



**Town of Surfside
Town Commission Meeting
AGENDA**

December 13, 2016

7 p.m.

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

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Rule 6.05 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.

Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.

** 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.*

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks** – Mayor Daniel Dietch
- E. Agenda and Order of Business** Additions, deletions and linkages
- F. Community Notes** – Mayor Daniel Dietch
- G. Presentation of Certificate of Achievement for Excellence in Financial Reporting**
– Guillermo Olmedillo, Town Manager

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 that an item be removed from the Consent Agenda and discussed separately.

Recommended Motion: To approve all consent agenda items as presented below.

A. Minutes – Sandra Novoa, MMC, Town Clerk

B. Budget to Actual Summary as of September 30, 2016 – Guillermo Olmedillo,
Town Manager

***C. Town Manager's Report** – Guillermo Olmedillo, Town Manager

- 1. See Click Fix
- 2. Development Applications
- 3. Code Compliance Cases
- 4. Hawthorne Tot Lot Renovation and Fence Replacement
- 5. Bully Prevention Month
- 6. November 2016 Significant Incidents/Arrests
- 7. New Police Office Position
- 8. Community Service Aide Position
- 9. Chanukah Event at The Shul
- 10. Town of Surfside/Gran Beach New Year's Eve Event
- 11. Police Events
- 12. Information Technology and TV Broadcasts

***D. Town Attorney's Report** – Linda Miller, Town Attorney

E. Committee Reports – Guillermo Olmedillo, Town Manager

- September 12, 2016 Tourist Board Meeting Minutes
- September 28, 2016 Parks and Recreation Committee Meeting Minutes
- October 10, 2016 Tourist Board Meeting Minutes
- October 27, 2016 Sustainability Subcommittee Meeting Minutes
- November 14, 2016 Tourist Board Meeting Minutes

F. Proposed Agreement with the Miami-Dade State Attorney's Office to Prosecute Criminal Municipal Ordinances – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER OF THE TOWN OF SURFSIDE TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF SURFSIDE AND THE STATE OF FLORIDA, OFFICE OF THE STATE ATTORNEY FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA TO REIMBURSE THE STATE FOR THE COST OF STATE ATTORNEY PROSECUTION OF CERTAIN CRIMINAL VIOLATIONS OF THE SURFSIDE CODE; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

G. Town Holidays and Employee Personal Days Off - Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, REAPPROVING HOLIDAYS AND ONE PERSONAL DAY FOR ALL EMPLOYEES; APPROVING TWO ADDITIONAL PERSONAL DAYS FOR FULL TIME EMPLOYEES WITH THE EXCEPTION OF EMPLOYEES REPRESENTED BY THE FRATERNAL ORDER OF POLICE; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

H. Approval to Accept the Florida Department of Transportation (FDOT) High Visibility Enforcement for Pedestrian and Bicycle Safety Grant for 2016-2017 – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACCEPTING THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") GRANT FOR HIGH VISIBILITY ENFORCEMENT FOR PEDESTRIAN AND BICYCLE SAFETY IN THE AMOUNT OF \$5,000 FOR FISCAL YEAR 2016-2017 BEGINNING OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

I. Bal Harbour Shops Expansion Urging Resolution – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA URGING BAL HARBOUR VILLAGE TO WORK COOPERATIVELY TO ADDRESS IMPACTS IDENTIFIED BY THE TOWN OF SURFSIDE IN DEVELOPMENT RELATED TO BAL HARBOUR SHOPS EXPANSION; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE AND THE BAL HARBOUR VILLAGE MANAGER; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

J. Resolution to Adopt the Town of Surfside Title VI Program Plan – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING TITLE VI PROGRAM PLAN, IN ACCORDANCE WITH TITLE VI, 42 U.S.C. §2000D, CIVIL RIGHTS ACT OF 1964, AS REQUIRED FOR THE TOWN OF SURFSIDE TO RECEIVE FEDERAL PASS-THROUGH FUNDING FROM MIAMI-DADE TRANSIT AGENCY; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

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

A. Second Reading Ordinances

1. Architectural Significance – Commissioner Daniel Gielchinsky

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-2 “DEFINITIONS” AND 90-33 “ALTERATION OR ENLARGEMENT OF NONCONFORMING STRUCTURES” TO PERMIT ALTERNATIVES FOR THE REDEVELOPMENT OF EXISTING ARCHITECTURALLY SIGNIFICANT BUILDINGS IN THE H120 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

2. Amendment to Chapter 54, Division 2 “Noise” – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 “OFFENSES AND MISCELLANEOUS PROVISIONS” DIVISION 2 “NOISE”; SPECIFICALLY AMENDING SECTION 54-78 “PROHIBITED NOISES”, SPECIFICALLY AMENDING SECTION 54-79 “RESTRICTED NOISES—CLASSIFIED; ENUMERATED”; CREATING SECTION 54-80 “ENFORCEMENT BY CODE COMPLIANCE OFFICER; NOTICE OF VIOLATION; WARNINGS; RESPONSIBILITY TO PROVIDE CURRENT ADDRESS”; CREATING SECTION 54-81 “RESPONSIBILITY FOR COMPLIANCE”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

3. Amendment to Sec. 14-29 of the Code of the Town of Surfside – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS”; SPECIFICALLY AMENDING SECTION 14-29. “PERMIT FEES” TO PROVIDE FOR A CONSISTENT CALCULATION FOR THE COST OF CONSTRUCTION FOR PERMIT FEES AND FOR THE RIGHT OF THE TOWN OF SURFSIDE TO CONDUCT AN AUDIT OF THE CONSTRUCTION COSTS AT THE CONCLUSION OF CONSTRUCTION; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

**4. Amending Article VI. – “Rules of Procedure For Town Meetings”
Specifically Amending Sections 2-201, 2-202, 2-203, 2-204, 2-205, 2-206, 2-207, 2-208 and 2-209 – Guillermo Olmedillo, Town Manager *[Linked to Item 5C]***

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VI. - “RULES OF PROCEDURE FOR TOWN MEETINGS”; SPECIFICALLY AMENDING SECTIONS 2-201, 2-202, 2-203, 2-204, 2-205, 2-206, 2-207, 2-208 AND 2-209; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

5. Beach Furniture Ordinance – Guillermo Olmedillo, Town Manager *[Linked to Item 9C]*

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE II “LOCAL BUSINESS TAX RECEIPT” OF CHAPTER 70 “TAXATION” AND SPECIFICALLY AMENDING “SECTION 70-41 “LOCAL BUSINESS TAX SCHEDULE” TO INCLUDE BEACH FURNITURE OPERATION; AMENDING CHAPTER 86 “WATERWAYS”; ARTICLE II, “PUBLIC BEACHES”, SPECIFICALLY AMENDING SECTION 86-26 “DEFINITIONS”; CREATING SECTION 86-30 “BEACH FURNITURE”; CREATING SECTION 86-31 “BEACH FURNITURE PERMIT”; CREATING SECTION 86-32 “INDEMNIFICATION AND INSURANCE”; CREATING SECTION 86-33 “VIOLATIONS, CIVIL FINES AND PENALTIES”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

(Set for approximately 8:45 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

1. Temporary Moratorium on Cannabis Dispensing Businesses – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; ESTABLISHING A TEMPORARY MORATORIUM ON CANNABIS DISPENSING BUSINESSES AS FURTHER DEFINED HEREIN; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

5. Resolutions and Proclamations

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

A. EAR Based Amendments – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING CALVIN, GIORDANO & ASSOCIATES, INC. (CGA) WORK AUTHORIZATION NO. 99 (TOWN OF SURFSIDE EVALUATION AND APPRAISAL AMENDMENTS, CGA PROPOSAL NO. 16-9054) IN A TOTAL AMOUNT NOT TO EXCEED \$57,565 FROM THE GENERAL FUND, PROFESSIONAL SERVICES ACCOUNT NO. 001-2000-524-3110; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

B. 94th Street Promenade – Selection of Sculpture - Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE SCULPTURE BY PABLO ATCHUGARRY PRESENTED BY THE APPLICANT, CHATEAU OCEAN, LLC FOR THE 94TH STREET END PROJECT; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

C. Repeal Resolution 2007-1792 – Rules and Procedures for Committees Created by the Town Commission – Linda Miller, Town Attorney *[Linked to Item 4A4]*

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA REPEALING RESOLUTION NO. 2007-1792 “APPROVING AND ADOPTING RULES AND PROCEDURES FOR COMMITTEES CREATED BY THE TOWN COMMISSION”; PROVIDING THAT COMMITTEES SHALL BE GOVERNED BY TOWN CODE ARTICLE VI. “RULES OF PROCEDURE FOR TOWN MEETINGS”; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

D. Condominium Termination Law Urging Resolution – Commissioner Tina Paul

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO INCREASE PROTECTIONS FOR RESIDENTS OF CONDOMINIUMS DURING THE CONDOMINIUM TERMINATION PROCESS; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE FLORIDA SENATE, THE GOVERNOR OF THE STATE OF FLORIDA AND THE FLORIDA LEAGUE OF CITIES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND 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 that an item be removed from the consent agenda and discussed separately.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

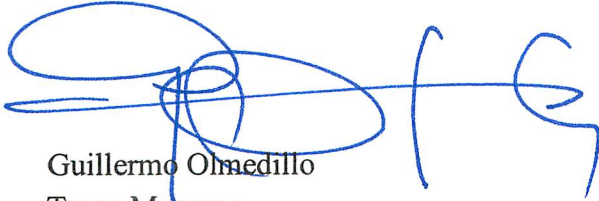
A. Future Land Use Element of Comp Plan – Commissioner Michael Karukin

B. Town of Surfside Commission Approval of Traffic Mitigation Plans – Guillermo Olmedillo, Town Manager

C. Funding the Beach Furniture Part-Time Code Compliance Officer – Guillermo Olmedillo, Town Manager

10. Adjournment

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'G. Olmedillo', written over the printed name.

Guillermo Olmedillo
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

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.



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

1G

11/09/2016

NEWS RELEASE

For Information contact:
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **Town of Surfside** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

Donald G. Nelson, CPA, Finance Director

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 17,500 government finance professionals with offices in Chicago, IL, and Washington, D.C.



**Town of Surfside
Town Commission Meeting
MINUTES**

November 9, 2016

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 7:00 p.m.

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Daniel Dietch, Vice Mayor Cohen, Commissioner Tina Paul, Commissioner Michael Karukin and Commissioner Daniel Gielchinsky.

C. Pledge of Allegiance

Police Chief Allen led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

The Mayor, Vice Mayor Cohen, Commissioner Paul and Gielchinsky briefly spoke about the presidential election. The Mayor congratulated neighboring community appointees.

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

F. Community Notes – Mayor Daniel Dietch

Commissioner Paul thanked the Parks and Recreation Dept. for the Halloween event which was well attended. Art Exhibits both in Bal Harbour and Surfside were mentioned. The Mayor announced some recognitions Surfside has received as well as the upcoming community events which can be found in the Gazette and on the Town's website.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

Commissioner Karukin made a motion to approve the consent agenda. The motion received a second from Commissioner Gielchinsky and all voted in favor.

A. Minutes – Sandra Novoa, MMC, Town Clerk

B. Budget to Actual Summary as of August 31, 2016 – Guillermo Olmedillo, Town Manager

***C. Town Manager's Report – Guillermo Olmedillo, Town Manager**

1. See Click Fix
2. Development Applications
3. Code Compliance Cases
4. October 2016 Significant Incidents/Arrests
5. High Holiday Detail
6. New CSA Position
7. Run with the Police-5K Run/Walk
8. Police Events
9. Information Technology and TV Broadcasts

***D. Town Attorney's Report – Linda Miller, Town Attorney**

E. Committee Reports – Guillermo Olmedillo, Town Manager

- August 25, 2016 Pension Board Meeting Minutes
- September 29, 2016 Planning and Zoning Board Meeting Minutes
- September 29, 2016 Sustainability Subcommittee Meeting Minutes

F. Expenditure of Forfeiture Funds for Fiscal Year 2016-2017 – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2016/2017 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$50,592 FROM THE FORFEITURE FUND TO SUPPORT CRIME PREVENTION INITIATIVES, COMMUNITY-BASED PROGRAMS AND LAW ENFORCEMENT EQUIPMENT; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

4. Ordinances

A. Second Reading Ordinances – N/A

B. First Reading Ordinances

1. Architectural Significance – Commissioner Daniel Gielchinsky

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-2 “DEFINITIONS” AND 90-33 “ALTERATION OR ENLARGEMENT OF NONCONFORMING STRUCTURES” TO PERMIT ALTERNATIVES FOR THE REDEVELOPMENT OF EXISTING ARCHITECTURALLY SIGNIFICANT BUILDINGS IN THE H120 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Michael Larkin presented the item.

Commissioner Paul made a motion to discuss. The motion received a second from Commissioner Paul.

The Commission spoke of their concerns and Town Manager Olmedillo gave more details on the proposed ordinance. The Commission suggested more precise language in the ordinance and discussed the pros and cons. Town Planner Sarah Sinatra and Mr. Larken responded to the pros and cons. Planner Sinatra also spoke about massing. Suggestions for Planning and Zoning were to discuss setbacks.

Mayor Dietch opened the public hearing.

Public Speaker George Kousoulas spoke in favor of the ordinance with the suggested changes discussed. Commissioner Karukin made a motion to extend Mr. Kousoulas an additional minute. The motion received a second from Commissioner Paul. Mr. Kousoulas gave his suggestions for changes in the ordinance.

No one else wishing to speak the Mayor closed the public hearing.

Passing the gavel, Mayor Dietch made a motion to approve and direct the ordinance back to Planning and Zoning with the following amendments.

- Remove the second “Whereas” clause
- Remove section related to the number stories increased allowed for lots of less or greater than 100’ and;
- Creating and including a chart within the ordinance stating the maximum number of floors of redevelopment/expansion using exception allowed per each existing building floors (2 floors per every 1 story); Adding the following language under after the last sentence on section 2, page 4 of the ordinance: The

property owner shall be responsible for the Town's cost associated with this review, including the fees charges by any necessary consultants, such amount shall be determined by the Town Manager or designee and held in escrow by the Town.

- On section (3)(a) change from three of the typical characteristics for two of the typical characteristics...
- Strike the requirement under section (3)(a)(iii)(d) The building embodies the scale, character and massing of the built context of its immediate area.
- Strike the requirement under section (3)(a)(b)(iii) The proposed alteration or addition is compatible with the as built scale and character of the surrounding neighborhood.
- Strike the requirement under section (3)(a)(c)(iii) The proposed alteration or addition is compatible with the as built scale and character of the surrounding neighborhood.

The motion received a second from Commissioner Gielchinsky and all voted in favor.

Town Attorney Miller confirmed that two memos were sent regarding the ordinance and Mayor Dietch directed the Town Manager to resend the memos as some may not have received it.

Amendment to Chapter 54, Division 2 "Noise" – Guillermo Olmedillo, Town Manager

- 2. AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 "OFFENSES AND MISCELLANEOUS PROVISIONS" DIVISION 2 "NOISE"; SPECIFICALLY AMENDING SECTION 54-78 "PROHIBITED NOISES", SPECIFICALLY AMENDING SECTION 54-79 "RESTRICTED NOISES—CLASSIFIED; ENUMERATED"; CREATING SECTION 54-80 "ENFORCEMENT BY CODE COMPLIANCE OFFICER; NOTICE OF VIOLATION; WARNINGS; RESPONSIBILITY TO PROVIDE CURRENT ADDRESS"; CREATING SECTION 54-81 "RESPONSIBILITY FOR COMPLIANCE"; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the ordinance.

Town Manager Olmedillo presented the item.

Commissioner Gielchinsky made a motion to discuss. The motion received a second from Commissioner Paul.

The Commission discussed police enforcement, weekend enforcement, monetary resources as well as homeowner responsibility. Commissioner Paul suggested some amendments to the ordinance one being the owner be cited for non-compliance. Chief Allen addressed the issue of police enforcement regarding the noise code.

Mayor Dietch asked that under prohibitive noises, language be added to discourage Publix trucks from idling, and under notice of violation to add language on paragraph 7, the last sentence at the end “or any qualified person specified by Florida Statute as assigned by the Town Manager.

Commissioner Gielchinsky made a motion to approve with the Mayor’s stipulations. Passing the gavel, the motion received a second from Mayor Dietch. The motion passed 3/2 with Commissioner Paul and Commissioner Karukin voting in opposition.

Vice Mayor Cohen made a motion to add an item to the agenda and change the order of the agenda. The motion received a second from Commissioner Paul and all voted in favor.

Vice Mayor Cohen appointed Chase Berger replacing Mr. Kandalaf on the Sustainability Committee.

Vice Mayor Cohen left the meeting at 9:12 p.m.

3. Amendment to Sec. 14-29 of the Code of the Town of Surfside – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS”; SPECIFICALLY AMENDING SECTION 14-29. “PERMIT FEES” TO PROVIDE FOR A CONSISTENT CALCULATION FOR THE COST OF CONSTRUCTION FOR PERMIT FEES AND FOR THE RIGHT OF THE TOWN OF SURFSIDE TO CONDUCT AN AUDIT OF THE CONSTRUCTION COSTS AT THE CONCLUSION OF CONSTRUCTION; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.
Town Manager Olmedillo presented the item.

The Commission discussed substantial improvements and smaller projects for a home. The Florida Building Code was also discussed. Building Official Ross Prieto explained how substantial improvements are defined. Small projects being excluded from audit was discussed.

Public Speaker George Kousoulas said the Florida Building Code is a precise document and too much is being discussed and should be kept simple.

Commissioner Gielchinsky made a motion subject to modifications to include a “whereas clause” as discussed, and in subsection 6 adding the language “no less than before \$250 or no less than before \$150. The motion received a second from Commissioner Paul and all voted in favor with Vice Mayor Cohen absent.

4. Amending Article VI. – “Rules of Procedure For Town Meetings” Specifically Amending Sections 2-201, 2-202, 2-203, 2-204, 2-205, 2-206, 2-207, 2-208 and 2-209 – Linda Miller, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VI. - “RULES OF PROCEDURE FOR TOWN MEETINGS”; SPECIFICALLY AMENDING SECTIONS 2-201, 2-202, 2-203, 2-204, 2-205, 2-206, 2-207, 2-208 AND 2-209; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Town Attorney Miller added additional language which she read.

Commissioner Karukin made a motion to discuss and the motion received a second from Commissioner Paul.

Commissioner Karukin spoke about vacancies, appointees and other items as he had concerns about some of the language and suggested changes. The Commission discussed the various committees and the taking of their minutes, telephonic participation as well as other items of the ordinance.

Commissioner Karukin made a motion to amend on different sections and the Town Attorney will update the ordinance for a second reading. The motion received a second from Commissioner Paul and all voted in favor with Vice Mayor Cohen absent.

For the record, the Mayor announced that the reason the Titles are read by the clerk is because it is required by law.

5. Resolutions and Proclamations

A. Human Health Based Water Quality Criteria – Commissioner Tina Paul

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA URGING THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO ADHERE TO STRICTER STANDARDS AND TO CONTINUE TO MAXIMIZE OPPORTUNITIES FOR THE PROTECTION OF PUBLIC HEALTH AND THE ENVIRONMENT IN THEIR CONSIDERATION OF FLORIDA’S PROPOSED HUMAN HEALTH-BASED WATER QUALITY CRITERIA; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE FLORIDA GOVERNOR, FLORIDA SENATE PRESIDENT, HOUSE SPEAKER, CHAIR AND MEMBERS OF THE MIAMI-DADE COUNTY STATE LEGISLATIVE DELEGATION, ADMINISTRATOR OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE DIRECTOR OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR APPROVAL AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.
Commissioner Paul presented the item.

Commissioner Paul made a motion to approve. The motion received a second from Commissioner Karukin and all voted in favor with Vice Mayor Cohen absent.

B. Upgrade/Replacement of the Town of Surfside Parking Pay Stations – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH HARRINGTON RESOURCES INC., DBA PARKER SYSTEMS FOR THE UPGRADE AND REPLACEMENT OF PARKING PAY STATIONS AND PAY-BY-PLATE FUNCTIONALITY; PIGGYBACKING OFF THE TERMS OF THE COMPETITIVELY AWARDED CONTRACT BY LEE COUNTY, FLORIDA; AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$324,373.00 FROM THE MUNICIPAL PARKING FUND, MACHINERY AND EQUIPMENT FROM ACCOUNT NUMBER 402-9500-545-6410; AUTHORIZING AND APPROVING THE TOWN MANAGER TO ENTER

**INTO A CONTRACT; PROVIDING FOR IMPLEMENTATION;
PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the resolution.

Town Manager Olmedillo presented the item and confirmed that one's license plate number must be plugged in and there is an option of receiving a receipt. Manager Olmedillo said they can add using American Express and gave an overview of the machinery.

Commissioner Karukin made a motion to approve with the amendment to include American Express. The motion received a second from Commissioner Paul and all voted in favor with Vice Mayor Cohen absent.

5. Good and Welfare

Mayor Dietch opened the meeting to Good and Welfare.

Public Speakers:

- Marianne Meischied spoke about good and welfare comments and action taken especially sidewalk concerns.
- George Kousoulas spoke about a town vision.
- Deborah Cimadevilla thanked the Commission for their work and our democratic process. She also had concerns about sidewalks and asked the Commission what their views were.

No one else wishing to speak the Mayor closed Good and Welfare.

The Commission responded to the issue regarding sidewalks and recognized there are some problems and discussed some resolutions. Town Manager Olmedillo gave more insight regarding ownership, jurisdiction and compliancy.

Mayor Dietch responded to the town vision and studies done. He also addressed actions taken about community concerns and urged the community to use ClickFix.

7. Town Manager and Town Attorney Reports

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

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

A. Meeting Dates and Deadlines for 2017 – Sandra Novoa, MMC, Town Clerk

Commissioner Gielchinsky made a motion to change the meeting date from April 11, 2017 to April 13, 2017. The motion received a second by Commissioner Karukin and all voted in favor with Vice Mayor Cohen absent.

Commissioner Paul made a motion to change the meeting date from February 14, 2017 to February 16, 2017. The motion received a second by Commissioner Karukin and all voted in favor with Vice Mayor Cohen absent.

Commissioner Karukin made a motion to change the meeting date from December 12, 2017 to December 13, 2017. The motion received a second by Commissioner Gielchinsky and all voted in favor with Vice Mayor Cohen absent.

B. Ad Hoc Traffic Advisory Committee Recommendation(s) – Guillermo Olmedillo, Town Manager

Manager Olmedillo gave an update. The Mayor had an additional recommendation and made a motion that within thirty days, the documents be merged and that a list be put together with a timeframe as an instrument to work with. The Commission agrees with merging the documents but would like to view each item separately. The Commission discussed some of the items and expressed their concerns.

Public speaker Deborah Cimadevilla spoke on the issue and some concerns that have recently come up as well as the recommendations.

Commissioner Paul made a motion to extend one more minute for Ms. Cimadevilla. The motion received a second from Commissioner Karukin.

Commissioner Karukin made a motion to extend the meeting thirty minutes. The motion received a second from Commissioner Paul and all voted in favor with Vice Mayor Cohen absent.

C. Bal Harbour Shoppes Expansion – Mayor Daniel Dietch

The Town Manager was directed to represent the town in discussions with the future development of Bal Harbour Village. The Commission discussed a resolution and to include a traffic study regarding the impact on neighboring streets in Surfside.

Passing the gavel, Mayor Dietch made a motion to direct staff to come back with a resolution to present to the Village of Bal Harbour to be discussed at the December 2016 meeting. The motion received a second from Commissioner Gielchinsky and all voted in favor with Vice Mayor Cohen absent.

The Mayor amended the motion to include that the Town Manager represents the town at all public hearings related to the project. The motion received a second from Commissioner Karukin and all voted in favor with Vice Mayor Cohen absent.

D. Future Land Use Element of Comp Plan – Commissioner Michael Karukin

Commissioner Karukin made a motion to defer the item to December 2016. The motion received a second from Commissioner Paul and all voted in favor with Vice Mayor Cohen absent.

- E. Zoning in Progress – Regulating Medical Marijuana Facilities –** Guillermo Olmedillo, Town Manager
Town Attorney Miller presented the item and recommended that the town needs time to draft an ordinance and placing a hold on public notification.

Commissioner Karukin made a motion to accept the recommendation. The motion received a second from Commissioner Paul and all voted in favor with Vice Mayor Cohen absent.

10. Adjournment

The meeting adjourned at 11:10 p.m.

Respectfully submitted,

Accepted this ____ day of _____, 2016

Daniel Dietch, Mayor

Attest:

Sandra Novoa, MMC
Town Clerk

TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2015/2016

AS OF

September 30, 2016

100% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 3

Agenda Date: December 13, 2016

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET
GENERAL FUND			
REVENUE	\$13,473,941	\$12,781,002	105%
EXPENDITURES	12,199,359	\$12,781,002	95%
Net Change in Fund Balance	1,274,582		
Fund Balance-September 30, 2015 (Audited)	5,905,726 ^A		
Fund Balance-September 30, 2016 (Reserves)	<u>\$ 7,180,308</u>		
RESORT TAX (TEDAC SHARE)			
REVENUE	\$ 634,141 ^B	\$661,870	96%
EXPENDITURES	620,800	\$661,870	94%
Net Change in Fund Balance	13,341		
Fund Balance-September 30, 2015 (Audited)	339,396		
Fund Balance-September 30, 2016 (Reserves)	<u>\$ 352,737</u>		
POLICE FORFEITURE/CONFISCATION			
REVENUE	\$ 69,587	\$80,000	87%
EXPENDITURES	40,765	\$80,000	51%
Net Change in Fund Balance	\$ 28,822		
Fund Balance-September 30, 2015 (Audited)	113,431		
Fund Balance-September 30, 2016 (Reserves)	<u>\$ 142,253</u>		
TRANSPORTATION SURTAX			
REVENUE	\$ 226,324	\$366,769	62%
EXPENDITURES	311,519	\$366,769	85%
Net Change in Fund Balance	(85,195)		
Fund Balance-September 30, 2015 (Audited)	440,662		
Fund Balance-September 30, 2016 (Reserves)	<u>\$ 355,467</u>		
CAPITAL PROJECTS			
REVENUE	\$ 1,201,567	\$1,174,842	102%
EXPENDITURES	239,139	\$1,174,842	20%
Net Change in Fund Balance	962,428		
Fund Balance-September 30, 2015 (Audited)	182,903		
Fund Balance-September 30, 2016 (Reserves)	<u>\$ 1,145,331</u>		

NOTES:

* Many revenues for September 2016 are received in subsequent months (timing difference) and are recorded on a cash basis in the month received.

A. Includes \$2,000,000 available for hurricane/emergencies. Includes \$183,442 of Prepaid Expenses. The balance of \$3,722,284 is unassigned fund balance (reserves).

B. Resort Tax Revenues total collected through September 2016 is \$1,833,638 (\$634,141 is the TEDAC and \$1,199,497 is the General Fund).

ENTERPRISE FUNDS

ACTUAL

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

WATER & SEWER

REVENUE	\$ 3,032,853	\$3,098,177	98%
EXPENDITURES	2,435,826	\$3,098,177	79%
Change in Net Position	597,027		
Unrestricted Net Position-September 30, 2015 (Audited)	(2,705,871)		
Restricted Net Position	1,765,319		C1
Unrestricted Net Position-September 30, 2016 (Reserves)	\$ (343,525)		C2

MUNICIPAL PARKING

REVENUE	\$ 1,198,777	\$1,083,476	111%
EXPENDITURES	1,007,068	\$1,083,476	93%
Change in Net Position	191,709		
Unrestricted Net Position-September 30, 2015 (Audited)	1,089,165		
Unrestricted Net Position-September 30, 2016 (Reserves)	\$ 1,280,874		

SOLID WASTE

REVENUE	\$ 1,704,528	\$1,882,434	91%
EXPENDITURES	1,818,154	\$1,882,434	97%
Change in Net Position	(113,626)		
Unrestricted Net Position-September 30, 2015 (Audited)	340,391		
Unrestricted Net Position-September 30, 2016 (Reserves)	\$ 226,765		

STORMWATER

REVENUE	\$ 509,950	\$1,120,856	45%
EXPENDITURES	827,796	\$1,120,856	74%
Change in Net Position	(317,846)		
Unrestricted Net Position-September 30, 2015 (Audited)	4,051,768		
Restricted Net Position	347,140		C4
Unrestricted Net Position-September 30, 2016 (Reserves)	\$ 4,081,062		

NOTES:(con't)

C1. The Restricted Net Position of \$1,765,319 includes \$1,522,319 for renewal and replacement, and \$243,000 for State Revolving Loan reserves.

C2. The reserves balance of (\$343,525) is the result of a change in current net position as of September 2016 of \$597,027 net position as of September 30, 2015 of (\$2,705,871) includes Restricted Net Position of \$1,765,319.

C3. The Stormwater Fund used \$615,856 from reserves to fund the Seawall Project Phase II of \$442,008 and operating costs/debt service of \$173,848.

C4. The Restricted Net Position of \$347,140 includes \$266,140 for renewal and replacement, \$81,000 for State Revolving Loan reserves.


