrees to meet and maintain for the entire permit period, at its own expense, the following requirements:
 - a. Commercial general liability insurance in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage. The town must be named as an additional insured on this policy, and an endorsement _____ must be issued as part of the policy reflecting compliance with this requirement.
 - b. For sidewalk cafes which serve alcoholic beverages, liquor liability insurance in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage. The town must be named as an additional insured on this policy, and an endorsement must be issued as part of the policy reflecting compliance with this requirement.
 - c. Workers' compensation and employers' liability as required by the state.
3. All policies must be issued by companies authorized to do business in the state and rated B+:VI or better per Best's Key Rating Guide, latest edition.
4. The town must receive 30 days' written notice prior to any cancellation, non-renewal or material change in the coverage provided.
5. The permittee must provide and have approved by the town an original certificate of insurance as evidence that the requirements set forth in this section have been met prior to commencing operations.
6. Failure to comply with these requirements shall be deemed to be operating without a

Ordinance No. _____

valid permit and shall cause an immediate suspension or revocation of the permit.

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 _____, 2012.

PASSED and ADOPTED on second reading this ____ day of _____, 2012.

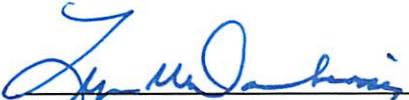
Daniel Dietch, Mayor

Attest:

Ordinance No. _____

Sandra Novoa, CMC, 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. _____

APPENDIX A

Fee Schedule

Initial Sidewalk Café Permit Application (Subsequent annual renewals are part of the Certificate of Use process)	\$80 onetime charge
Initial Town Issued Sidewalk Café Site Plan (Not required as part of an annual renewal if unchanged)	\$250 per plan
Annual Sidewalk Café Permit For Use Of Public Space (Percentage due Florida Department of Transportation per annual agreement)	\$15 per square foot

Ordinance No. _____



Town of Surfside Commission Communication

Agenda Item # 5A

Agenda Date: February 14, 2012

Subject: A Resolution of the Mayor and Town Commission Permanently Extending the Provisions Contained in Resolution 11-1997 and 11-2043 that Provide for Police Officers to Enforce Certain Provisions of the Town Code

Background: In order to provide an additional means of monitoring and enforcing certain provisions of the Town's Code during nights and weekends, the Administration recommended that Police Officers be authorized and trained to respond to the most prevalent code compliance issues. On January 18, 2011, the Mayor and Town Commission adopted Resolution 11-1997 authorizing the Town Manager to appoint all Surfside Police Officers, after receiving the appropriate training, to enforce the following sections of the Town Code.

1. Section 90-79: Restricted and Prohibited Parking
2. Section 74-01: Commercial Vehicles in Residential Area
3. Section 54-02: Handbill Distribution
4. Section 54-63: Sidewalk or Street Obstruction
5. Section 54-78: Prohibited Noises
6. Section 14-29: Construction Work without Permit
7. Section 34-28: Illegal Deposit of Debris
8. Section 10-28: Leash Laws
9. Section 10-32: Fecal Disposal
10. Section 10-33: Dogs on the Beach
11. Section 10-36: Barking or Vicious Dogs
12. Section 34-78: Litter Ordinance*
13. Section 34-79: Litter Ordinance*
14. Section 34-80: Litter Ordinance*

**These sections were added on September 13, 2011, via Resolution 11-2043*

The Resolutions have allowed the Town Administration to be more responsive to the residents and business community by providing the added ability to react to code related matters at nights and on weekends, when our only Code Compliance Officer may not be

available. The program has been implemented with sensitivity and the Police Officers have been able to use the additional powers granted to them to immediately respond to the most egregious concerns, such as construction without permits, noise, open and abandoned houses, construction without permits, abandoned vehicles, illegal dumping and other code related illegal activities.

Analysis: To date, there have been more than 90 instances where the authorization contained in the Resolution has allowed our Police Officers to immediately address code related matters, including responding to 52 noise complaints, 32 animal related issues (unleashed dogs, barking dogs, cat feeding), 2 commercial vehicles, 8 construction work without permits, without the need to initiate a formal Code Compliance process, thus saving staff time and efforts. During this time 5 civil citations were also issued (3 dogs on beach, 2 commercial vehicles). In each case, when appropriate, referrals were forwarded to the Code Compliance Office for follow-up.

The Resolution contains a "sunset" provision, which will cause it to expire in February of 2012, at which time the Administration, after its review, is to provide a recommendation on whether to continue the program.

The Town Administration has been monitoring the impact of the Resolution, and its affect on the administration of the Code Compliance process. It has been determined that the program has been extremely successful, has increased our effectiveness at no extra cost and has engendered only satisfaction from the complainants and predominantly voluntary compliance from the violators. Based on this result, it is recommended that the Resolution not be allowed to sunset, and that it remain effective permanently.

Budget Impact: There is no anticipated budget impact.

Staff Impact: There is no anticipated staff impact.

Recommendation: The Administration recommends the Resolution be approved.



Code Compliance Director



Town Manager

RESOLUTION NO. 12- _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING THE PERMANENT EXTENSION OF THE PROVISIONS CONTAINED IN RESOLUTION 11-1997 AND 11-2043 THAT PROVIDE FOR CODE ENFORCEMENT OFFICERS, WHO MAY INCLUDE LAW ENFORCEMENT OFFICERS, TO ADDRESS CODE VIOLATIONS FOR SECTION 90-79 “RESTRICTED AND PROHIBITED PARKING”, SECTION 74-01 “COMMERCIAL VEHICLES IN RESIDENTIAL AREA”; SECTION 54-02 “HANDBILL DISTRIBUTION”; SECTION 54-63 “SIDEWALK OR STREET OBSTRUCTION”; SECTION 54-78 “PROHIBITED NOISES”; SECTION 14-29 “CONSTRUCTION WORK WITHOUT PERMIT”; SECTION 10-28 “LEASH LAWS”; SECTION 10-32 “FECAL DISPOSAL”; SECTION 10-33 “DOGS ON THE BEACH”; SECTION 10-36 “BARKING OR VICIOUS DOGS”; SECTIONS 34-78 THROUGH 34-80 “LITTER ORDINANCE”; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Resolutions 11-1997 and 11-2043 (the “Resolutions”) were adopted in order to provide an additional means of monitoring and enforcing certain provisions of the Town’s Code during nights ; and

WHEREAS, the Resolutions contain a “sunset” provision, which will cause it to expire in February of 2012, at which time the commission, after a review, was to provide a recommendation on whether to continue the program; and

WHEREAS, the program was implemented, monitored and reviewed by the Town Administration, which determined that the program has been extremely successful, has increased the Town’s effectiveness at no extra cost and has engendered only satisfaction from the complainants and voluntary compliance from the violators; and

WHEREAS, the Town Administration has recommended, based on the results of its review, that the Resolutions remain effective permanently; and

WHEREAS, the Town Commission finds that it is in the best interest of the Town to extend the provisions contained in the Resolutions permanently.

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 extend the provisions of Resolution 11-1997 and 11-2043 that Provide for Police Officers to Enforce Certain Provisions of the Town Code permanently.

Section 3. Effective Date. This Resolution shall become effective immediately upon its adoption.

Motion by Commissioner _____, Second by Commissioner _____.

PASSED AND ADOPTED this _____ day of _____, 2012

FINAL VOTE ON ADOPTION

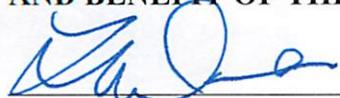
Commissioner Michael Karukin _____
Commissioner Edward Kopelman _____
Commissioner Marta Olchyk _____
Vice Mayor Joseph Graubart _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

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. 12-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, EXPRESSING SYMPATHY TO THE FAMILY OF JACK STEVENS, A LONG TIME PROPERTY OWNER IN DOWNTOWN SURFSIDE AND AN ACTIVE MEMBER OF THE DOWNTOWN VISION ADVISORY COMMITTEE

WHEREAS, Jack Stevens and his family have been long time property owners in downtown Surfside; and

WHEREAS, Jack Stevens was an active member of the Downtown Vision Advisory Committee; and

WHEREAS, Jack Stevens has been an advocate for the property owners playing a strong role in advancing the improvement of downtown especially focused on the creation of a Business Development District; and

WHEREAS, Jack’s untimely and tragic early death will create a large vacuum in the downtown improvement process;

NOW THEREFORE BE IT RESOLVED THAT THE SURFSIDE TOWN COMMISSION EXPRESSES ITS DEEPEST SYMPATHY TO THE FAMILY OF JACK STEVENS AND OFFERS ITS COLLECTIVE APPRECIATION FOR HIS GOOD WORK TO IMPROVE OUR COMMUNITY

PASSED AND ADOPTED this 14th day of February, 2012.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

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

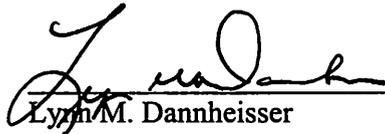
Resolution No. _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Lynn M. Dannheisser
Town Attorney

Resolution No. _____



Commission Communication

Agenda #: 5C

Date: February 14, 2012

Subject: Executive Recruitment of Finance Director

Background: The members of the Town Commission are aware from the January 27, 2012 memo (Attachment 1) that the Finance Director recruitment has been extremely difficult. We have received more than 300 applications. We have advertised in the Miami Herald (twice), Florida League of Cities, professional associations, the Town's website and by word of mouth.

The benefit of retaining an executive search firm is that the recruiters have contacts that are far more extensive than we have, from individuals that they have recruited in the past or who may know other individuals who may be interested. Executive search is an extremely common practice in the private sector and is a growing practice in government. After having tried every strategy available to us, we have reached a conclusion that if we are going to maintain our record of recruiting first class, highly motivated extremely skilled individuals for the Town of Surfside, we must utilize an executive search firm in this case.

Subsequent to the January 27, 2012 memo, Commissioner Olchyk expressed extreme dismay over the expenditure for the executive search process. In a very long conversation, I promised to redouble my efforts to find the right candidate. To that end, I contacted the individual responsible for managing Miami-Dade County's extensive debt portfolio who has been a leader in public finance in South Florida for more than 30 years. She was not able to recommend anyone. I also contacted the Director of Human Resources from Miami-Dade County who has within her sphere more than 28,000 employees. Finally, I contacted the local Vice President of Diversified Search (DIV Search) a worldwide company specializing in highly compensated senior level positions in the private sector. The cost of their minimum search is \$50,000 and can often reach \$200,000 depending on the nature of the search. Knowing that we cannot afford this firm, the Vice President in South Florida and Latin America offered to reach out to his internal corporate network to see if anyone knew of a potential candidate. I believe that the above three efforts meet my commitment to Commissioner Olchyk... so far, to no avail.

Budget Impact: The professional fees for the search are \$19,500 which includes all expenses and costs. The Town will be responsible for the costs associated with the candidates' travel, accommodations and meals for the interview process; not to exceed a combined total of \$25,000.

Analysis: Subsequent to the January 27, 2012 memo, we contacted five (5) firms who are well known in governmental executive search. They all provided proposals and were shortlisted to three. Oral telephone interviews were held with the three and we ranked the proposals as follows:

1. Colin Baenziger & Associates
2. Slavin Management Consultants
3. The Waters Consulting Group

The cost for all three firms were within approximately \$1,000. The proposals provided for project planning, position profile development, advertising, candidate recruitment, candidate screening, progress report, candidate evaluation, interview process, attend interviews, assistance in employee selection, establish performance goals and follow up. It is important to note that the recommended firm offered to repeat the search at no charge should the selected individual leave for any reason other than incapacitation or death within the first year, as well as if the Town is not satisfied with any of the candidates presented, they will repeat the search until satisfied.

Staff Impact: N/A

Recommendation: It is recommended that the Surfside Town Commission approves the proposal provided by Colin Baenziger & Associates (Attachment 2).


Yamileth Slate-McCloud
Human Resources Director


Roger M. Carlton
Town Manager

RESOLUTION NO. ____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN EXPENDITURE FROM THE GENERAL FUND FOR AN EXECUTIVE RECRUITING FIRM FOR SELECTION OF A FINANCE DIRECTOR; AUTHORIZING AN EXPENDITURE NOT TO EXCEED \$25,000; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside seeks to hire a qualified Finance Director; and

WHEREAS, the Town advertised the position of Finance Director in the Miami Herald, Florida League of Cities and several professional organizations but the advertisements did not generate resumes of the caliber required by the Town, and

WHEREAS, subsequent communication by the Town Manager with various senior human resources and finance governmental executives did not produce any acceptable candidates, and

WHEREAS, the Town Manager determined there is a critical urgency to fill the position of Finance Director as rapidly as possible and therefore, the Town sought proposals from executive recruiting firms; and

WHEREAS, on February 8, 2012, the Town received five (5) proposals from nationally recognized executive recruiting firms and the Town Manager in conjunction with the Human Resources Director upon telephonically interviewing the short listed three (3) firms determined that Colin Baenziger and Associates served the best interest of the Town.

