



**Town of Surfside
Town Commission Meeting
AGENDA**

SUPPLEMENTAL # 1

September 19, 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. Representative Joseph “Joe” Gibbons, District 105 of the Florida House of Representatives**

2. Quasi-Judicial Hearings (None)

3. Consent Agenda (*Set for approximately 7:30 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** - August 15, 2012 – Regular Commission Meeting **Page 1 - 12**
August 23, 2012 – Special Commission Meeting **Page 13 - 16**
August 29, 2012 – Special Commission Meeting **Page 17 - 18**
- B. Budget to Actual Summary as of July 31, 2012** – Roger M. Carlton, Town Manager **Page 19 - 20**
- *C. **Town Manager’s Report (Points of Light)** – Roger M. Carlton, Town Manager **Page 21 - 62**
- *D. **Town Attorney’s Report** – Lynn M. Dannheisser, Town Attorney
- *E. **Projects Progress Report** – Calvin, Giordano and Associates, Inc. **Page 63 - 65**
- F. Committee Reports** – Roger M. Carlton, Town Manager (*Note: Vice Mayor Karukin has requested that Committee minutes appear on the Consent Agenda. The most recent approved minutes have been included*)
 - June 2012, 2012 – Parks and Recreation Committee Meeting **Page 66 - 67**
 - **Downtown Vision Advisory Committee Meeting**
 - **Tourist Board Meeting**
 - **Planning and Zoning Board Meeting**
- G. Renewal of Community Garden/Surfside Urban Gardeners Agreement** – Roger M. Carlton, Town Manager **Page 68 - 88**

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)

1. **Amended Legislation to Planning & Zoning/Design Review Board Requirements** – Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90-15 “MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTEDNESS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

[SECOND READING ORDINANCE WITHDRAWN. SEE ITEM 4B1]

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

B. First Readings Ordinances

- *1. Amendment to Planning and Zoning Ordinance – Lynn Dannheisser,
Town Attorney *(Cover memo and ordinance)***

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” BY AMENDING THE DEVELOPMENT REVIEW PROCESS AND SPECIFICALLY AMENDING ARTICLE I “IN GENERAL” AND SECTIONS 90-1 “GENERAL RULES OF CONSTRUCTION”; SECTION 90-2 “DEFINITIONS”; SECTION 90-3 ENFORCEMENT, INTERPRETATION, PURPOSE AND CONFLICT; SECTION 90-15 “MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTEDNESS”; SECTION 90-16 ”MEETINGS: BOARD YEAR, TIMEFRAME; ORDER OF PRESENTATION; LOCATION”; AND SECTION 90-17 “POWERS AND DUTIES”; AND SPECIFICALLY DELETING SECTIONS 90-18 “DESIGN REVIEW BOARD; SECTION 90-19 “SINGLE FAMILY AND TWO FAMILY DEVELOPMENT REVIEW PROCESS”; SECTION 90-20 “DEVELOPMENT REVIEW REQUIREMENTS FOR SUBMITTALS OTHER THAN SINGLE-FAMILY AND TWO-FAMILY”; AND ADDING SPECIFICALLY UNDER ARTICLE II “ADMINISTRATION AND ENFORCEMENT” DIVISION 1 “TOWN COMMISSION AND SECTION 90-14 “TOWN COMMISSION”; AND SPECIFICALLY ADDING ARTICLE III “DEVELOPMENT REVIEW PROCEDURES” AND SECTIONS 90-19 “CREATION OF PROCESS”; SECTION 90-20 “PROCEDURES OF GENERAL APPLICABILITY”; SECTION 90-22 “SITE PLAN REVIEW”; SECTION 90-23 “PERMITTED USES”; AND RENUMBERING ALL OTHER EXISTING SECTIONS TO CONFORM WITH CHANGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

- *2. Amendment to Floodplain Ordinance per FEMA – Lynn Dannheisser, Town Attorney (*Item Deferred to Review FEMA Comments Received September 13, 2012*) Page 89 - 98**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 42 AND SPECIFICALLY SECTION 42-41 “DEFINITIONS”; SECTION 42-76 “PERMIT PROCEDURES”; SECTION 42-77 “DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR”; SECTION 42-91 “GENERAL STANDARDS”; SECTION 42-92 “SPECIFIC STANDARDS”; AND SECTION 42-95 COASTAL HIGH HAZARD ARAS (V-ZONES) 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