Donald G. Nelson, Finance Director
**ATTACHMENT


Guillermo Olmedillo, Town Manager

Town of Surfside
Fund Balance (Reserves)
9/30/2016

FUND	9/30/2013	9/30/2014	9/30/2015	9/30/2016
General	\$ 5,304,042	\$ 6,366,391	\$ 5,905,726	\$ 7,180,308
Resort Tax	94,497	180,297	339,396	352,737
Police Forfeiture	138,143	159,626	113,431	142,253
Transportation Surtax	131,475	396,740	440,662	355,467
Capital	255,263	849,445	182,903	1,145,331
Water & Sewer	(5,261,333)	(3,501,884)	(2,705,871)	(343,525)
Parking	1,066,574	1,000,355	1,089,165	1,280,874
Solid Waste	227,274	116,662	340,391	226,765
Stormwater	2,520,512	3,838,412	4,051,768	4,081,062
Total	\$ 4,476,447	\$ 9,406,044	\$ 9,757,571	\$ 14,421,272



TOWN MANAGER'S REPORT DECEMBER 2016

COMMUNITY PROGRAMS / INITIATIVES / ENHANCEMENTS

1. See Click Fix -- Report attached.

2. Development Application Status

- A. 8926 and 8955 Collins – A site plan application for a 16 unit, 12 story condominium has been received. A Development Review meeting was held on June 20, 2016. A second Development Review meeting was held on July 27, 2016. A DIC meeting was held September 1, 2016. The Planning and Zoning Board met October 27, 2016. A Quasi-Judicial Hearing has been scheduled for January 19, 2017, 5 pm.
- B. 9116 Harding – A site plan application for a 4 unit townhouse development has been received. A Development Review meeting was held November 2, 2016.
- C. 9300 – 9380 Collins – A site plan application for a 68 unit townhouse development has been received. The Planning and Zoning Board hearing was held on July 18, 2016. A Quasi-Judicial Hearing has been scheduled for January 19, 2017, 5 pm.
- D. 228 89th Street – Casa de Jesus – a Special Exception application has been submitted related to an afterschool program. A Development Review meeting was held on December 6, 2016.
- E. 8851 Harding Avenue – a 25 unit condominium development was submitted in January 2015. A Development Review meeting was held on January 22, 2016. The applicant resubmitted the plan on August 1, 2016 and a second Development Review meeting was held on August 18, 2016. The applicant has not resubmitted the plans to date.

TOWN DEPARTMENTS

Code Compliance

3. Code Compliance Cases

A. Code Violation Cases – As of November 22, 2016, the total number of active, open cases being managed is 153; of these cases, 76 cases are still under investigation and are working towards compliance, 6 cases are on-hold, 46 are in the Special Master hearing queue; 4 cases are in post-Special Magistrate action status, and 21 cases have been lienied and remain unpaid. Properties with unpaid liens are sent letters on a quarterly basis.

B. Collected Civil Penalty Fines - unresolved Code Compliance cases accrue fines until the code violation is resolved. After the violation is abated, then the property owners are notified to remit the

fine amount due. In many cases, the fine amount is either paid, resolved via a settlement agreement, or referred to the Town's Special Master for a hearing and ruling on the fine amount due. The following is a summary by fiscal year of the fine amounts collected:

FY 16/17: 9 cases have paid/settled through November 22, 2016 for a total of \$2,596.00

FY 15/16: 152 cases paid/settled for a total of \$137,282

FY 14/15: 26 cases paid/settled for a total of \$86,869

FY 13/14: 6 cases paid/settled for a total of \$67,293

FY 12/13: 9 cases paid/settled for a total of \$15,750

FY 11/12: 8 cases paid/settled for a total of \$16,875

Parks and Recreation

4. Hawthorne Tot Lot Renovation and Fence Replacement

The Hawthorne tot lot renovation and fence replacement was approved at the August 9, 2016 Commission meeting. The engineering drawings have been processed along with the permitting applications. The playground equipment order has been received along with the fence order. The demo and installation of the existing playground and fence began November 28, 2016 and will take between 16-18 days to complete. The playground will be closed during the renovation. Community notice has been provided by the Parks and Recreation Department. The anticipated completion date is December 23, 2016.

5. Bully Prevention Month

The Parks and Recreation Department, joined forces with the contractor for the After School Program, Life Sports Fitness to bring bully prevention to the community and Parks and Recreation participants. Parks and Recreation Department staff wore "Stomp Out Bullying" shirts once a week for the month as a collective group. We provided an interactive lecture from Youth Crime Watch of Miami-Dade. This organization talked about the types of bullying and how to go about getting help. They also brought out special guest, McGruff the Crime Dog. The groups created a "No Bully Zone" at the 96th Street Park and also cups used for the project had messages about bullying from the kids participating in the program.

Police Department

6. November 2016 Significant Incidents/Arrests

- Lewd and Lascivious Conduct on a Child - 11/10/2016: 9500 block of Collins Avenue. The subject was arrested.
- Hit and Run, DUI, Fleeing and Eluding - 11/10/2016: 9200 block of Collins Avenue. The subject was arrested.

7. New Police Officer Position

Marianne Durante has been selected for the new Police Officer position dependent upon successfully passing the background check. She is currently employed by the Police Department as a Community Service Aide.

8. Community Service Aide Position

Juan Duran was selected as the new Community Service Aide in the Police Department and began December 5, 2016. He was a Parks and Recreation Department counselor and came highly recommended by Parks and Recreation Department staff. Juan is in the U.S. Marine Corps Reserve and hopes to become a police officer in the future.

9. Chanukah Event at The Shul

The Shul will host a Chanukah event on December 25 in the 200 block of 95th Street. There will be a street closure in the 200 block of 95th Street and the parking lot just south of The Shul will be closed for the event. The Post Office lot will remain open to the public. A minimum of two off duty police officers will be assigned to the event.

10. Town of Surfside/Grand Beach New Year's Eve Event

There will be Town/Grand Beach fireworks behind the Community Center on New Year's Eve. Five off duty officers will be assigned to work the event.

11. Police Events

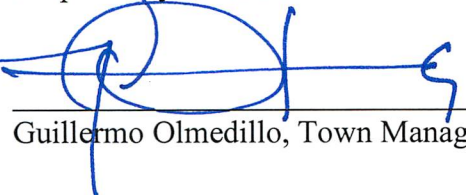
- The Police Department will host a Mobile Department of Motor Vehicles event for residents to apply for and renew their driver's licenses on December 14 from 9:30 a.m. to 2:30 p.m. in the Commission Chambers.
- The Police Department's annual Toy Drive and Holiday Party is December 23 at 3:30 p.m. in the Commission Chambers.
- The monthly Bike with the Chief is December 28 at Town Hall at 5:00 p.m.
- Coffee with the Cops is December 30 at Starbucks at 10:00 a.m.

PROJECTS PROGRESS UPDATES

12. Information Technology and TV Broadcasts

- IT has provided a quote to TEDACS to provide public Wi-Fi to the Downtown area.
- IT is working to upgrade the Microsoft Exchange 2007 to 2016. This project is projected to be completed this month.
- IT is following up with the subcontractor, AVI, to upgrade the Town conference call equipment.
- IT is working with IPFone to replace the Town's desk phones.
- GIS is working with the Town PD to provide a demonstration of the crime heat mapping and other GIS functions available to the PD.

Respectfully submitted:



Guillermo Olmedillo, Town Manager

Town of Surfside, FL

Nov 01, 2016 and Nov 28, 2016

Between Nov 01, 2016 and Nov 28, 2016

22 issues were opened

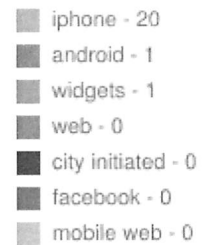
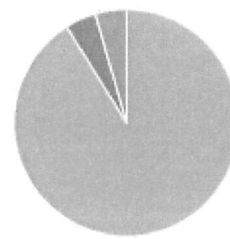
16 issues were acknowledged

17 issues were closed

The average time to acknowledge was 1.4 days.

The average time to close was 13.2 days.

Issues by Source



SERVICE REQUEST TYPE	OPENED	CLOSED	DAYS TO CLOSE
Other	10	8	18.7
Parking Issue	3	4	17.2
Beach Issue	2	2	2.1
Dog Stations (P & R)	2	2	0.1
Police (Safety Concern)	1	1	0.9
Barking Dog	2	0	0.0
Solid Waste (Residential) (PW)	2	0	0.0
96 Street Park (P & R)	0	0	0.0
Beach Patrol	0	0	0.0
Code Compliance (Safety Concern)	0	0	0.0
Code Compliance (Violation)	0	0	0.0
Community Center (P & R)	0	0	0.0
Construction Issues	0	0	0.0
Dead Animal	0	0	0.0
Drainage/Flooding (PW)	0	0	0.0
Graffiti (in park) (P & R)	0	0	0.0
Graffiti (PW)	0	0	0.0
Hawthorne Tot-Lot (P & R)	0	0	0.0
Pothole (PW)	0	0	0.0
Solid Waste (Commercial) (PW)	0	0	0.0

Nov 01, 2016 to Nov 28, 2016

1 of 2

Street lights (PW)	0	0	0.0
Surfside Dog Park (P & R)	0	0	0.0
Utilities (Water/Sewer) (PW)	0	0	0.0
Veterans Park (P & R)	0	0	0.0

Town of Surfside, FL

Feb 14, 2014 and Nov 28, 2016

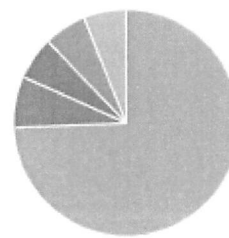
Between Feb 14, 2014 and Nov 28, 2016

489 issues were opened

474 issues were closed

The average time to close was 30.2 days.

Issues by Source



iphone - 359
web - 38
android - 30
widgets - 29
mobile web - 29
city initiated - 4
facebook - 0

SERVICE REQUEST TYPE	OPENED	CLOSED	DAYS TO CLOSE
Other	136	131	18.2
Beach Issue	61	61	12.7
Police (Safety Concern)	61	61	8.6
Parking Issue	42	42	3.0
Code Compliance (Violation)	39	37	61.0
Street lights (PW)	28	26	217.8
Code Compliance (Safety Concern)	26	26	68.2
Drainage/Flooding (PW)	12	12	23.4
Barking Dog	12	10	19.7
Construction Issues	12	11	5.9
Dog Stations (P & R)	10	10	6.6
Surfside Dog Park (P & R)	8	8	1.1
96 Street Park (P & R)	8	8	4.0
Utilities (Water/Sewer) (PW)	9	9	0.8
Pothole (PW)	5	4	5.6
Hawthorne Tot-Lot (P & R)	4	4	5.2
Solid Waste (Residential) (PW)	5	3	4.3
Community Center (P & R)	3	3	0.1
Graffiti (PW)	3	3	25.2


Feb 14, 2014 to Nov 28, 2016

1 of 2

Beach Patrol	2	2	0.0
Solid Waste (Commercial) (PW)	2	2	0.1
Dead Animal	1	1	0.1
Graffiti (in park) (P & R)	0	0	0.0
Veterans Park (P & R)	0	0	0.0



TOWN OF SURFSIDE
Office of the Town Attorney
 MUNICIPAL BUILDING
 9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154-3009
 Telephone (305) 993-1065

TO: Town Commission
FROM: Linda Miller, Town Attorney 
CC: Guillermo Olmedillo, Town Manager
 Jane Graham, Assistant Town Attorney
DATE: December 13, 2016
SUBJECT: Office of the Town Attorney Report for December 13, 2016

This Office attended/prepared and/or rendered advice for the following Public Meetings:

November 10, 2016 – Quasi-Judicial Hearing – 8955 and 8926 Collins Avenue, and 9300 and 9380 Collins Avenue – *CANCELLED*
 November 14, 2016 – Tourist Board Meeting
 November 16, 2016 – Special Master Hearing
 November 17, 2016 – Sustainability Subcommittee of the Planning and Zoning Board Meeting
 November 17, 2016 – Design Review Board and Planning and Zoning Board Meeting
 December 5, 2016 – Tourist Board Meeting
 December 13, 2016 – Town Commission Meeting

Ordinances for First Reading:

- Temporary Moratorium on Cannabis Dispensing Businesses

Ordinances for Second Reading:

- Architecturally Significant Buildings in H120 Zoned Lots
- Noise

- Building permit fees
- Rules of Procedure for Town Meetings
- Beach Furniture

Resolutions prepared and reviewed:

- Accepting the Florida Department of Transportation Grant for High Visibility Enforcement for Pedestrian and Bicycle Safety in the Amount of \$5,000 for Fiscal Year 2016-2017 beginning October 1, 2016 Through September 30, 2017
- Urging Bal Harbour Village to work cooperatively to address impacts identified by the Town of Surfside in development related to Bal Harbour Shops expansion
- Authorizing the Town Manager of The Town of Surfside to Execute an Agreement between the Town of Surfside and the State of Florida, Office of the State Attorney for the Eleventh Judicial Circuit of Florida to reimburse the State for the cost of State Attorney prosecution of certain criminal violations of the Surfside Code
- Approving the Sculpture by Pablo Atchugarry presented by the Applicant, Chateau Ocean, LLC for the 94th Street End Project
- Approving Title VI Program, in accordance with title VI, 42 U.S.C. §2000d, Civil Rights Act of 1964
- Approving Calvin, Giordano & Associates, Inc. (CGA) Work Authorization No. 99 (Town of Surfside Evaluation and Appraisal Amendments, CGA Proposal No. 16-9054) in a total amount not to exceed \$57,565
- Urging the Florida Legislature to amend the Florida Condominium termination law
- Repealing Resolution 2007-1792 “Approving And Adopting Rules And Procedures For Committees Created By the Town Commission”
- Town Holidays

Town Commission/Town Manager:

- Research and discuss Miami-Dade Commission on Ethics Honor Code Ordinance with Miami-Dade Ethics Commission
- Research condominium and hotel restrictions for beach furniture
- Attended Miami-Dade County Commission on Ethics training for Town employees
- Attended December 6, 2016 Design Review Group meeting for Casa de Jesus

Town Clerk:

- Review Code for preparation of ordinance amending Rules of Procedure for Town meetings
- Research Chapter 286, Florida Statutes for requirement to provide name and address at public hearing

November 17, 2016 Planning and Zoning and Design Review Board Meeting

Design Review Board Applications:

- A. 8918 Abbott Avenue - an addition to the front and rear of the existing single family residence
- B. 94th Street End - Selection of Sculpture

Planning and Zoning Board:

Ordinance:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING", AND SPECIFICALLY AMENDING SECTION 90-2 "DEFINITIONS" AND 90-33 "ALTERATION OR ENLARGEMENT OF NONCONFORMING STRUCTURES" TO PERMIT ALTERNATIVES FOR THE REDEVELOPMENT OF EXISTING ARCHITECTURALLY SIGNIFICANT BUILDINGS IN THE H120 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Discussion Item:

1. Walkability and Pedestrian Safety
2. Demolition of Houses
3. Future Agenda Items

Sustainability Subcommittee

- Sunshine, ethics and public records law briefing for new member

Building Department/Code Enforcement:

- Review of Code Procedures and preparation for Special Master hearing
- Finalize Host Compliance Agreement for monitoring short-term rentals
- Prepare agreement with Airbnb to voluntarily submit resort tax on short-term rentals

- Reviewed noise ordinance and construction hours
- Reviewed building permit fee ordinance
- Reviewed and revised noise ordinance, researched case law and consulted with Florida League of Cities for potential coverage issues

Tourist Bureau/Downtown Vision Advisory Board/Tourist Board:

- Reviewed E-City Services website agreement
- Reviewed ArchiveSocial agreement for social media and public records
- Review uses for Resort Tax
- Review Deco Bike agreement and renewal

Public Works:

- Conference with Bigbelly to discuss terms of agreement
- Conference with Miami-Dade Transit Office of Civil Rights and Labor Relations on Title VI program
- Conference with Black and Veatch on water and sewer service rate and design study

Police Department:

- Counsel on construction noise enforcement

Florida Municipal Insurance Trust (“FMIT”) investigates claims and provides legal representation for the Town on the following claims/lawsuits:

1. On June 28, 2014, Claimant alleges while walking in the east alley behind 9577 Harding Avenue she fell through a broken storm grate and sustained severe lacerations to her right leg. FMIT is investigating this claim.
2. Julien Deleon - Equal Employment Opportunity Commission (“EEOC”) Charge #510-2014-05171. Mr. Deleon has filed a Notice of Charge of Discrimination against the Town. The EEOC sent notification to Mr. Deleon of the right to institute a civil action under Title VII of the Civil Rights of 1964, as amended, 42 U.S.C. 2000e, et seq.
3. Claimant alleges a false arrest on June 1, 2014. FMIT is investigating this claim.
4. Claimant, Barry Rosenblum alleges an unlawful detention on May 19, 2016. FMIT is investigating this claim.

5. Pieter Bakker v. Town of Surfside, a municipal corporation of the State of Florida and Young Israel of Bal Harbour, Inc. On May 30, 2012, Pieter Bakker filed a complaint in State Court against the Town which alleges counts against the Town including contract zoning, Charter violations, and a request for a writ of certiorari to quash Resolution 12-Z-2078 approving a Site Plan Application to permit Young Israel to build a synagogue on 9580 Abbott Avenue. On September 30, 2013, the Court ordered this matter to be transferred to the Appellate Division. Petitioner, Mr. Bakker filed a Third Amended Petition for Writ of Certiorari. The Town and Young Israel have filed a response to the Third Amended Petition for Writ of Certiorari and a request for Oral Argument. Mr. Bakker has filed a reply. The Town, Young Israel and Mr. Bakker filed a request for Oral Argument. To date, oral argument has not been scheduled.
6. Parker, et. al. v. American Traffic Solutions, et. al.: United States District Court for the Southern District of Florida Civil Action No. 1:14-CV-24010. This is a class action case brought by plaintiffs who have received red light traffic violations against vendors who contract with municipalities and counties for red-light camera services (American Traffic Solutions “ATS”, “Xerox State and Local Solutions “Xerox”, and Gatso) along with 69 municipalities and counties. The complaint alleges that the local government defendants have improperly outsourced to the vendors their legislatively granted authority to issue traffic citations and unlawfully delegated to the vendor defendants the authority to determine whether a traffic violation has occurred. The Town and other Defendants filed a Motion to Dismiss. The Court dismissed the federal claims, however, did not dismiss the claims for unjust enrichment, declaratory and injunctive relief. The Court stayed the case during the pendency of an appeal and heard oral argument on June 14, 2016. The Eleventh Circuit dismissed the appeal for lack of jurisdiction on August 31, 2016. Defendants filed a motion for rehearing and motion for rehearing en banc in the Eleventh Circuit which was denied on November 4, 2016. The case has been remanded to the United States District Court for the Southern District of Florida, where the parties filed a joint motion to stay further proceedings until related cases are concluded within Florida Courts.
7. Henderson v. Police Officer Carrasquillo and Police Officer Fernandez. On May 12, 2015, a complaint was served stating that on December 11, 2010, Mr. Henderson was arrested for Battery on a Law Enforcement Officer, Disorderly Conduct and Resisting Arrest Without

Violence. The complaint alleges malicious prosecution against the Officers. Discovery is ongoing.

Special Matters: Continued monitoring of new case law and legislation from Federal, State and County.



**Town of Surfside
Tourist Board
MINUTES**

September 12, 2016 5:30 p.m.

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

The following also applies to all Boards and Committees:

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.

Opening

A. Call to Order

The meeting was called to order by Chair Barbara Cohen at 5:35pm.

B. Roll Call of Tourist Board Members.

All the Board members were present at the time of roll call with the exception of Vice Chair Jessica Weiss. A quorum was established.

Vice Chair Jessica Weiss, not physically present at the meeting, requested to participate via telephone conference. Director Duncan Tavares stated that in order for the Vice Chair to participate and vote in the meeting, the present Board members would need to take a vote.

Jennifer Zawid made a motion to allow the Vice Chair to participate and vote via telephone conference; Secretary Marianne Meischeid seconded the motion. The motion passed unanimously.

1. August 1, 2016 Tourist Board Meeting Minutes.

Jennifer Zawid made a motion to approve the August 1, 2016 Tourist Board Minutes; Secretary Marianne Meischheid seconded the motion. The motion passed unanimously

2. A/R (Resort Tax).

Director Duncan Tavares advised that the report was not sent via email, but was included in the physical agenda packet. He also advised that he spoke with the Finance Director and the Code Compliance Director to discuss some of the usual issues. Three warnings to offenders for lack of payment have been sent.

3. Greater Miami Convention & Visitors Bureau ~ Gisela Marti, GMCVB VP Marketing & Tourism.

Gisela Marti presented a recap of the 2015 Tourism Industry. She advised that 50% of the visitors come from outside of the U.S. She advised that some of the 10 Top Domestic Markets included New York, Chicago, Philadelphia, etc... The Top 10 International Markets include Brazil, Canada, Colombia, Argentina, etc... The Key Industry indicators are overnight visitors, MIA arrivals, hotel occupancy, etc...

4. The Tourist Board's use of Resort Tax.

The Town Attorney, Linda Miller, advised that in the Town Ordinance Section 70-126 it states that the Tourist Board is authorized to expend funds collected and allocated by the Town Commission during the budget process. She stated that funds can be used for advertising, promotions, and special events.

5. FY16/17 Marketing Plan ~ Jacober Creative.

Terry Cohen inquired how much money is available in the next fiscal year budget. Director Duncan Tavares advised that the current amount allocated for the next fiscal year is \$600,000 plus the approximate \$300,000 in reserve.

Terry Cohen stated that she wishes that more than one vendor would have been brought before the Board for the marketing plan so that options are available. Director Duncan Tavares stated that what is presented before the Board was the best available option and gave the history of soliciting vendors for this initiative and that what is presented meets the Town's ordinance requirements.

Secretary Marianne Meischheid inquired about the process to include more than one vendor for this. Director Duncan Tavares advised that a majority vote would be needed in order for the process to begin all over again.

Jacob Creative presented the proposed creative marketing plan. The mission of the plan would be to support hotel partners, promote tourism in town and promote downtown businesses.

Jacob Creative created social media guidelines that included content and deployment strategies.

Jacob Creative is looking to create a press strategy that targets travel, lifestyle, culinary and design publications along with media outreach in New York and Toronto.

They would use local media to encourage foot traffic on Harding Avenue using The *Biscayne Times* and *Miami New Times* (restaurant & event focus) along with Facebook ads and events.

Social Media Influencers would be utilized during this marketing plan.

Chair Barbara Cohen acknowledged the presence Mayor Daniel Dietrich.

Director Duncan Tavares advised that, with the help of Jacob Creative, the Tourist Bureau received two awards at the annual State of Florida Governor's Conference on Tourism. The Bureau received top prize for the Town's inaugural Visitors Guide in the category of Resource/Promotional Material – Consumer and won Best in Show Marketing Award.

Terry Cohen recommended that instead of doing small events here and there, we should concentrate on one major event such as Jazz on the Beach.

Bert Allegue introduced himself as the Sales and Marketing Director for Residence Inn Surfside. He is excited about the marketing plan and looks forward to working with the Town.

Ana Gonzales, introduced herself as the Sales and Marketing Director for the Four Season/Surf Club and advised that the marketing plan is complete. She reiterated that it is wise to use marketing dollars to hit different markets and people as this plan identifies.

Harald Bindeus, who introduced himself as the Sales and Marketing Director for the Grand Beach Hotel suggested that Brand awareness is important for tourism and this plan is what the Town needs.

Director Duncan Tavares advised that while he agrees with signature events he doesn't have the staff to take on such a project. He recommends going out to bid for an event company to produce such events.

~~Terry Cohen stated that she is not comfortable with making a decision on such a large budget.~~

Terry Cohen stated that she is not comfortable with making a decision on \$342,000 so quickly.

Jennifer Zawid made a motion to accept the proposed marketing/media plan and accompanying agency fees by Jacob Creative as presented; Terry Cohen seconded the motion. The motion passed unanimously.

Director Duncan Tavares advised that \$100,000 is available in the 15/16 budget and would like the Board to consider using some of these funds for video.

The purpose of the video is for consumer engagement. Video is one of the most engaging usage for consumers. It comes in different formats as it relates to social media such as Facebook and Instagram.

Videos would be more of a narrative - telling a story.

The cost for the entire video package would be \$42,250.00 out of the 15/16 fiscal year budget.

Terry Cohen made a motion to allocate \$42,250.00 to Jacober Creative for the video package. Secretary Marianne Meischheid seconded the motion. The motion passed unanimously.

Jennifer Zawid made a motion to change the order of the agenda to allow the Code Compliance Director Alan Graham to present the Airbnb agenda item; Terry Cohen seconded the motion. The motion passed unanimously.

6. Sister Cities ~ Mayor Daniel Dietch.

Mayor Dietch presented the sister city program to the Board.

Jennifer Zawid inquired if there's a cost associated with the program. Director Duncan Tavares advised he allocated an amount of \$12,000 which he feels would be an appropriate amount to start up the program. He also advised that resolutions would need to go before the Commission and a determination on what kind of exchanges would be needed to be determined.

Jennifer Zawid made a motion to move forward with Mayor Dietch's Sister city initiative under the Tourist Board with the earmarked budget of \$12,000 out of the 16/17 Fiscal Year budget pending the Town Commission's approval of the budget; Secretary Marianne Meischheid seconded the motion. The motion passed unanimously.

7. First Fridays ~ Terry Cohen.

Terry Cohen discussed First Fridays. She wants to see receipts for items that were bought with the funds sponsored by the Board. Director Duncan Tavares and Attorney Linda Miller advised that since a contract was signed for the entire event the vendor does not need to provide individual receipts.

Terry Cohen and Secretary Marianne Meischheid are not in favor of the way the event is presented.

Jennifer Zawid stated that she is not in favor of canceling the series as it has improved since it started. She advised that we should let the series run its course and, after the end of the event, the Board can decide whether they want to pursue it in the future.

Terry Cohen made a motion to change the Tourist Board meeting time from 5:30pm to 6pm; Secretary Marianne Meischheid seconded the motion. The motion passed unanimously.

*Jennifer Zawid exited the meeting.

8. Farmer's Market Update ~ Melissa Richards.

Director Duncan Tavares advised that he did an outreach to the farmers' markets in the area. Melissa Richards advised that there is one in Bay Harbor Islands, South Beach, and Normandy Isles. A consideration for a date would be needed and a determination on what the extra added value would be to the residents. It would need to be something that would attract visitors like a festival. The cost per month would be \$5,000 - 6,000.

Vice Chair Jessica Weiss advised that more of an artisanal market would work for the Town.

Barbara Cohen suggested tabling this initiative.

9. Tourism Questionnaire Board Feedback.

Secretary Marianne Meisheid advised that she wasn't prepared to speak on this item. Director Duncan Tavares reiterated that the Greater Miami Convention and Visitors Bureau (GMCVB) can conduct a survey at no cost. Secretary Marianne Meisheid advised that if they can produce the survey there was no need to dedicate the time and energy to create one from scratch.

10. New Year's Eve Fireworks.

Director Duncan Tavares advised that the Town would not be able to produce the event due to lack of staff. He has approached a hotel to take on the efforts of producing the event with the caveat that they advertise and promote the event. He stated that the Tourist Board would be responsible for the cost of the fireworks only.

Board members inquired as to why the Parks Department could not take on this initiative. Director Duncan Tavares advised that due to existing programming and staff limitations it is not feasible. He suggested that Board members attend the Parks and Recreation meeting to voice their concerns and ideas.

11. Other Business.

a) Tourist Board Member Shirts Update.

Director Duncan Tavares advised that he is still waiting on a response from some Board members.

b) Tours of Surfside Hotels Update.

Melissa Richards will continue to coordinate dates for members to visit. Director Duncan Tavares advised that, due to Sunshine Laws, only one member can attend the hotel at a time if the visit is not advertised.

c) Airbnb ~ Chair Barbara Cohen

Alan Graham, Code Compliance Director, advised that the Town is working diligently to address Airbnb. The Town has taken an active approach by contacting the legal representatives for Airbnb. He also advised that Airbnb have entered into voluntary agreements with other cities to collect tax from renters that

is then remitted to the jurisdictions. The Town is currently looking into the option.

Any violations against the agreement would result in fines and constitute a lien against the property.

Resident Joanna Hoffman is in favor of a more restricted Airbnb approach as it will help monitor the activity.

Use of residential property for commercial use ordinance was made more stringent by the Town

d) Zika ~ Chair Barbara Cohen

Director Duncan Tavares reminded the Board and residents of the updated information posted on the website regarding Zika and mosquito control.

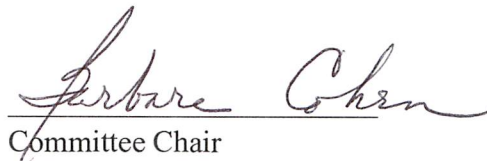
12. Next Tourist Board Meeting: Monday October 10, 2016 at 6:00pm.

13. Public Comment.

14. Adjournment.

Secretary Marianne Meischeld made a motion to adjourn the meeting; Terry Cohen seconded the motion. The motion passed unanimously. The meeting ended at 9:00pm.

Accepted this 5th day of December, 2016


Committee Chair

Attest:


Committee Secretary
Recording Clerk



TOWN OF SURFSIDE

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

PARKS AND RECREATION ADVISORY COMMITTEE MEETING

Wednesday September 28, 2016

7:00 pm

Surfside Community Center
9301 Collins Avenue

MINUTES

1. Roll Call of Committee Members

Retta Logan called the meeting to order at 7:07pm.