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

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

Section 2. Approval and Authorization. The Town Commission authorizes and approves an agreement with Colin Baenziger and Associates Executive Recruiting Firm and the Town Manager is hereby authorized to make payment on behalf of the Town not to exceed \$25,000 from the general fund.

Section 3. Effective Date. This Resolution shall be effective immediately from adoption hereof.

PASSED and ADOPTED on this ____ day of _____, 2012.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

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

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Lynn M. Dannheisser, Town Attorney



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: January 27, 2012
SUBJECT: Status of Finance Director Recruitment and Appointment of Interim Finance Director

During my 16 months with the Town of Surfside, we have completed, with our own staff, major recruitments including Bill Evans, Public Works Director, Joe Damien, Code Compliance Director, Sandra Novoa, Town Clerk and, Andria Meiri, Budget Officer. In each of these recruitments, we have been successful in advertising with The Miami Herald, Florida League of Cities, professional associations, the Town website and by word of mouth. For the above recruitments we received approximately 300 – 1000+ applications delivered in hard copy or electronically. Yamileth Slate-McCloud does the initial screening. A selection committee is appointed and interviews an initial short list. The selection committee then makes recommendations to the Town Manager by providing a short list of candidates that the Town Manager interviews. The Town Manager then makes an offer based upon a detailed background check and review of personnel files if the applicant is/was a municipal employee. I believe that the Town Commission and the community have been pleased with the outcome of these processes for the candidates referenced above. The process generally requires approximately three (3) months.

When Finance Director Martin Sherwood resigned on November 3, 2011 with a sixty day notice that culminated January 6, 2012, a similar process as discussed above began. During this 12 week period, including the month since Marty left, we have advertised in The Miami Herald Sunday and Monday (twice), Florida League of Cities, professional associations and other units of government with focus on Miami-Dade County, where layoffs and salary reductions were imminent. An offer was made to a local candidate who is a Finance Director in a small community in Miami-Dade County. He declined the offer based on his need to resolve a number of family situations. Since then, unfortunately we have been unable to generate resumes of the caliber that the Town has enjoyed in recent senior management recruitments. This situation is exacerbated by the fact that four other South Florida municipalities are seeking to hire a Finance Director and/or Assistant Finance Director, in all cases with salaries greater than we offer.

I have appointed Mayte Gamiotea Front Office Manager/Controller to the position of Interim Finance Director. Mayte has been with the Town for four (4) years. She has an undergraduate degree from Devry University, a Masters from Keller School of Management and is working on her CPA. Along

with Assistant Chief of Police John Di Censo, Mayte assisted in the reorganization and significant improvements of the Front Office. Please welcome Mayte to the interim finance director position.

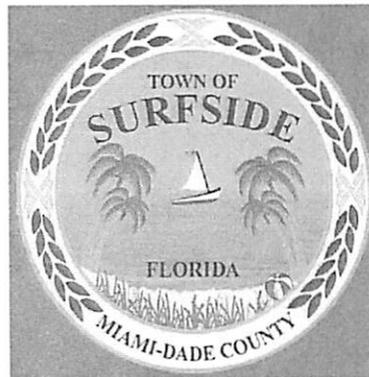
Because we are in the middle of completing our CAFR for FY 10/11 and there are a number of critical financial activities under way such as the audit of tourist tax and the potential refinancing of the water, sewer, and storm drainage bonds with Regions Bank, I have asked Marty Sherwood to continue as a consultant on an hourly basis.

While I realize there may be some consternation over my decision which follows, it is critical that we fill the Finance Director position rapidly and with the best possible candidate. Therefore, I will be seeking proposals for this recruitment from recognized executive search firms with familiarity with the South Florida market place and will move forward with this emergency action immediately. The selection will be brought back to the Commission for retroactive approval. The estimated cost of this recruitment will be less than \$25,000. The administration is fully aware of the need to be conservative in spending. In fact the general fund during FY 10/11 and FY 09/10 has delivered a cumulative surplus of nearly \$2 million which has rapidly built up our reserves which are well along the way to the \$5 million goal established when the Town Commission accepted the Five Year Financial Plan and during the summer studies related to the budget under which we currently operate.

The receipt of proposals and review should be completed by February 8, 2012. Please let me know by Monday, January 30, 2012 Noon if you have any objections to this approach.

Cc: Mayte Gamiotea
John Di Censo
Yami Slate-McCloud

COLIN BAENZIGER & ASSOCIATES



TOWN OF SURFSIDE, FL
PROPOSAL TO ASSIST IN THE
RECRUITMENT OF THE TOWN'S FINANCE DIRECTOR

Colin Baenziger & Associates

Contact Person: **Colin Baenziger**
12970 Dartford Trail • Suite 8
Wellington, FL 33414
(561) 707-3537
e-mail: colin@cb-asso.com

...Visit Our We site at: www.cb-asso.com

EXECUTIVE RECRUITMENT SERVICES
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February 1, 2012

Mr. Roger M. Carlton, Town Manager
c/o Ms. Yamileth Slate-McCloud, Human Resources Director
Town of Surfside
9293 Harding Avenue
Surfside, FL 33154

RE: Executive Search Services for the City's Finance Director

Dear Mr. Carlton:

We would like to thank you for the opportunity to submit our local government executive search credentials and a proposal to assist the Town in finding its next Finance Director.

We at Colin Baenziger & Associates (CB&A) pride ourselves on providing not just high quality results, but equally important, we pay personal attention to each of our local government clients. To conduct a proper recruitment, we feel the project manager must do more than just drop by occasionally. He/she must get to know the appropriate government officials personally and the community firsthand. That takes time and effort, but it is the only way to ensure the candidates we recommend are well qualified and a good fit for your community. As a result, we only take a few clients at a time and focus on getting the job done properly. It should also be noted that recruiting for the public sector is very different from the private sector. The process and results are much more public and mistakes cannot be hidden. Consequently, we have developed a virtually foolproof approach that assures our client of the highest caliber individuals.

While selecting key personnel is never easy, CB&A has developed a process that has been tested nationwide and found to be extremely effective. Not only do we offer unparalleled service at a reasonable price, we focus on finding just the right people for your organization. We say people, and not person, because our goal is to bring you five finalists who are so good that you will have a difficult time choosing among them. The proof is in the fact that five of our local government clients have passed resolutions thanking us for our outstanding executive recruitment efforts. We do not know how often you have passed a resolution thanking a consulting firm for its efforts, but we have rarely seen it happen. Our goal, in fact, would be for your Town to be our next client to pass such a resolution.

Some of our many successful searches for critical local government positions include the Finance Director and the Budget Director for St. Petersburg, FL, the Finance Directors for Sunny Isles Beach, FL, and Tamarac, FL, the City Managers for Miami Gardens, North Miami, Sunny Isles Beach, Palmetto Bay, Cutler Bay, Bay Harbor Islands, Homestead, and Pinecrest in Miami-Dade County. We have also found the City Manager for Portland, ME, Tacoma, WA and Roanoke, VA, the Borough Manager for Matanuska-Susitna Borough, Alaska, the Economic Development Director and Human Resource Director for Loudoun County, VA and the Public Works Director for Chandler, AZ. Our current searches include the Chief Administrative Officer for St. Tammany Parish, LA, the City Managers for Cape Coral, FL and Hallandale Beach, FL, the County Administrator for Hernando County, FL and the Finance Director for Oregon City, OR.

We look forward to formally presenting our credentials and working with you in the near future. If you have any questions, please feel free to contact me at (561) 707-3537.

Sincerely,



Colin Baenziger
Principal

... Serving Our Clients with a Personal Touch

The Firm, Its Philosophy & Its Experience

Established in 1997, Colin Baenziger & Associates (CB&A) is a nationally recognized executive recruiting firm owned and operated by Colin Baenziger. We are headquartered in Palm Beach County, FL, with offices in Monterey, CA, Duluth, GA, Rhinelander, WI, and Richland, WA. Although our primary focus is executive search, we are also often involved in operational reviews of governmental operations. Many of our consultants live and work in other areas of the state and the country, converging on the location where the client's needs exist. We develop an operational plan prior to arrival, and our team of experts quickly studies the issues, identifies problems and opportunities, performs the necessary analysis, prepares reports and action plans, and completes the assignment swiftly. The client receives prompt, professional service, and its needs are effectively addressed. We are available for follow-up work, but our goal is to perform the assignment in such a way that existing staff can implement the action plans without additional outside assistance.

Colin Baenziger & Associates' outstanding reputation is derived from our commitment to quality. Our work is not done until you are satisfied. That means we go the extra mile and, at times, expend more effort and energy than originally anticipated in our fee or in our action plan. We accept these situations as part of our business because we firmly believe that when a contract is signed, we have an obligation to fulfill its requirements with excellence and within the budgeted amount.

Since 2002, we have focused on executive search for local governments. During that period we have conducted searches and/or other work for clients in thirteen states. Since beginning its search practice in 1998, the staff at CB&A has performed over 100 City / County / Special District Manager searches and approximately 200 local government searches overall. The basic approach we have presented in Section III is the approach we have used in every one of our searches. It has, of course, been refined over the years.

Our Services:

Human Resources

Executive Search
Background Checks
Position Descriptions/Classification Studies
Compensation Studies
Personnel Policies/Procedures Reviews
Employee Handbooks

Operational Reviews

Performance Improvement
Contract Compliance Reviews
Project Management
Performance Measurement Systems
Standard Operating Procedures Manuals
Staffing Assessments

Additional Services

Preparing Grant Applications
Grant Monitoring Systems and Controls
Start-up Assistance to New Cities

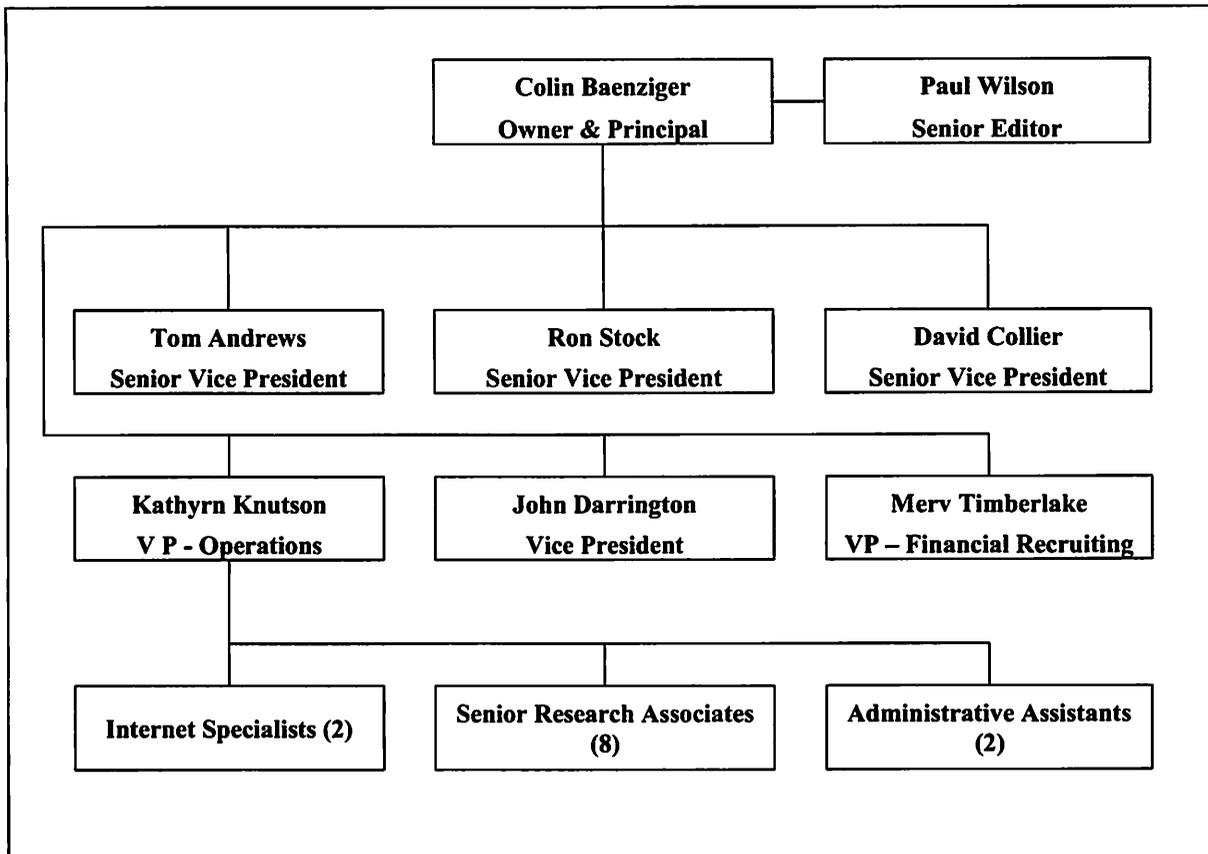
Planning

Strategic Planning
Operational Planning
Project Planning

I. Profile of Colin Baenziger & Associates (continued)

Technical Capabilities and Organizational Structure

Colin Baenziger & Associates has developed its business model over the past 13 years. The model has proven to be extremely effective in every state we have worked in and for every type of position. In fact we are often called when a government has a particularly difficult position to fill or where one of our competitors has failed. Overall, we utilize approximately 18 people. Most staff members are independent contractors and are given assignments on a task order basis. Consequently we can pay well while having a great deal of flexibility without the overhead of many firms. In addition to Mr. Baenziger, other senior staff members are former City and/or County Managers or elected officials who understand the business and its intricacies. As a result, we understand both perspectives and have been very successful in identifying the right candidates for our clients. CB&A's other staff are all competent researchers and writers and have been with us for a long time.