- *3. Spa Ordinance – Sarah Sinatra, Town Planner Page 99 - 104**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 ZONING AND MORE SPECIFICALLY SECTION 90-41(d)(7) REGULATED USES INCLUDING SPAS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

- *4. Construction Fence Ordinance – Lynn Dannheisser, Town Attorney (*Cover memo and ordinance*)**

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 TO RENUMBER AND SUPPLEMENT WITH SECTION 90.56.1.B AND TO INCLUDE A REQUIREMENT THAT ALL CONSTRUCTION SITES SHALL PROVIDE A CONSTRUCTION FENCE TO SECURE THE SITE-UNTIL THE COMPLETION OF CONSTRUCTION; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Resolutions and Proclamations

(Set for approximately 8:30 p.m.) (Note: Depends upon length of Good and Welfare)

- *A. IPS Parking Meter Field Trial Agreement – Chief of Police David Allen Page
105 - 120**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE AGREEMENT WITH IPS, FOR THE INSTALLATION AND EQUIPMENT OF THIRTY CREDIT CARD ENABLED METER HEADS FOR A TRIAL PERIOD OF NINETY DAYS; AUTHORIZING THE TOWN MANAGER TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MAYOR TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

- *B. Certification of General Municipal Election Results – March 20, 2012 –
Sandra Novoa, Town Clerk Page 121 - 125**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF SURFSIDE GENERAL MUNICIPAL ELECTION HELD ON MARCH 20, 2012 FOR THE ELECTION OF MAYOR AND THREE (3) TOWN COMMISSIONERS; AND PROVIDING FOR AN EFFECTIVE DATE.

- *C. Certification of Special Municipal Election Results – May 1, 2012 – Sandra
Novoa, Town Clerk Page 126 - 130**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF SURFSIDE SPECIAL MUNICIPAL ELECTION HELD ON MAY 1, 2012 FOR THE ELECTION OF A TOWN COMMISSIONER; AND PROVIDING FOR AN EFFECTIVE DATE.

- *D. Certification of Special Municipal Election Results – August 28, 2012 –
Sandra Novoa, Town Clerk Page 131 - 135**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF SURFSIDE SPECIAL MUNICIPAL ELECTION HELD ON AUGUST 28, 2012 FOR THE ELECTION OF A TOWN COMMISSIONER; AND PROVIDING FOR AN EFFECTIVE DATE.

***E. Charter Review – Lynn Dannheisser, Town Attorney Page 136 - 139**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AFTER THE FACT REVISIONS TO THE MASTER BALLOT TO CLARIFY CLERICAL LANGUAGE FOR THE NOVEMBER 6, 2012 ELECTION IN TWO PROPOSED CHARTER AMENDMENTS: THE PREAMBLE AND CITIZENS' BILL OF RIGHTS AND THE MANDATORY CHARTER REVIEW; PROVIDING FOR INCLUSION INTO THE TOWN CHARTER AND CODE; 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. Turtle Project – Art in Public Places Update – Duncan Tavares, TEDACS Director Page 140 - 158**

***B. City of Miami Beach Stormwater Master Plan Summary – Sarah Sinatra, Town Planner Page 159 - 163**

***C. Town of Surfside Website Update – Duncan Tavares, TEDACS Director Page 164 - 165**

***D. Report on Short Term Rental Ordinance Enforcement – Joe Damian, Code Enforcement Director Page 166 - 200**

E. Byron Street Closure (Verbal) – Roger M. Carlton, Town Manager

***F. Indian Creek Settlement Agreement Discussion – Roger M. Carlton, Town Manager Page 201 - 248**

G. Commissioner “Round Table” Get Together – Commissioner Joe Graubart Page 249

10. Adjournment

Respectfully submitted,



Roger M. Carlton
Town Manager

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

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.