Also in attendance: Jeffrey Platt, Eliana Salzhauer, Tim Milian, Parks and Recreation Director, Tina Paul, Liaison, Jane Graham, Assistant Town Attorney, Frantza Duval, Recording Clerk, Victor May, Resident

Shlomo Danzinger and Mitchell Gottlieb are absent with regrets.

2. Approval of Minutes from July 18, 2016 and August 15, 2016 Meeting

Jeffrey Platt made a motion to approve the July 18, 2016 minutes; Retta Logan seconded the motion. The motion passed unanimously. The minutes were approved.

Eliana Salzhauer made a motion to approve the August 15, 2016 minutes; Retta Logan seconded the motion. The motion passed unanimously. The minutes were approved.

3. New meeting date for October

Tim Milian advised that after speaking to Committee members regarding the October meeting, the date of October 27 was presented as a scheduled date for the meeting due to upcoming holidays.

4. Hawthorne Tot Lot Renovation Update

Tim Milian advised that the permit has been pulled for the fencing. He is waiting on the final for installation, but he's still looking at late-October completion date and approval for the permitting process. There's a soil sample testing going on through the permitting department. There's also a survey being done. The park will be closed when they're ready for demolition and will take 10-14 days once started. Tim Milian mentioned he will keep the committee updated on the process. Tim Milian advised that he would like to put 96th Street Park on the agenda for October for additional discussion.

5. Fall Programing updates

Tim Milian advised that they were looking for a self-defense instructor through Miami Shores parks department, but he was only available on the weekend. Tim Milian is looking into someone that is local and that has availability during the weekday.

Tim Milian advised that flag football is up and running and the team won its first game Saturday.

Preschool/Toddler ballet is up and running. He's looking into working with a ballet studio for the older kids.

Tim Milian advised that Charles (hip-hop instructor) was in today to get his paperwork in order, but he's set to go. He's looking to start classes toward the end of October, Saturday at 4pm.

Tim Milian advised that the Parks and Recreation Halloween event is on October 28th and staff is ready to go.

6. Community Input

Resident, Victor May inquired about the Halloween event. Tim Milian stated that two separate events are held one by the Parks Department(96th Street Park) and the other by the Police Department (between Byron & Carlyle). Tim Milian advised that the costume contest are no longer held because it became competitive, so to make it fair the contest were no longer held.

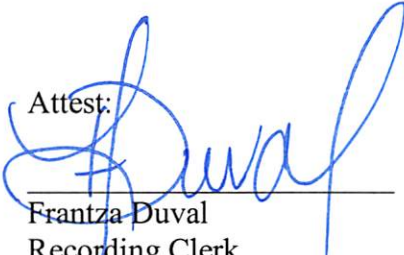
Tim Milian thanked resident Victor May for his suggestion on placing the Town logo on the lifeguard tower.

Jeffrey Platt requested that the warning flags be placed higher up to be more visible. Tim Milian advised that it will be addressed on the new lifeguard tower when constructed.

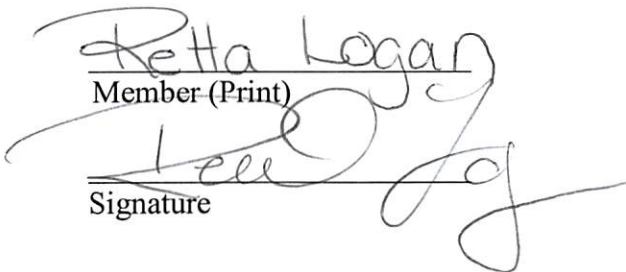
7. Meeting Adjournment

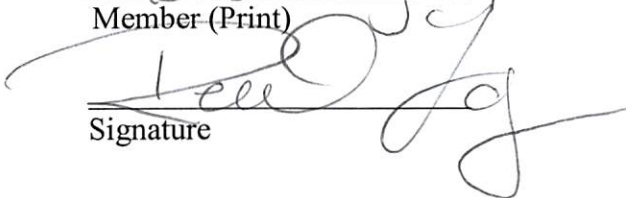
Eliana Salzhauer made a motion to adjourn the meeting; Jeffrey Platt seconded the motion. The motion passed unanimously. The meeting ended at 7:28pm.

Accepted this 2 day of November, 2016

Attest:


Frantz Duval
Recording Clerk



Member (Print)


Signature



**Town of Surfside
Tourist Board
MINUTES**

October 10, 2016 6:00 p.m.

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

The following also applies to all Boards and Committees:

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Opening

A. Call to Order.

The meeting was called to order by Chair, Barbara Cohen at 6:08pm.

B. Roll Call of Tourist Board Members.

All of the Board members were present at the time of roll call with the exception of Jessica Weiss.

Vice Chair Jessica Weiss, not physically present at the meeting, requested to participate via telephone conference call. Secretary Marianne Meischeid inquired as to why she couldn't attend the meeting and it was stated due to medical reasons.

Jennifer Zawid made a motion to allow Jessica Weiss to participate via telephone conference; Barbara Cohen seconded the motion.

The clerk for the meeting called the roll with the following vote:

Barbara Cohen – Yes
Marianne Meischeid – No
Terry Cohen – No
Jennifer Zawid – Yes

The motion failed due to a tied vote.

1. September 12, 2016 Tourist Board Meeting Minutes.

Terry Cohen wanted to amend the minutes to reflect that the statement of her making a decision on such a large budget is incorrect.

Secretary Marianne Meischeid made a motion to defer the approval of the minutes until next month with direction to review the meeting; Jennifer Zawid seconded the motion. The motion passed unanimously.

2. A/R (Resort Tax).

Director Duncan Tavares presented the resort tax reports. He advised that the close of the fiscal year for resort tax submissions is not available until the end of October. He also pointed out the list of registered short term rentals. He advised that the Greek Place is not in compliance and this information has been forwarded to the Code Compliance Department for a Special Master hearing. Secretary Marianne Meischeid advised that she would prefer that the resort tax information be provided prior to the meetings as it takes up the meeting time and needs to be reviewed beforehand. Director Duncan Tavares advised that he will speak to the Finance Department who produces this report on this request.

3. Acknowledgment of Summer Intern Elizabeth Hopkins

Director Duncan Tavares presented a plaque and gift card to the Tourist Bureau's Summer Intern, and Surfside lifeguard, Elizabeth Hopkins for her work. He read the plaque into the record:

"This is presented to Elizabeth Hopkins in appreciation of your outstanding service during your Town of Surfside internship in the summer of 2016."

4. Third Thursdays Discussion

Director Duncan Tavares advised that a decision needs to be made in order to move forward with the 2017 series. The whole purpose of Third Thursday event series is to provide exposure to the downtown area in a relaxing and fun environment. It is an event for hotel visitors and resident to mingle, enjoy the music, downtown restaurants and food trucks. The recommendation is to allocate \$80,000 for the event series January 2017 to April 2017. He advised that the possible themes of fairytales and movie themes have been discussed. Jennifer Zawid does not feel that the food trucks help the downtown area especially as the restaurants are open and feels that the money may be better spent on something else. Director Duncan Tavares stated that the decision to have food trucks was one made by a previous Tourist Board. He advised that from past experiences such restaurants as Flannigan's and Josh are packed during these events. He also advised that efforts have been made to reach out to the downtown businesses to participate, but he does not get the support from the merchants. Terry Cohen inquired what is included in the \$20,000 per event. Director Duncan Tavares advised that print collateral and

marketing is covered through the Jacober Creative agreement and that all other elements such as the live band, lighting, carpet, furniture, staffing (etc.) is covered in the cost. Secretary Marianne Meischheid advised that with the Uptown Beachtown marketing focus the series should accordingly be focused as such. She does not see the series as a tourist related event. Director Duncan Tavares reminded the Board of their mission includes assisting with the marketing of the downtown business district and that this event series is only one of two things the Board presently does for the district.

Terry Cohen made a motion to suspend the Third Thursday event series until further notice; Secretary Marianne Meischheid seconded the motion. The motion passed unanimously.

5. New Year's Eve Fireworks Proposal

Director Duncan Tavares provided the proposal to the Board. He has been collaboratively working on this proposal with the Grand Beach Hotel. He provided the proposal in which he stated that it is contingent that the Grand Beach will host the event on behalf of the Town with the Tourist Board sponsoring the event. The longer fireworks segment is \$18,000. This does not include police detail to manage the event. He recommends adding an additional \$2,000 for police in the approved fireworks proposal. Terry Cohen likes the idea of the fireworks and wished that music could be incorporated.

Jennifer Zawid made a motion to approve the fireworks proposal for option 2 (\$18,000 22-25 minute display) with the additional cost for Police; Secretary Marianne Meischheid seconded the motion. The motion passed unanimously.

Director Duncan Tavares reminded the Board that the proposal is contingent on the Grand Beach Hotel agreeing to contract with the vendor.

6. First Fridays Review

Director Duncan Tavares advised that due to Hurricane Matthew the last First Friday event was postponed until October 21, 2016. He invited Sarah Liss to provide a recap of the event series to date. Jennifer Zawid stated that due to Hurricane Matthew and the rescheduled last event of the series, she wanted to postpone this discussion in order to have a full analysis and incorporate comments for the entire event series.

Jennifer Zawid made a motion to defer this item until the next meeting; Secretary Marianne Meischheid seconded the motion. The motion passed unanimously.

Vice-Mayor/Liaison Barry Cohen exited the meeting at 6:59pm

7. Sister Cities Discussion

Director Duncan Tavares suggested that a section of each monthly meeting needs to be reserved to discuss the Sister Cities initiative in order to move this approved program forward. Terry Cohen suggested that this be placed at the end of the agendas going forward. She stated that she likes the idea of getting students to present their options on which Sister Cities the Town should consider. Jennifer Zawid would like to reach out to the schools to see if they would be interested in doing such a project.

8. Other Business.

a) Tours of Surfside Hotels Update.

Director Duncan Tavares advised that he has had trouble getting everyone together to tour the hotels. He reiterated that Board members can go on their own, but the moment two or more members go then it constitutes a meeting which requires noticing.

9. Next Tourist Board Meeting: Monday November 14, 2016 at 6:00pm.

Director Duncan Tavares advised that, due to the upcoming election in November, the meeting date has been changed.

10. Public Comment.

Secretary Marianne Meischheid requested adding an additional item to the agenda.

Terry Cohen made a motion to allow Secretary Marianne Meischheid to add an item to the agenda for discussion; Jennifer Zawid seconded. The motion passed unanimously.

Secretary Marianne Meischheid requested a PDF of the current budget prior to each meeting. The budget should include current revenue, the 34% and 66% allocation and expenses funded for each of the allocations. She would also like a five-year projection showing anticipated revenues and assumptions and expenses that are constant with the 3% per year adjustment. The projection should be based on room count and reasonable assumption of ADR for each occupancy and similar assumptions for food and beverage revenue. Director Duncan Tavares advised that this request has to be made to the Finance Department and that the department would have to manually produce this information. He advised that the Town's financial five-year forecast is in the process of being updated and this will include some of the information being sought. Secretary Marianne Meischheid inquired as to when this item will be completed. She would also like to see the allocation of each of the expenses made by the Board. Terry Cohen suggested inviting the Finance Director to the meeting to address this request. Director Duncan Tavares suggested that Ms. Meischheid meet with him and the Finance Director. He also reminded the Board that they have received resort tax projections in their Five Year Tourism Strategic Plan and budget documents have been part of a number of meeting agendas.

Secretary Marianne Meischheid made a motion to designate her, as a representative of the Board, to meet with the Finance Director; Terry Cohen seconded the motion. The motion passed unanimously.

11. Adjournment.

Jennifer Zawid made a motion to adjourn the meeting; Terry Cohen seconded the motion. The motion passed unanimously. The meeting ended at 7:45pm

Accepted this 5 day of December, 2016

BARBARA COHEN
Member (Print)

Barbara Cohen
Signature

Attest:

Frantza Duval
Frantza Duval
Recording Clerk

Town of Surfside
Sustainability Subcommittee
MINUTES
October 27, 2016

1. CALL TO ORDER

- Meeting called to order by George Kousoulas at 5:00 P.M.

2. ROLL CALL

- Chair George Kousoulas, Larissa Alonzo, Lou Cohen present.
- A quorum was established.
- Bertha Goldenberg joined meeting at 5:03 P.M.
- Reed Kandalaft was not present for the third consecutive meeting. Therefore, Town Manager Olmedillo will notify Vice Mayor Cohen that this member is no longer on the committee and he must select a new member.

3. APPROVAL OF MINUTES- SEPTEMBER 29, 2016

- Minutes approved 3-0, motion by Larissa Alonzo, second by Lou Cohen.
- Town Manager introduces materials from various organizations and asks for direction and focus from committee.

4. SE FLORIDA REGIONAL CLIMATE COMPACT DISCUSSION

- **George Kousoulas** lists some areas of importance to him: comprehensive plan changes, infrastructure issues, and building sustainability issues. He asks for input from others.
- **Larissa Alonzo** lists sea level rise and the height of new construction and impact of current codes. Sarah Sinatra will provide analysis of codes for next meeting.
- **Lou Cohen** cites global warming and sea level rise as primary issue affecting sustainability.
- **Bertha Goldenberg** suggests using the single family homes as an action area, develop maps, see if building code amendments are possible, dune enforcement and transportation.
- **Lou Cohen** suggests a research project through a local university.
- **George Kousoulas** proposes having a LEED Checklist for the next meeting. Sarah Sinatra outlines the town's current position on LEED, certifiable vs. certified. Mayor Dietch mentions the challenge to date in reaching certification on commercial properties.
- **Bertha Goldenberg** would like to see a review of known new projects.
- **George Kousoulas** would like to understand the impact of rising water below grade. Most maps, including Climate Central's indicate level of water above the current surface. What is the impact of rising water below grade—not flooding?
- **Larissa Alonzo** would like to know what can be done with the pumps. The Town Manager describes the action of the pumps and that they need

to be triggered by a certain threshold of flooding to do their job. Some modest flooding is not intended to be corrected by these pumps.

5. OTHER BUSINESS: SUNSET HARBOR TOUR

- **George Kousoulas** asked if members of the committee had a chance to attend the tour of Sunset Harbor improvements.
- **Bertha Goldenberg** had and reported that the tour was extensive and interesting and that at least one shop/restaurant owner noted that in recent flooding the system was not able to keep up with the torrent of rain.
- **George Kousoulas** asked the members to take a look at the improvements. They may offer valuable lessons, pro and con, for Surfside.

6. OTHER BUSINESS: MIAMI BEACH DUNE MANAGEMENT

- There was a quick review of the Miami Beach Dune management plan.
- **George Kousoulas** wanted to know what ability Surfside specifically has to control matters on the dune, given the State's control of the beach.
- **Linda Miller** described the path of the ECL and the relationship of private property to the dune and the easement along the hard pack.
- **Jane Graham** went into detail about the distinction between ownership and management (the ability to regulate). The state owns land east of the ECL, which runs through the middle of the dune, but has the ability to regulate activity across the dune. Likewise, a property owner may own west of the ECL, but Surfside may have some ability to regulate this area. She would research this further.

6. PUBLIC COMMENT

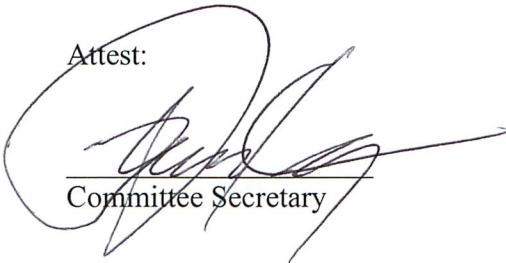
- **Marianne Meisheid** asked why the Chateau condominium was permitted to add an additional pedestrian cut through the dune and that this did not seem to be an appropriate addition to the dune. The Town Manager answered that it had been permitted by FDEP, but that further investigation could be made. George Kousoulas asked the attorneys to research this fully so that issues such as this can be addressed by a future dune management plan.
- **Cesar Castillo**, FIU student, expressed the connection between his major and the work of this committee. He specifically spoke of the PEM system for stabilizing beaches and preventing erosion.

7. NEXT MEETING DATE: Thursday November 17, 2016 at 6:00 P.M.

8. ADJOURNMENT

- **Lou Cohen** made a motion to adjourn. Bertha Goldenberg seconded motion. The motion passed unanimously. The meeting ended at 6:41 P.M. Accepted this 17th day of November, 2016

Attest:


Committee Secretary


Committee Chair



**Town of Surfside
Tourist Board
MINUTES**

November 14 2016 6:00 p.m.

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

The following also applies to all Boards and Committees:

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.

Opening

A. Call to Order.

The Meeting called to order by Chair Barbara Cohen at 6:04pm.

B. Roll Call of Tourist Board Members.

All of the Board members were present at the time of roll call with the exception of Vice Chair Jessica Weiss and Terry Cohen (with regrets). A quorum was established.

Vice Chair Jessica Weiss, not physically present at the meeting, requested to participate via telephone conference call due to a medical excuse.

Jennifer Zawid made a motion for Vice Chair Jessica Weiss to participate via telephone conference call; Chair Barbara Cohen seconded the motion. The motion passed unanimously.

Secretary Marianne Meischaid inquired as to how long Vice Chair Jessica Weiss would be requesting to participate via phone conference call and should the Board be considering an alternate member due to the lack of her physical presence at the meeting.

Assistant Town Attorney Jane Graham advised that the Town Commission is looking to place restrictions on such participation at meetings. However, this may not be approved until after the Tourist Board's December 5 meeting.

Jennifer Zawid stated that she would need to leave by 7:00pm. Director Duncan Tavares advised that the in situ quorum would be lost at that juncture and the meeting would end.

Jennifer Zawid made a motion to move the Third Thursdays agenda item earlier on the agenda; Secretary Marianne Meischaid seconded the motion. The motion passed unanimously.

**1. September 12, 2016 Tourist Board Meeting Minutes.
(Revised from October 10, 2016 meeting)**

Jennifer Zawid made a motion to defer approval of the September meeting minutes; Chair Barbara Cohen seconded the motion. The motion passed unanimously.

2. October 10, 2016 Tourist Board Meeting Minutes.

Jennifer Zawid made a motion to defer approval of the October meeting minutes; Chair Barbara Cohen seconded the motion. The motion passed unanimously.

3. A/R (Resort Tax).

Secretary Marianne Meischaid made a motion to defer this item until the next scheduled meeting; Jennifer Zawid seconded the motion. The motion passed unanimously.

4. Budget Update.

Secretary Marianne Meischaid made a motion to defer this item until the next scheduled meeting; Jennifer Zawid seconded the motion. The motion passed unanimously.

5. New Year's Eve Fireworks Update.

Director Duncan Tavares advised that Grand Beach Hotel is moving forward with the contract with Zambelli Fireworks. The Tourist Board will reimburse the hotel for the \$18,000 cost as approved at last month's meeting. He advised that more information will be provided to the community in December.

6. Tourism Questionnaire Review.

Secretary Marianne Meischaid made a motion to defer this item until the next scheduled meeting; Jennifer Zawid seconded the motion. The motion passed unanimously.

7. First Fridays Recap ~ Sara Liss.

Jennifer Zawid made a motion to move this item up on the agenda; Vice Chair Jessica Weiss seconded the motion. The motion passed unanimously.

Sara Liss provided an overview of the First Friday series media coverage of the event series. Sandra Argow, resident, stated that she enjoyed the series overall and garnered great feedback from both residents and non-residents. Commissioner Tina Paul, speaking as a resident, stated that she enjoyed the event and feels that it should be considered as a continuing series. She also thanked Sara Liss for the arrangements made in conjunction with her photography display at the Community Center.

8. Sister Cities Process Discussion.

Secretary Marianne Meisheid made a motion to defer this item until the next scheduled meeting; Jennifer Zawid seconded the motion. The motion passed unanimously.

9. Other Business:

a) Parks & Recreation Committee discussion on Community Center

2nd Floor update ~ Chair Barbara Cohen.

Director Duncan Tavares advised that the moratorium on discussing a second story for the Community Center has ended. This discussion will be an agenda item on the Parks and Recreation Committee December 19 meeting for those who want to attend and speak as residents as this item has not been vetted by the Board.

b) Third Thursdays Request Documents.

Director Duncan Tavares presented the request received by residents to continue the Third Thursdays event series.

Jennifer Zawid is happy to see the residents supporting this event. Secretary Marianne Meisheid is concerned that the event does not result in an increase in tourist dollar revenue. Vice Chair Jessica Weiss advised that the event has brought a lot of foot traffic to Harding Avenue. She suggested maybe hiring an event planner to make it more "tourism friendly." Chair Barbara Cohen stated that her issue with the event is that businesses did not open or turn on their lights to accommodate the foot traffic downtown due to the event. Director Duncan Tavares advised that he needs feedback from the Board on the concept of the series and that he would feel more comfortable with all five members being present to provide feedback on the direction of the series. Victor May, resident, suggested hosting the event at the park or another location altogether; possibly at the neighborhood hotels or the Community Center. He also suggested possibly hosting the event on a Saturday. Secretary Marianne Meisheid suggested using the \$80K earmarked for special events towards an event planning company to host such an event. Sandra Argow, resident, advised that this event should not be something that is dropped completely as residents provide word of mouth advertising that brings in the tourists. Vice Chair Jessica Weiss inquired if there is a possibility to hire a third party vendor to host the event. Director Duncan Tavares advised that due to the short notice it may not be possible in the manner that would satisfy all five members. He also stated that he would need to solicit the help of staff from other departments (if available) to get this done. He further opined that he is seeking clear and concise instructions from the Board with regard to the

direction of the event before he can move forward with the event planning. Commissioner Tina Paul, as a resident, advised that at the current moment the only events that the Tourist Board has under their purview is First Fridays and Third Thursdays. If both events are removed the Board has nothing to fall back on. She recommends keeping these events until ideas for other events materialize.

Secretary Marianne Meisheid made a motion to defer the item until all five members are present. Due to a lack of a second the motion dies.

Jennifer Zawid made a motion to reconsider to have the last month's Tourist Board decision regarding Third Thursday be rescinded and to authorize Director Duncan Tavares to move forward with three third Thursday events, February – April 2017, at a budget not to exceed \$60,000. Vice Chair Jessica Weiss seconded the motion.

The clerk called the roll with the following votes;

Chair Barbara Cohen – Yes
Secretary Marianne Meisheid– No
Vice Chair Jessica Weiss– Yes
Jennifer Zawid– Yes
Terry Cohen– Absent

The motion passed.

10. Next Tourist Board Meeting: Monday December 5, 2016 at 6:00pm.

11. Public Comment.

12. Adjournment.

Secretary Marianne Meisheid made a motion to adjourn the meeting; Jennifer Zawid seconded the motion. The motion passed unanimously. The meeting ended at 7:17pm.

Accepted this 5th day of December, 2016

BARBARA Cohen
Member (Print)

Barbara Cohen
Signature

Attest:

Frantz Duval
Frantz Duval
Recording Clerk



Town of Surfside Commission Communication

Agenda Item #: 3F

Agenda Date: December 13, 2016

Subject: Proposed Agreement with the Miami-Dade State Attorney's Office to Prosecute Criminal Municipal Ordinances.

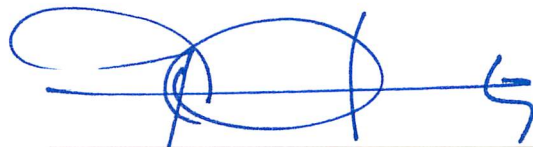
Background: State legislation was passed in 2004 for the State Attorney to prosecute criminal municipal ordinances only if (1) the ordinance violation is ancillary to a felony prosecution or (2) the municipality has entered into a contract with the State Attorney for these prosecutions. The agreement is for the prosecution of ordinances only; the State Attorney's Office has no authority to handle appeals related to the Constitutionality of ordinances.

Analysis: The proposed agreement allows the Miami-Dade State Attorney's Office to prosecute criminal ordinance violations in Surfside for the period of October 1, 2016 to September 30, 2017.

Budget Impact: The Town will be billed at the statutorily prescribed rate of \$50 per hour. It is estimated that it takes approximately 20 minutes per case equivalent to the rate \$16.67 per case. During the past years the use of the State Attorney's Office has been very limited, however, the agreement should be in place in the event an unforeseen occurrence requires these services.

Recommendation: The Town staff recommends that the Commission approve the resolution to enter into the proposed agreement with the Miami-Dade State Attorney's Office to prosecute criminal municipal ordinances.



David Allen, Chief of Police

Guillermo Olmedillo, Town Manager

RESOLUTION NO. 16 - _____

**A RESOLUTION OF THE TOWN COMMISSION
FOR THE TOWN OF SURFSIDE, FLORIDA
AUTHORIZING THE TOWN MANAGER OF THE
TOWN OF SURFSIDE TO EXECUTE AN
AGREEMENT BETWEEN THE TOWN OF
SURFSIDE AND THE STATE OF FLORIDA,
OFFICE OF THE STATE ATTORNEY FOR THE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA TO
REIMBURSE THE STATE FOR THE COST OF
STATE ATTORNEY PROSECUTION OF CERTAIN
CRIMINAL VIOLATIONS OF THE SURFSIDE
CODE; PROVIDING FOR AUTHORIZATION; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town Commission desires to enter into an agreement with the Office of the State Attorney for the Eleventh Judicial Circuit of Florida (“State Attorney”) to prosecute criminal municipal ordinance violations in Surfside for the period of October 1, 2016 through September 30, 2017; and

WHEREAS, the Town will be billed by the State Attorney at the statutorily prescribed rate of fifty dollars (\$50.00) per hour; and

WHEREAS, Section 27.02. Florida Statutes, authorizes the State Attorney to prosecute municipal ordinance violations punishable by incarceration if ancillary to state prosecution or, if not ancillary to state prosecution, when the State Attorney contracts with the Town for reimbursement; and

WHEREAS, the Town finds that in order to maintain and improve the health, safety, and welfare of this community, it is necessary to adequately enforce and prosecute violations of the Town’s Municipal Code of Ordinances.

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

Section 1. Recitals Adopted. The above and foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Authorization. The Town Commission authorizes the Town Manager on behalf of the Town of Surfside, Florida to execute the agreement between the Town of Surfside and the State of Florida, Office of the State Attorney for the Eleventh Judicial Circuit of Florida to reimburse the State for the cost of State Attorney prosecution of certain criminal violations of the Surfside Code (Attachment “A”).

Section 3. Implementation. The Town Manager and/or designee are hereby authorized to take any and all action necessary to implement this Resolution and

Agreement in accordance with the terms, conditions and purposes of this Resolution and Agreement.

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

PASSED and **ADOPTED** on this day _____ day of December 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION


Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

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



Linda Miller, Town Attorney

**AGREEMENT BETWEEN TOWN OF SURFSIDE AND THE STATE OF
FLORIDA, OFFICE OF THE STATE ATTORNEY FOR THE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA TO REIMBURSE THE
STATE FOR THE COST OF STATE ATTORNEY PROSECUTION OF
CERTAIN CRIMINAL VIOLATIONS OF THE
_____ CODE**

This agreement is entered into this _____ day of _____, 2016, by and between Town of Surfside, a political subdivision of the State of Florida (hereinafter referred to as the "City") and the Office of the State Attorney for the Eleventh Judicial Circuit of Florida (hereinafter referred to as "State Attorney").

WHEREAS, the City finds that in order to maintain and improve the health, safety, and welfare of this community, it is necessary to adequately enforce and prosecute violations of the City's Municipal Code; and

WHEREAS, Section 27.02, Florida Statutes, authorizes the State Attorney to prosecute municipal ordinance violations punishable by incarceration if ancillary to state prosecution or, if not ancillary to state prosecution, when the State Attorney contracts with the City for reimbursement.

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE I

Services

The State Attorney agrees to prosecute municipal ordinance violations as authorized in Sections 27.02, and 27.34, Florida Statutes. The City agrees to remit, subject to the terms outlined in Article III of this agreement, to the State Attorney the required funds to reimburse for costs associated with the prosecution of violations of the Municipal Code for the period of October 1, 2016 through September 30, 2017. The State Attorney shall provide such clerical and professional personnel as may be required for the performance of any of the functions of the State Attorney as set forth in this agreement. This agreement does not commit the City to pay for the prosecution of Municipal Code violations ancillary to state prosecution or for the prosecution of municipal ordinance violations not punishable by incarceration. This agreement specifically does not authorize the State to handle appeals of municipal ordinances on constitutional grounds, which shall remain the responsibility of the municipality that passed the ordinance.

ARTICLE II

Terms

This agreement shall expire on September 30, 2017, unless terminated earlier pursuant to Article VII of this agreement. Under no circumstances shall the City be liable to continue or extend this agreement beyond this date. This agreement may only be amended in writing, through a document executed by duly authorized representatives of the signatories to this agreement.

ARTICLE III
Payment Schedule

The City agrees to reimburse the State Attorney on an hourly basis for services rendered at a rate of Fifty dollars (\$50) per hour. On a quarterly basis, the State Attorney shall provide the City with an invoice including, but not limited to, the hours of services rendered, number of cases prosecuted as set forth in this agreement, and the total amount due for payment for the previous month. The City shall remit each payment within ten (10) days after receiving said invoice from the State Attorney.