Completion of Projects within Budget

Colin Baenziger & Associates is proud of its record of completing searches within budget. When we quote a price to the client, that price is what the client will pay, no matter how difficult the search is or what unforeseen circumstances may develop. *We have never asked a search client for additional fees, even when we were entitled to do so.*

I. Profile of Colin Baenziger & Associates (continued)

Completion of Project on Schedule

Since Colin Baenziger & Associates has been performing recruitments, it has a remarkable record of achievement in meeting our project schedules. ***In fact CB&A has never missed a project milestone.*** However, the executive search business involves people, and people are not always predictable. For example, when Monroe County and its first choice for county manager could not reach agreement on contract terms, we repeated the search. We did not miss a project milestone, but the search took five months instead of three.

Retention Rate

Since the year 2000, Colin Baenziger & Associates has conducted over 100 searches for City and County Managers around the country. Over 50% of the city managers we have placed since 2000 are still working for the city where we placed them.

Diversity

CB&A is widely recognized for its ability to find and attract women and minorities for the positions we recruit for. For example, since the beginning of 2009, 45% of the City and County Managers we have placed have been minorities and/or women.

Litigation

Colin Baenziger & Associates has never been involved in any litigation, except to testify as an expert witness on behalf of one of the parties. Our performance has never been questioned and our clients have never been involved in any legal action as a result of our work.

Drug-Free Workplace Certification

Colin Baenziger & Associates complies with the provisions of Drug-Free Workplace laws and informs all its employees and subcontractors that it is a drug-free workplace. These individuals are made aware of the dangers of drug abuse, the firm's policies concerning drug abuse, available counseling, and the sanctions CB&A may impose if the employees use drugs in the workplace. As a condition of employment, either as an employee or as a subcontractor, our personnel must abide by our policy and must notify us of any conviction or pleas of nolo contendere to drug charges.

Insurance

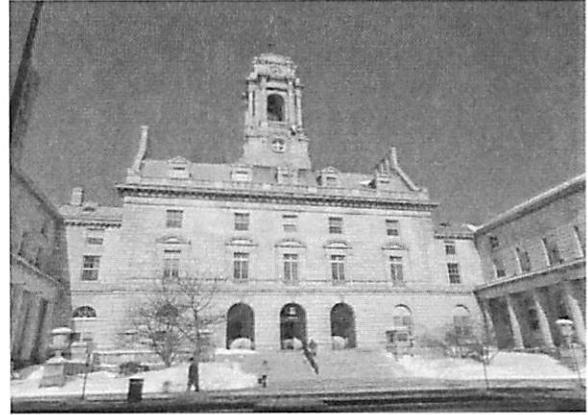
To protect our clients, Colin Baenziger & Associates maintains the following insurance coverages: (1) general liability insurance of \$1 million combined single limit per occurrence for bodily injury, personal injury and property damages, (2) automobile liability insurance of \$1 million per accident, and (3) professional liability insurance of \$1 million per occurrence.

Some of CB&A Clients...



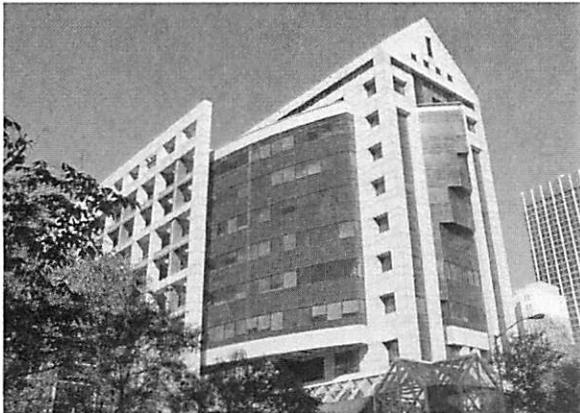
St. Petersburg, FL

*Finance Director
Budget Director
Water Resources Manager
(Director, Water & Wastewater)*



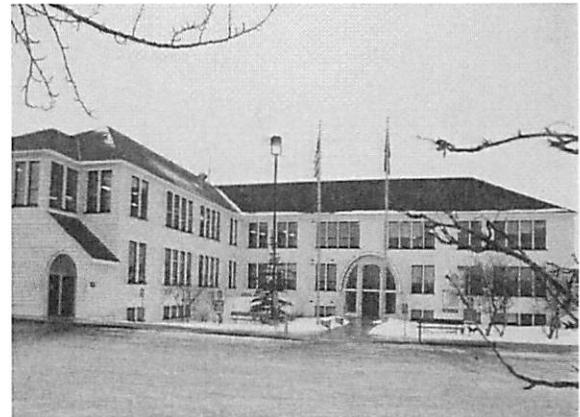
City of Portland, ME

City Manager



Fulton County, GA

*Director, Registrations &
Elections
Personnel Director*



Matanuska-Susitna Borough, AK

Borough Manager

What Sets Colin Baenziger & Associates Apart

II. What Sets Colin Baenziger & Associates Apart

Since 1996, Colin Baenziger & Associates (CB&A) has developed an extensive municipal practice, the key element of which is executive search. Our first search was conducted for the City of Lauderdale Lakes, FL in 1997. Briefly stated, we believe that the Town would be wise to select us because:

Experience and Approach

- We recruit nationally, but we have each of our recruiters focus on a specific area of the country. As a result, we are extremely knowledgeable in conducting recruitments in specific regions, and it shows in our success.
- Our lead recruiter is Colin Baenziger. He has served as a City Manager and an elected official for a community of 22,000. He can thus relate to both appointed and elected officials and speaks their language. Merv Timberlake (associate project manager) is the former Finance Director for Boca Raton, FL, and Blacksburg, VA. Tom Andrews (recruitment manager) has served as a county manager in Maryland and Georgia.
- CB&A knows many of the country's professional managers personally. We have an extraordinary talent for determining who fits well in which situation and who does not.
- We tailor our approach to the needs of the community. Once we fully understand the elected body, the community and the issues, we aggressively seek the candidates who are right for the Town.
- We can move quickly. Utilizing a true executive search approach, as we did in Manalapan, we can have a short list of candidates within two to four weeks. Advertising nationally normally adds four weeks to the process.
- The caliber of our work is better. We depend on word of mouth advertising, our reputation is critical to us.
- We continue to work with you after the position is filled. If issues arise six or twelve months later between the employee and employer, we will assist the parties in working through them at no additional charge.
- We are less costly, and not because we do less. In fact, we do much more than our competitors. We have focused our efforts on minimizing our overhead. We simply do not have the expenses other firms do, and we can pass the savings on to you.
- Finally, although we move quickly, we do not rush the process. We carefully evaluate every potential candidate, scrutinize background information, and make sound recommendations to the client.

What Sets Colin Baenziger & Associates Apart (continued)

Results:

On the preceding page, we outlined what sets us apart. The proof, however, is in the results we have achieved. Specifically:

- Our clients are extremely satisfied with our work. In fact five of them have passed resolutions thanking us for our extraordinary efforts recruiting their managers.
- No matter how complicated the search became or what unforeseen circumstances arose, we have never asked a client for additional monies beyond the fee we initially quoted.
- We have become recognized as a leader in municipal recruiting, and we are frequently called upon to speak at the conferences of the League of Cities, the local city and county management associations and the other professional bodies.

Warranty:

Colin Baenziger & Associates offers the best warranty in the industry. We can offer it because we have confidence in our work. Specifically, provided the Town selects from among the candidates we recommend, we warrant the following:

- 1) We will not approach the selected candidate for any other position as long as the individual is employed by the Town as its Finance Director.
- 2) If the director leaves for any reason other than an act of God within the first year, CB&A will repeat the search at no charge. If the Finance Director leaves during the second year – again, for any reason other than an act of God - we will repeat the search for the cost of our expenses only.
- 3) If the Town is not satisfied with any of the candidates presented, CB&A will repeat the search until you are satisfied.
- 4) Our price is guaranteed and will not be exceeded for any reason, even if the conditions under which this contract is issued changes.

Summary:

Colin Baenziger & Associates is the firm you should select to conduct your search because we are knowledgeable and effective while also being less costly. We are extremely adept at determining who is a good fit for your Town and will find the best person to serve as your next Finance Director for the long term. Further, we complete our work on time and on budget.

III. Search Methodology – The Outline

The following outlines briefly the approach Colin Baenziger & Associates utilizes doing an executive search for a Finance Director. It is the process we used, for example, in St. Petersburg, FL where we looked for the Budget Director and later the Finance Director, in Sunny Isles Beach when we found its Finance Director, in Tamarac for its Finance Director and so on.

Phase I: Information Gathering

Task One: Needs Assessment

An important part of the recruiter's work is selling the organization to the very best candidates (including those that are not actively looking for the next job) while also providing an accurate portrayal of the environment. In order to do this CB&A must first determine the needs of the client and the characteristics of the ideal candidate. To do so, we:

- Compile background information from the jurisdiction's website and other sources,
- Interview the designated Town officials. Our goal is to develop a strong sense of your community, your expectations, the Town's leadership and its finance-related challenges,
- Determine the characteristics of the ideal candidate. These will likely include experience, longevity, education, personality, demeanor, and achievements as well as other items the elected officials and stakeholders consider important), and
- Determine a reasonable compensation package.

We also want to finalize the timeline for the recruitment so that candidates can mark their calendars well in advance and will be available when the Town conducts its interviews.

Phase II: Recruitment

Task Two: Develop Recruitment Materials

CB&A will next develop a comprehensive recruitment profile (which includes both the candidate and community profile). It will be a well-written, substantive synopsis of what we have learned and presented in an attractive manner. We will provide a draft for your review and comment. Your suggestions will be incorporated, and the final recruitment profile will be used in our recruiting efforts. Samples of our work can be found on our firm's website under the "Active Recruitments" tab.

Task Three: Recruit Candidates

CB&A uses a number of approaches to identify the right people for your jurisdiction. We say people, and not person, because our goal is to bring you three to five excellent finalists, all of whom will do the job extraordinarily well and who are so good that you will have a difficult time choosing among them. Then you can select the one who is the best fit with you and your organization. These approaches are:

- ***Networking.*** The best approach is diligent outreach. We will network with our colleagues and consult our data base. As we identify outstanding candidates (many of whom are not in the market), we will approach them and request that they apply. Many excellent candidates are reluctant to respond to advertisements because doing so may alienate their current employers. When we approach them, their credentials are enhanced rather than diminished.
- ***Advertising.*** While we will seek out the best, we will not ignore the trade press which sometimes yields strong candidates. We intend to contact the members of organizations such as the Government Finance Officers Association, Florida Government Finance Officers Association, the Florida Association of Counties, the publications of the Florida League of Cities and so on. We will also post it on our Website, www.cb-asso.com and at other appropriate sites. We generally do not use newspapers or generic websites because while they produce large numbers of applications, they generally do not produce the type of candidates we are seeking.
- ***Email.*** We will also e-mail the recruitment profile to our list of over 7,000 managers and professionals who are interested in local government management. One of the advantages of email is that if the recipient is not interested, he/she can easily forward the recruitment profile to someone else who may be.

Phase III: Screening and Finalist Selection

Task Four: Gather Information and Evaluate the Candidates

Based on our most recent recruiting efforts, we anticipate receiving resumes from 40 to 60 applicants. Narrowing the field to the four to six strong eight candidates we will present to the Town requires a mix of in-depth research and subjective evaluation. Our process follows.

Step One. Initial Screening. CB&A will evaluate all resumes and identify the top eight to ten candidates.

Step Two. Screening Interview. Our lead recruiter and other senior members of the team will interview each of these candidates. We will use our expertise in management,

finance and recruiting as well as our unique ability to assess candidates. We will make a determination of the candidates' abilities and whether or not to recommend they go forward in the process. Once the candidates have passed the initial screening interview, a member of our staff will conduct a further interview and prepare a written summary.

Step Three. Background Investigations. For those that remain in consideration, CB&A will conduct extensive background checks. Specifically, we will:

- **Interview References:** We tell the candidate with whom we wish to speak. These include current and former elected officials, the individual's supervisor, the organization's attorney, staff members, individuals from regulatory bodies, other local governments, peers, news media representatives, the director of the local chamber of commerce, members of the business community and others who know the candidate. We will also attempt to contact some individuals who are not on the candidate's list. Typically we reach eight to ten people and will prepare a written summary of each conversation.
- **Conduct Background Checks.** Through our third party vendor, American DataBank, we will conduct the following checks: criminal records at the county, state and national level; civil records at the county and federal level; bankruptcy and credit; and motor vehicle. We also verify education and employment for the past 15 years.
- **Search the Internet and Newspaper Archives.** Virtually every local newspaper now has an archive that provides stories about perspective candidates, the issues they have dealt with, the process they used to resolve them and the results. These articles also provide insight into the candidate's relationship with the public and the elected officials. Of course, not all news sources are unbiased and we consider that in our evaluation.

Our goal in these checks is to develop a clear picture of each candidate and each of the avenues we pursue is a piece of the puzzle. We crosscheck sources, search for discrepancies and resolve them when we find them. When sensitive or potentially embarrassing items are discovered, they are thoroughly researched. If we conclude the situation is damaging or even questionable, the candidate will be dropped from further consideration.

Note: We firmly believe that all background work we have outlined above should be completed early in the process. That way the client knows the individuals to be interviewed are all top performers and do not have anything embarrassing in their pasts that might come to light after selection. It also means that once our client has made a selection, it can move forward promptly, negotiate a contract and make an announcement

Task Five: Finalist Selection and Presentation.

We evaluate the information we have gathered in the prior task and select six to eight candidates for presentation to the Town.

It should be noted that selecting strong candidates is more an art than a science. While we consider standard ranking factors and the elements of the job, ultimately the most important factor is who we believe will be a good fit with Town officials, staff and other parties the individual may interact with.

Based on our review of the materials, we will select the top five candidates (and probably an alternate) to recommend to the Town. For the selected candidates, CB&A will compile the information we have developed into a notebook. Specifically, it will include the following information for each candidate: his/her resume, a summary of our interviews with the candidate, the results of our background checks, his/her reference checks, and our compilation of materials from Internet/newspaper archives. The notebook will also include some advice on interviewing, a series of questions the Town may wish to ask (as well as some areas that it is not wise to get into) and some logistical information.

If the client wishes, we can also ask the semi-finalists or finalists to provide written responses to a list of questions. We do not recommend this approach. While these responses can offer insight, the best candidates are often employed and very busy. They either do not have time to develop detailed responses to questions or do not wish to and withdraw from the process. Consequently, we have found asking candidates to provide written responses to questions is often counterproductive. Instead, as noted above, we conduct interviews with the candidate, ask the questions, prepare summaries and include them in the background notebooks.

Approximately a week after the Town has received the candidate materials, CB&A will meet with the designated officials to discuss our findings and to further narrow the field. The goal is for the Town to select four to six candidates to interview.

Task Six: Notify All Candidates of Their Status

We will notify the selected candidates by telephone and give them the opportunity to ask additional questions. CB&A will also contact those not selected to advise them of their status.

Phase IV: Coordinate the Interview Process and the Finance Director Selection

Task Seven: Coordinate the Candidate Assessment Process

We believe the Town should observe the finalists in a number of settings. We also recommend you invite the finalists' spouses so they can spend time in your community and evaluate the new area.

Day #1. The finalists are given a tour of the community and its facilities by a knowledgeable staff member. Later, senior staff members meet with the candidates. This provides an opportunity for the finalists to ask questions and the senior staff to assess them.

Day #2: The candidates might then be interviewed by one or more panels of individuals from the Town. We would also suggest one-on-one interviews with the key Town officials. Following those, we like to do some role playing where candidates might be asked to make a power-point presentation to a group of staff members who are playing the role of the Town Council.

Formal Assessment Tools and Tests. Formal assessment tools (such as personality tests and management in-basket exercises) can be utilized either at this stage or earlier in the process if you desire. Typically our clients do not utilize them but rather depend on our expertise. Where such tests have been conducted, they have verified our recommendation in every case. Nonetheless, we will make them available at an additional cost should you wish to use them.

Task Eight: Debriefing and Selection

Once the interviews have concluded, CB&A will discuss the candidates with the designated officials. If they are ready to make a decision, we will move forward. If some additional questions need to be answered, we will conduct additional research and provide the answers.

Once the Town has made its selection, CB&A will notify the finalists of their status. The candidates are eager to know the results and we feel it is important that they be kept well informed. As your search consultant, they look to us for information and consequently we feel it is incumbent on us to provide it.

Phase V: Negotiation and Continuing Assistance (Optional)

Task Nine: Notification, Contract Negotiations and Warranty

Should the Town wish, we will assist in the negotiation of the compensation package.

Task Ten: Continuing Assistance

Our work is not done when the contract is executed. We stay in touch with you and your new Director. Our goal is to be there to assist in resolving any issues that arise before they become intractable.

Communications: We will provide biweekly reports about the status of the search, in writing or by phone, depending upon your preference. If by phone, we will make them either to the elected officials as a whole or to its members individually.

More CB&A Clients...



City of Yakima, WA

City Manager



City of West Palm Beach, FL

*Deputy City Manager for Utilities,
Parks & Recreation Director,
Fire Chief,
Employee Relations Manager*



City of Tamarac, FL

*Assistant City Manager
Finance Director
Public Works Director
Building Official
Community Development Director*



City of Durham, NC

*Deputy City Manager – Community
Building
Director - Economic and Workforce
Development*

Proposed Project Schedule

IV. Proposed Project Schedule

The following outlines a possible schedule for the search if we were to be awarded the contract prior to February 15th. We recognize that the schedule may need to be adjusted depending on the Town's requirements. If it is acceptable to the Town, we will commit to following it without deviation.

Phase I: Pre-Recruitment and Timeline Development

February 20th: Colin Baenziger begins interviewing key designated Town officials to understand the job and its challenges. Specifically, the purposes of these interviews will be to: 1) get to know the officials, 2) understand the issues the next director will face, 3) understand the elements of the job, 4) develop a description of the ideal candidate, 5) determine the desired compensation, 6) develop selection criteria and 7) finalize the project schedule.

CB&A begins developing recruiting materials.

February 27th: CB&A submits a draft of the recruitment profile for the Town's review. Comments are due by March 2nd.

Phase II: Candidate Recruitment and Outreach

March 3rd: CB&A begins aggressive recruiting.

March 23rd: Closing date for submission of applications.

March 28th: CB&A reports the results of the recruitment effort to the Town.

Phase III: Screening, Reference Checks and Credential Verification

March 24th: CB&A begins candidate screening.

April 23rd: CB&A forwards background materials to the Town for the recommended candidates. These will include the candidates' resumes, a summary of our interviews with the candidates, the results of our background and reference checks, and Internet/newspaper archives results. Materials arrive on April 25th.

Phase IV: Candidate Interviews and Assessment

April 30th: CB&A discusses candidates with Town

May 10th: Town interviews candidates and selects its next Finance Director.

Proposed Project Schedule (continued)

Phase V: Offer Assistance, Warranty and Continuing Assistance

Post Selection: CB&A works with Town officials and selected candidate to develop an acceptable compensation package. Typically this process takes about 7 to 10 days.

CB&A also will stay in touch to ensure the employment arrangement is a strong one.

V. The Town's Obligations

Town will be responsible for providing the facilities for the interview process, coordinating lodging for candidates from outside the area, and making arrangements for the evening reception. The Town will also be responsible for reimbursing the candidates for all expenses associated with their travel, meals and incidentals for the interview weekend.

CB&A also expects town staff to provide the following information to each of the finalists: the current year budget, an organizational chart, the latest completed audit and management letter, any current and relevant strategic and long range plans and any relevant evaluations of the organization. Once the finalists have been selected, your staff will mail this material to them. We may jointly determine that other relevant materials should also be provided.

Project Team and Involvement

VI. Project Team Qualifications and Staffing

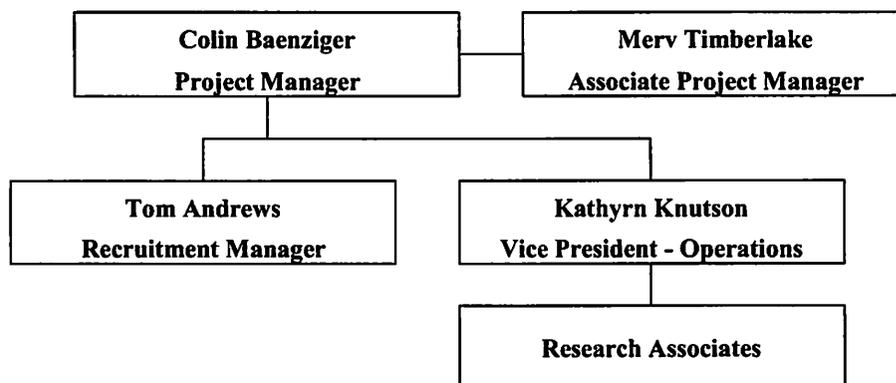
A. Project Team and Involvement (Resumes for key staff follow this section)

CB&A is an experienced recruiting firm and strongly believes that the majority of the search work should be conducted by one knowledgeable person. Colin Baenziger will be that person, and he will serve as project manager. He will conduct the interviews with the elected officials, search for strong candidates, discuss the position with those candidates, recruit them, conduct the interviews with the candidates, conduct the background investigations, oversee the interview process, and assist with the contract negotiations. Mr. Baenziger holds a Bachelor's degree from Carleton College and a Master's degree with distinction from Cornell University's Graduate School of Management. In addition to 15 years as a consultant, Mr. Baenziger spent six years with the District of Columbia's Water and Sewer Utility as an analyst and later as a bureau chief.

Merv Timberlake, Vice President for financial, will serve as associate project manager and support for Mr. Baenziger. He will assist in the search for strong candidates and candidate evaluation. He will also serve as back-up to Mr. Baenziger. Before joining the firm, Mr. Timberlake served as the Finance Director in Blacksburg and Leesburg in Virginia and Boca Raton, FL.

Tom Andrews, Senior Vice President, will serve as recruitment manager. Mr. Andrews will oversee the recruitment of candidates for the position and assist in their screening. Before joining the firm, Mr. Andrews served as County Administrator for Fulton County, Georgia, and in a number of high level county and state positions in Maryland.

Kathryn Knutson, Vice President for Operations, will be responsible for coordinating the advertising and production of the materials we will present to you as described in the Recruitment Approach.

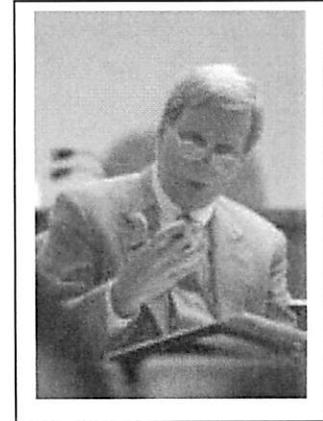


Project Team and Involvement (continued)

Colin Baenziger, M.P.A.

Principal

Colin Baenziger is a student of local government and responsible for the executive recruitment functions at Colin Baenziger & Associates. Over the years, he has worked with a number of cities on recruitments, and on management, operational, and organizational issues. As a former manager and someone who actively consults with governments, he understands what it takes to do the manager's job, and to do it effectively. Furthermore, because he is active in a number of professional associations, he knows many of the nation's managers on a first name basis.



Some of Mr. Baenziger's searches for local governments include:

- City Manager, Greensboro, NC (population 259,000),
- City Manager, Roanoke, VA (population 101,000),
- Economic Development Director, Loudoun County, VA (population 298,000),
- County Manager, Brevard County, FL (population 536,000),
- Public Works Director, Chandler, AZ (population 250,000),
- City Manager, Coral Gables, FL (population 42,000),
- City Manager, Cottonwood Heights, UT (population 34,000),
- Village Manager, Key Biscayne, FL (population 11,000),
- City Manager, Cutler Bay, FL (population 352,000),
- Executive Director, Onslow Water and Sewer Authority, Jacksonville, NC (serving a population of 160,000)
- City Manager, Palm Coast, FL (population 51,000),
- Director, Registrations and Elections, Fulton County, GA (population 1,000,000), and
- General Manager, Tampa Bay Water Authority (serving a population of 2.4 million).

Mr. Baenziger worked for the District of Columbia's Water and Sewer Utility for six years as an analyst and bureau chief. Other consulting efforts include a strategic planning session for the Florida Association of Special Districts, an operational review of Tamarac's water utility, a business practices review for a division of Martin County government, an operational reconciliation for Palm Beach County Water, development of an automated system to pay royalties to featured recording artists for the Recording Industry Association of America, and a review of financial procedures for a division of the Marriott Corporation.