ARTICLE IV
Responsibilities

The City does not delegate any of its responsibilities or powers to the State Attorney other than those enumerated in this agreement. The State Attorney does not delegate any of its responsibilities or powers to the City other than those enumerated in this agreement.

ARTICLE V
Reporting

All required reports shall be submitted to the _____.

ARTICLE VI
Indemnification

It is expressly understood and intended that the State Attorney is only a recipient of the reimbursements paid by the City and is not an agent of the City. The respective parties agree, subject to the provisions of Chapter 768.28 (17), Florida Statutes, that they will hold each other harmless from any claims arising from this agreement.

ARTICLE VII
Termination

Either party may terminate this agreement at any time with or without cause by furnishing written notice to the other party with no less than ninety (90) days notice.

ARTICLE VIII
Service Charges

This agreement is contingent upon all City funding provided, and any interest earned thereon, not being subject to any State service charges or administrative assessments.

ARTICLE IX
Non-Discrimination

The State Attorney agrees to abide and be governed by Title II of the Americans with Disabilities Act of 1990, Title VI and VII, Civil Rights Act of 1964 (42 USC 200d, e) and Title VIII of the Civil Rights Act of 1968, as amended, which provides in part that there will not be discrimination of race, color, sex, religious background, ancestry, or national origin in performance of this contract, in regard to persons served, or in regard to employees or applicants

for employment and it is expressly understood that upon receipt of evidence of discrimination, the City shall have the right to terminate said agreement.

IN WITNESS THEREOF, the parties have caused this agreement to be executed by their respective and duly authorized officers the day and year first above written.

ATTEST:

NAME

City Commission

By: _____
POSITION

By: _____

ATTEST

State Attorney's Office
Eleventh Judicial Circuit

By: _____

By: _____
Don L. Horn
Chief Assistant State Attorney
for Administration



Commission Communication

Agenda #: 3G

Date: December 13, 2016

Subject: Town Holidays and Employee Personal Days Off

Objective: To provide all full time employees other than employees represented by the Fraternal Order of Police (FOP) with two additional personal days off.

Background: Pursuant to Resolution No. 1392, adopted June 14, 1994, the Town of Surfside recognizes ten holidays and grants Town employees one personal day off as follows:

1. New Year's Day
2. Martin Luther King's Birthday
3. President's Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veterans Day
8. Thanksgiving Day
9. Friday after Thanksgiving Day
10. Christmas Day

The Town does not recognize Columbus Day (a federal holiday) as a holiday.

A survey was conducted of Cities and Towns in Miami-Dade related to holidays and personal days provided to municipal employees. The attached survey revealed that many municipalities recognize Columbus Day as a holiday and provide employees with at least two personal days off. The result is an average of 13 days off (includes holiday and personal days off) provided to municipal employees in a calendar year.

It is important that the Town provides comparative employee benefits to other government entities in order to retain and attract employees in a competitive labor market.


Analysis: A financial analysis was conducted related to the budget impact of payroll cost and determined there is no financial impact to the Town.


The survey revealed that the average days off offered to municipal employees in a calendar year is 13 days (includes holiday and personal days off). The Town currently offers 11 days (includes ten holidays and one personal day). Providing town employees with two additional personal days off permits the Town to be comparable to the average number of days off currently offered to municipal employees in other Miami-Dade Cities and Towns. There will be no carry over or payout for unused personal days off. Any unused personal days off at the end of the calendar year is forfeited.


Budget Impact: N/A

Staff Impact: Employees are required to request personal days off with reasonable advance notice, preferably two weeks prior to leave. Department Directors will continue to reassign duties as to not interfere with the normal functions and operations of the Town and not incur any additional cost.

Recommendation: It is recommended that the Town Commission adopt the attached resolution providing for two additional personal days off for full time employees not represented by the Fraternal Order of Police effective January 1, 2017.


Yamileth Slate-McCloud
Human Resources Director


Guillermo Olmedillo
Town Manager


Donald Nelson
Finance Director

Municipality	Number of Holidays	Observe Columbus Day? Yes or No	Personal Day (Birthday, Floating days, etc)	Total Days	Comments
Aventura	10 full days; 2 half days	No	3	14	24 hours of personal leave per year
Bal Harbour	10	No	2	12	
Bay Harbor Islands	11	No	2	13	
Coral Gables	11	No	3	14	PD get only 2 floater days
Doral	11	Yes	2	13	
Florida City	9	No	1	10	Floating designated holiday voted to swap Columbus Day for day after Thanksgiving
Hialeah	11	Yes	2	13	
Hialeah Gardens	11	Yes	2	13	
Homestead	10	No	1	11	Floating Holiday set by the City Manager each year
Indian Creek	11	Yes	3	14	Two personal days and one floater
Key Biscayne	11	Yes	4	15	
Medley	11	Yes	2	13	One floating; one birthday
Miami	11	Yes		11	
Miami Beach	10	No	4	14	Employees may use sick leave with advance approval for religious holidays
Miami Lakes	11	Yes	2	13	
Miami Shores Village	11	Yes	2	13	
North Bay Village	9	No	3	12	Does not observe Presidents' Day.
North Miami	11	No	3	14	December 23 - Administrative Leave
North Miami Beach	11	Yes	2	13	
Palmetto Bay	11	Yes	1	12	
Pinecrest	10	No	1	11	
South Miami	11 full days; 1 half day	Yes	3	14.5	Christmas Eve - half day
Sunny Isles	10	No	2	12	
Surfside	10	No	1	11	
Sweatwater	10	No	2	12	
West Miami	12	Yes		12	
Average			2	13	
Observe Columbus Day		13 Yes; 13 No			

RESOLUTION 16 - _____

**A RESOLUTION OF THE TOWN COMMISSION
OF THE TOWN OF SURFSIDE, FLORIDA,
REAPPROVING HOLIDAYS AND ONE
PERSONAL DAY FOR ALL EMPLOYEES;
APPROVING TWO ADDITIONAL PERSONAL
DAYS FOR FULL TIME EMPLOYEES WITH THE
EXCEPTION OF EMPLOYEES REPRESENTED
BY THE FRATERNAL ORDER OF POLICE;
PROVIDING FOR APPROVAL; PROVIDING FOR
AUTHORIZATION; PROVIDING FOR
IMPLEMENTATION; PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, on June 14, 1994, the Town of Surfside Town Commission adopted Resolution No. 1392 to annually provide Town employees with ten holidays and one personal day; and

WHEREAS, the Town conducted a survey of holidays and personal days provided to municipal employees in Miami-Dade County municipalities; and

WHEREAS, the result of this survey demonstrates that several municipalities provide employees with an average of 13 days off per calendar year, including holidays and personal days off; and

WHEREAS, the Town currently provides all full time employees a total of 11 days off per calendar year, including holidays and one personal day; and whereby there is no carryover or payout of the personal day from one calendar year to the next; and

WHEREAS, the Town desires to provide competitive benefits to attract and retain qualified employees; and

WHEREAS, it is in the best interest of the Town to provide full time employees two additional personal days, with the exception of employees represented by the Fraternal Order of Police; and

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

Section 1. Recitals. The foregoing whereas clauses are true and correct and are incorporated herein by this reference.

Section 2. Reapproval and Authorization of Holidays. The Town hereby recognizes the following holidays:

New Year's Day
Martin Luther King's Birthday
President's Day
Memorial Day
Independence Day (July Fourth)
Labor Day
Veterans Day
Thanksgiving Day
Friday after Thanksgiving Day
Christmas Day

Section 3. Approval and Authorization of Personal Days. In addition to the holidays listed above, full time employees, with the exception of employees represented by the Fraternal Order of Police, shall receive three Personal Days annually. Employees represented by the Fraternal Order of Police shall receive one Personal Day annually. There is no carryover or payout of these personal days from one calendar year to the next.

Section 4. Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

Section 5. Effective Date. This Resolution shall become effective January 1, 2017.

PASSED AND ADOPTED this _____ day of December 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

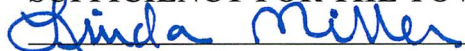
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

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



Linda Miller, Town Attorney



Town of Surfside Commission Communication

Agenda Item: 3H

Agenda Date: December 13, 2016

Subject: Approval to Accept the Florida Department of Transportation (FDOT) High Visibility Enforcement for Pedestrian and Bicycle Safety Grant

Background: Traffic Crashes involving pedestrians and bicyclists are more likely to result in fatal or serious injuries than any other types of crashes, and the financial impacts and suffering caused by these crashes are significant. To mitigate these types of Traffic Crashes, the Surfside Police Department sought grant funding to perform proactive details and public outreach to target the unsafe behaviors and actions of all road users including motorists, pedestrians, and bicyclists. FDOT has made grant funding available for law enforcement agencies to conduct High Visibility Enforcement operations for pedestrian and bicyclist safety.

Analysis: The Surfside Police Department has incurred the highest levels of pedestrian/bicycle involved traffic crashes on Harding Avenue between 87th Street and 96th Street, and on Collins Avenue between 87th Street and 96th Street. These locations contain the Town's business district, high occupancy residential dwellings, and religious institutions. The Department researched and determined that the FDOT High Visibility Enforcement for Pedestrian and Bicycle Safety Grant would assist in our traffic crash mitigation initiatives and allow for overtime funding to perform these initiatives. The Department is eligible to receive \$5,000.00 for overtime reimbursement for proactive details and public outreach to target this issue.

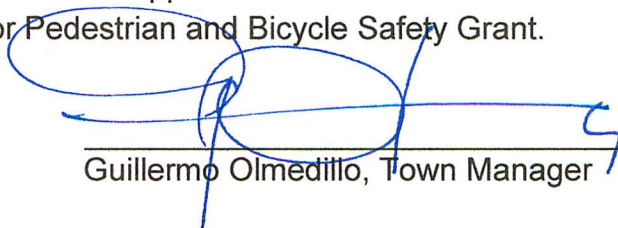
Budget Impact: No negative impact on budget as overtime is funded by the FDOT grant.

Staff Impact: N/A

Recommendation: Staff recommends a motion to approve a resolution to authorize acceptance of the FDOT High Visibility Enforcement for Pedestrian and Bicycle Safety Grant.



David Allen, Chief of Police



Guillermo Olmedillo, Town Manager



Donald Nelson, Finance Director

RESOLUTION NO. 16 - _____

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACCEPTING THE FLORIDA DEPARTMENT OF TRANSPORTATION (“FDOT”) GRANT FOR HIGH VISIBILITY ENFORCEMENT FOR PEDESTRIAN AND BICYCLE SAFETY IN THE AMOUNT OF \$5,000 FOR FISCAL YEAR 2016-2017 BEGINNING OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, traffic crashes involving pedestrians and bicyclists are more likely to result in fatal or serious injuries than any other types of crashes, and the financial impacts and suffering caused by these crashes are significant; and

WHEREAS, to mitigate these types of traffic crashes, the Surfside Police Department sought grant funding to perform proactive details and public outreach to target the unsafe behaviors and actions of all road users including motorists, pedestrians, and bicyclists; and

WHEREAS, Florida Department of Transportation (“FDOT”) has made grant funding available in a total amount of \$5,000 for law enforcement agencies to conduct High Visibility Enforcement operations for pedestrian and bicyclist safety; and

WHEREAS, the Surfside Police Department has incurred the highest levels of pedestrian/bicycle involved traffic crashes on Harding Avenue between 87th Street and 96th Street, and on Collins Avenue between 87th Street and 96th Street because these locations comprise the Town’s business district, high occupancy residential dwellings, and religious institutions; and

WHEREAS, the Surfside Police Department researched and determined that the FDOT High Visibility Enforcement for Pedestrian and Bicycle Safety Grant would assist in the Town’s traffic crash mitigation initiatives and allow for overtime funding to perform these initiatives; and

WHEREAS, it is in the best interest of the Town to accept the Florida Department of Transportation High Visibility Enforcement for Pedestrian and Bicycle

Safety Grant for fiscal year 2016-2017 beginning October 1, 2016 through September 30, 2017.

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

Section 1. Recitals. The above and foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Authorization. The Town Commission hereby authorizes the Town Manager or designee to accept the FDOT High Visibility Enforcement for Pedestrian and Bicycle Safety Grant in the amount of \$5,000 for fiscal year 2016-2017 beginning October 1, 2016 through September 30, 2017.

Section 3. Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this _____ day of December 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

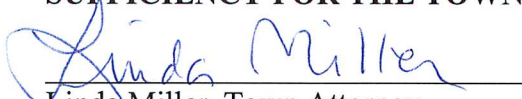
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

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



Linda Miller, Town Attorney



**Town of Surfside
Town Commission Meeting
December 13, 2016**

7:00pm

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

RESOLUTION COVER MEMORANDUM

Agenda #: 3I
Date: December 13, 2016
From: Daniel Dietch, Mayor
Subject: Bal Harbour Shops Expansion Urging Resolution

Objective: To approve and transmit this Surfside Town Commission Urging Resolution to the Village of Bal Harbour Council related to future development of the Bal Harbour Shops.

Consideration: Various development schemes have been presented to the Village Council. No doubt, any changes to the Bal Harbour Shops will have impacts to Surfside. It is our responsibility to provide clear direction to our Town Manager so that he can represent Surfside's interests by raising quality of life concerns and suggestions while advocating for our community. At the November 9, 2016 Surfside Commission Meeting the following recommendations were accepted by the Town Commission to include in an urging resolution:

- Realign the dedicated southbound turn lane on Harding Avenue at 96th Street to avoid drivers merging into the right-hand southbound lane on Harding Avenue south of 96th Street.
- Require that any landscaping proposed for the northern side of 96th Street be replicated/mirrored on the southern side of 96th Street.
- Eliminate service vehicle queuing along 96th Street.
- Advocate for the placement of a new traffic signal at 96th Street and Abbott Avenue.
- Restrict construction workers and employees from parking in Surfside.

In addition, the following items were added by the Town Commission to the urging resolution:

- Include Surfside in its traffic impact study.
- Allow the Town Manager to represent Surfside in discussions related to future development of Bal Harbour Shops.
- Inform the Town Manager of any and all public hearings.

Recommendation: Approve and transmit this Surfside Town Commission Urging Resolution to the Village of Bal Harbour Council related to future development of the Bal Harbour Shops and to direct the Surfside Town Manager to represent the Surfside Town Commission at all meetings related to same.

RESOLUTION NO. 16 - _____

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA URGING BAL HARBOUR VILLAGE TO WORK COOPERATIVELY TO ADDRESS IMPACTS IDENTIFIED BY THE TOWN OF SURFSIDE IN DEVELOPMENT RELATED TO BAL HARBOUR SHOPS EXPANSION; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE AND THE BAL HARBOUR VILLAGE MANAGER; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside recognizes the sovereignty of Bal Harbour Village related to zoning, land use and development matters; and

WHEREAS, the Town of Surfside calls on its municipal neighbor to work cooperatively to include the Town of Surfside in discussions related to the Bal Harbour Shops expansion; and

WHEREAS, the Bal Harbour Shops expansion will have impacts on the Town of Surfside; and

WHEREAS, at the Town of Surfside Commission Meeting on November 9, 2016, the Town Commission directed the Town Manager to represent the Town of Surfside's interests to Bal Harbour Village by raising quality of life concerns and mitigation strategies while advocating for the Surfside community; and

WHEREAS, the Town Commission urges the Village Council of Bal Harbour Village to:

- Include the Town of Surfside in the traffic impact study;
- Realign the dedicated southbound turn lane on Harding Avenue at 96th Street to avoid drivers merging into the right-hand southbound lane on Harding Avenue south of 96th Street;
- Require that any landscaping proposed for the northern side of 96th Street be replicated/mirrored on the southern side of 96th Street;
- Eliminate service and other vehicle queuing along 96th Street;
- Advocate with the Florida Department of Transportation to place a new traffic signal at 96th Street and Abbott Avenue; and
- Restrict construction workers and employees from parking in Surfside.

WHEREAS, the Town Commission requests the Village Council of Bal Harbour Village to invite Surfside's Town Manager to represent the Town in discussions related

to future development of Bal Harbour Shops and to inform Surfside's Town Manager of all public hearings; and

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

Section 1. Recitals Adopted. That each of the above stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Urging by the Town of Surfside Commission to the Village Council of Bal Harbour Village on Bal Harbour Shops Expansion. The Town Commission of Surfside urges Bal Harbour Village to work cooperatively with the Town of Surfside to manage quality of life impacts to the residents of the Town of Surfside related to any Bal Harbour Shops expansion.

Section 3. Direction to the Town Clerk. The Town Clerk is hereby directed to send a copy of this Resolution to the Village Council of Bal Harbour Village and the Bal Harbour Village Manager.

Section 4. Authorization and Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this _____ day of December, 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

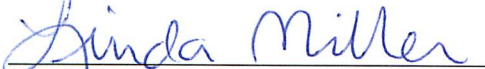
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

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



Linda Miller, Town Attorney



Town of Surfside Commission Communication

Agenda Date: December 13, 2016

Subject: Resolution to Adopt the Town of Surfside Title VI Program Plan.

Background: The Town of Surfside, through Miami-Dade Transit, was a sub-recipient of the American Recovery and Reinvestment Plan ("ARRA") Economic Stimulus Grant funding from the Federal Transit Administration. ("FTA").

The FTA requires that sub-recipients have a "Program Plan" to comply with the regulation implementing Title VI of the Civil Rights Act of 1964 ("Title VI"). Specifically, the Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C Section 2000d).

The Town has developed the proposed "Title VI Program Plan for the Town of Surfside" (Title VI Plan") to comply with these federal requirements. (See Attachment A to the Resolution).

Analysis: Adopting the Title VI Program Plan will provide education to both the community and the staff and discourage discrimination on the basis of race, color, or national origin. The Plan serves to ensure that users of the Transit Service are able to make anti-discrimination complaints and to have procedures in place for investigating, tracking, and providing an administrative remedy to these types of complaints.

Budget Impact: There is no cost associated with approving this item.

Staff Impact: None

Recommendation: Staff recommends the Town Commission to approve the adoption of the Title VI Program Plan resolution in order to be compliant with federal requirements.

Acting Public Works Director, Randy Stokes

Town Manager, Guillermo Olmedillo

RESOLUTION NO. 16 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING TITLE VI PROGRAM PLAN, IN ACCORDANCE WITH TITLE VI, 42 U.S.C. §2000D, CIVIL RIGHTS ACT OF 1964, AS REQUIRED FOR THE TOWN OF SURFSIDE TO RECEIVE FEDERAL PASS-THROUGH FUNDING FROM MIAMI-DADE TRANSIT AGENCY; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside ("Town") and the Miami-Dade Transit Agency ("MDT") entered into an Interlocal Agreement for Federal Funding Pass-Through Arrangement with the American Recovery and Reinvestment Act (ARRA) of 2009 Federal Transit (FTA 5307) for the Town to Install Bus Shelters; and

WHEREAS, the Town is required to have an approved Title VI Program Plan ("Title VI Plan"), in accordance with Title VI, 42 U.S.C. §2000d of the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance; and

WHEREAS, the Title VI Plan (Attachment "A") serves to ensure that users of the transit service are able to make anti-discrimination complaints and to have procedures in places for investigating, tracking and providing an administrative remedy for these types of complaints; and

WHEREAS, it is in the best interest of the Town to approve the proposed Title VI Plan (Attachment "A").

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

Section 1. Recitals. The above and foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Approval. The Town Commission hereby approves Title VI Program Plan (Attachment "A").

Section 3. Authorization. The Town Commission hereby authorizes the Town Manager to execute the Agreement on behalf of the Town and to take all actions necessary to implement the Agreement.

Section 4. Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this _____ day of December 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

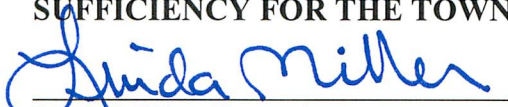
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

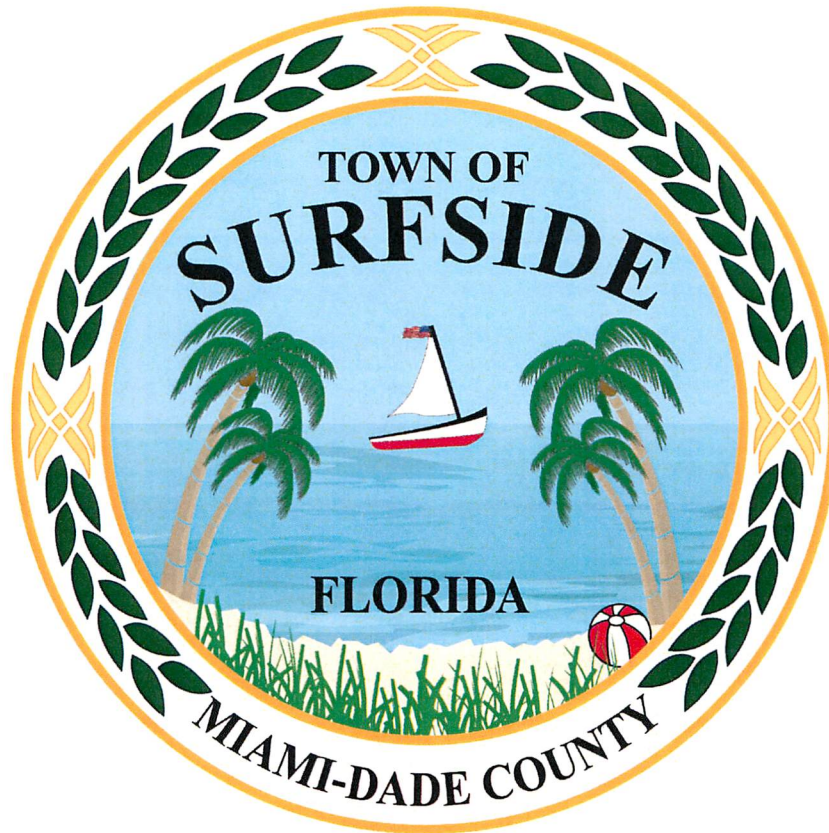
ATTEST:

Sandra Novoa, MMC, Town Clerk

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



Linda Miller, Town Attorney



TITLE VI PROGRAM PLAN

TOWN OF SURFSIDE

9293 Harding Avenue

Surfside, FL 33154

Tel: 305-861-4863

Fax: 305-861-1302

Website: www.townofsurfsidefl.gov

Town of Surfside Title VI Program Plan

Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

The Town of Surfside is committed to ensuring that no person is excluded from participation in, or denied the benefits of Miami-Dade transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.B.

Information Notices

Title VI information notices are prominently and publicly displayed in the Town Hall lobby and the Community Center.

The name and contact information of the Title VI coordinator is available on the Town's website, at www.townofsurfsidefl.gov. Additional information relating to the Town's nondiscrimination obligation is provided in this document.

Further information can be obtained directly from the Town's Title VI Coordinator:

Rosendo Prieto Title VI Coordinator
Town of Surfside
9293 Harding Avenue
Surfside, FL 33154
305-861-4863

Record Keeping

The Title VI Coordinator will maintain permanent records, which include, but are not limited to copies of Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants, and Title VI investigations.

Complaints

The complainant may file a signed, written complaint no later than 180 days after the date of the alleged discrimination. The complaint procedures are described in detail herein (see Appendix A). Each complaint should include the following information:

- Full name
- Mailing address
- Contact Information (i.e., telephone number, email address, etc.)
- How, when, where and why you believe you were discriminated against, including location, names and contact information of any witnesses
- Other information that you consider significant

The Title VI Complaint Form, (see Appendix B), may be used to submit the complaint information. The complaint may be filed in writing to the Town at the following address:

Town of Surfside
 Attention: Rosendo Prieto, Title VI Coordinator
 9293 Harding Avenue
 Surfside, FL 33154

The Town encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. Complaints must be mailed to the Title VI Coordinator no later than 180 days after the date of the alleged discrimination.

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by the Town will be directly addressed by the Title VI Coordinator who shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English.

Additionally, the Town shall make every effort to address all complaints in an expeditious and thorough manner. A letter acknowledging receipt of complaint will be mailed within seven days (see Appendix C). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

The Town of Surfside will send a final written response letter (see Appendix D) to the complainant. If the complaint is found to be not substantiated (see Appendix E), the complainant is also advised of his or her right to:

- 1) Appeal within seven calendar days of receipt of the final written decision from the Town, and/or
- 2) File a complaint externally with the U.S. Department of Transportation and/or the FTA.

Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

Once sufficient information for investigating the complaint is received by the Town, a written response will be drafted subject to review by the Town Attorney. If appropriate, the Town Attorney may administratively close the complaint. In this case, the Town will notify the

complainant of the action as soon as possible.

In addition to the complaint process described above, a complainant may file a Title VI complaint with the following offices:

Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor — TCR
1200 New Jersey Ave., SE
Washington, DC 20590

Limited English Proficiency (LEP)

The Town of Surfside has a land area of 1.0 Square Miles. According to the 2010 Census, the Town has an approximate total population of 5,744 people, composed of 94.6% White or Caucasian, 46.5 % Hispanic or Latino, Non-Hispanic White 50.1%, and 1.0% other races. Of the Town's population over the age of 5, 34.8% of residents speak English at home, 44% speak Spanish at home, (73.1% speak English very well, and 26.9% speak English less than very well).

The Town provides information in English. Residents can request translations of documents that are in English. Most departments have at least one or more employees that are bilingual and Spanish speakers are accommodated with a translator when requested.

The Town's Title VI Policy and Complaint Procedures is hosted on the Town's web page in English and made available in other languages as requested.

The Town educates our staff and contractors on the following procedure (see Appendix F):

- a. Understanding the Title VI Policy and LEP responsibilities
- b. How to access Title VI Policy and Procedures via the Town's website.
- c. Document and resolve any language assistance deficiencies
- d. The procedure if a Title VI and/or LEP complaint is filed.

The Town will review LEP procedures annually to determine if modifications are needed to meet language assistance deficiencies.

Public Participation Plan

The Town of Surfside seeks to engage the public in its planning and decision-making processes. Members of the public may make statements at Commission meetings, which occur on the second Tuesday of every month. Town Commission agendas are available for review by the public late in the afternoon on the Wednesday prior to Commission meetings via the Town's website. Consideration of Town Ordinances is published in the Daily Business Review.

The Town and its records are available to the public. The Town's Title VI Complaint Procedure is available to the public via the Town's website www.townofsurfsidefl.gov.

Decision Making Bodies

The Town of Surfside does not have any transit related non-elected planning boards or advisory councils or planning boards or committees. If any such committees are established in the future, this plan will be amended to depict minority representation on such committees and to describe the efforts made to encourage participation of minorities on such committees.

Transit Programs/Service Standards

Town of Surfside operates a circulator bus within the Town of Surfside in compliance with an interlocal agreement with Miami-Dade County Transit. All other transit services are provided and operated by Miami-Dade County Transit.

Transit Facilities

The Town has a lease agreement for the circulator bus service and does not have any storage, maintenance facilities, or operation centers.

Town of Surfside Title VI Program Plan

Appendices

Appendix A	Complaint Procedures
Appendix B	Complaint Form
Appendix C	Letter Acknowledging Receipt of Complaint
Appendix D	Letter Notifying Complainant That the Complaint is Substantiated
Appendix E	Letter Notifying Complainant that the Complaint is not Substantiated
Appendix F	Employee Annual Education Form
Appendix G	Record of Investigations, Complaints, and/or Lawsuits

Town of Surfside Title VI Program Plan

Appendix A

Complaint Procedures

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Any person who believes he or she has been discriminated against on the basis of race, color, or national origin by the Town of Surfside may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. A complaint may be filed no later than 180 days after the date of the alleged discrimination. The Town or its designated Title VI Coordinator will process complaints that are complete.

Once the complaint is received, the Title VI Coordinator will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing him/her whether the complaint will be investigated by our office.

The Town has 60 days to investigate the complaint. If more information is needed to resolve the case, the Town's Title VI Coordinator may contact the complainant. The complainant will have 10 business days from the date of the letter to send the requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 10 business days, the Title VI Coordinator can administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue their case.

After the case is investigated he/she will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur.

If the complainant wishes to appeal the decision, he/she has 10 business days after the date of the LOF to do so.

A person may also file a complaint directly with:

Federal Transit Administration
FTA Office of Civil Rights
1200 New Jersey Avenue SE
Washington, DC 20590.

Town of Surfside Title VI Program Plan

Appendix B

Complaint Form

If you feel you have been discriminated against, please provide the following information in order to assist us in processing your complaint and send it to:

Town of Surfside
Attention: Rosendo Prieto, Title VI Coordinator
9293 Harding Avenue
Surfside, FL 33154

Please print clearly:

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: (cell) _____ (home) _____

Person discriminated against: _____

Address of person discriminated against: _____

City, State, Zip Code: _____

Please indicate why you believe the discrimination occurred:

_____ Race or color
_____ National origin
_____ Income
_____ Other

What was the date of the alleged discrimination? _____

Where did the alleged discrimination take place? _____

Please describe the circumstances as you saw it:

Please list any and all witnesses' names and phone numbers:

Please attach any documents which support the allegation.

Date and sign this form and send to the Title VI Coordinator.

Your signature

Print your name

Date

Town of Surfside Title VI Program Plan

Appendix C

Letter Acknowledging Receipt of Complaint

Date

Complainant's Name

Complainant's Address

Dear (Mr/Ms):

This letter is to acknowledge receipt of your complaint against the Town of Surfside alleging:

.....