Mr. Baenziger has a Master's Degree with Distinction in Public Administration from Cornell University's Graduate School of Management, and a Bachelor of Arts degree from Carleton College. He is also active in the International City Management Association and Leadership Palm Beach County, the Palm Beach and Broward County Leagues of Cities. He has also been called upon frequently to speak at conferences of the Florida League of Cities, the Utah and Florida City/County Managers' Associations, and the Florida Public Personnel Association.

Project Team and Involvement (continued)

Mervyn C. Timberlake, CPA

Vice President

Merv is expert in general management and in all things financial. He focuses out ensuring clients have the people and systems they need to be successful. In today's economic climate, that can be quite a challenge, but Merv brings the financial skills necessary to recognize where change is needed and the people skills to get it done.

Merv recently served as project manager for CB&A's search for the following positions:

- Finance Director, St. Petersburg, FL,
- Director of Management and Budget, Lake Worth, FL,
- Police Chief, Sunny Isles Beach, FL,
- Comptroller, Sunny Islands Beach, FL, and
- City Manager, Yakima, WA

Prior to joining Colin Baenziger & Associates, Merv served as the Financial Services Director of Boca Raton, Florida (population of 86,000 and 1300 full-time employees) for 21 years. His achievements were many including leading the City in:

- Securing AAA bond ratings on its general obligation bonds from all three credit rating agencies (the first City in Florida to achieve this).
- Financing the Mizner Park Mixed Use Project using tax increment revenue bonds for the Boca Raton Community Redevelopment Authority.
- Organizing and implementing two successful annexations for the City in 2003 and 2004, netting an additional \$3.5 million in revenue for the City of Boca Raton.
- Leading as co-chair the City Manager Committee to reorganize city departments from fourteen departments to eight departments.
- Leading the City of Boca Raton Police and Firefighters Pension Board both as chairperson (for three years) and City of Boca Raton representative from 1988-2009.

Prior to assuming his position in Boca Raton, Merv served as finance director for Blacksburg and Leesburg in Virginia.

Mr. Timberlake earned his Bachelor of Science degree in Accounting from the University of Richmond. He is a licensed Certified Public Accountant in Florida. He is member of the Government Finance Officers Association of the United States and Canada (GFOA) for over 30 years and served as a Member of the GFOA Executive Board 2004-2007. He is an active member of the Florida GFOA and served as its President in 2001. Merv also was a board member the First Florida Governmental Financing (bond) Commission from 1991 to 2009 serving as Chairperson three times. From 1996 to 2009, he also served as a member of the Investment Advisory Committee of the Florida League of Cities. Finally, Merv belongs to the American Institute of Certified Public Accountants and the Florida Institute of CPA's.

Project Team and Involvement (continued)

Tom Andrews, M.S.

Senior Vice President

Tom Andrews is CB&A's management guru. With over 30 years management experience in federal, state and local governments, he has been there, done that. With his no-nonsense approach to problem solving and his keen ability to recognize management talent and leadership potential, he is an asset to any client. His talent for mentoring has resulted in former employees occupying senior local government positions from Maryland to Florida.



In addition to his comprehensive and successful experience as a generalist, Tom possesses technical expertise in water resources management, environmental regulation, and public health.

Some of the top leadership positions that Tom has held include County Manager of Fulton County, GA, Chief Administrative Officer for Anne Arundel County, MD, County Health Director for Anne Arundel County, MD, Deputy Secretary, Maryland Department of the Environment, Assistant Secretary, Maryland Department of Natural Resources, Director, Maryland Water Resources Administration and Chief of Staff for Maryland Acting Governor Blair Lee III.

Some of the recruitments Tom has been involved in for CB&A are:

- City Manager, Greensboro, NC,
- City Manager, Roanoke, VA,
- County Manager, Brevard County, FL,
- Deputy City Manager, Durham, NC
- Director, Economic and Workforce Development, Durham, NC
- Budget Director, St. Petersburg, FL,
- Finance Director, Tamarac, FL, and
- Director of Economic Development for Loudoun County, VA.

In addition, Tom has conducted numerous leadership seminars for state and local government mid-level managers. He is also presently an adjunct professor at Georgia Southern University teaching the occasional graduate level public administration course.

Tom earned his Bachelor of Science in Biology from Miami University in Oxford, Ohio, and his Masters in Natural Resources Administration from the Institute of Public Administration of the University of Michigan. He has been a member of the Georgia County-City Managers Association, the Association County Commissioners of Georgia, and the National Association of Counties. Tom has also served as President of the Maryland Association of County Health Officers, Member of the Anne Arundel County YMCA Board of Directors and President of the Providence Center Board of Directors, a non-profit agency serving the developmentally disabled.

Project Team and Involvement (continued)

Kathyrn Knutson

Vice President for Operations

Ms. Knutson is a skilled professional with a wealth of public and private sector experience. Her particular expertise is in special projects, compensation surveys and background checks for our executive search candidates. She feels that each client must be properly served, and that can only be done by devoting her utmost attention to their particular concerns, and by finding creative ways to solve their problems. In her book, the client comes first.



Since beginning her working relationship as a subcontractor with Colin Baenziger & Associates, Ms. Knutson has been involved in virtually every executive search the firm has conducted. Some of the more notable ones include:

- City Manager, City of Marathon, FL
- County Manager, Polk County, IA
- Deputy City Manager, Durham, NC
- City Manager, Cottonwood Heights, UT
- City Manager, City of Miami Gardens, FL
- City Manager, City of Lauderdale Lakes,
- City Manager, Town of Bay Harbor Islands,
- Executive Director, Northern Palm Beach County Improvement District, and
- Village Manager, Village of Palmetto Bay, FL

As noted, a major part of Ms. Knutson's work has been on special projects. Two of the more significant ones that she has been involved in are:

- The firm's annual City Manager compensation survey for Florida City and County Managers.
- A review of the billing database for Palm Beach County Water Utilities. The utility's concern was possible under-billing. Our work involved a review of billing records for reasonableness and consistency, as well as extensive work in the field. The project is still in its early stages, and it is far too early to determine the ultimate results, but our team has already found enough to pay its fee several times over.

Ms. Knutson's prior employment includes stints with Palm Beach County's Department of Building, Planning, and Zoning, and with the County Health and Rehabilitative Services. She has also worked with the State of Florida's Department of Corrections and with the State's Department of Employment Services. She has also been involved with a number of private and non-profit concerns, such as the Visiting Nurses Association and Oakwood Mental Health Center of the Palm Beaches. Ms. Knutson has an Associates Degree in Business Education from West Georgia College in Carrollton, Georgia.

COLIN BAENZIGER & ASSOCIATES – SOME OF OUR PLACEMENTS

2002 – Palm Bay, FL



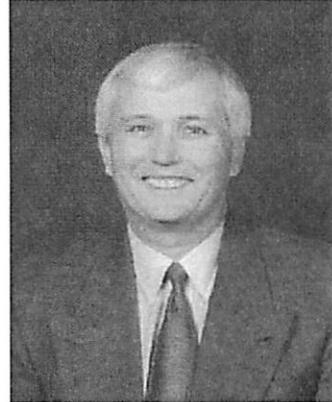
Lee Feldman

2003 – Lauderdale Lakes, FL



Anita Fain Taylor

2004 – Destin, FL



Greg Kisela

2004 – Cottonwood Heights, UT



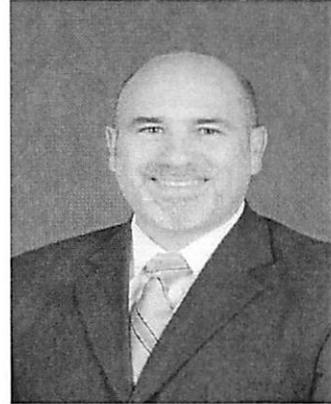
Liane Stillman

2007 – St. Johns County, FL



Michael Wanchick

2007 – Key Biscayne, FL



Chip Igelsias

2009 – Greensboro, NC



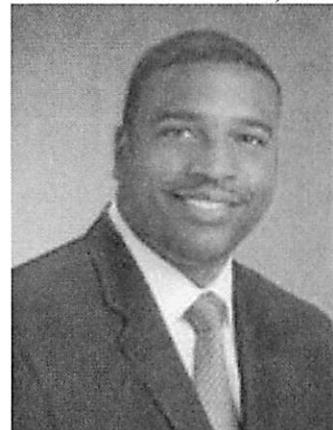
Rashad Young

2009 – Roanoke, VA



Chris Morrill

2009 – North Miami, FL



Russell Benford

Fee & Warranty

VII. Fee & Warranty

Fee

CB&A proposes to conduct the entire search for a firm, fixed fee of \$19,500. It should also be noted that these figures ***include all our expenses and costs***. In other words, the only thing the Town will pay CB&A is the \$19,850 fee outlined below. The only other costs the Town will be responsible for are the costs associated with the candidates' (and spouses, if invited) travel, accommodations and meals for the interview process.

We will bill the fee as the phases are completed and according to the following schedule:

Phase I: Needs Analysis / Information Gathering	\$ 2,000
Phase II: Recruiting	6,500
Phase III: Screening	7,500
Phase IV: Interview Process Coordination and Finance Director Selection	1,750
Phase V: Negotiation, Warranty & Continuing Assistance	1,750

If the Town asks us to perform work that is clearly beyond the scope of the RFP, it will be billed at a rate of \$125 per hour. No such work will be performed without your written authorization. ***Please note*** that we have never billed - nor requested - additional funds beyond our originally quoted fee for any search, even when we have been entitled to it.

Warranty

Colin Baenziger & Associates offers the best warranty in the industry. We can offer it because we have confidence in our work. Provided the Town selects from among the candidates we recommend, we warrant the following:

- 1) We will not approach the selected candidate for any other position as long as the individual is employed by the Town.
- 2) If the selected individual leaves for any reason other than total incapacitation or death within the first year, CB&A will repeat the search at no charge. If he/she departs during the second year for any reason other than incapacitation or death, we will repeat the search for the reimbursement of our expenses only.
- 3) If you are not satisfied with any of the candidates we present, CB&A will repeat the search until you are satisfied.
- 4) Our price is guaranteed and will not be exceeded for any reason, even if conditions change after the contract is executed.

References (continued)

VIII. References

The staff at Colin Baenziger & Associates has completed over 100 searches for city and county managers and more than 200 searches overall. We have selected nine for your review.

- 1) ***Finance Director, St. Petersburg, FL*** (We also assisted the City in finding a Budget Director and a Water [and Wastewater] Resources Director.
Contact: Ms. Tish Elston, City Administrator at (727) 893-7841 or Tish.Elston@stpete.org

- 2) ***Economic Development Director, Loudoun County, VA*** (We are also just finishing the recruitment for the County's Human Resources Officer)
Contact: Deputy County Administrator Linda Neri at 703-777-0200.

- 3) ***Finance Director, Tamarac, FL (population 55,500).***
Contact: Mike Cernach, City Manager at (954) 597-3510, or Human Resources Director Maria Swanson at (954) 597-3600.

- 4) ***Finance Director, Sunny Isles Beach, FL (population 55,500).***
Contact: Current City Manager Alan Cohen at (305) 792-1702 for an appraisal of the candidate hired, or Prior City Manager Rick Conner at (915) 227-7002 to discuss the process.

- 5) ***Public Works Director, Chandler, AZ, completed in October 2007***
Contact: Assistant City Manager Pat McDermott, 480-782-2210.

Note: A complete list of our City and County Manager searches that we have conducted since 2009 can be found in Appendix A. We have included contact information in case should you wish to go beyond the above list of references. It also contains supporting material to demonstrate that we complete our searches in a timely manner and that we do very well in terms of diversity.

Some Additional CB&A Clients...