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning 305-861-4863, or write to me at this address.

Sincerely,

Town of Surfside
Attention: Rosendo Prieto, Title VI Coordinator
9293 Harding Avenue
Surfside, FL 33154

Town of Surfside Title VI Program Plan

Appendix D

Letter Notifying Complainant that the Complaint is Substantiated

Date

Complainant's Name

Complainant's Address

Dear (Mr/Ms):

The matter referenced in your letter of _____ (date) against the Town of Surfside alleging Title VI violation has been investigated.

The violation of the Title VI of the Civil Rights Act of 1964 mentioned in your letter was identified. Corrective action of this deficiency(s) is being implemented to ensure that this issue does not arise again

Thank you for bringing this important matter to our attention.

Sincerely,

Town of Surfside
Attention: Rosendo Prieto, Title VI Coordinator
9293 Harding Avenue
Surfside, FL 33154

Town of Surfside Title VI Program Plan

Appendix E

Letter Notifying Complainant that the Complaint is not Substantiated

Date

Complainant's Name

Complainant's Address

Dear (Mr/Ms)

The matter referenced in your complaint of _____ (date) against the Town of Surfside alleging a Title VI violation has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964 had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

The Town Attorney has analyzed the materials and facts pertaining to your case for evidence of the Town's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated, and that the Town is closing this matter in our files as of _____. (date) You have the right to:

- 1) Appeal within seven calendar days of receipt of this final written decision from the Town, and/or
- 2) File a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at:

Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor
TCR 1200 New Jersey Ave., SE
Washington, DC 20590

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Rosendo Prieto, Title VI Coordinator

Town of Surfside Title VI Program Plan

Appendix F

Employee Annual Education Form

To all employees of the Town of Surfside:

No person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

All employees of the Town of Surfside and its contractors are expected to consider, respect, and observe this policy in their daily work and duties.

If a citizen approaches you with a question or complaint, direct him or her to contact:

Town of Surfside
Attention: Rosendo Prieto, Title VI Coordinator
9293 Harding Avenue
Surfside, FL 33154

In all dealings with citizens, use courtesy titles (i.e. Mr., Ms., etc.) to respectfully address the citizens without regard to race, color or national origin.

Town of Surfside Title VI Program Plan

Appendix G

Record of Investigations, Complaints, and/or Lawsuits

<u>Type of Complaint</u> (Investigation, Compliant, Lawsuit)	<u>Date of Complaint</u> (Month/Day/Year)	<u>Basis of Complaint</u> (Race, Color, National Origin)	<u>Status of Complaint</u>	<u>Action(s) Taken</u>
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This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



**Town of Surfside
Commission Communication**

Agenda #: 4A1

Agenda Date: December 13, 2016

Subject: Architecturally Significant Buildings on H120 Zoned Lots

From: Commissioner Daniel Gielchinsky

On September 13, 2016, the Town Commission discussed amending the Zoning Code to provide for regulations for architecturally significant buildings on H120 Zoned Lots and voted to recommend that the Design Review Board review, discuss and make further recommendations as needed.

On September 29, 2016 and October 27, 2016, the Design Review Board reviewed the ordinance and recommended further amendments to the ordinance.

On November 9, 2016, the Town Commission amended and passed at first reading the attached ordinance.

On November 17, 2016, the Planning and Zoning Board as the local planning agency held its public hearing and recommended approval to the Town Commission of the attached ordinance.

The Planning and Zoning Board recommended that the Town Commission consider increasing the potential maximum height of redevelopment for architecturally significant buildings that are currently two or fewer stories in height.

The current ordinance provision at Section 90-33(3) reads as follows:

Redevelopment projects seeking to utilize the setback exception of this subsection shall be limited to a total height of no more than twice the number of existing floors in a building, up to a maximum of 120 feet.

<u>Existing Building Floors</u>	<u>Maximum Number of Floors of Redevelopment/Expansion using Exception</u>
<u>1</u>	<u>2</u>
<u>2</u>	<u>4</u>
<u>3</u>	<u>6</u>
<u>4</u>	<u>8</u>
<u>5</u>	<u>10</u>
<u>6 and above</u>	<u>12</u>

A copy of the ordinance for second reading is attached.

ORDINANCE NO. 16-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING", AND SPECIFICALLY AMENDING SECTION 90-2 "DEFINITIONS" AND 90-33 "ALTERATION OR ENLARGEMENT OF NONCONFORMING STRUCTURES" TO PERMIT ALTERNATIVES FOR THE REDEVELOPMENT OF EXISTING ARCHITECTURALLY SIGNIFICANT BUILDINGS IN THE H120 ZONING DISTRICT; 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 address expansions to existing nonconforming architecturally significant structures in the H120 zoning district; and

WHEREAS, the Town desires to incentivize the preservation, renovation and enhancement of architecturally significant buildings on H120 zoned lots by amending the provisions governing nonconforming structures; and

WHEREAS, the Town proposes to provide an alternative development option for owners of buildings deemed architecturally significant; and

WHEREAS, the Town Commission held its first public hearing on November 9, 2016 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendment on November 17, 2016 with due public notice and input; and

WHEREAS, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on December 13, 2016; and

WHEREAS, the Town Commission hereby finds and declares that adoption of this Ordinance is in the best interest of the Town.

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

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

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

Sec. 90-2. - Definitions.

* * *

Architecturally Significant Building: A building constructed prior to 1970 that has been determined by the Town, at the request of a property owner, to possess characteristics of a specific architectural style constructed in the Town pursuant to Section 90-33(3) of the Town Code. The exterior of the structure must be recognizable as an example of its style and/or period, and its architectural design integrity must not have been modified in a manner that cannot be reversed without unreasonable expense. The three recognized significant architectural styles in the Town are Mediterranean Revival, Streamline Modern, and Miami Modern.

* * *

Section 3. Code Amendment. The code of the Town of Surfside, Florida is hereby amended as follows:

Sec. 90-33. - Alterations or enlargement of nonconforming structures.

Except as provided in this section a nonconforming structure shall not be enlarged in any manner or undergo any structural alteration unless to make it a conforming structure. Such alteration or enlargement may be permitted provide that:

- (1) Enlargement or alteration itself conforms to the requirement of these regulations;
- (2) Building non-conformity only as to height area or floor area requirements may be altered or extended; enlarged so long as it does not increase the degree of non-conformity for the applicable district.
- (3) Alterations or additions to architecturally significant buildings on H120 zoned lots that are nonconforming as to setbacks may follow existing building lines as long as the alteration or addition maintains the architectural integrity of the existing building. The lesser of the current code-required setback or the existing building line shall be deemed to be the required setback line.

Any redevelopment project undertaken under this subsection must comply with the Town's minimum finished floor elevation requirements for all portions of the building and further must be designed and developed in accordance with Leadership in Energy &

Environmental Design (LEED) or Florida Green Building Coalition (FGBC) building design and construction standards.

Redevelopment projects seeking to utilize the setback exception of this subsection shall be limited to a total height of no more than twice the number of existing floors in a building, up to a maximum of 120 feet.

<u>Existing Building Floors</u>	<u>Maximum Number of Floors of Redevelopment/Expansion using Exception</u>
<u>1</u>	<u>2</u>
<u>2</u>	<u>4</u>
<u>3</u>	<u>6</u>
<u>4</u>	<u>8</u>
<u>5</u>	<u>10</u>
<u>6 and above</u>	<u>12</u>

(a) Determinations of Architectural Significance. Determinations of architectural significance will be made as follows:

(1) All requests for a determination of architectural significance must be made by a property owner in writing on the forms promulgated by the Town. As part of the determination application, a property owner will submit an analysis of the architectural qualities of the existing structure prepared by a licensed architect, at the property owner's expense, demonstrating why the building is consistent with the Code's definition of an architecturally significant building. This analysis shall be accompanied with other materials deemed necessary by the Town Manager or designee to accommodate the review, including, but not limited to, all available data and documentation regarding the building, site, features, or other considerations by the Town Manager or designee.

(2) The Town Manager or designee will review the analysis prepared by the property owner and issue a recommendation as to whether the building meets the Town's standards of architectural significance. The property owner shall be responsible for the Town's costs associated with this review, including the fees charged by any necessary consultants, such amounts shall be determined by the Town Manager or designee and held in escrow by the Town.

(3) Determinations of architectural significance will be made by the Design Review Board, after public hearing, based on the following requirements.

(a) The building must be deemed to be a representative example of its architectural style. In order to qualify as a representative example, a building must incorporate at least two of the typical characteristics of its architectural style to be deemed to be architecturally significant or, alternatively, must have been designed by an architect well-known for the style in South Florida. Elements of the relevant styles are as follows:

i. Miami Modern.

(A) Use of concrete block or exposed concrete.

(B) Use of asymmetry, acute angles, boomerang shapes, cutouts, pylons, arches, geometric shapes, repetitive motifs or hyperparaboloids.

(C) Use of plate-glass, ribbon, clerestory and canted windows.

(D) The mixture of two or more textured surfaces.

(E) Use of brise-soleils and architectural screen block.

(F) Overhanging roof plates and projecting floor slabs.

(G) Exemplifies a regional style of architecture constructed in the post-war period.

ii. Streamline Modern.

- (A) Building forms that evoke automobiles, trains, ocean liners, and airplanes.
- (B) Massing that reflects abstract, simplified forms with rounded corners devoid of much applied decoration.
- (C) Horizontal compositions, bands of windows, racing stripes, and flat roofs.
- (D) Use of vitrolite, glass block, chrome, stainless steel, and terrazzo.
- (E) "Eyebrow" ledges over the windows, front porches,
- (F) Use of nautical motifs like porthole windows, and bas-relief panels depicting tropical scenes.

iii. Mediterranean Revival.

- (A) Use of bell towers, awnings, porches, balconies, carved stonework.
- (B) Style reflects the architectural influences of the Mediterranean coast: Italian, Byzantine, French, and Moorish themes from southern Spain.
- (C) Application of Spanish baroque decoration to openings, balconies, and cornices.
- (D) Use of arches, parapets, twisted columns, pediments, and other classical details.
- (E) Use of stucco walls, red tile roofs, wrought iron grilles and railings, wood brackets and balconies.
- (F) Use of casement windows.

(b) The building must have not been altered in a manner in that substantially impacts the original building design or obscures the

significant architectural elements in a manner that cannot be reversed without unreasonable expense.

(c) Significant exterior architectural characteristics, features, or details of the building remain intact.

(b) Alterations to Architecturally Significant Buildings. Any alteration proposed for a building on H120 zoned lots determined by the Design Review Board to be architecturally significant will be reviewed by the Town Manager or his designee and the Design Review Board to determine whether:

- i. The proposed alteration or addition does not require demolition or alteration in a manner that would render the building no longer architecturally significant; and
- ii. The proposed alteration or addition is designed in a manner that is compatible with the existing building.

(c) Site Plan review for Architecturally Significant Buildings. Any addition requiring a site plan that is proposed for a building determined by the Design Review Board to be architecturally significant will be reviewed by the Town Manager or designee, the Design Review Board, the Planning and Zoning Board, and the Town Commission to determine whether:

- i. The proposed alteration or addition does not require demolition or alteration in a manner that would render the building no longer architecturally significant; and
- ii. The proposed alteration or addition is designed in a manner that is compatible with the existing building.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 5. Inclusion in the Code. 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. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 7. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND ADOPTED on first reading this __ day of _____, 2016.

PASSED AND ADOPTED on second reading this __ day of _____, 2016.

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION:

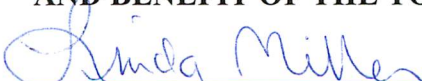
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Linda Miller, Town Attorney



**TOWN OF SURFSIDE
COMMISSION COMMUNICATION**

Agenda Item # 4A2

Agenda Date: November 9, 2016 / December 13, 2016

From: Guillermo Olmedillo, Town Manager

Subject: Amendment to Chapter 54, Division 2 "Noise"

Background: At the September 13, 2016 Town Commission meeting, the Town Commission approved Section 14-32 "Construction schedule and notice" limiting the hours of construction activities which require building permits to the hours between 8:00 am and 6:00 pm Monday through Friday, and prohibiting these activities on Saturdays and Sundays and all federal holidays, subject to a few enumerated exceptions. At the October 13, 2016 Town Commission meeting, the Commission directed the Town Administration to draft an ordinance to make the Town's Noise ordinance sections on construction consistent with the hours in the "Construction schedule and notice" ordinance. The Commission also directed the Town Administration to clarify the process of enforcement, violations, and warnings for noise violations after reviewing a sample ordinance from the City of Miami Beach. This ordinance is not retroactive.

Fiscal Impact- \$30,000 for Code Compliance staffing for enforcement on Saturdays, Sundays and legal holidays

Recommendation: For the Town Commission to pass on first reading amendments to Chapter 54, Division 2 "Noise" to correct inconsistencies and aid enforcement of the Noise ordinance.

ORDINANCE NO. 16 - ____

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 “OFFENSES AND MISCELLANEOUS PROVISIONS” DIVISION 2 “NOISE”; SPECIFICALLY AMENDING SECTION 54-78 “PROHIBITED NOISES”, SPECIFICALLY AMENDING SECTION 54-79 “RESTRICTED NOISES—CLASSIFIED; ENUMERATED”; CREATING SECTION 54-80 “ENFORCEMENT BY CODE COMPLIANCE OFFICER; NOTICE OF VIOLATION; WARNINGS; RESPONSIBILITY TO PROVIDE CURRENT ADDRESS”; CREATING SECTION 54-81 “RESPONSIBILITY FOR COMPLIANCE”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, at the September 13, 2016 Town Commission meeting, the Town Commission approved Section 14-32 “Construction schedule and notice” limiting the hours of construction activities which require building permits to the hours between 8:00 am and 6:00 pm Monday through Friday, and prohibiting these activities on Saturdays and Sundays and all federal holidays, subject to a few enumerated exceptions; and

WHEREAS, for consistency with the “Construction schedule and notice” ordinance, Section 54-78 “Prohibited Noises” and Section 54-79 Restricted Noises-Classified-enumerated” must be amended to reflect the prohibition of these construction activities as listed in Section 14-32; and

WHEREAS, Town Administration finds it in the best interest to amend the Town of Surfside Code of Ordinances to clarify the process of enforcement, violations, and warnings for noise violations; and

WHEREAS, the Town Commission held its first public hearing on November 9, 2016 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on December 13, 2016 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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 Ordinances of the Town of Surfside, Section 54-78 is hereby amended as follows:

Sec. 54-78. Prohibited noises.

The following noises and other noises of the same characteristics, intensity or annoyance shall be prohibited ~~at all times and at all places~~ within the town as follows:

* * *

(9) *Loading, unloading and opening boxes, etc.* The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle, or the opening and destruction of bales, boxes, crates and containers on Saturdays, Sundays, and all Federal Holidays and before 8:00 a.m. and after 6:00 p.m. Monday through Friday; provided, however, that under emergency conditions the town manager may, in his discretion, grant exceptions thereto.

* * *

(14) *Transport of construction worker personnel.* Shall not cause any excessive, unnecessary and avoidable noise and shall be permitted during the hours of 8:00 a.m. to 6:00 p.m. Monday through ~~Saturday~~ Friday and prohibited on Saturdays, Sundays and all Federal Holidays.

* * *

(17) *Vehicles over one-ton cargo capacity.* The operation or idling of any commercial motor vehicle with more than one-ton carrying capacity, as rated by the manufacturer, shall be prohibited on any public street in or abutting the residential zoning districts within the town except such vehicles shall be permitted during the hours of 8:00 a.m. to 6:00 p.m. Monday through Saturday and prohibited on Sundays and all federal holidays.

(18) Noises associated with cargo vehicles used for transporting construction materials and supplies shall not cause any excessive, unnecessary and avoidable noise and shall be permitted during the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday and prohibited on Saturdays, Sundays and all Federal Holidays.

Section 3. Code Amendment. The Code of Ordinances of the Town of Surfside, Section 54-79 is hereby amended as follows:

Sec. 54-79. - Restricted noises—Classified; enumerated.

Noises, other than those enumerated in section 54-78, because of their nature and characteristics, shall be grouped and classified as follows for the purpose of control and

restrictions: Such noises as described herein shall not be permitted on Saturdays, Sundays and all Federal Holidays and shall be prohibited between the hours of 6:00 p.m. to 8:00 a.m. Monday through Saturday Friday.

* * *

Section 4. Code Amendment. Section 54-80 “Enforcement by code compliance officer; notice of violation; warnings; responsibility to provide current address.” of the Surfside Town Code of Ordinances is hereby created and shall read as follows:

Sec. 54-80. - Enforcement by code compliance officer; notice of violation; warnings; responsibility to provide current address.

(a) Warnings.

(1) Oral warnings. If a code compliance officer observes a violation of Chapter 54, Division 2 “Noise” without a complaint having been made, the officer may first issue one oral courtesy warning per day which will be documented in a report and inform the violator that the violator will be subject to penalties if the violation continues.

(2) Written warnings. A code compliance officer shall first issue a written warning to immediately cease the violation prior to issuing a civil violation notice unless one written warning has been issued in the 12 months preceding the date of violation.

Failure to correct the violation within 15 minutes following the issuance of a written or oral warning shall result in the issuance of a civil violation notice.

A code compliance officer shall not issue a written warning, and instead shall issue a civil violation notice, to any person, entity or establishment who:

- a. In any one day has already been issued a written warning as specified herein; or
- b. In any 12-month period has exceeded the warning limits specified herein; or
- c. Is also being cited for an illegal commercial or nonpermitted nonresidential use in a residential zoning district.

(b) Civil Violation Notice. When the code compliance officer observes a violation of Chapter 54, Division 2 “Noise,” the code compliance officer shall issue a civil violation notice to each person and entity identified in Section 54-81. A courtesy copy of the violation shall be provided to an employee or representative conducting business on the premises. The code compliance officer shall inform the violator to immediately cease the violation. The notice shall be provided pursuant to Section 15-10 of the Town Code.

(c) Appeal. Pursuant to Section 15-12 of the Town Code, an appeal of the civil violation notice shall be accomplished by filing a request in writing setting forth the specific grounds of fact and in law for the appeal, at the address indicated on the civil violation notice, not later than 20 calendar days after the service of the civil violation notice.

(d) Responsibility to provide current address. The party of whom the civil violation notice has been issued shall have a responsibility to provide the current name and address of the person owning or having responsibility for management of the premises.

Section 5. Code Amendment. Section 54-81 “Responsibility for compliance” of the Surfside Town Code of Ordinances is hereby created and shall read as follows:

Sec. 54-81. - Responsibility for compliance.

For purposes of Chapter 54, Division 2 “Noise,” any person owning or having responsibility for management of the premises, however temporarily, any performer or disc jockey producing sound upon any premises, any person playing music, any person having control of volume knobs or levels or amplification devices, and the business as named on the occupational license, if applicable, shall be jointly and severally liable for compliance and shall be responsible for the violation.

Section 6. 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 7. 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 8. 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 9. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND ADOPTED on first reading this __ day of _____, 2016.

PASSED AND ADOPTED on second reading this __ day of _____, 2016.

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION:

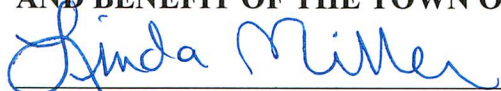
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Linda Miller, Town Attorney



Town of Surfside Commission Communication

Agenda Item: 4A3

Agenda Date: November 9, 2016

Subject: Amendment to Sec. 14-29 of the Code of the Town of Surfside

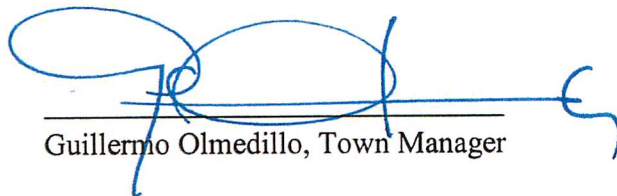
Background: Section 14-29 establishes the amount of fees to be paid by the applicant when filing an application for a building permit.

Analysis: Presently the developer's representative fills out an application indicating an estimated cost of construction. Leaving that estimate to the applicant without a standard causes a wide variation in that calculation. It is necessary to establish a base amount that will allow both the Town and the applicant to have a degree of certainty in the amount of fees. Also, with the provision of auditing final costs after the conclusion of the construction activity, the exact cost of construction can be determined.

Budget Impact: This amendment will result in an increase to the fees collected from building permit fees. The impact depends on the building permit activity for each year.

Staff Impact: No additional impact on staff.

Recommendation: Approval of the amendment by the Town Commission.



Guillermo Olmedillo, Town Manager

ORDINANCE NO. 16 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS”; SPECIFICALLY AMENDING SECTION 14-29. “PERMIT FEES” TO PROVIDE FOR A CONSISTENT CALCULATION FOR THE COST OF CONSTRUCTION FOR PERMIT FEES AND FOR THE RIGHT OF THE TOWN OF SURFSIDE TO CONDUCT AN AUDIT OF THE CONSTRUCTION COSTS AT THE CONCLUSION OF CONSTRUCTION; 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 Commission finds it is in the best interest of the Town to promote clarification and consistency by calculating the cost of construction using set values per square foot for building permit fees in the Town of Surfside; and

WHEREAS, the Town Administration has determined based on research that the amount of \$250 per square foot is considered an average cost of construction for multi-family and commercial developments; and

WHEREAS, the Town Administration has determined based on research that the amount of \$150 per square foot is considered an average cost of construction for single family homes; and

WHEREAS, establishing a base amount for the cost of construction will allow the Town and the Applicant to have a degree of certainty for the amount of permit fees; and

WHEREAS, the Town recognizes that renovations and minor projects which do not meet the substantial improvement criteria as defined in the Florida Building Code shall be excluded from the cost of construction calculation requirements and from Town audits of construction costs at the conclusion of construction as stated herein; and

WHEREAS, the Town Commission held its first public hearing on November 9, 2016 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on December 13, 2016 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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

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

Sec. 14-29. - Permit fees.

For all buildings, structures, additions and alterations requiring a building permit as called for in Section 105 of the Florida Building Code, a fee for each building permit shall be paid as required, in accordance with the following fee schedule:

- (1) The minimum fee for any one permit shall be \$80.00.
- (2) For all construction activity where the construction costs are greater than \$1,000.00 but less than \$1,250,000.00, the fee shall be \$80.00 plus 2.3 percent of the cost of construction.
- (3) For all construction activity where the construction costs are \$1,250,000.00 or more, but less than \$3,000,000, the fee shall be calculated as in (1) + (2) plus 1.6 percent of the cost of construction from \$1,250,000.00 up to \$3,000,000.00.
- (4) For all construction activity where the construction costs are \$3,000,000.00 or greater, the fee shall be calculated as in (1) + (2) + (3) plus 1.3 percent of the cost of construction greater than \$3,000,000.00.
- (5) Electrical, mechanical and plumbing permit fees shall be calculated in accordance with (1) through (4) above, except that when such electrical, mechanical or plumbing permit is a sub-permit to a master permit, the fee for the sub-permit shall be \$80.00 provided the cost of the electrical, mechanical or plumbing work is included in the overall cost of construction included in the master permit.
- (6) For purposes of this Section, the cost of construction is calculated as no less than \$250 per gross square foot for multi-family and commercial developments and no less than \$150 per gross square foot for single family homes for new construction or substantial improvements as defined in the Florida Building Code.
- (7) The Town reserves the right to conduct an audit of the construction costs for new construction or substantial improvements as defined in the Florida Building Code at the conclusion of the construction, based on a determination by the Building Official that the valuation is underestimated on the application. If a discrepancy is found, the applicant shall pay the difference in the building permit fee, if any, prior to issuance of the Temporary Certificate of Occupancy. Applicant may provide evidence of final cost of construction and the Town will adjust the fee accordingly.

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 upon adoption on second reading.

PASSED and **ADOPTED** on first reading this _____ day of _____, 2016.

PASSED and **ADOPTED** on second reading this _____ day of _____, 2016.

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION:

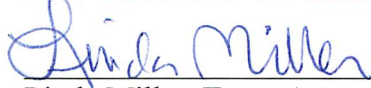
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Linda Miller, Town Attorney



**TOWN OF SURFSIDE
COMMISSION COMMUNICATION**

Agenda Item: # 4A4

Date: December 13, 2016

From: Guillermo Olmedillo, Town Manager

Linda Miller, Town Attorney

Sandra Novoa, MMC, Town Clerk

**Subject: Amending Article VI. - "Rules Of Procedure For Town Meetings"
Specifically Amending Sections 2-201, 2-202, 2-203, 2-204, 2-205, 2-206,
2-207, 2-208 and 2-209**

Background: At the November 9, 2016 Town Commission Meeting, the Town Commission approved on first reading the attached ordinance with the following amendments:

1. Amend Section 2-204 *Rule 5.01 Continuing Committees, Sub-committees and Ad Hoc Committees* to add the following language:

All appointments are at the will of the appointing member of the town commission and may be removed at any time by the appointing member of the town commission;

2. Amend Rule 5.01(3)g. *Attendance:* change the word from "will automatically" to "may":

In the event that a committee member fails to attend three (3) regularly scheduled meetings in any one calendar year, the committee member may be removed from the committee.

3. Amend Rule 5.01(3)h. *Appointments, Vacancies and Resignations* to add the language "or be removed":

(2) Should any appointee resign or be removed during the term of the committee, sub-committee or ad hoc committee, the appointing commissioner may select another appointee in accordance with the procedure...;

4. Amend Rule 5.01(3)o. *Records* to add the following language:

- Minutes of all committee meetings shall be prepared by the town administration and shall be available for public inspection.
- The secretary of a committee, sub-committee or ad hoc committee shall prepare a final report to be submitted to the town clerk which

shall be presented at a regular town commission meeting.

5. Amend Section 2-204 *Rule 5.02(2) Town Commission Liaison; Appointment and Definition* to include the following language:

The liaison's role is limited to responding to questions posed by members of the board, committee or sub-committee to which the liaison serves. All remarks from the liaison shall be addressed to the chair who serves as the presiding officer.

6. Replace the proposed Rule 6.03 "*Participation by physically absent member of the Town Commission, Town Board or Committee*" with the following language:

Rule 6.03 Participation by Physically Absent Member of the Town Commission, Town Board or Committee not permitted. A Member of the Town Commission, Town Board or Committee is not permitted to participate and/or vote telephonically and/or by interactive video.

7. Amend Section 2-206. - Public participation. *Rule 7.03 Registration of speakers:* change the word from "may" to "shall":

- Registration of speakers shall be required

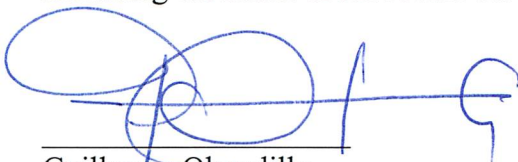
8. Amend Section 2-207. - Rules of debate *Rule 8.01 Rules of debate* to clarify the motion to adjourn and a motion to lay on the table are the two motions that shall be decided without debate:

These motions shall have preference in the order in which they are mentioned. and the first two (2) A motion to adjourn and a motion to lay on the table shall be decided without debate.

Budget/Staff Impact: Add the new position of Deputy Clerk to provide assistance and support to Town Boards, Committees and Sub-committees by assisting with meeting attendance, meeting recording and preparation of minutes. In addition, the Deputy Clerk will support the Town Clerk with other duties such as: monthly Regular Commission meeting agenda preparation, Public Records Requests, Records Management and other duties as assigned. This will have the following budget impact:

Salary:	\$52,000.00
Fringe Benefits:	<u>\$17,312.88</u>
Total amount:	\$69,312.88 per year

Recommendation: For the Town Commission to approve and adopt the attached ordinance amending the Rules of Procedure for Town meetings on second reading.



Guillermo Olmedillo
Town Manager



Donald Nelson
Finance Director

ORDINANCE NO. 16 - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VI. - "RULES OF PROCEDURE FOR TOWN MEETINGS"; SPECIFICALLY AMENDING SECTIONS 2-201, 2-202, 2-203, 2-204, 2-205, 2-206, 2-207, 2-208 AND 2-209; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 20 of the Town of Surfside Charter provides that the Town Commission of the Town of Surfside shall fix its rules of procedure; and

WHEREAS, the Town desires to amend Article VI. – "Rules of Procedure for Town Meetings;" and

WHEREAS, the ordinance amends Section 2-201. - Rules of procedure for the Town Commission to include rules of procedure for Town boards and committees; and

WHEREAS, the amendments to the ordinance do not conflict with the provisions in Section 2-151 Personnel Appeals Board Section, 2-185 Pension Board, Section 70-124 Resort Tax Board or Sections 90-15, 90-16, 90-17, 90-18 of the Zoning Code for Planning and Zoning and Design Review Board members; and

WHEREAS, the ordinance amends Section 2-204 to distinguish continuing committees, sub-committees and ad hoc committees and includes specific procedures for committees; and

WHEREAS, the ordinance provides for rules for submission of electronic files; and

WHEREAS, the ordinance provides for a definition of liaison; and

WHEREAS, the ordinance provides for correction of a few minor scrivener's errors; and

WHEREAS, the Town Commission held its first public reading on November 9, 2016 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on December 13, 2016 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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

Section 2. Town Code Amended. Article VI. – “Rules of Procedure for Town Meetings” of the Surfside Town Code of Ordinances are hereby amended and shall read as follows:

ARTICLE VI. - RULES OF PROCEDURE FOR TOWN MEETINGS

Sec. 2-201. - Rules of procedure for the town commission and town boards and committees.