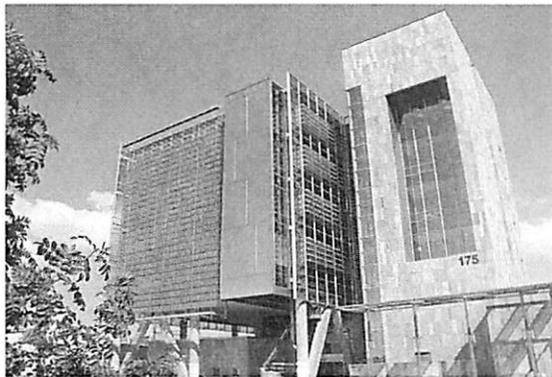
City of Greensboro, NC

City Manager



*Polk County, IA (County Seat and
State Capital is Des Moines)*

County Administrator



City of Chandler, AZ

Public Works Director



City of Cottonwood Heights, UT

City Manager

Appendix A

City and County Managers Searches Performed Since the Beginning of 2009

City/County Manager Search Assignments Since 2009

City / County Manager Searches Completed in 2011 (in chronological order)

	Position	Client	Population	Year Completed	Search Timeframe	Note	Placement	Minority / Female
1	County Administrator	Clay County, FL	160,000	2011	84 days		Stephanie Kopelousos	√
2	City Manager	Orange Park, FL	9,100	2011	80 days		Cindy Hall	√
3	City Manager	Chamblee, GA	17,000	2011	101 days	(a)	Niles Ford	√
4	City Manager	North Port, FL	55,800	2011	90 days		Jon Lewis	
5	Borough Manager	Matanuska-Susitna Borough, Alaska	88,000	2011	59 days		John Mossey	
6	City Manager	Sunny Isles Beach, FL	17,000	2011	78 days		Alan Cohen	
7	City Manager	Albany, GA	76,000	2011	98 days	(b)	James Taylor	√
8	City Manager	Portland, ME	65,000	2011	84 days		Michael Rees	
9	Village Manager	Pinecrest, FL	19,400	2011	76 days		Yocelyn Gomez	√
10	City Manager	Yakima, WA	91,000	2011	88 days	(c)	Don Cooper	
11	County Administrator	Polk County, IA	431,000	2011	81 days		David Jones	
12	City Manager	Destin, FL	12,300	2011	90 days	(d)	Mary Ann Ustick	√
13	City Manager	Madeira Beach, FL	4,260	2011	54 days		Shane Crawford	
14	Village Manager	Key Biscayne, FL	12,350	2011	131 days	(e)	John Gilbert	
15	City Manager	Tacoma, WA	198,400	2011	84 days		T.C. Broadnax	√

- (a) At the request of the city, the search was elongated by 21 days.
 - (b) At the request of the city, the search was elongated by 10 days.
 - (c) Mr. Cooper is leaving the City on December 31, 2011 to care for his spouse who was recently diagnosed with a very, very serious illness.
 - (d) At the request of the city, the search was elongated by 7 days.
 - (e) The Village had to delay the search two weeks while finalizing its budget. During the delay, several of the recommended semi-finalists dropped out. We went back into our candidate pool for more, but had to perform additional background work. Ultimately the Village selected one of our originally suggested finalists.
- Note:** CB&A also performs numerous department director level searches in addition to City and County Manager searches. A complete list can be provided upon request.

City/County Manager Search Assignments Since 2009 (continued)

City / County Manager Searches Completed in 2011 (in chronological order)

	Client	Contact				
		Name		Phone	Email	
1	Clay County, FL	Travis Cummings	Commission Chair	(904) 376-5189	Travis.Cummings@co.clay.fl.us	
2	Orange Park, FL	Bob Standifer	Mayor	(904) 449-6093	bobstandifer@yahoo.com	
3	Chamblee, GA	Marc Johnson	Interim Manager / Police Chief	(404) 819-9346	chiefmj@chambleepd.com	
4	North Port, FL	Sherry Brogsdorf	Administrative Services Director	(941) 429-7129	sborgsdorf@cityofnorthport.com	
5	Matanuska-Susitna, AK	Sonya Conant	Human Resources Director	(907) 746-7432	Sonya.Conant@matsugov.us	
6	Sunny Isles Beach, FL	Norman Edelcup	Mayor	(305) 792-1701	NSEdelcup@aol.com	
7	Albany, GA	Nathan Davis	City Attorney	(229) 431-2805	NDavis@albany.ga.us	
8	Portland, ME	Cheryl Leeman	Search Chair / City Council Member	(207) 774-4308	cl@portlandmaine.gov	
9	Pinecrest, FL	Guido Inguazo	Village Clerk	(305) 234-2121	inguanzo@pinecrest-fl.gov	
10	Yakima, WA	Micah Cawley	Mayor	(509) 901-9114	micah_cawley@ci.yakima.wa.us	
11	Polk County, IA	Sue Elliott	Assistant County Administrator	(515) 286-3128	Sue.Elliott@polkcountyiowa.gov	
12	Destin, FL	Chuck Garcia	Human Resources Director	(850) 837-4242	cgarcia@cityofdestin.com	
13	Madeira Beach, FL	Ginger Stilton	City Clerk	(727) 288-3738		
14	Key Biscayne, FL	Conchita Alvarez	Village Clerk	(305) 365-5506		
15	Tacoma, WA	Joy St. Germain	Human Resources Director	(253) 591-2060		

City/County Manager Search Assignments Since 2009 (continued)

City / County Manager Searches Completed in 2010

(sequenced by completion date)

	Position	Client	Population	Year Completed	Search Timeframe	Note	Name of Placement	Minority / Female
1	City Manager	West Park, FL	12,000	2010	98 days	(a)	Ajibola Balogum	√
2	City Manager	Orange City, FL	10,000	2010	110 days	(b)	Jamie Croteau	√
3	City Manager	Cape Canaveral, FL	10,200	2010	123 days	(c)	David Green	
4	City Manager	Hallandale Beach, FL	39,000	2010	50 days	(d)	Mark Antonio	
5	County Manager	Union County, NC	198,600	2010	63 days		Cindy Coto	√
6	City Manager	Homestead, FL	65,000	2010	64 days		George Gretsas	
7	City Manager	Fife, WA	8,700	2010	99 days		David Zabell	

- (a) Elongated by two weeks when the City Council decided to involve an Advisory Committee approximately halfway through the process.
- (b) The Christmas and New Year's holidays added two weeks to the schedule and the final vote had to be delayed a week due to a Council Council Member being out of town.
- (c) The search was delayed 27 days when the Council added an in-house candidate and asked for a full evaluation of that candidate. In the end one of our recommended candidates was selected.
- (d) The search was halted two weeks prior to completion when the City Commission decided to hire its interim manager

City/County Manager Search Assignments Since 2009 (continued)

City / County Manager Searches Completed in 2010
(sequenced by completion date)

1	West Park, FL	Eric Jones	Mayor	(954) 889-4153	ejones@cityofwestpark.org
2	Orange City, FL	Harley Strickland	Mayor	(386) 775-5403	hstrickland@ourorangecity.com
3	Cape Canaveral	Rocky Randel	Mayor	(321) 784-5694	Rocky-cape@cfl.rr.com
4	Hallandale Beach, FL	Joy Cooper	Mayor	(954) 457-1318	jcooper@hallandalebeachfl.gov
5	Union County, NC	Kim Rogers	Commissioner	(704) 843-7949	kimrogers@co.union.nc.us
6	Homestead, FL	John Burgess	Commissioner	(305) 281-6727	JBurgess@cityofhomestead.com
7	Fife, WA	Loren Combs	City Attorney	(253) 922-5464	ldc@vsilawgroup.com

City/County Manager Search Assignments Since 2009 (continued)

City / County Manager Searches Completed in 2009

(sequenced by completion date)

	Position	Client	Population	Year Completed	Search Timeframe	Note	Name of Placement	Minority / Female
1	City Manager	Dania Beach, FL	20,100	2009	62 days		Robert Baldwin	
2	City Manager	Coral Gables, FL	43,000	2009	95 days	(a)	Pat Salerno	
3	City Manager	Riviera Beach, FL	37,000	2009	128 days	(b)	Ruth Jones	√
4	City Manager	West Melbourne, FL	15,000	2009	77 days		Scott Morgan	
5	County Manager	Brevard County, FL	536,000	2009	83 days		Howard Tipton	
6	City Manager	Greensboro, NC	259,000	2009	91 days	(c)	Rashad Young	√
7	City Manager	New Smyrna Beach, FL	23,000	2009	102 days	(d)	Pam Brangaccio	√
8	County Manager	Lee County, FL	620,000	2009	81 days	(e)	Karen Hawes	
9	City Manager	North Miami, FL	62,000	2009	75 days	(f)	Russell Benford	√
10	City Manager	Roanoke, VA	96,000	2009	86 days		Chris Morrill	

- (a) The search was scheduled to take 74 days but the City asked for the interviews to postponed three weeks.
- (b) The original search was scheduled to take 68 days but the City failed to notice a meeting properly. As result, the search was postponed until after an election and the process was delayed for 65 days.
- (c) Mr. Young left the City in November 2011 to become the City Manager of Alexandria, VA.
- (d) Search was delayed 35 days while the City Commission selected a Citizen's Advisory Committee.
- (e) The search was scheduled to take 91 days but the County selected its interim manager 10 days prior to the schedule completion date.
- (f) Mr. Benford left the City in September 2011 to be a Deputy County Mayor for Miami-Dade County.

City/County Manager Search Assignments Since 2009 (continued)

City / County Manager Searches Completed in 2009 (in chronological order)

1	Dundee, FL	Linda Riner-Mizell	Mayor	(863) 438-8341	dundee_mizells@verizon.net
2	Dania Beach, FL	Anne Castro	Commissioner	(954) 924-6800 x3619	acastro@ci.dania-beach.fl.us
3	Coral Gables, FL	Bill Kerdyk	Commissioner	(305) 446-2586	wkerdk@coralgables.com
4	Riviera Beach, FL	Shelby Lowe	Council Member	(561) 845-3685	slowe@rivierabch.com
5	West Melbourne, FL	Hal Rose	Mayor	(321) 768-7518	hrose@westmelbourne.org
6	Brevard County, FL	Frank Abbate	HR Director	(321) 633-2010	frank.abbate@brevardcounty.us
7	Greensboro, NC	Alice Burkholder	HR Consultant	(336) 373-7947	Alice.Burkholder@greensboro-nc.gov
8	New Smyrna Beach, FL	Carol Hargy	HR Director	(386) 424-2127	chargy@cityofnsb.com
9	Lee County, FL	Dinah Lewis	Former Administrative Services Director	(954) 557-6105	DLLewis@Broward.org
10	North Miami, FL	Andre Pierre	Mayor	(305) 895-9818	pierreaty@bellsouth.net
11	Roanoke, VA	Court Rosen	Council Member	(540) 597-3193	courtrosen@gmail.com

Appendix B

*Searches by
Colin Baenziger & Associate' Staff*

Governmental Search Assignments

Performed by the Staff of Colin Baenziger & Associates

Current Searches

City Manager, Cape Coral, FL (population 154,300)
City Manager, Cocoa Beach, FL (population 11,200) – Begins in May 2012
City Manager, Hallandale Beach, FL (population 37,100)
Village Manager, North Palm Beach, FL (population 12,015)
City Manager, Panama City Beach, FL (population 12,018)
City Manager, Yakima, WA (population 91,100)
County Administrator, Hernando County, FL (172,800)
Chief Administrative Officer, St. Tammany Parish, LA (population 233,700)
Executive Director, Environment and Infrastructure, Pinellas County, FL (916,500)
Finance Director, Oregon City, OR (population 31,860)

Completed Searches

City Manager - Completed Searches

City Manager, Alachua, FL (population 6,200) in 2001
City Manager, Albany, GA (population 75,600) in 2011
City Manager, Bartow, FL (population 16,000) in 2007
Town Manager, Bay Harbor Islands, FL (population 5,200) in 2003 and 2007
Town Manager, Buckeye, AZ (population 32,000) in 2006
City Manager, Cape Canaveral, FL (population 10,200) in 2010
Town Manager, Cutler Bay, FL (population 35,000) in 2006
Town Manager, Dundee, FL (population 3,000) in 2006 and 2009
City Manager, Casselberry, FL (population 25,000), in 2005
City Manager, Chamblee, GA (population 17,000) in 2011
City Manager, Cooper City, FL (population 32,000) in 2008
City Manager, Coral Gables (population 43,000) in 2009
City Manager, Cottonwood Heights, UT (population 34,000) in 2004
City Manager, Dania Beach, FL (population 28,000) in 2009
City Manager, Daytona Beach, FL (population 65,000) in 2002
City Manager, Deltona, FL (population 83,000) in 2006 and 2008
City Manager, Destin, FL (population 12,000) in 2003 and 2011
City Manager, Doral, FL (population 24,000), in 2004
City Manager, Eustis, FL (population 18,000) in 2007
City Manager, Fernandina Beach, FL (population 11,000) in 2006
City Manager, Fife, WA (population 8,700) in 2010
Town Manager, Fort Myers Beach, FL (population 6,900) in 2006 and 2008
Village Manager, Islamorada, Village of Islands, FL (population 7,500) in 1999 and 2005

Governmental Search Assignments (continued)

City Manager, Gainesville, FL (population 117,000) in 2005
City Manager, Greensboro, NC (population 259,000) in 2009
City Manager, Gulfport, FL (population 12,000) in 2003
City Manager, Hallandale Beach, FL (population 39,000) in 2010
City Manager, Holly Hill, FL (population 13,000) in 2008 (partial search)
City Manager, Homestead, FL (population 62,000) in 2010