Rule 2.01 Governing rules; amendment. Except as may be provided in the Chapter, the Town of Surfside Code, Florida laws or by these rules as set forth in this ordinance, questions of order, the methods of organization and the conduct of business of the town ~~Commission and town boards and committees~~ and to the extent there is no conflict, the town ~~Commission, and town boards and committees~~ shall be governed by Mason’s Manual of Legislative Procedure (2010 ~~1953~~ Edition). Once enacted, and except as already amended by the provisions contained herein, these rules may be amended by two-thirds vote of the entire town commission.

Sec. 2-202. - Officers.

Rule 3.01 Presiding officer. The mayor, ~~or a member of the commission designated by the mayor,~~ shall preside at all meetings of the town commission at which he or she is present. In the absence of the ~~presiding officer~~ mayor, the vice mayor shall act as mayor. ~~In the absence of both the mayor and vice mayor,~~ the town commission shall select one of its members as a temporary presiding officer. The presiding officer shall preserve strict order and decorum at all meetings of the commission. A majority vote of the members present shall govern and conclusively determine all questions of order not otherwise covered. The presiding officer has the power, among other things, to recognize a speaker, secure and retain the floor for the speaker and keep order during the time the floor is taken subject to Mason’s Rules and to the rules contained in this article.

Rule 3.02 Clerk. The town clerk shall act as clerk of the commission. The clerk of the commission shall call the roll, prepare the minutes and shall be custodian of the records and shall certify all ordinances and resolutions adopted by the commission, and perform such other duties as required by the Town Charter.

Rule 3.03 Town attorney. The town attorney, or such member of the office of the town attorney as may be designated, shall be available to the commission at all meetings: the town attorney shall act as parliamentarian, and shall advise and assist the presiding officer in matters of parliamentary law.

Rule 3.04 Sergeant-at-arms. The town police chief, or such other town official or employee as the chief may designate, shall be the sergeant-at-arms of the town commission meeting, at the request of the presiding officer or the town manager. The sergeant-at-arms shall carry out all orders and instructions given by the presiding officer or the town manager for the purpose of maintaining order and decorum at the meetings.

Sec. 2-203. - Meetings.

Rule 4.01 Regular Meetings.

- (a) The commission shall hold regular meetings in accordance with its Charter or, if the Charter provision is amended, in accordance with an ordinance duly adopted by the commission, as may be amended from time to time.
 - (1) All regular and zoning meetings shall be held irrespective of whether or not any particular commission member (including the Mayor) may be able to attend unless otherwise agreed by a majority of the commission. Such meetings shall be held in the commission chambers at 9293 Harding Avenue, Surfside, Florida 33154, or such location as may be approved by a majority of the commission members present and shall be open to the public and all news media.
 - (2) Regular meetings may be otherwise postponed or canceled by resolution or motion adopted at a regular meeting by a majority of the commission members present.
 - (3) No meeting shall continue beyond 11:00 p.m. unless by a vote of the majority of the members of the commission present, the commission agrees to extend the meeting beyond this time.
 - (4) Workshops may be scheduled at the request of the town manager, the town attorney or a majority of the commission at any time, provided appropriate notice is given.
- (b) Zoning matters shall be scheduled as part of regular town commission meetings unless otherwise decided by the commission.
- (c) The second reading (public hearing) of the annual budget ordinance or resolution shall be considered at a meeting at which the said budget ordinance or resolution and the levy of the millage are the only items on the agenda.

Rule 4.02 Special meetings; emergency meetings.

- (a) Special meetings. A special meeting of the commission may be called by a majority of the members of the town commission or the town manager. ~~Whenever a special meeting is called, a notice in writing signed by such majority shall be served upon the clerk.~~ The clerk shall forthwith serve either verbal or written notice upon each member of the commission stating the date, hour and place of the meeting and the purpose for which such meeting is called; and no other business shall be transacted at that meeting. At least twenty-four (24) hours notice must elapse between the time the clerk receives notice in writing and the time the meeting is to be held.
- (b) Emergency meetings. An emergency meeting of the town commission may be called by the mayor in accordance with prescriptions of the town charter whenever in his or her opinion an emergency exists that requires immediate action by the commission. Whenever such emergency meeting is called, the mayor shall notify the clerk who shall forthwith serve either verbal or written notice upon each member of the commission, stating the date, hour and place of the meeting and the purpose for which it is called, and no other business shall be transacted at that meeting. At least 24 hours shall elapse

between the time the clerk receives notice of the meeting and the time the meeting is to be held.

- (c) If after reasonable diligence, it is impossible to give notice to each commissioner, such failure shall not affect the legality of the meeting if a quorum is present. The minutes of each special or emergency meeting shall show the manner and method by which notice of such special or emergency meeting was given to each member of the commission, or shall show a waiver of notice. All special or emergency meetings shall be open to the public and shall be held and conducted in the Commission Chambers, Town Hall, 9293 Harding Avenue, Surfside, Florida 33154, or other suitable location within the Town of Surfside, Florida. Minutes thereof shall be kept by the town clerk.
- (d) No special or emergency meeting shall be held unless notice thereof is given in compliance with the provisions of this rule, or notice thereof is waived by a majority of the entire membership of the commission and in accordance with the town charter.

Rule 4.03 Electronic Files presented at Public Meetings. Electronic files to be presented at public meetings in the Town of Surfside must be provided to the town clerk by noon on the business day prior to the scheduled meeting.

Sec. 2-204. - Committees, Sub-committees and Ad Hoc Committees.

Rule 5.01 Continuing Committees, Sub-committees and Ad Hoc Committees.

There may ~~be such standing~~ continuing committees, sub-committees and ad hoc committees of the town commission created by resolution as the town commission deems necessary to conduct the business of the town appropriately and in accordance with the town charter. Such committees shall be governed by these rules of procedure and ~~if advisory,~~ shall be subject to the Florida sunshine and public records laws. Each member of the town commission shall appoint one (1) member to each committee. All appointments are at the will of the appointing member of the town commission and may be removed at any time by the appointing member of the town commission. Members of committees shall be appointed to serve until the expiration of the committee or to the end of the appointing member of the town commission's term.

- (1) Continuing Committees and Sub-committee Committees. Continuing committees and sub-committees shall exist until abolished by the town commission or shall have a sunset provision.
- (2) Ad Hoc Committees. The expiration date for each ad hoc committee shall be designated at the time of formation, or the ad hoc committee shall expire when the ad hoc committee reports to the commission that its designated goal or goals have been accomplished.
- (3) All continuing committees, sub-committees and ad hoc committees shall abide by the following procedures:

- a. Mission Statement. A mission statement shall be developed by the town commission.
- b. Public Meetings. All meetings and business of any committee, sub-committee or ad hoc committee shall comply with the Florida Statutes including that all committee meetings shall be open to the public at all times, noticed, and minutes of the meetings shall be taken and retained in the office of the town clerk. All committee members shall be subject to the State of Florida, Miami-Dade County and Town of Surfside Conflict of Interest and Code of Ethics Ordinance.
- c. Agenda. The Committee chairperson shall prepare the agenda for the committee meeting. In the chairperson's absence, the vice chairperson shall prepare the agenda. Any committee member may propose additional agenda items at any time. Items proposed after the agenda is distributed may only be heard under "New Business" and upon an affirmative vote of the majority of the committee. Each agenda shall also include a section for public comment.
- d. Public Appearances and Requests. Any person may appear before any committee during the public comment portion of the meeting.
- e. Quorum. A quorum shall be fifty percent (50%) plus one of the committee members. Provided there is a quorum, a majority of those present and voting shall be required to adopt any motion or take any action.
- f. Voting. Each committee member shall be entitled to one (1) vote. The committee shall act as a body in making its decisions. No committee member present at a meeting may abstain from voting unless the committee member possesses a conflict of interest, as provided in either the Florida Statutes or the Miami-Dade County Code of Ethics.
- g. Attendance. In the event that a committee member fails to attend three (3) regularly scheduled meetings in any one calendar year, the committee member may be removed from the committee and the town commission will be notified of the vacancy.
- h. Appointments, Vacancies and Resignations. Each person appointed to a committee, sub-committee or ad hoc committee shall be appointed by the town commission in the following manner:
 - (1) The mayor and each member of the town commission shall appoint one member to each committee.
 - (2) Should any appointee resign or be removed during the term of the committee, sub-committee or ad hoc committee, the appointing commissioner may select another appointee in accordance with the procedure outlined as follows:

Upon notification of the vacancy, the town clerk shall notify the town commission, in writing. The town commission shall establish a deadline for the submission of letters of interest to serve on the committee at a commission meeting.

- (i) Any person who wishes to serve on a committee and who meets the qualifications of office as set forth in the resolution creating or re-authorizing the committee, shall submit his or her name together with a letter of interest to the town clerk by the deadline established by the town commission. Thereafter, the town clerk shall provide the town commission with the names and letters of interest.
 - (ii) Nominations and appointments to fill the vacancy shall be made at a town commission meeting. Appointments to fill a mid-term vacancy shall only be made for the remainder of the term of the committee member being replaced.
- i. Reappointment. Committee, sub-committee or ad hoc committee members shall be eligible for reappointment and shall hold office until their successors have been duly appointed and qualified.
- j. Residency Requirement. Committee, sub-committee or ad hoc committee members shall be registered qualified electors of Miami-Dade County, Florida, whose legal residence is in the Town of Surfside.
- k. Compensation. All committee, sub-committee or ad hoc committee members shall serve without compensation and shall not otherwise obtain direct or indirect financial gain from their service on a committee.
- l. Oath Requirement. All committee, sub-committee or ad hoc committee members shall be required to subscribe to an oath or affirmation to be administered by and filed with the town clerk, swearing to support, protect and defend the Constitution and laws of the United States and of the State of Florida, the Charter and all ordinances of the Town of Surfside and Miami-Dade County, and in all respects to faithfully discharge their duties.
- m. Financial Disclosure Requirement/Standards of Conduct. If required by law, committee members shall file appropriate annual financial disclosure forms. All committee members shall be subject to the Standards of Conduct for Public Officers and Employees set by federal, state, county or other applicable ethics or conflicts of interest laws.
- n. Officers and Elections. Except as provided otherwise in the resolution creating or re-authorizing a committee, each committee shall elect a chairperson, vice-chairperson and secretary at the first committee meeting.

- o. *Records.* Minutes of all committee meetings shall be prepared by the town administration and shall be available for public inspection. The minutes shall be forwarded to each committee member for review and shall be approved by the committee at a public meeting. Once approved, the meeting minutes shall be forwarded to the town clerk for filing. Attendance and absences must be recorded and submitted to the town clerk along with the minutes. The secretary of a committee, sub-committee or ad hoc committee shall prepare a final report to be submitted to the town clerk which shall be presented at a regular town commission meeting.

Rule 5.02 Town Commission Liaison; Appointment and Definition.

- (1) *Appointment:* The mayor shall designate and appoint one member of the town commission as the liaison to each board, committee and subcommittee of the town commission.
- (2) *Definition:* The town commission liaison is defined as a nonvoting member of a board, committee or sub-committee who communicates the activities of the board, committee or subcommittee to the town commission. The liaison's role is limited to responding to questions posed by members of the board, committee or sub-committee to which the liaison serves. All remarks from the liaison shall be addressed to the chair who serves as the presiding officer.

Sec. 2-205. - Conduct of meetings; agenda.

Rule 6.01 Call to order. Promptly at the hour set for each meeting, the mayor and the members of the town commission, the town attorney, the town manager and the town clerk shall take their regular stations in the commission chambers. The presiding officer shall take the chair and shall call the town commission to order immediately. In the absence of the presiding officer, the town clerk shall then determine whether a quorum is present and in that event shall call for the election of a temporary presiding officer. Upon the arrival of the presiding officer, the temporary presiding officer shall relinquish the chair upon the conclusion of the business immediately before the Commission.

Rule 6.02 Roll call. The town clerk shall call the roll of the members, and the names of those present shall be entered in the minutes. In the event the roll call reflects the absence of any member on official town business that fact shall be noted in the minutes. Any town commissioner who intends to be absent from ~~any~~ town commission meeting shall notify the town clerk ~~of the board~~ of the intended absence as soon as convenient.

Rule 6.03 Participation by Physically Absent Member of the Town Commission, Town Board or Committee not permitted. A Member of the Town Commission, Town Board or Committee is not permitted to participate and/or vote telephonically and/or by interactive video.

Rule 6.034 Quorum. A majority of the members of the town commissioners then in office shall constitute a quorum. No ordinance, resolution or motion shall be adopted by the town commission without the affirmative vote of the majority of all the members present.

Rule 6.045 Failure to attain a quorum. Should no quorum attend within ~~30~~ 15 minutes after the hour appointed for the meeting of the commission, the presiding officer or the town clerk may adjourn the meeting ~~until another hour or day unless by unanimous agreement, those members present select another time.~~ The names of the members present and their action at such meeting shall be recorded in the minutes by the town clerk.

Rule 6.056 Agenda.

- (a) *Order of business.* There shall be an official agenda for every meeting of the commission which shall determine the order of business conducted at the meeting. The order of business shall be as follows: (1) call to order/roll call of members, pledge of allegiance, ~~approval of minutes,~~ agenda/order of business (additions/deletions), special presentations, (2) quasi-judicial hearings (3) consent agenda at the pleasure of the commission, approval of minutes, town manager, town attorney reports (4) ordinances ~~and public hearings, which shall be held at a specially scheduled time, if the notice so states,~~ (5) resolutions (6) good and welfare shall be heard at a time certain: at 8:15 p.m. ~~—9:15 p.m. (7) town manager and town attorney reports, if any~~ (8) unfinished business and new business (9) mayor, and town commission ~~communications~~ and staff communications.
- (1) Items shall be considered in the order in which they are placed on the agenda unless a majority of the commissioners determines to deviate from the printed agenda.
- (2) The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda. ~~for discussion and debate.~~ In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, members of the town commission ~~members~~ shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence. The rules of section 2-207(e) as set forth hereinbelow shall be observed during this portion of the Agenda.
- (3) The town commission shall not take action upon any matter, proposal, or item of business which is not listed upon the official agenda, unless it is approved at the meeting by a majority of the entire commission, which shall have first consented to the matter for consideration. No ordinance, resolution or other matter listed on the agenda for public hearing or the vote thereon may be deferred until a later time unless a majority of the entire town commission shall vote in favor of such deferral.
- (b) *Authority to place items on agenda.* Matters may be placed on the agenda by any member of the town commissioner, the town manager, the town attorney and the town clerk ~~of the commission.~~

- (c) *Approval of minutes.* All minutes shall be summary in nature ~~and verbatim.~~ A copy of such completed minutes shall, ~~upon completion by the clerk, be delivered to the town manager placed on a regular agenda and town attorney.~~ the minutes of prior meetings may only be approved by a majority of the members of the town commissioners ~~present at a meeting of the commission,~~ and upon such approval shall become the official minutes.

Rule 6.067 Ordinances, resolutions, motions, contracts.

- (a) *Preparation and enactment of ordinances.* The town attorney shall prepare ordinances and resolutions. Ordinances may be introduced, listed by title and shall be read by title only before consideration by the town commission on first reading. At public hearing, each ordinance shall be voted on individually by a call of the roll. Only resolutions and motions may be enacted by voice vote calling for “ayes” or “no” on the question.
- (b) *Approval by town attorney.* All ordinances, resolutions and contract documents, before presentation to the town commission, shall have been reduced to writing and shall have been approved to form and legality by the town attorney. ~~Prior to presentation all such documents may be referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution or contract document would devolve.~~
- (c) *Introduction and sponsorship.* Ordinances, resolutions and other matters and subjects requiring action by the town commission may be introduced and sponsored by the mayor or any a member of the town commission, except that either the town manager, ~~or~~ the town attorney or town clerk may present ordinances, resolutions and other matters or subjects to the town commission for consideration, and any commissioner may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted in accordance with law; otherwise they shall not be considered.
- (d) *Sunset.* There is no requirement for any ordinance to contain a sunset provision.
- (e) *Zoning exception.* The provisions of this Rule 6.06 shall not be applicable to zoning resolutions which shall be governed exclusively by the Zoning Code ~~and applicable easelaw interpreting same.~~
- (f) *No commission jurisdiction.* Prior to the commission's considering any resolution over which the commission does not have substantive jurisdiction, including resolutions expressing the commission's intent or opinion, a preliminary vote shall be taken to determine whether it is appropriate for the commission to consider such resolution. Unless the commission, by a two-thirds vote of the members present, agrees to consider the resolution, the resolution shall be deemed to have failed. If the commission agrees to consider the resolution, the resolution shall be heard after all other resolutions sponsored by commissioners have been addressed by the commission. If the commission decides to discuss such resolution, the resolution shall require a two-thirds affirmative vote of the commissioners present in order to be passed. The provisions of this ordinance shall not apply to resolutions relating to state or federal legislative priorities.

Rule 6.078 Statement of fiscal impact required for ordinances; exceptions. Prior to the second reading of any ordinance, the town manager shall prepare a written statement setting forth the fiscal impact, if any, of the proposed ordinance. No ordinance shall be considered on second reading if the statement of fiscal impact is not submitted with the ordinance as part of the agenda. The provisions of this rule shall not apply to any emergency ordinance or any budget ordinance or resolution.

Rule 6.089 Limitation on agenda items. No commissioner shall sponsor or cosponsor a total of more than three ordinances for first reading and three resolutions at any commission meeting. This provision shall not be applied to ordinances or resolutions which are intended to correct scrivener's errors.

Sec. 2-206. - Public participation.

Rule 7.01 Persons authorized on the dais. No person, except town officers or their representatives, shall be permitted on the dais unless authorized by the presiding officer or a majority of the town commission.

Rule 7.02. Citizens presentations; public hearings.

- (a) *Citizens' presentations.* Any citizen shall be entitled to be placed on the official agenda of a regular meeting of the town commission and be heard concerning any matter within the scope of the jurisdiction of the town commission. Only members of the town commissioners and the town manager may place a citizen on the official agenda.
- (b) *Public hearings.* Any citizen shall be entitled to speak on any matter appearing on the official agenda under the section "public hearings."
- (c) *Public discussion on agenda items.* No citizen shall be entitled ~~as a matter of right~~ to address the town commission on any matter listed on or added to the official agenda which is not scheduled for public hearing, discussion or debate. When the town commission considers an agenda item that is not a public hearing and on which the public comment is either unanimously in favor or unanimously against the item's passage, input from members of the public shall be limited to no more than three five minutes on any given item-, unless an extension is granted by a majority of the members of the town commission.

Rule 7.03 Registration of speakers.

- (a) Registration of speakers ~~may~~ shall be required. ~~if requested by the clerk and provided~~ The town clerk shall prepare appropriate registration cards. The cards shall require include a place for the speaker to provide his/her name, address, and the agenda item on which he or she is speaking if registration is required on a particular agenda item, failure to comply with the registration provisions of this paragraph shall prohibit a person from speaking.

- (b) For any single (1) agenda item, and except for zoning, no more than one-half hour per side shall be allocated to speakers from the public. The presiding officer shall limit the time of each individual speaker in order to insure compliance with this rule.

Rule 7.04 Addressing commission, manner, time. Each person, other than salaried members of the town staff, who addresses the town commission shall step up to a podium and shall give the following information in an audible tone of voice for the minutes:

- (a) Name;
- (b) Address;
- (c) Whether the person speaks on his or her own behalf, a group of persons, or a third party; if the person represents an organization, the person shall also indicate the number of members in the organization, the annual dues paid by the members, the date of the most recent meeting of the organization's board or governing council, and whether the view expressed by the speaker represents an established policy of the organization approved by the board or governing council, if requested; if the person is speaking on behalf of a group, s/he shall be required to register as a lobbyist if required by that ordinance and shall state for the record: (i) Compensation, if any, (ii) whether the person or any immediate family member has a personal financial interest in the pending matter, other than as set forth in (i) if requested.

Unless further time is granted by the town commission and with the sole exception of zoning items which shall not have a prescribed time limit unless imposed by the chair in accordance with the advice of the town attorney, the statement shall be limited to the times prescribed herein. All remarks shall be addressed to the town commission as a body and not to any member thereof. No person, other than the mayor, and members of the town commissioners and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the commission, without the permission of the presiding officer. No question shall be asked of any member of the -a town commissioner except through the presiding officer.

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the town commission shall be barred from further appearance before the town commission by the presiding officer, unless permission to continue or again address the town commission is granted by the majority vote of the town commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the town commission chambers by the presiding officer. Persons exiting the town commission chambers shall do so quietly.

Sec. 2-207. - Rules of debate

Rule 8.01 Rules of debate.

- (a) Questions under consideration. When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to lay on the table, to postpone, or to amend until the question is decided. These motions shall have preference in the order in which they are mentioned. and the first two (2) A

motion to adjourn and a motion to lay on the table shall be decided without debate. Final action upon a pending motion may be deferred until a date certain by a majority of the members present. On any agenda item, in order for debate to ensue, the presiding officer shall call for a motion to accept the matter at hand, whether it is an ordinance, resolution, motion, etc., for "discussion purposes only" and upon receipt of a second to that motion, debate may begin. When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to lay on the table, (to lay the pending question aside temporarily when something else of immediate urgency has arisen), to postpone, or to amend the motion until the question is decided. These motions shall have preference in the order in which they are mentioned and the first two shall be decided without debate. Final action upon a pending motion may be deferred until a date certain by a majority of the members present. If, after debate, the motion requires amendment, then the commissioner making a motion shall state as follows: "I move we adopt Ordinance (resolution) as read" ["as amended" by Commissioner _____]. The town attorney or the town clerk may request and/or assist with a restatement of the motion for the record. The commissioner seconding said motion shall say "I second the motion ["as amended"]."

- (b) *As to the presiding officer.* The mayor, as presiding officer, shall not move or second an item of debate. The presiding officer, however, upon relinquishing the chair, may move or second an item, vote, subject only to such limitations as are by these rules imposed upon all members.
- (c) *Getting the floor, improper references to be avoided.* Every member desiring to speak for any purpose shall address the presiding officer, and upon recognition, shall be confined to the question under debate avoiding all personalities and indecorous language.
- (d) *Interruption; call to order; appeal a ruling of the chair.* A member once recognized shall not be interrupted when speaking unless it is a call to order or as herein otherwise provided. If a member be called to order, the member shall cease speaking until the question of order is determined by the presiding officer, and if in order, the member shall be permitted to proceed. Any member may appeal to the town commission from the decision of the presiding officer upon a question of order when, without debate, the presiding officer shall submit to the town commission the question, "Shall the decision of the chair be sustained?" and the town commission shall decide by a majority vote.
- (e) *Time limit for debate.* Debate on any motion pertaining to an item on the consent agenda shall be limited to three minutes. After three minutes of debate the item shall be removed from the consent agenda, if any, and placed on the regular town commission agenda. The discussion by the town commissioners on any one item shall not exceed one-half hour or unless an extension is granted by a majority of votes of the town commission.
- (f) *Privilege of closing debate.* Any town commission member (including the presiding officer) shall have the privilege of closing the debate by making a motion to that effect and provided it is affirmed by vote of a majority of the town commissioners present.
- (g) *Method of voting.* After the debate is closed, and/or the motion is restated if necessary, the presiding officer shall call for a vote on the motion. Voting shall be by roll call or voice vote, or paper ballot (at the decision of the majority of the commission in certain

circumstances) depending on whether the ballot is on an ordinance or resolution or motion. Ordinances require a roll call vote by calling the names of the members of the town commissioners alphabetically by surname, except that the names shall be rotated after each roll call vote, if requested, so that the commissioner who voted first on a preceding roll call shall vote last upon the next subsequent matter; provided, however, that the presiding officer, if a member of the town commission, shall always cast the last vote.

The town clerk shall call the roll, tabulate the votes, and announce the results. The vote upon any resolution, motion or other matter may be by voice vote as previously noted, provided that the presiding officer or any commissioner may require a roll call to be taken upon any resolution or motion.

- (h) *Explanation of vote; conflicts of interest.* There shall be no discussion by any town commissioner voting, and the town commissioner shall vote yes or no. Any town commissioner, upon voting, may give a brief statement to explain his or her vote. A town commissioner shall have the privilege of filing with the clerk a written explanation of his or her vote. Any town commissioner with a conflict of interest on a particular matter shall refrain from voting or otherwise participating in the proceedings related to that matter and must ~~may~~ leave the commission chambers until the consideration of that matter is concluded. ~~Any such commissioner who does not leave the chambers shall be deemed absent for purposes of constituting a quorum, counting the vote, or for any other purpose.~~
- (i) *Tie votes.* Whenever action cannot be taken because the vote of the town commissioners has resulted in a tie, the status quo shall continue in effect and the proposed ordinance, resolution or motion that produced the tie vote shall be removed from the agenda without prejudice to its reintroduction on a de novo basis at a later time; provided that in zoning and other quasi-judicial matters when action on a resolution results in a tie vote, such resolution shall be carried over to the next regularly scheduled meeting for the consideration of such quasi-judicial matters unless the town ~~C~~commission designates a different time for such reconsideration.
- (j) *Vote change.* Any town commissioner may change his or her vote before the next item is called for consideration, or before a recess or adjournment is called, whichever occurs first, but not thereafter. In this case, the town clerk shall call back the vote and verify the outcome for the presiding officer.
- (k) *No motion or second.* If an agenda item fails to receive a motion or second, it shall be removed from the agenda and shall be reintroduced only in accordance with the renewal provisions of Rule 8.01(m).
- (l) *Reconsideration.* An action of the town ~~C~~commission may be reconsidered only at the same meeting at which the action was taken, or, if not, at the next meeting thereafter a motion to reconsider may be made only by a town ~~C~~commissioner who voted on the prevailing side of the question and must be concurred in by a majority of those present at the meeting. A motion to reconsider shall not be considered unless at least the same number of town ~~C~~commissioners is present as participated in the original vote, or upon

affirmative vote of two-thirds of those commissioners present. Adoption of a motion to reconsider shall rescind the action reconsidered.

- (m) *Renewal*. Once action is taken on a proposed ordinance or resolution neither the same matter nor its repeal or rescission may be brought before the town ~~commissioner~~ again for a three-month period following the said action unless application for renewal by three commissioners is first submitted to the presiding officer. Should an ordinance or resolution be proposed that raises the same previously resolved matter, or its repeal or rescission, in different or modified form during the three-month period, the presiding officer may declare the proposal out of order.
- (n) *Adjournment*. A motion to adjourn shall always be in order and decided without debate.
- (o) *Suspension of the rules*. No rule of procedure adopted by the town commission ~~this board~~ shall be suspended except by an affirmative vote of two-thirds of the members of the town commissioners present.

Sec. 2-208. - Additional ordinances ~~proscribing~~ prescribing town commission procedure.

Rule 9.01 Representation of Town of Surfside. Whenever the town commission deems it necessary or desirable that the town commission shall be represented at meetings, conferences or other occasions involving other governmental entities, agencies, officials or groups, or non-governmental organizations, or departments, agencies or officials of the town government, the presiding officer may designate members of the town commission to represent the Town commission at such meetings, conferences or other occasions, with the consent of the designee. A majority of the members of the town commissioners then present may disapprove any such appointment. Such representatives shall have no power to act for or on behalf of the town commission, or to make any commitment or binding obligation on behalf of the town commission or the town. Such representatives shall report to the town commission with regard to such meeting, conference or other occasion.

Rule 9.02 ~~Noncompliance~~ Noncompliance with procedural rules. If a procedural rule pursuant to this Article VI. – “Rules of Procedure for Town Meetings” ~~of this board~~ is not complied with as a result of either mistake, inadvertence or excusable neglect, as those terms are defined by law, by either the presiding officer or the parliamentarian, then the validity of the underlying substantive ordinance resolution, motion or other action shall in no way be affected thereby, and the failure of compliance with said procedural rule shall not be the basis for any person or party to challenge any ordinance, resolution or other action ~~of this board~~.

Sec. 2-209. - Amendment to rules of procedure for town meetings.

Once adopted, changes to these rules may be made as changes to any other ordinance are made by a majority vote and after two readings of the amendatory ordinance.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Inclusion in the Code. 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 5. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective upon adoption.

PASSED and **ADOPTED** on first reading this ____ day of _____, 2016.

PASSED and **ADOPTED** on second reading this ____ day of _____, 2016.