Town Manager, June Beach, FL (population 3,600) in 2005
Town Manager, Town of Jupiter Island, FL (population 654) in 2005
Village Manager, Key Biscayne, FL (population 11,000) in 2007 and 2011
Town Manager, Lake Park, FL (population 9,100) in 2001 and 2003
Town Manager, Lantana, FL (population 9,600) in 2000
City Manager, Lakeland, FL (population 87,000) in 2003
City Manager, Lake Worth, FL (population 30,000) in 2003 and 2007
City Manager, Lauderdale Lakes, FL (population 32,000) in 1998 and 2002
City Manager, Madeira Beach, FL (population 12,300) in 2011
Town Manager, Mangonia Park, FL (population 1,400) in 2001
City Manager, Marathon, FL (population 11,500 in 2002 and 2004)
City Manager, Marco Island, FL (population 15,000) in 2008
City Manager, Melbourne, FL (population 72,500) in 2002
City Manager, Miami Gardens, FL (population 101,000) in 2004
City Manager, Mount Dora, FL (population 12,000) in 2005
City Manager, Naples, FL (population 21,000) in 2003 and 2007
City Manager, New Smyrna Beach, FL, FL (population 23,000) in 2009
City Manager, North Miami, FL (population 62,000) in 2002
Village Manager, North Palm Beach, FL (population 12,500) in 2004, 2005 and 2007
City Manager, North Port, FL (population 55,800) in 2011
City Manager, Ocala, FL (population 52,000) in 2008
City Manager, Orange City, FL (population 10,000) in 2010
City Manager, Orange Park, FL (population 9,100) in 2010
CAO, Orlando, FL (population 197,000) in 2005
City Manager, Oviedo, FL (population 33,000) in 2008
City Manager, Palm Bay, FL (current population 101,000) in 2002
City Manager, Palm Coast, FL (population 71,000) in 2006
Village Manager, Palmetto Bay, FL (population 24,000) in 2003
Village Manager, Pinecrest, FL (population 19,300) in 2011
City Manager, Pompano Beach, FL (population 101,000) in 2007
Town Manager, Ponce Inlet, FL (population 2,500) in 2001
City Manager, Portland, ME (population 65,000) in 2011
City Manager, Riviera Beach, FL (population 37,000) in 2009
City Manager, Roanoke, VA (population 96,000) in 2009
City Manager, Sarasota, FL (population 55,000) in 2007
Town Manager, Sewall's Point, FL (population 2,000) in 2006

Governmental Search Assignments (continued)

City Manager, St. Pete Beach, FL (population 10,000) in 2001
City Manager, Stuart, FL (population 17,000) in 2006
City Manager, Sunny Isles Beach, FL (population 17,000) in 2006 and 2011
City Manager, Tacoma, WA (population 198,000) in 2011

City Administrator, Tavares, FL (population 11,000) in 2006
City Manager, Treasure Island, FL (population 7,500) in 2004
City Manager, West Melbourne, FL (population 15,000) in 2009
City Manager, West Park, FL (population 12,000) in 2005 and 2010
City Manager, Woodstock, GA (population 21,000) in 2008
City Manager, Yakima, WA (population 91,000)

County Manager Completed Searches

County Manager, Baker County, FL (population 27,000) in 2006
County Administrator, Bay County, FL (population 158,000) in 2005
County Manager, Brevard County, FL (population 536,000) in 2009
County Administrator, Broward County, FL (population 1,800,000) in 2006
County Administrator, Clay County, FL (population 160,000) in 2005 and 2011
County Administrator, DeSoto County, FL (population 34,000) in 2005
County Manager, Flagler County, FL (population 83,000) in 2007
County Administrator, Highlands County, FL (population 98,000) in 2008
County Manager, Lowndes County, GA (population 92,000) in 2001
County Administrator, Martin County, FL (population 140,000) in 2005
Borough Manager, Matanuska-Susitna Borough, AK (population 85,000) in 2011
County Administrator, Monroe County, FL (population 80,000) in 2004
County Administrator, Nassau County, FL (population 60,000) in 2004
County Administrator, Okeechobee County, (population 39,000) in 2008
County Manager, Osceola County, FL (population 235,000) in 2003 and 2007
County Administrator, Polk County, IA (population 400,000) in 2007 and 2011
County Manager, Seminole County, FL (population 410,000) in 2006
County Administrator, St. Johns County, FL (population 162,000) in 2007
County Administrator, Sumter County, FL (population 70,000) in 2005
County Manager, Union County, NC (population 198,600) in 2010

Completed Searches – Assistant/Deputy Managers

Assistant County Administrator for Development and Infrastructure, Hillsborough County, FL
(population 1,000,055) in 2006
Assistant County Administrator for Human Services, Hillsborough County, FL (population
1,000,055) in 2004
Assistant Town Manager, Jupiter Island, FL (population 654) in 2010

Governmental Search Assignments (continued)

Assistant Village Manager, Islamorada, Village of Islands, FL (population 7,500) in 1998
Assistant to the City Manager, Lakeland, FL (population 87,000) in 2004
Assistant City Manager, Lake Worth, FL (population 30,000) in 2004
Assistant County Administrator, Martin County, FL (population 140,000) in 2006
Assistant City Manager, Tamarac, FL (population 55,500) in 2001
Assistant City Manager, West Palm Beach, FL (population 89,000) in 2004
Deputy City Manager, Durham, NC (population 220,000) in 2009
Deputy County Administrator, Hillsborough County, FL (population 1,000,055) in 2004
Deputy County Manager, Polk County, FL (population 500,000) in 2006

Completed Searches – Community Development

Assistant Director of Community Development, Largo, FL (population 74,000) in 2004 and 2005
Community Development Director, Miami, FL (population 362,000) in 2008
Community Development Director, Safety Harbor, FL (population 18,000) in 2006
Community Development Director, Tamarac, FL (population 55,500) in 2007
Development Services Director, Daytona Beach, FL (population 65,000) in 2005
Director of Capital Projects, New Orleans, LA (population 323,000) in 2008
General Manager, North Sarasota Redevelopment District, Sarasota (population 53,000) in 2008
Growth Management Director, St. Lucie County, FL (population 261,000) in 2005
Growth Management Manager, Wellington, FL (population 55,000) in 2009
Housing and Community Development Director, West Palm Beach, FL (pop. 102,000) in 2007
Planning Administrator, Daytona Beach, FL (population 65,000) in 2007
Planning Department Director, Osceola County, FL (population 235,000) in 2005

Completed Searches – Economic Development / Redevelopment

Economic Development Director, Charlotte County, FL (population 170,000) in 2007
Director, Office of Economic & Workforce Development, Durham, NC (pop. 220,000), 2009
Economic Development Director, Loudoun County, VA (population 290,000) in 2010
Redevelopment Director, Daytona Beach, FL (population 65,000) in 2007
Economic Development Director, St. Johns County, FL (population 162,000) in 2011
Assistant City Manager for Community Building, Durham, NC (population 220,000) in 2009
Executive Director, Valdosta-Lowndes County Industrial Authority, GA (serving a population 92,000+) in 2006 and 2011
Executive Director, Technological Research and Development Authority, FL (serving a statewide population) in 2006

Governmental Search Assignments (continued)

Completed Searches – Engineers

Assistant City Engineer, Melbourne, FL (population 75,000) in 2008
County Engineer, Polk County, FL (population 500,000) in 2006
Deputy County Engineer, Martin County, FL (population 140,000) in 2006
City Engineer, Gulfport, MS (population 90,000) in 2008
City Engineer, Sunny Isles Beach, FL (population 17,000) in 2006
Engineering Manager, Sumter County, FL (population 70,000) in 2005
Staff Engineer, Wellington, FL (population 55,000) in 2009

Completed Searches – Facilities Management

Centroplex Director, Orlando, FL (population 197,000) in 2004
Lakeland Center Director, Lakeland, FL (population 87,000) in 2004

Completed Searches – Finance

Budget and Financial Services Director, Polk County, FL (population 500,000) in 2006
Retirement Services Director for Lakeland, FL (population 87,000) in 2006 and 2008
Finance Director, Fort Walton Beach, FL (population 20,000) in 2006
Manager, Office of Management and Budget, Lake Worth, FL (population 37,000) in 2010
Finance Director, Lauderdale Lakes (population 32,000) in 1998
Deputy Director of Management, Budget and Accounting, Orlando, FL (pop. 197,000) in 2004
Chief Financial Officer, Hillsborough Area Regional Transit, FL (population 1,000,055) in 2005
Chief Financial Officer, City of Orlando, FL (population 87,000) in 2005
Finance Director, West Palm Beach, FL (population 102,000) in 2007
Controller, City of Orlando, FL (population 197,000) in 2007
Budget Director, St. Petersburg, FL (population 248,000) in 2009
Finance Director, St. Petersburg, FL (population 248,000) in 2010
Finance Director, Sunny Isles Beach, FL (population 17,000)
Finance Director, Tamarac, FL (population 55,500) in 2005 and 2009

Completed Searches – Housing/Building

Assistant to the County Administrator – Affordable Housing, Broward County, FL (population 1,700,000) in 2004
Building Official, Jupiter Island, FL (population 580) in 2005 and 2010
Building Official, Miami Beach, FL (population 91,000) in 2005
Building Department Director, Osceola County, FL (population 235,000) in 2005
Assistant to the County Administrator – Affordable Housing, Broward County, FL (population 1,700,000) in 2004

Governmental Search Assignments (continued)

Building Official, Jupiter Island, FL (population 580) in 2005
Building Official, Miami Beach, FL (population 91,000) in 2005
Building Department Director, Osceola County, FL (population 235,000) in 2005
Building Official, Sewall's Point, FL (population 2,000) in 2006
Building Official, Tamarac (population 55,000) in 2008
Housing and Community Development Director, West Palm Beach, FL (pop. 102,000), 2007

Completed Searches – Human Resources

Human Resources Director, Boca Raton, FL (population 84,000) in 2006
Director of Personnel, Fulton County, GA (population 992,000) in 2010
Human Resources Administrator, Martin County, FL (population 140,000) in 2007
Personnel Director, North Miami, FL (population 56,000) in 2001
Human Resources Director, Osceola County, FL (population 235,000) in 2006
Human Resources Director, City of Sarasota, FL (population 55,000) in 2002
Personnel Director, Vero Beach, FL (population 17,900) in 2003

Completed Searches – Human Services

Assistant County Administrator for Human Services, Hillsborough County, FL (population 1,000,055) in 2004
Director, Health and Human Services, St. Johns County, FL (population 162,000) in 2010
Executive Director, Juvenile Welfare Board, Pinellas County, FL (population 950,000) in 2005

Completed Searches – Information Technology

Information Technology Director, Lakeland, FL (population 87,000) in 2004
Information Services Director, Lauderdale Lakes, FL (population 32,000) in 1998

Completed Searches – Parks/Recreation/Libraries

Director Parks, Recreation, & Conservation, Hillsborough County, FL (pop. 1,000,055) in 2004
District Manager, Holiday Park Recreation District (population 1,400) in 2007
Library Services Director, St. Johns County, FL (population 162,000) in 2007

Completed Searches – Public Safety

Fire Chief, Daytona Beach, FL (population 65,000) in 2006
Fire Chief, Lauderdale Lakes, FL (population 32,000) in 1999
Fire Chief, West Palm Beach, FL (population 89,000) in 2005
Police Chief, Daytona Beach, FL (population 65,000) in 2006
Police Chief, Golden Beach, FL (population 355) in 2011 (partial search)
Police Chief, Lauderhill, FL (population 66,900) in 2011 (partial search)

Governmental Search Assignments (continued)

Police Chief, Melbourne, FL (population 76,000) in 2011 (partial search)
Police Chief, Sewall's Point, FL (population 2,000) in 2007
Police Chief, Sunny Isles Beach, FL (population 17000) in 2010

Completed Searches – Public Works

Public Works Director / Capital Projects Manager / City Engineer, Sunny Isles Beach, FL
(population 17,000) in 2007
Assistant Public Works Director, Sunny Isles Beach, FL (population 17,000) in 2008
Public Works Director, Fort Lauderdale, FL (population 183,000) in 2004
Public Works Director, Polk County, FL (population 500,000) in 2005
Public Works Director, Chandler, AZ (population 250,000) in 2007
Public Works Director, Tamarac, FL (population 55,500) in 2003
Solid Waste Director, Hillsborough County, FL (population 1,000,055) in 2005
Vice President, Public Works & Operations, Ocean Reef Community Association (pop. 2,000),
Key Largo, FL, in 2001

Completed Searches – Transportation

Chief Financial Officer, Hillsborough Area Regional Transit, FL (population 1,000,055) in 2005
Director of Traffic Engineering, Polk County, FL (population 500,000) in 2002
Executive Director, Lakeland Area Mass Transit District, FL (population 87,000) in 2005
Executive Director, Tampa-Hillsborough County Expressway Authority, FL (population
1,000,055) in 2007

Completed Searches – Utilities

Environmental Services Director, Largo, FL (population 74,000) in 2006
Executive Director, Florida Keys Aqueduct Authority, Key West, FL (pop. 90,000) in 2003
Executive Director, Escambia County Utilities Authority, FL (90,000 customers) in 2002
Executive Director, Onslow Water & Sewer Authority (Jacksonville, NC) (pop. 160,000) in 2009
General Manager/CEO, Orlando Utilities Commission, FL (190,000 customers) in 2004
General Manager, Tampa Bay Water (population served 2,400,000) in 2008
Utilities Director, Charlotte County, FL (population 170,000) in 2007
Utilities Director, Daytona Beach, FL (population 65,000) in 2004
Utilities Director, Lake Worth, FL (population 30,000) in 2009
Utilities Director, Palm Bay, FL (population 101,000) in 2005
Utilities Director, Polk County, FL (population 500,000) in 2004