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION:

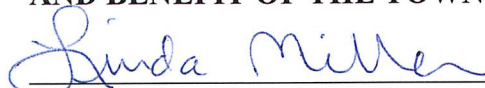
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Linda Miller, Town Attorney



Town of Surfside Commission Communication

Agenda Item: 4A5

Agenda Date: October 13, 2016

Subject: Beach Furniture Ordinance

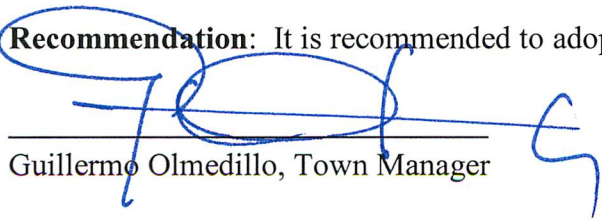
Background: At the October 13, 2016 Town Commission meeting, the Commission heard on first reading a beach furniture ordinance. The Town Commission also reviewed the proposed *Administrative Policy: Beach Furniture and Equipment* (Attachment "A") which provides for public access and safety and requirements for beach furniture. The Town Commission approved the ordinance on first reading with the requirement for the Town Manager to submit a finance plan to fund the enforcement of the ordinance, as well as the following amendments to be included in the ordinance and administrative policy:

1. Amend Section 86-33 on violations, civil fines and penalties for clarification
2. Legislation to be reviewed after one year
3. Permits are revocable
4. Requiring the Beach furniture operator's operating plan to include adequate staffing, cleaning and set-up procedures
5. Condominiums will place chairs as needed on the beach and hotels will have a preset plan, as long as it is legally sufficient.

Budget Impact: It is expected that two part-time Code Compliance Officers to work on weekends and holidays will cost \$45,000 annually.

Staff Impact: In addition to the part-time employees, the Code Compliance officers will follow up on cases that have to be prepared for Special Magistrate hearings.

Recommendation: It is recommended to adopt the attached ordinance on second reading.



Guillermo Olmedillo, Town Manager

Administrative Policy

BEACH FURNITURE AND EQUIPMENT

The Town has the authority to promulgate laws to regulate the public beach in a reasonable manner to protect public health, safety, and welfare, which must have a rational relation and be reasonably designed to accomplish a purpose necessary for the protection of the public. Pursuant to Section 86-30 and 86-31 of the Town of Surfside Code, beach furniture shall not inhibit access to the public beach, nor obstruct access on the beach for pedestrians and emergency vehicles, nor impact native vegetation, nor affect sea turtles or other wildlife.

PUBLIC ACCESS AND SAFETY

- Beach furniture may not be placed directly behind of or in front of a lifeguard tower or within 10 feet of the entire perimeter of the lifeguard tower, or obstruct a lifeguard's or emergency personnel's view of the beach or ocean.
- No beach furniture shall be placed in the area immediately adjacent to or directly seaward of the street ends throughout the Town of Surfside.
- All beach furniture shall be set at least 20 feet seaward of the edge of the vegetation line of the dune.
- Beach Furniture Operator shall submit an operations plan approved by the Town Manager which includes specifications on storage, staffing and clean-up.
- Beach furniture shall not be set out in the morning before sunrise, or before completion of daily monitoring for turtle nesting activity by a Florida Fish and Wildlife Conservation Commission authorized marine turtle permit holder to examine the beach in the area of the authorized activity to ensure any new sea turtle nests are identified and marked, whichever occurs first.

REQUIREMENTS FOR PERMIT HOLDERS

- The Beach Furniture Operator shall be responsible for ensuring that the beach furniture is clearly identified as to its ownership, maintained in good condition, free from evidence of deterioration, weathering, and discoloration, at all times.
- Beach furniture shall be deployed in a manner to assure public access and to encourage public use of the beach and shall cause no obstruction to the general public.

- A Beach Furniture Operator may store beach furniture on their property or east of the dune neatly organized and secured to the ground.
- Any request from a code enforcement officer, or lifeguard to relocate beach furniture shall be complied with immediately.
- In the event of a declared state of emergency, the Town Manager or designee may issue a warning to the Beach Furniture Operator to remove and secure the beach furniture. If the Beach Furniture Operator fails to remove the beach furniture, the Town Manager or designee, at its option, may remove the beach furniture from the public beach. The Beach Furniture Operator shall be liable for all costs incurred by the Town for the removal and storage of the beach furniture in the event of an emergency.
- The Beach Furniture Operator shall comply with any order issued by the State of Florida, and Miami-Dade County regulations regarding the preservation of marine turtle nesting grounds to ensure that nesting surveys are conducted in accordance with the conditions set forth by the state and the county. In the event an unmarked marine turtle nest is exposed, or a dead, injured, or sick marine turtle is discovered, the Florida Marine Patrol (1-800-DIAL-FMP) shall be notified immediately for appropriate conservation measures to be taken.

ORDINANCE NO. 16 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE II “LOCAL BUSINESS TAX RECEIPT” OF CHAPTER 70 “TAXATION” AND SPECIFICALLY AMENDING “SECTION 70-41 “LOCAL BUSINESS TAX SCHEDULE” TO INCLUDE BEACH FURNITURE OPERATION; AMENDING CHAPTER 86 “WATERWAYS”; ARTICLE II, “PUBLIC BEACHES”, SPECIFICALLY AMENDING SECTION 86-26 “DEFINITIONS”; CREATING SECTION 86-30 “BEACH FURNITURE”; CREATING SECTION 86-31 “BEACH FURNITURE PERMIT”; CREATING SECTION 86-32 “INDEMNIFICATION AND INSURANCE”; CREATING SECTION 86-33 “VIOLATIONS, CIVIL FINES AND PENALTIES”; 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 has the authority to promulgate laws to regulate the public beach in a reasonable manner to protect public health, safety, and welfare, which must have a rational relation and be reasonably designed to accomplish a purpose necessary for the protection of the public; and

WHEREAS, the Florida Constitution states that “The title to lands under navigable waters, within the boundaries of the state, which have not been alienated, including beaches below mean high water lines, is held by the state, by virtue of its sovereignty, in trust for all the people,” s.11, Art. X, Fla. Const; and

WHEREAS, the public trust doctrine requires that governmental regulation of sovereign beach lands be in furtherance of this trust and, therefore, be in the best interest of all the people; and

WHEREAS, pursuant to §205.042, Fla. Stat. and Section 70-26 of the Surfside Town Code, it is unlawful for any person to conduct or engage in any business, profession or occupation without first procuring a local business tax receipt and paying to the Town the local business tax; and

WHEREAS, it is in the best interest of the Town to establish an ordinance and an Administrative Policy to regulate the placement of beach furniture on the public beach by Beach Furniture Operators for public safety, access and maintenance, which will be reviewed after one year by the Town Commission; and

WHEREAS, a beach furniture permit will be revocable if the applicant does not meet the requirements as specified in the Town Code, Administrative Policy and operation plan; and

WHEREAS, the Town Commission held its first public hearing on October 13, 2016 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on December 13, 2016 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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 Ordinances of the Town of Surfside, Chapter 70 “Taxation” “Section 70-41 “Local Business Tax Schedule” is hereby amended as follows:

Sec. 70-41. - Local business tax schedule. There hereby are levied and imposed local business taxes for the privilege of engaging in or managing any business, profession or occupation within the town; the rates for such tax to be no greater than those as indicated herein.

* * *

B

* * *

Beach furniture operation 500.00

* * *

Section 3. Code Amendment. The Code of Ordinances of the Town of Surfside, Chapter 86 “Waterways”; Article II, Public Beaches” is hereby amending Section 86-26 “Definitions” and creating Sections 86-30 to 86-33 to read as follows:

Sec. 86-26. - Definitions.

* * *

Beach furniture includes, but is not limited to, any chair, umbrella, tent or any other object that is used on the beach.

* * *

Public beach means ~~that land area in the RT-1 Zoning District,~~ “Tourist District,” that is seaward of the erosion control line. It shall also include all easements and rights-of-way within the area that are utilized for public beach purposes.

* * *

Beach Furniture Operator is a hotel located on the east side of Collins Avenue which uses or allows another party to use such beach furniture as part of a short-term paid lodging authorized through a Certificate of Use issued by the Town.

* * *

Sec. 86-30. – Limitations on Beach Furniture.

Beach furniture shall not inhibit access to the public beach, nor obstruct access on the beach for pedestrians and emergency vehicles, nor impact native vegetation, nor affect sea turtles or other wildlife.

Sec. 86-31. - Beach Furniture Permit Requirements.

Beach Furniture Operator, as defined in this article must obtain a permit to place beach furniture on the public beach within the Town. Town Manager or designee shall establish an Administrative Policy for the placement of beach furniture on the public beach by Beach Furniture Operators for public safety, access and maintenance, as set forth by Administrative Policy. Beach Furniture Operators must procure a local business tax receipt and comply with the regulations of Section 70-41 of the Town of Surfside Code and all required licenses or permits from Miami-Dade County, the State of Florida and federal entities.

Sections 86-31 to 86-33 herein shall be reviewed by the Town Commission one year after its enactment. Nothing in Sections 86-31 to 86-33 shall require a permit from the general public to place beach chairs and/or equipment on the beach for personal use on an as needed basis.

A. Application. Any Beach Furniture Operator shall apply for a permit on a form prepared by the Town along with the applicable permit application fee. All permit applications shall include the following:

- (1) An application fee of \$500.00;
- (2) An evacuation plan, in the event of a natural disaster such as a tropical storm or hurricane, including a storage area.
- (3) Beach furniture operations plan, including specifications on storage, staffing and clean-up.
- (4) Compliance with indemnification and insurance requirements pursuant to Section 86-32 of the Town of Surfside Code.

B. Exemption. Nothing in this article shall require a permit from a member of the general public to place beach furniture on the public beach for personal use.

C. Review of permit application. A permit shall be granted upon the submittal of a completed application and the required fee, unless the Town Manager or designee determines that the granting of such a permit:

- (1) Unduly impedes governmental business or public access;
- (2) Conflicts with previously scheduled activities;
- (3) Imperils public safety; or
- (4) Violates any public policy or local, state or federal law.

D. A beach furniture permit is revocable if the applicant does not meet the requirements as specified in the Town Code, Administrative Policy and operation plan.

E. Appeals. If a permit is denied or revoked by the Town Manager or designee, the Beach Furniture Operator may, within 30 days of the decision, file a notice of appeal to the Town Commission. The appeal shall be heard as a quasi-judicial matter.

Sec. 86-32. - Indemnification and insurance.

A. The Beach Furniture Operator 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 Beach Furniture Operator's activity on the public beach.

B. The Beach Furniture Operator agrees to obtain and maintain for the entire permit period, at its own expense, the following requirements:

- (1) 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.
- (2) Workers' compensation and employers' liability as required by the state.

C. 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.

D. The Town must receive 30 days' written notice prior to any cancellation, non-renewal or material change in the coverage provided.

E. The Beach Furniture Operator 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.

F. Failure to comply with these requirements shall be deemed to be operating without a valid permit and shall cause an immediate suspension or revocation of the permit.

Sec. 86-33. - Violations, Civil fines and penalties.

Any person or entity found to be in violation of any condition of the permit issued herein shall first be issued a warning. Failure to correct the violation within one hour following the issuance of a warning shall result in the issuance of a Civil Violation Notice to the Beach Furniture Operator. The notice shall be provided pursuant to Section 15-10 of the Town Code. Failure to correct the violation may result in revocation of the permit. Failure to obtain the required permit shall subject the owner to a fine of \$500 per day.

Section 4. 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 5. 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 6. 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 relettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 7. Effective Date. This Ordinance shall be effective upon final adoption on second reading.

PASSED and **ADOPTED** on first reading this ____ day of _____, 2016.

PASSED and **ADOPTED** on second reading this ____ day of _____, 2016.

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION

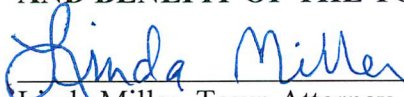
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Linda Miller, Town Attorney

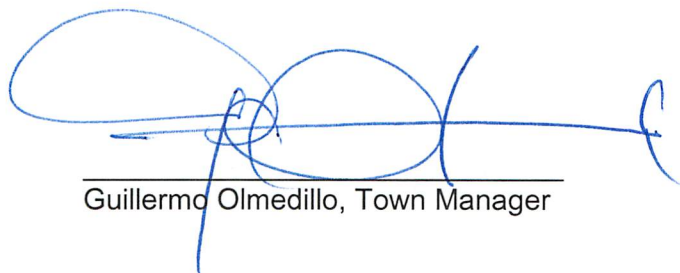


Town of Surfside Commission Communication

Agenda Item: 4B1
Agenda Date: December 13, 2016
Subject: Temporary Moratorium on Cannabis Dispensing Businesses
From: Guillermo Olmedillo, Town Manager

Background:

In November, 2016, the voters of the state approved a Constitutional amendment to allow the legal use of medical marijuana (cannabis) in Florida. A comprehensive State licensing and regulatory framework for the cultivation, processing, and dispensing of cannabis exists and may be further modified by the state legislature in recognition of the Constitutional amendment. Therefore, Staff is recommending a 12 month moratorium on the opening of cannabis dispensing businesses in the Town. The intent of the moratorium is to give the Town the time reasonably necessary to investigate the impacts of cannabis dispensing facilities, and if necessary, to prepare reasonable regulations relating to such establishments.


Guillermo Olmedillo, Town Manager

ORDINANCE NO. - _____

**AN ORDINANCE OF THE TOWN COMMISSION OF
THE TOWN OF SURFSIDE, FLORIDA;
ESTABLISHING A TEMPORARY MORATORIUM ON
CANNABIS DISPENSING BUSINESSES AS FURTHER
DEFINED HEREIN; PROVIDING FOR PENALTIES;
PROVIDING FOR SEVERABILITY, A GENERAL
REPEALER CLAUSE, AND AN EFFECTIVE DATE.**

WHEREAS, in 2014 the Florida Legislature enacted a law legalizing low-THC medical cannabis in Florida; and

WHEREAS, in November 8, 2016, the voters of the state approved a Constitutional amendment to allow the legal use of medical marijuana (cannabis) in Florida; and

WHEREAS, a comprehensive State licensing and regulatory framework for the cultivation, processing, and dispensing of cannabis exists and may be further modified by the Florida Legislature in recognition of the Constitutional amendment; and

WHEREAS, the comprehensive State licensing and regulatory framework directs that the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of cannabis businesses may be determined by local ordinance; and

WHEREAS, cannabis businesses licensed pursuant to the law have begun cultivating cannabis for processing and dispensing; and

WHEREAS, the dispensing of cannabis is currently illegal under federal law and the United States Drug Enforcement Agency has recently confirmed that cannabis remains a Schedule I drug under federal law, but the United States Department of Justice has discussed federal enforcement of such laws with respect to state regulated cannabis operations in the 2012 “Cole Memorandum;” and

WHEREAS, potential adverse impacts on the health, safety, and welfare of residents and business from secondary effects associated with the distribution of cannabis exist, potentially including, offensive odors, trespassing, theft, fire hazards, increased crime in and about the dispensary, robberies, negative impacts on nearby businesses, nuisance problems, and increased DUI incidents; and

WHEREAS, the above potential adverse impacts are accentuated by the current difficulties experienced by cannabis businesses in obtaining banking services necessitating such businesses to operate on a cash basis; and

WHEREAS, there exists the potential for misappropriation of medical cannabis to non-medical uses; and

WHEREAS, an overabundance of dispensing facilities can affect the viability of such facilities, result in compliance issues, lead to the improper diversion of products, and accentuate threats to the public health, safety, and welfare; an

WHEREAS, Florida laws relating to the cultivation, production, and dispensing of cannabis products are rapidly changing – raising substantial questions about whether cannabis-related land uses, as a category of commercial use, may have deleterious and negative secondary effects on surrounding land uses and communities; and

WHEREAS, the purpose of this ordinance is to place a temporary moratorium on the opening of certain new cannabis dispensing facilities, and on the expansion or relocation of certain existing cannabis dispensing facilities; and

WHEREAS, the Town hereby finds that the temporary moratorium imposed by this ordinance is intended to give the Town the time reasonably necessary to investigate the impacts of cannabis dispensing facilities, and if necessary, to promulgate reasonable regulations relating to such establishments; and

WHEREAS, the Town hereby finds that this ordinance advances an important government purpose by reducing the likelihood of the unregulated negative secondary effects of cannabis dispensing facilities; and

WHEREAS, the Town has determined it is in the public interest to adopt this Ordinance pursuant to the Town police powers to protect the health, safety, and welfare of the public; and

WHEREAS, the Town Commission held its first public hearing on December 13, 2016 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments on December 15, 2016 with due public notice and input; and

WHEREAS, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on January 10, 2017.

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

Section 1. Purpose and Intent.

The purpose of this Ordinance is to provide the Town with the opportunity to review the impact of recent changes in law and the recent passage of the constitutional amendment, as well as the impact of cannabis dispensing in other jurisdictions, to determine how such dispensing should be permitted or regulated in the Town.

Section 2. Definitions.

(1) The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Ordinance:

- a. **Cannabis** means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.
- b. **Cannabis dispensing business** or **business** shall mean a business location offering cannabis for retail sale pursuant to a license to dispense cannabis issued under applicable law.
- c. **Compassionate Use Act** shall mean section 381.986, Florida Statutes, and chapter 2016-123, Laws of Florida, as amended from time to time, and any rules or regulations promulgated thereunder.
- d. **State** shall mean the State of Florida.

(2) In addition to the definitions contained in Subsection (1), other terms used in this Ordinance shall have the meaning ascribed to them in the Compassionate Use Act, and such definitions are incorporated into this Ordinance by this reference.

Section 3. Temporary Moratorium.

Beginning on the effective date of this Ordinance, for a period of twelve (12) months from the effective date, a moratorium is hereby imposed on the opening of cannabis dispensing businesses in the Town.

- a. During the moratorium, it is unlawful and a violation of this ordinance for any person or entity to open or cause to be opened any cannabis dispensing business within the Town.
- b. During the moratorium, it is unlawful and a violation of this ordinance for any person or entity to relocate or cause to be relocated any cannabis dispensing business within the Town.

- c. During the moratorium, it is unlawful and a violation of this ordinance for any person or entity to expand or cause to be expanded any cannabis dispensing business within the Town.
- d. During the moratorium, the Town shall not accept, process or approve any application for business tax receipts, licenses, building permits, land use permits, or any development permits concerning or related to a cannabis dispensing business.
- e. During the moratorium, the Town shall not accept, process or approve any business tax receipts, building permits, land use permits, or any development permits concerning or related to a cannabis dispensing business.
- f. During the moratorium, the Town shall not accept, process or approve any licenses, permits, or approvals for any property, entity, or individual for the sale or dispensation of cannabis so long as this ordinance is in effect.

Nothing in this temporary moratorium shall be construed to prohibit the use of cannabis pursuant to the Compassionate Use Act or other applicable Florida Law, or the delivery of cannabis in compliance with the Compassionate Use Act or other applicable Florida Law.

Section 4. Study and Recommendations.

The Town Manager is hereby directed to study land development regulations for cannabis dispensaries and the impact of such regulations in other jurisdictions.

Section 5. Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Section 6. Repeal.

All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the Town or any of its officials and in conflict with this ordinance are hereby repealed to the extent inconsistent herewith.

Section 7. Effective Date.

This ordinance shall take effect immediately upon adoption, and shall remain in effect for a period of twelve (12) months from that date.

PASSED on first reading this _____ day of _____, 2016.

PASSED and **ADOPTED** on second reading this _____ day of _____, 2017.

Daniel Dietch, Mayor

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

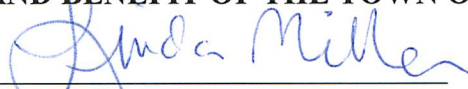
FINAL VOTE ON ADOPTION:

Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

ATTEST:

Sandra Novoa, MMC, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Linda Miller, Town Attorney



Town of Surfside Commission Communication

Agenda Item: 5A
Agenda Date: December 13, 2016
Subject: EAR Based Amendments
From: Sarah Sinatra Gould, AICP, Town Planner

Background: Pursuant to Rule Chapter 73C-49, Florida Administrative Code, the Town of Surfside is required to review its Comprehensive Plan (Comp Plan) every seven years and determine whether or not there have been changes in State requirements or in local conditions which deem it necessary to update the Town's Comp Plan. The Town's current Comp Plan is dated January 2010 and staff has determined that amendments will be necessary in order to comply with State Statutes. The Town must provide a letter to the Florida Department of Economic Opportunity no later than January 1, 2017 stating that amendments will be made to the Comp Plan in accordance with the Evaluation and Appraisal Review (EAR) process.

The Town will then be required to submit an amendment package to the State and regulatory agencies with the proposed updates in strikethrough and underline format no later than January 1, 2018. The proposed amendments must first be reviewed by the Planning and Zoning Board and by the Town Commission at a public hearing prior to transmittal. The Town's Sustainability Sub-committee will also have input, specifically related to the sea level rise component required by the Florida Statutes.

The 2016-2017 Budget includes funding of \$57,565 for the required update to the Comprehensive Plan. The attached work authorization will permit staff to begin the work in January of 2017.

Sarah Sinatra Gould, AICP, Town Planner

Guillermo Olmedillo, Town Manager

RESOLUTION NO. 16 – _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING CALVIN, GIORDANO & ASSOCIATES, INC. (CGA) WORK AUTHORIZATION NO. 99 (TOWN OF SURFSIDE EVALUATION AND APPRAISAL AMENDMENTS, CGA PROPOSAL NO. 16-9054) IN A TOTAL AMOUNT NOT TO EXCEED \$57,565 FROM THE GENERAL FUND, PROFESSIONAL SERVICES ACCOUNT NO. 001-2000-524-3110; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Rule Chapter 73C-49, Florida Administrative Code, the Town of Surfside (“Town”) is required to review its Comprehensive Plan every seven years and determine whether or not there have been changes in State requirements or in local conditions which deem it necessary to update the Town’s Comprehensive Plan; and

WHEREAS, the Town’s current Comprehensive Plan is dated January 2010 and staff has determined that amendments will be necessary in order to comply with state statutes; and

WHEREAS, the Town must provide a letter to the Florida Department of Economic Opportunity no later than January 1, 2017 stating that amendments will be made to the Comprehensive Plan in accordance with the Evaluation and Appraisal Review (“EAR”) process; and

WHEREAS, the Town will then be required to submit an amendment package to the State and regulatory agencies with the proposed updates in strikethrough and underline format no later than January 1, 2018; and

WHEREAS, the proposed amendments must first be reviewed by the Planning and Zoning Board and by the Town Commission at a public hearing prior to transmittal; and

WHEREAS, in 2015, the Florida Legislature amended Section 163.3178, Florida Statutes to require the Coastal Management Element of a local government’s Comprehensive Plan to include development and redevelopment principles, strategies, and solutions to reduce the flood risk in coastal areas and related impacts of sea-level rise; and

WHEREAS, the Town’s Sustainability Subcommittee of the Planning and Zoning Board will provide input on sea level rise strategies and solutions within the Coastal Management Element of the Town’s Comprehensive Plan; and

WHEREAS, the 2016-2017 budget includes funding of \$57,565 for the required update to the Comprehensive Plan; and

WHEREAS, it is in the best interest of the Town to approve Calvin, Giordano & Associates, Inc. Work Authorization No. 99 (Town of Surfside Evaluation and Appraisal Amendments, CGA Proposal No. 16-9054) (Attachment “A”) in a total amount not to exceed \$57,565.

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

Section 1. Recitals Adopted. That each of the above stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Approval and Authorization. The Town Commission approves and authorizes the Town Manager and/or his designee to take all actions necessary to implement the terms and conditions of Calvin, Giordano & Associates, Inc. Work Authorization No. 99 (Town of Surfside Evaluation and Appraisal Amendments, CGA Proposal No. 16-9054) (Attachment “A”) in a total amount not to exceed \$57,565.

Section 3. Authorization to Expend Funds. The Town Manager is hereby authorized to expend funds from the 2016-2017 Fiscal Year Budget not to exceed \$57,565 from the General Fund, Professional Services Account No. 001-2000-524-3110.

Section 4. Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this _____ day of December 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

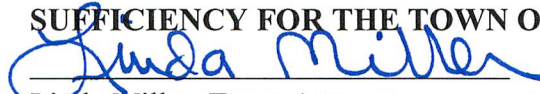
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

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



Linda Miller, Town Attorney



Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS™

November 18, 2016

Mr. Guillermo Olmedillo

Town Manager

TOWN OF SURFSIDE

9293 Harding Avenue
Surfside, FL 33154

RE: Work Authorization No. 99

Town of Surfside EAR Amendments

CGA Proposal No. 16-9054

Dear Mr. Olmedillo,

Enclosed for your review and approval is Work Authorization No. 99 for the Town of Surfside EAR Amendments. The scope of the project includes EAR Amendments.

The Scope of Services to be furnished under this Work Authorization includes Civil Engineering, Data Technologies & Development, Environmental, Planning and Traffic Engineering as shown on the attached Work Authorization.

The Basis of Compensation is hourly based upon the established rates pursuant to the Professional Services Agreement between the Town and CGA for a total not to exceed \$57,544.18.

Sincerely,

CALVIN, GIORDANO & ASSOCIATES, INC.

Shelley Eichner, AICP

Senior Vice President

Building Code Services
Coastal Engineering
Code Enforcement
Construction Engineering
and Inspection
Construction Services
Contract Government
Data Technologies
and Development
Emergency Management
Services
Engineering
Environmental Services
Facilities Management
Indoor Air Quality
Landscape Architecture
Municipal Engineering
Planning
Public Administration
Redevelopment
and Urban Design
Surveying and Mapping
Traffic Engineering
Transportation Planning

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Fort Lauderdale, FL
33316
954.921.7781 phone
954.921.8807 fax

www.cgasolutions.com

TOWN OF SURFSIDE
Town of Surfside EAR Amendments

PROJECT DESCRIPTION

1. SCOPE OF SERVICES

Calvin, Giordano & Associates, Inc. will perform the following services based on our understanding of the project requirements:

Prepare Significant GIS Maps to support Town of Surfside 10 Year Comprehensive Plan EAR

I. Professional Engineering Services

A. Civil Engineering

1. CGA civil engineers will update the current Infrastructure Element which will include the following items:
 - Update or eliminate outdated narrative, tables, data and timelines;
 - Update and correct references to current codes, state regulations, state agencies and programs;
 - Update goals, objectives and policies as needed.

B. Traffic Engineering

1. CGA traffic engineers will update the current Transportation Element which will include the following items:
 - Update references to the old planning period

- Update or eliminate outdated narrative, tables, dates and timelines.
- Update and correct references to current codes, state regulations, state agencies and program titles.
- Update goals which have been completed, reviewed or achieved.
- Incorporate any new State legislation adopted since the last EAR based amendment in 2008.
- Incorporate available and relevant transportation information from the Miami Dade MPO 2040 Long Range Transportation Plan and Miami Dade MPO Transportation Improvement Program.
- Note: Existing traffic data will be taken from available data sources including FDOT Florida Traffic Online (2015), recent traffic counts and other related traffic studies. Future traffic projections and traffic volumes will be taken from the Miami Dade MPO Long Range Transportation model reports.
- Note: Future Town transportation initiatives for incorporating into new Goals, Objectives and Policies will be coordinated through the Town Manager's office.

II. Professional Planning Services

- A. **EAR BASED COMPREHENSIVE PLAN AMENDMENTS.** The update to the Comprehensive Plan will be based upon relevant changes to Chapter 163 of Florida Statutes, since the most recent update to the Comprehensive Plan. Applicable data, inventory, analysis and goals, objectives, policies will be updated, amended or deleted as needed to ensure consistency with any statutory requirements.
1. Update references to the old planning period

2. Update or eliminate outdated narrative, tables, dates and timelines
 3. Update and correct references to current codes, state regulations, state agencies and program titles
 4. Update goals which have been completed, reviewed or achieved
 5. Incorporate any new State legislation adopted since the last EAR based amendment in 2010
 6. Specific attention will be given to updating the Comprehensive Plan's goals, objectives, and policies related to state sea level rise requirements
- B. TRANSMITTAL AND ADOPTION. CGA will prepare a strike-through and underline draft of both the proposed amendments and the adopted amendments for transmittal to the State Land Planning Agency and other regulatory agencies as required. Accompanying the draft will be a document summarizing the proposed amendments and any comments received from State agencies.
- C. PUBLIC MEETINGS/HEARINGS. CGA will prepare and present the final EAR Based Comprehensive Plan Amendments at up to four public meetings/hearings to include one (1) meeting with the Regional Planning Council, one (1) Local Planning Agency meeting, and two (2) public hearings with the Town Commission.

III. Professional Data Technologies & Development Services

- A. The five elements of 'Coastal', 'Conservation', 'Future Land Use', 'Recreation', and 'Transportation' will be represented by 18- 20 GIS Maps, with relevant source data to support the Town of Surfside 10 Year Comprehensive Plan EAR

IV. Professional Environmental Services

- A. Review and update the Conservation and the Coastal Element with a focus on sea level rise and resiliency.
- B. Attend two (2) public meetings. Any additional meetings will be hourly.

2. BASIS OF COMPENSATION:

Hourly rates with an estimated fee of \$57,544.18 with a total not to exceed amount of \$57,544.18. Payments to be made monthly.