Governmental Search Assignments (continued)

Water (Wastewater) Resources Director, St. Petersburg, FL (population 248,000) in 2008
Watershed Management (Water and Wastewater) Director, DeKalb County, GA (population 691,900) in 2011

Completed Searches – Work Force Management

Executive Director, South Florida Workforce, FL (service area pop. of 3,000,000+) in 2005
Director, Office of Economic & Workforce Development, Durham, NC (pop. on 220,000), 2009

Completed Searches – Other

City Attorney, West Melbourne, FL (population 15,000) in 2008
City Clerk, Lauderdale Lakes (population 32,000) in 1998
Community Development District Manager, Sevier Trent, FL in 2005
Director, Registrations and Elections, Fulton County, GA (population 992,000) in 2009
Environmental Resources Director, St. Lucie County, FL (population 261,000) in 2009
Executive Director, Lakewood Ranch Inter-District Authority (population 15,000)
Executive Director, Northern Palm Beach Improvement District, Palm Beach Gardens, FL
(population 200,000) in 2003
General Manager, Sun 'n Lake Improvement District, FL (population 7,500) in 2002 and 2005
Special Projects Coordinator, Islamorada, Village of Islands, FL (population 7,500) in 1998

Appendix C

***St. Johns County Resolution Thanking
CB&A for Its Outstanding Service***

RESOLUTION NO. 2007-~~23~~/

A RESOLUTION OF THE COUNTY COMMISSION OF ST. JOHNS COUNTY, FLORIDA, THANKING COLIN BAENZIGER & ASSOCIATES FOR ITS OUTSTANDING EFFORTS IN CONDUCTING THE EXECUTIVE SEARCH FOR THE COUNTY'S NEW ADMINISTRATOR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, St. Johns County retained Colin Baenziger & Associates (CB&A) to identify and recommend strong candidates to be the County Administrator;

WHEREAS, CB&A's staff worked diligently to find and produce excellent candidates, and then provided the County Commission with comprehensive materials concerning the candidates' aptitude, experience, background, complete and thorough interviews, references, extensive checks of criminal, civil and financial history, verification of employment and education, and exhaustive reviews of Internet and newspaper archives of these candidates; and

WHEREAS, CB&A's process was completely open, fair and unbiased and was extremely well received by the County Commission, county staff, the press, and the public; and

WHEREAS, the County Commission wishes to express its gratitude to Colin Baenziger & Associates for its efforts on behalf of the county;

NOW BE IT THEREFORE RESOLVED BY THE COUNTY COMMISSION OF ST. JOHNS COUNTY, FLORIDA AS FOLLOWS:

Section 1: Recitals. The preceding recitals are true and correct and are incorporated herein by this reference.

Section 2: Acknowledgement. The County Commission wishes to express its sincere appreciation and gratitude to Colin Baenziger & Associates for its outstanding work and effort in assisting the county in finding its County Administrator.

Section 3: Effective Date. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 21 day of August, 2007.

ATTEST: Cheryl Strickland, Clerk

**BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA**

By: Pam Halterman
Deputy Clerk

By: Ben Rich
Ben Rich, Chairman

Rendition Date: 8/23/07





Town of Surfside Commission Communication

Agenda Item # 9A

Agenda Date: February 14, 2012

Subject: Discussion of 4th of July Events

Objective: Celebrate the Fourth of July holiday with a day full of activities followed up with a firework display.

Recommendation: Provide events/activities throughout the course of the day. Provide a firework display through Zambelli to commemorate the holiday. Provide a third of the funding from the Surfside Tourist Board.

Background: The Town of Surfside has previously held Fourth of July celebrations to commemorate the national holiday. The Town of Surfside has an established working relationship with Zambelli Fireworks. Zambelli Fireworks is the most reputable fireworks company, known nationwide.

Analysis: Hosting a day of activities at the Community Center will continue to showcase the facility along with a capstone event by a national company which carries the Zambelli family name and understands the importance of providing top-notch quality service.

Budget Impact: The event/activities during the day are currently budgeted through the Parks and Recreation. The Tourist Board during its February 6, 2012 meeting allotted \$4,000 toward the fireworks event. The balance of \$8,000 would be provided from funds available in the Parks and Recreation Department.

Department Head

Town Manager



**Town of Surfside
Town Commission Meeting
February 14, 2012
7 p.m.**

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

DISCUSSION ITEM MEMORANDUM

“GARAGE(S)”

Title: Surfside Ballot question(s) for the upcoming United States Presidential election of 2012; to be held on Tuesday, November 6, 2012 regarding multi-level parking garage(s) and the location(s).

Objective: To put the issue of “Garage(s)” before the people to vote on via a ballot referendum question(s) at the upcoming Presidential Election.

Consideration: Recent Town history regarding the demolition of the ‘old’ Community Center, WITHOUT A VOTE, quite accurately reflects just how important it is to allow and encourage residents to determine the Town’s destiny... NOT the politicians, nor the ‘special interests.’ The ‘best’ and most accurate method is to allow and encourage voters to vote on major issues that the Town will have to live with for decades to come. (1) To prevent a major issue – what I call a ‘game changer’ that may have a deleterious effect on the ‘quality of life’ as regards traffic congestion, pollution, crowding of ‘our’ boutique sized Publix, our beach and abutting residential areas. (2) To prevent a major issue from becoming a nasty and divisive wedge issue. (3) To allow the good people of Surfside to determine and control THEIR DESTINY, the direction they want THEIR TOWN to move toward AND learn from the Marlin Stadium and garage ‘deal’ that purposefully eliminated public participation at the ballot box. Shouldn’t the people’s voice be heard on such a major issue? Shouldn’t we learn from history?

Respectfully,

Joe Graubart

Vice Mayor



**Town of Surfside
Town Commission Meeting
February 14, 2012
7 p.m.
Town Hall Commission Chambers - 9293 Harding Ave, 2nd Fl
Surfside, FL 33154**

DISCUSSION ITEM MEMORANDUM

Title: "Soft Drinks/Soda Vending Machine at 96th Street Park"

Objective: Removal of all 'drink products' that contain sugar and/or high fructose corn syrup and replace them with water or drink products that do NOT contain these unhealthy ingredients from the vending machine at the 96th Street Park.

Consideration: Obesity and the results of it, mainly Diabetes is becoming almost 'plague like' in America. All studies concur that diet and exercise are of the utmost importance to a long (longer) life and healthy (healthier) life.

Should sugar be regulated like alcohol? That's the premise of a new position paper, published today in the journal *Nature* by three leading obesity researchers from the University of California, San Francisco School of Medicine.

Simply, and for our purposes for this evening: Give the Town Manager direction to remove all products from the vending machine(s) at the 96th street park that contain sugar and/or High Fructose Corn Syrup. By doing so, hopefully we will be encouraging a healthier lifestyle.

Respectfully,

Joe Graubart

Vice Mayor

Toxic Sugar: Should We Regulate It Like Alcohol?



First Posted: 02/ 2/2012 11:34 am Updated: 02/ 3/2012 12:11 pm

Should sugar be regulated like alcohol? That's the premise of [a new position paper, published today in the journal *Nature*](#) by three leading obesity researchers from the University of California, San Francisco School of Medicine.

They argue that added sugar in all forms -- sucrose and high-fructose corn syrup alike -- is as perilous to public health as a controlled substance like alcohol. Bolstering their argument with statistics on obesity and other chronic disease, as well as evidence that our bodies process sugar in a way that is harmful to our health, they advocate for regulation to temper sugar consumption worldwide.

The researchers' main impetus came from a 2010 United Nations report revealing, for the first time, that more people are dying from chronic, non-communicable diseases, so-called "lifestyle diseases" like heart disease, than from infectious disease. "The UN announcement targets tobacco, alcohol and diet as the central risk factors in non-communicable disease," wrote the researchers. "Two of these three -- tobacco and alcohol -- are regulated by governments to protect public health, leaving one of the primary culprits behind this worldwide health crisis unchecked."

The paper's lead author, pediatric endocrinologist Dr. Robert Lustig, is well known for this line of argument, most notably in his popular lecture, "Sugar: The Bitter Truth" -- [a YouTube phenomenon with close to 2 million hits](#). It's rare that a medical researcher achieves world-wide renown -- or that an endocrinology lecture goes viral, for that matter -- but his argument is a compelling one. He explains that our bodies process fructose in much the same way they process alcohol and other poisons. Sugar isn't just a source of empty calories, responsible for obesity and

Type 2 diabetes, in this scenario: at high quantities, it is a full-fledged toxicant and contributes to many of the major fatal non-communicable conditions, like cardiovascular disease and cancer.

Explained Gary Taubes in [a New York Times Magazine cover story in April of 2011](#) on the subject:

The fructose component of sugar and H.F.C.S. is metabolized primarily by the liver, while the glucose from sugar and starches is metabolized by every cell in the body. Consuming sugar (fructose and glucose) means more work for the liver than if you consumed the same number of calories of starch (glucose). And if you take that sugar in liquid form -- soda or fruit juices -- the fructose and glucose will hit the liver more quickly than if you consume them, say, in an apple (or several apples, to get what researchers would call the equivalent dose of sugar). The speed with which the liver has to do its work will also affect how it metabolizes the fructose and glucose.

"It's not about the calories," Lustig is quoted in the *New York Times Magazine* as saying. "It has nothing to do with the calories. It's a poison by itself."

Now, in this new position paper Lustig and his colleagues, Laura A. Schmidt and Claire D. Brindis, take the argument a bit further. They apply criteria used to justify the control of alcohol (pervasiveness, toxicity, potential for abuse and negative impact on society) to sugar. Not only is sugar toxic in high doses, they argue, high doses are unavoidable in modern society. They write:

Evolutionarily, sugar as fruit was available to our ancestors for only a few months a year (at harvest time), or as honey, which was guarded by bees. But in recent years, sugar has been added to virtually every processed food, limiting consumer choice. Nature made sugar hard to get; man made it easy. In many parts of the world, people are consuming an average of more than 500 calories per day from added sugar alone.

They recommend implementing stopgaps to sugar access -- strategies like enacting sugar taxes, placing age limits on food purchases and limiting advertising of sugar-sweetened foods.



Town of Surfside Commission Communication

Agenda Item # 9E

Agenda Date: February 14, 2012

Subject: Resort Tax Audit Update

Update: Pursuant to the authorization granted by the Town Commission, twelve businesses have been audited. Some businesses have records that match the Town's Resort Tax payment receipts and other documents that are used to determine resemblances of the submissions. Other businesses have minor discrepancies that err in the Town's favor. These businesses were invoiced accordingly for the amounts due. These businesses have fifteen (15) business days to submit payment or request a meeting with the Town Manager to dispute the audit findings. These deadlines occur this month. There is one business that overpaid the tax to the Town, due to their accounting errors, and will qualify for a reimbursement. A refund will be issued once the Town determines any outstanding licensing fees. These fees will be deducted before the refund is issued. There are some businesses that have very significant underpayments to the Town. These businesses have fifteen (15) business days to submit payment or request a meeting with the Town Manager to dispute the audit findings. These deadlines occur this month.

The following is the procedure, outlined in the new Resort Tax Ordinance, for outstanding Resort Tax payments:

Fee Structure:

- 1) 10% penalty per month (compounded).
- 2) .5% interest charge per month (compounded).
- 3) If fraud is determined: a onetime 25% penalty (subject to monthly penalty and interest if not paid).
- 4) Levy associated fees and expenses incurred by the Town possible.

Appeal Process:

- 1) Appeal to Town Manager.
- 2) Right to Special Master if not in agreement with Town Manager decision.

** Both are waived if Town is not notified in writing within the 15 business days**

- 3) Town issues an affidavit of default to Special Master and can assess associated costs/fees.
- 4) Business can appeal to Circuit Court.

Summary of Outstanding Resort Tax, Penalties and Taxes:

OUTSTANDING RT	PENALTY	INTEREST	REIMBURSE	TOTAL
\$97,614.55	\$87,412.08	\$12,408.33	(\$16.02)	\$197,418.94

Not included here is the one business due a \$13009.40 refund from overpayment however, outstanding licensing fees will be deducted before a refund is issued

While the Town has formally notified all audited businesses of their specific outcomes, it still remains inappropriate to discuss individual details prior to the businesses being afforded the opportunity to respond as outlined in their noticed deadlines. Those businesses with significant underpayments have an opportunity to appeal the audit finding with the Town Manager acting as the hearing officer as outlined in the Resort Tax Ordinance. A status report will be brought before the Town Commission as such procedures evolve.



 TEDACS Director



 Town Manager