3. SUBMITTED

Submitted by: Shelley Eichner Date: 11/18/16
Shelley Eichner, AICP

4. APPROVAL

Approved by: _____ Date: _____
Guillermo Olmedillo, Town
Manager

**TOWN OF SURFSIDE
WORK AUTHORIZATION ESTIMATE DATE**

WORK AUTHORIZATION NO. 99
PROJECT NAME Town of Surfside EAR Amendments
CGA Proposal No. 16-9054
DESCRIPTION EAR Amendments

TITLE	RATE	HOURS/UNITS	COST
Clerical	\$74.26	18	\$1,336.68
Director Engineering V	\$159.14	32	\$5,092.48
Environmental Administrator	\$116.70	42	\$4,901.40
GIS Coordinator	\$137.92	10	\$1,379.20
GIS Technician	\$84.87	40	\$3,394.80
Jr. Engineer I	\$90.18	84	\$7,575.12
Planning Administrator	\$127.31	214	\$27,244.34
Planning Director	\$137.92	15	\$2,068.80
Project Manager IV	\$137.92	33	\$4,551.36
			\$57,544.18

SUB-CONSULTANTS	COST

LABOR SUBTOTAL	\$57,544.18
REIMBURSABLE SUBTOTAL	\$0.00
TOTAL	\$57,544.18

Reviewed by: _____
Guillermo Olmedillo, Town Manager



Town of Surfside Commission Communication

Agenda Item: 5B
Agenda Date: December 13, 2016
Subject: 94th Street Promenade – Selection of Sculpture

Background:

On July 8, 2014, the Town Commission approved the design for the 94th Street End Project (Resolution 14-2236) that was submitted by the Chateau Ocean, LLC which had been a requirement of their conditional use and site plan approvals (Resolution No. 13-Z-04). Resolution 14-2236 required the following: *"Prior to the completion of the 94th Street End Project, the Applicant shall donate to the Town a unique, original sculpture installed at the east end of 94th Street. The design of the sculpture, with regard to compatibility with the aesthetics of the Chateau Project and the 94th Street End Project, shall be subject to the reasonable approval of the Town Commission, after consultation with the Design Review Board or its successor organization. There shall be appropriate recognition of the donation in signage associated with the sculpture and the 94th Street End. This condition shall supersede paragraph 26 in Resolution 13-Z-04."*

To fulfill that requirement the applicant has selected a sculpture by Pablo Atchugarry who is internationally renowned for his monumental public sculptures. Images of his work as well as the selected sculpture are attached.

The Design Review Board reviewed this item at their November 17, 2016 meeting and has recommended approval to the Town Commission with the following conditions:

1. A stone base is to be provided for the sculpture rather than a concrete base.
2. The artist shall provide an operations and maintenance manual to the Town providing instructions on maintaining the sculpture.

Sarah Sinatra Gould, AICP, Town Planner

Guillermo Olmedillo, Town Manager

RESOLUTION NO. 16 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE SCULPTURE BY PABLO ATCHUGARRY PRESENTED BY THE APPLICANT, CHATEAU OCEAN, LLC FOR THE 94TH STREET END PROJECT; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 8, 2014, the Town Commission approved the design for the 94th Street End Project (Resolution No. 14-2236) that was submitted by the Chateau Ocean, LLC which had been a requirement of their conditional use and site plan approvals (Resolution No. 13-Z-04); and

WHEREAS, Resolution No. 14-2236 required that:

Prior to the completion of the 94th Street End Project, the Applicant shall donate to the Town a unique, original sculpture installed at the east end of 94th Street. The design of the sculpture, with regard to compatibility with the aesthetics of the Chateau Project and the 94th Street End Project, shall be subject to the reasonable approval of the Town Commission, after consultation with the Design Review Board or its successor organization. There shall be appropriate recognition of the donation in signage associated with the sculpture and the 94th Street End. This condition shall supersede paragraph 26 in Resolution 13-Z-04.

WHEREAS, to fulfill that requirement the Chateau Ocean, LLC has selected a sculpture by Pablo Atchugarry; and

WHEREAS, the Design Review Board reviewed the rendering of the sculpture at their November 17, 2016 meeting and recommended approval to the Town Commission with the following conditions:

1. A stone base is to be provided for the sculpture rather than a concrete base.
2. The artist shall provide an operations and maintenance manual to the Town providing instructions on maintaining the sculpture.

WHEREAS, the Town Commission approves the sculpture by Pablo Atchugarry presented by the applicant, Chateau Ocean, LLC for the 94th Street End Project.

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

Section 1. Recitals Incorporated. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution upon adoption hereof.

Section 2. Approval. The Town Commission approves the sculpture by Pablo Atchugarry presented by the applicant, Chateau Ocean, LLC for the 94th Street End Project.

Section 3. Authorization and Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

Section 4. Effective Date. This Resolution becomes effective upon adoption.

PASSED and ADOPTED on this ____ day of December 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

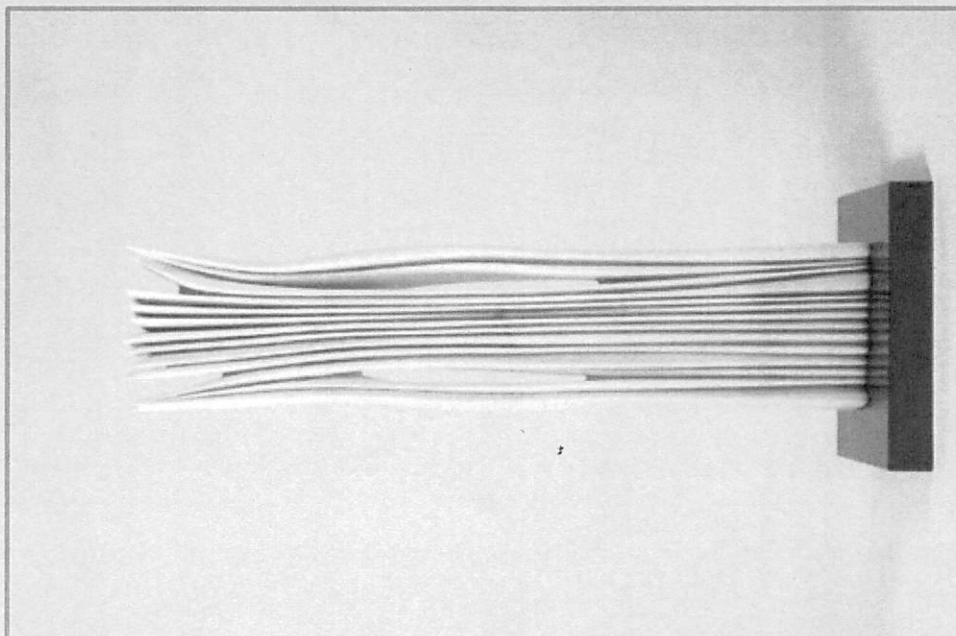
**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**



Linda Miller, Town Attorney

94TH Street Promenade Surfside, FL

DESIGN REVIEW BOARD
November 17th, 2016

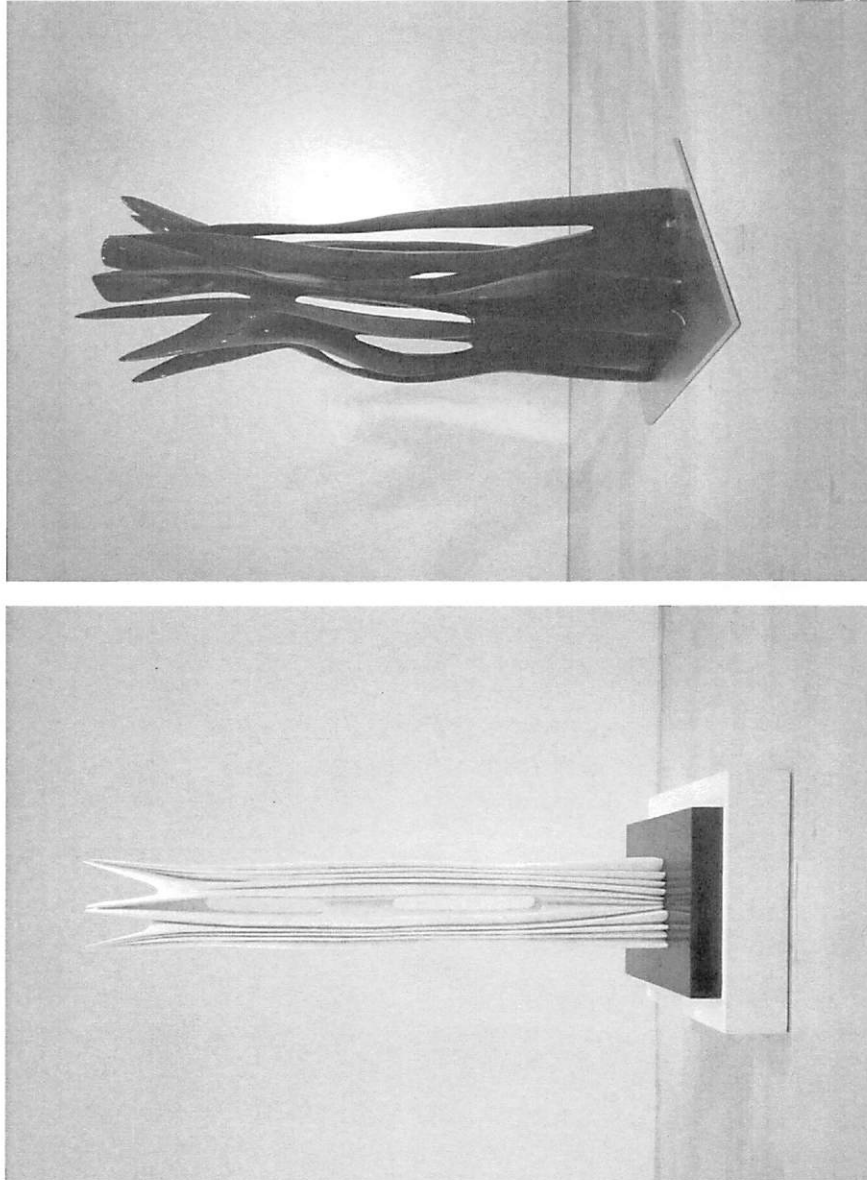


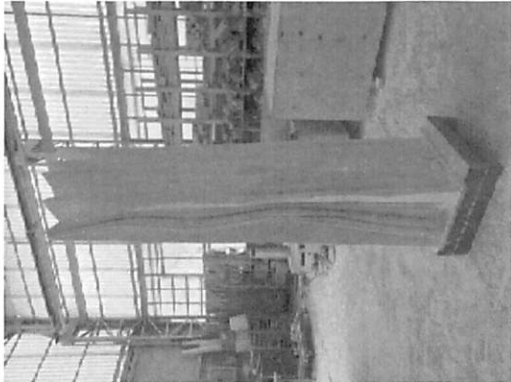
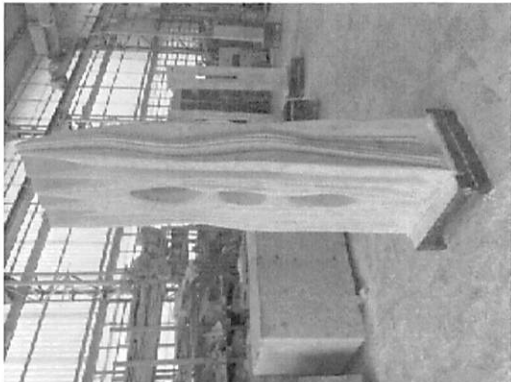
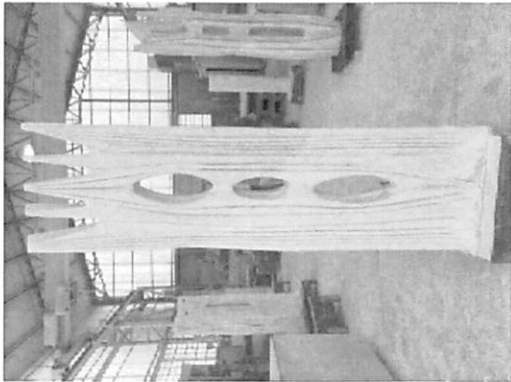
Pablo Atchugarry

BIOGRAPHY

Pablo Atchugarry is internationally renowned for his monumental public sculptures. After experimenting with a variety of materials early in his career, Atchugarry turned to marble as his primary medium. Simultaneously abstract and numinous, massive and delicately carved, his sculptures are reflections on the intervention of the spiritual in everyday life, intended to channel spiritual energies into the spaces they occupy and invite contemplation of the divine. Atchugarry is influenced by the seminal work of Constantin Brancusi and Henry Moore, and often likened to Michelangelo in his similar devotion to working with his own hands (as opposed to the workshop practices of several of his contemporaries.)

Uruguayan, b. 1954, Montevideo, Uruguay

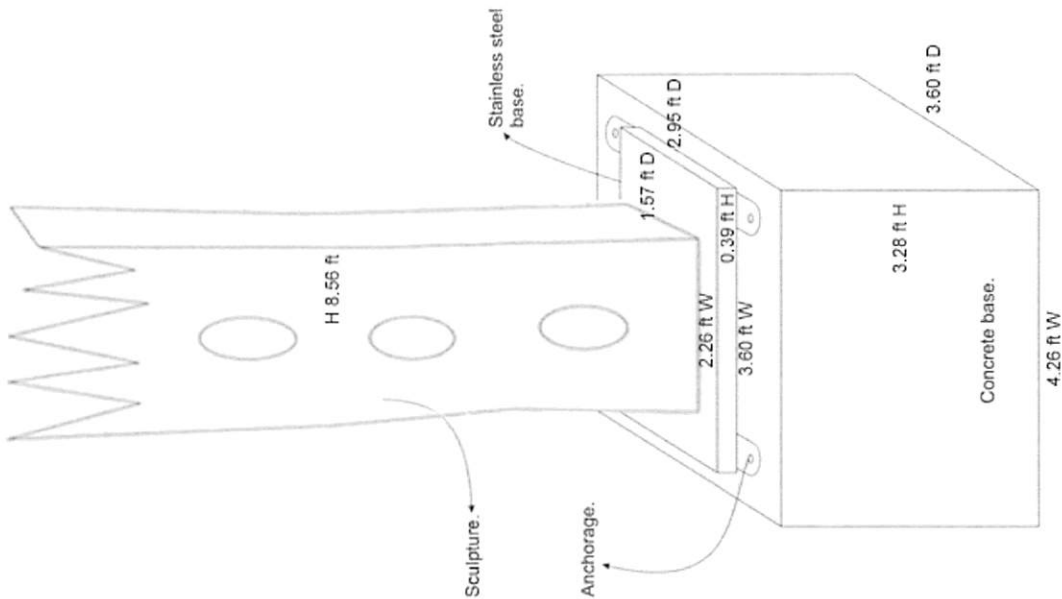




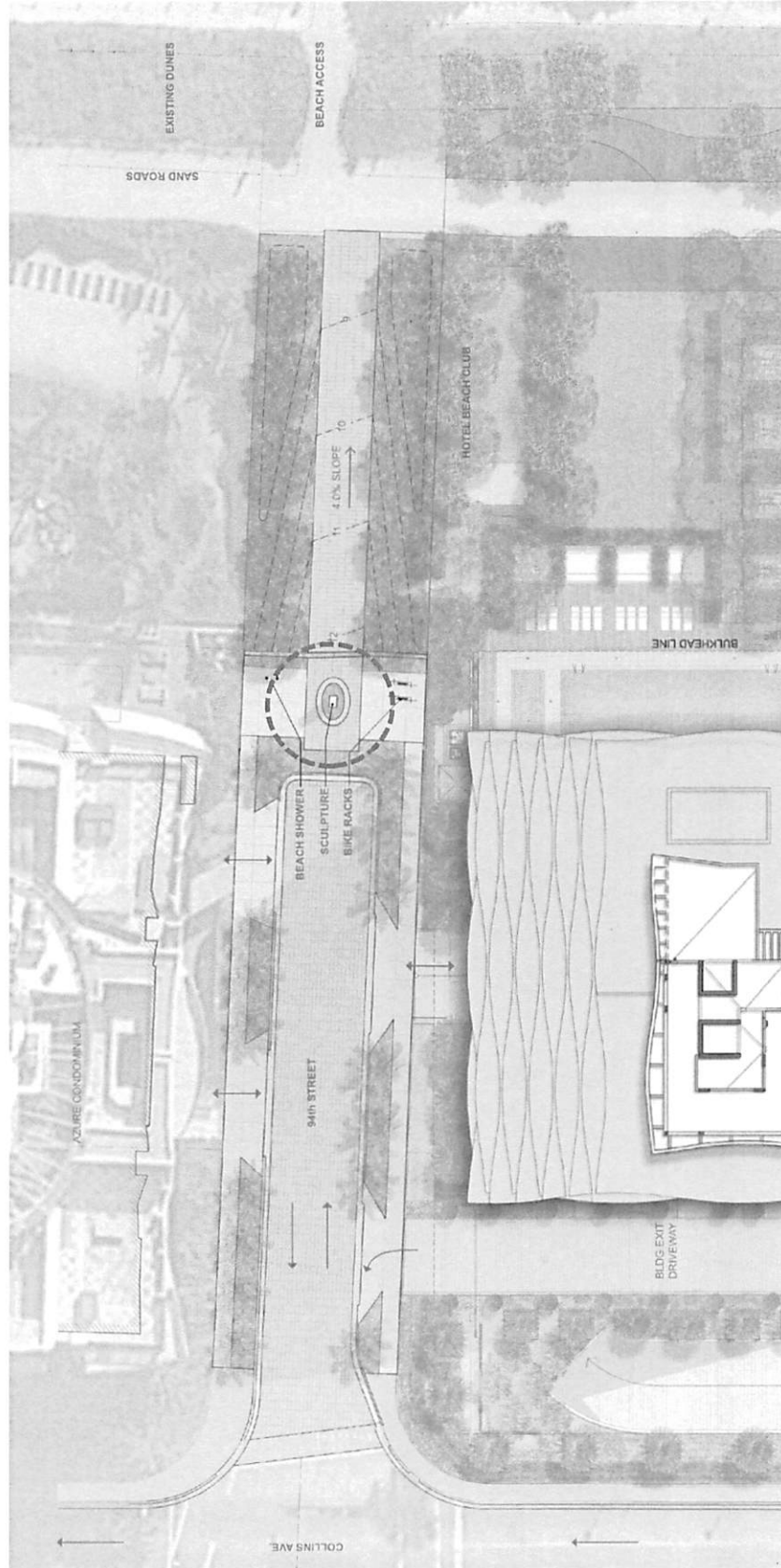
SPECIFICATIONS

MATERIALS:
Sculpture: Carrara marble
Base: Stainless Steel and Concrete

DIMENSIONS
Marble Sculpture: 2.26 ft (69 cm) W x 1.57 ft (48cm) D x 8.53 ft (260 cm) H
Stainless Steel Base: 3.60 ft (110 cm) W x 2.95 ft (90 cm) D x 0.39 ft (12 cm) H
Concrete Base: 4.26 ft (130 cm) W x 3.60 ft (110 cm) D x 3.28ft (100 cm) H



94th Street Promenade



Design Review Board November 17th, 2016



94th Street Promenade



Design Review Board November 17th, 2016



TOWN OF SURFSIDE

COMMISSION COMMUNICATION

Agenda Item: # 5C

Date: December 13, 2016

From: Linda Miller, Town Attorney

Subject: Repeal Resolution 2007-1792 - Rules and Procedures for Committees Created by the Town Commission

Background: On November 13, 2007, the Town Commission adopted Resolution No. 2007-1792 approving and adopting rules and procedures for committees created by the Town Commission. The rules and procedures for committees within Resolution No. 2007-1792 are inconsistent, outdated and no longer in keeping with the Town Code. On December 13, 2016, the Town Commission amended Town Code Article VI. "Rules of Procedure for Town Meetings" to incorporate and update rules and procedures for committees. It is in the best interest of the Town to repeal Resolution No. 2007-1792 for consistency and clarity in the rules of procedure for Town meetings.

Recommendation: For the Town Commission to repeal Resolution 2007-1792.

RESOLUTION NO. 16 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA REPEALING RESOLUTION NO. 2007-1792 “APPROVING AND ADOPTING RULES AND PROCEDURES FOR COMMITTEES CREATED BY THE TOWN COMMISSION”; PROVIDING THAT COMMITTEES SHALL BE GOVERNED BY TOWN CODE ARTICLE VI. “RULES OF PROCEDURE FOR TOWN MEETINGS”; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 13, 2007, the Town Commission adopted Resolution No. 2007-1792 approving and adopting rules and procedures for committees created by the Town Commission; and

WHEREAS, the rules and procedures for committees within Resolution No. 2007-1792 are inconsistent, outdated and no longer in keeping with the Town Code; and

WHEREAS, on December 13, 2016, the Town Commission amended Town Code Article VI. “Rules of Procedure for Town Meetings” to incorporate and update rules and procedures for committees; and

WHEREAS, it is in the best interest of the Town to repeal Resolution No. 2007-1792 for consistency and clarity in the rules of procedure for Town meetings.

NOW, THEREFORE, THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA HEREBY RESOLVES AS FOLLOWS:

Section 1. Recitals. The above and foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Repealed. Resolution No. 2007-1792 adopted on November 13, 2007 which approved and adopted rules and procedures for Town Committees is hereby repealed.

Section 3. Authorization. All Town Committees shall be governed by the Town Code Article VI. “Rules of Procedure for Town Meetings.”

Section 4. Conflict. That all resolutions or sections or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 5. Authorization and Implementation. That the Town Clerk and Town Manager are hereby authorized and directed to take any and all such actions as are required to implement the terms of this Resolution.

Section 6. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED and ADOPTED on this _____ day of _____ 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION:

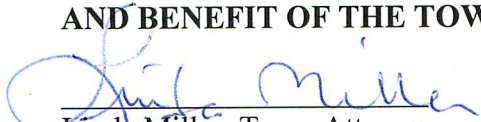
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**


Linda Miller, Town Attorney



**Town of Surfside
Town Commission Meeting
December 13, 2016**

7:00 pm

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

Agenda #: 5D
Date: December 13, 2016
From: Commissioner Tina Paul
Subject: Condominium Termination Law Urging Resolution

Background: Residents have expressed concerns that they may be forced to sell their condominium if a developer proceeds under the current Florida Condominium Termination Law. On March 8, 2016, Mayor Daniel Dietch brought forward a discussion item to seek direction from the Town Commission whether it desires the Town Attorney to prepare an urging resolution to the Florida Legislature to seek further protections for our residents under the Condominium Termination Law. As the 2017 Florida Legislative Session approaches, an urging resolution is timely.

The condominium termination statute was substantially amended in 2007 as a way to encourage developers to invest in financially distressed condominiums as a result of the downturn in the economy. One of the major changes implemented by the 2007 Amendment was to reduce the previous statutory 100 percent approval requirement for optional condominium terminations, to an 80 percent approval requirement (unless a particular condominium's declaration provides for an even lower approval percentage), provided that not more than 10 percent of the unit owners affirmatively object to the termination.

In 2015, Governor Rick Scott signed into law a bill that amended the condominium termination provisions of the Florida Condominium Act (the "2015 Amendment") by modifying the procedures and requirements imposed upon those seeking to terminate a condominium in Florida. The 2015 Amendment expanded protections for residents, including a requirement that owners must receive 100 percent of the fair market value for their units, the owner is entitled to receive a relocation payment of 1 percent the purchase price, and all owners current in monetary obligations to the association and in their mortgage payments are entitled to have their mortgages satisfied in full upon payment of their allocated share of the proceeds of the unit. However, the 2015 Amendment did not reverse the 80 percent approval requirement for optional condominium termination.

Recommendation: The Surfside Town Commission pass the attached resolution urging the Florida Legislature to increase protections for our residents under the Condominium Termination Law including, but not limited to, restoring the percentage approval for condominium termination from 80 percent to 100 percent.

RESOLUTION NO. 16 - _____

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO INCREASE PROTECTIONS FOR RESIDENTS OF CONDOMINIUMS DURING THE CONDOMINIUM TERMINATION PROCESS; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE FLORIDA SENATE, THE GOVERNOR OF THE STATE OF FLORIDA AND THE FLORIDA LEAGUE OF CITIES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 718.117, Fla. Stat. "Termination of condominium" was substantially amended in 2007 as a way to encourage developers to invest in financially distressed condominiums as a result of the downturn in the economy; and

WHEREAS, one of the major changes implemented by the 2007 Amendment was to reduce the previous statutory 100 percent approval requirement for optional condominium terminations to an 80 percent approval requirement (unless a particular condominium's declaration provides for an even lower approval percentage), provided that not more than 10 percent of the unit owners affirmatively object to the termination; and

WHEREAS, it is in the best interest of the residents of the Town of Surfside to increase protections for the Town's residents of condominiums under the Condominium Termination Law including, but not limited to, restoring the percentage approval for condominium termination from 80 percent to 100 percent.

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

Section 1. Recitals Adopted. That each of the above stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Urging by the Town of Surfside Town Commission to the Florida Legislature to increase protections for residents during the condominium termination process. That the Town of Surfside, Florida urges the Florida Legislature increase protections for the residents of the Town of Surfside under the Condominium Termination Law including, but not limited to, restoring the percentage approval for condominium termination from 80 percent to 100 percent.

Section 3. Authorization and Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

Section 4. Direction to the Town Clerk. The Town Clerk is hereby directed to send a copy of this Resolution to the Speaker of the Florida House of Representatives, the President of the Florida Senate, the Governor of the State of Florida and the Florida League of Cities.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this _____ day of _____, 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

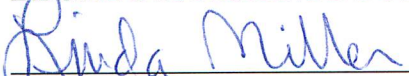
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

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



Linda Miller, Town Attorney



**Town of Surfside
Town Commission Meeting
November 10th, 2016
7:00 pm**

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

DISCUSSION ITEM MEMORANDUM

Agenda #: 9A
Date: December 13, 2016
From: Michael Karukin
Subject: Future Land Use Element of Comp Plan

Objective: To amend policy 1.1 and policy 3.6 in the Future land use element of the 2010 Comprehensive Plan (Comp Plan).

Consideration: The Town Commission (TC) approved about \$50,000 for work on the EAR Based Amendments to the town's Comp Plan, a state mandated process. There are 2 sections of the Comp Plan that cover allowable locations for hotel development or "tourist facilities": policy 1.1 (third paragraph) and policy 3.6.

Policy 1.1 from 2010 Comp Plan

Moderate-High Density Residential: up to 79 residential dwelling units per acre or up to 108 hotel units per acre and not more than 40 feet in height. The permitted uses are single family, duplex, and multi-family residential uses, hotels, public schools, places of public assembly, and parks and open spaces.

Policy 3.6 from 2010 Comp Plan

Policy 3.6 – The Town shall maintain a future land use map pattern and other development regulations which limit new tourist facilities to properties in the Moderate Density Residential/Tourist, Moderate-High Residential, and High Density Residential/Tourist land use categories.

Background

In 2009, the Comp Plan was modified expanding the locations of where a “tourist facility” such as a dedicated hotel can be built **from** only “the east side of Collins Avenue” **to** the west side, spanning the Collins to Harding corridor covering 2 additional land use categories. As indicated by the tracked changes version of the 2009 EAR report, the Moderate Density Residential Tourist and Moderate High [Density] Residential land use categories were added to the policy thereby increasing the land area that would allow dedicated hotels to be built.

Tracked changed version of old comp plan showing cross out of east side of Collins and addition of other land use categories from 2009 EAR Report. What was policy 3.9 is now policy 3.6.

~~Policy 3.9-6 – The Town shall maintain~~Maintain a future land use map pattern and other development regulations which ~~limits~~limit new tourist facilities to properties ~~on the east side of Collins Avenue~~in the Moderate Density Residential/Tourist, Moderate-High Residential, and High Density Residential/Tourist land use categories.

From 2009 EAR Surfside Comp Plan Amendments,

Tracked changed version of old comp plan showing edits to Policy 1.1 of Future Land Use Element from 2009 EAR Report.

Moderate-High Density Residential: up to 79 residential dwelling units per acre or up to 108 ~~hotel or motel~~ units per acre and not more than 40 feet in height. The permitted uses are single family, duplex, and multi-family residential uses, ~~hotels~~ public schools, places of public assembly, and parks and open spaces.

The map of these land use categories are found in the Future Land Use Map (FLU-7) [Click here](#).

Annotated versions are provided on the next page.

To illustrate the expansion of where a dedicated hotel can be built, the first map shows the area where hotels were always allowed, and still are, as defined by the past and present Comp Plan. The set of maps displayed side by side below illustrate the additional locations.

Prior to the 2009 EAR Report hotels were permitted only on the east side of Collins as illustrated below.

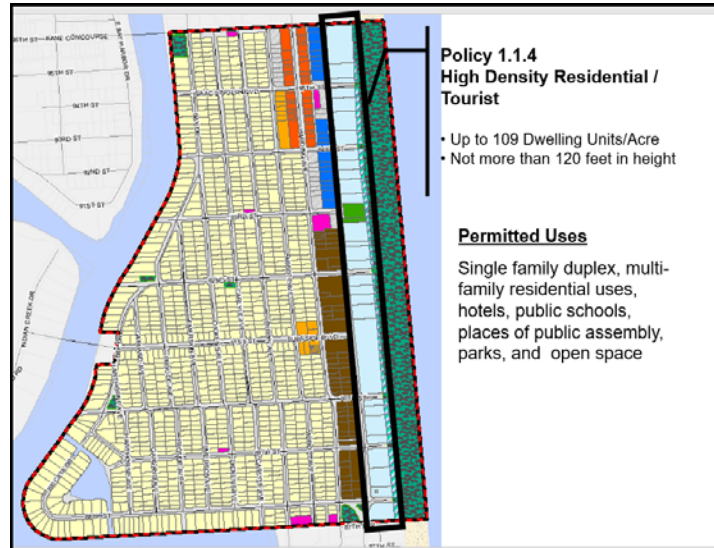
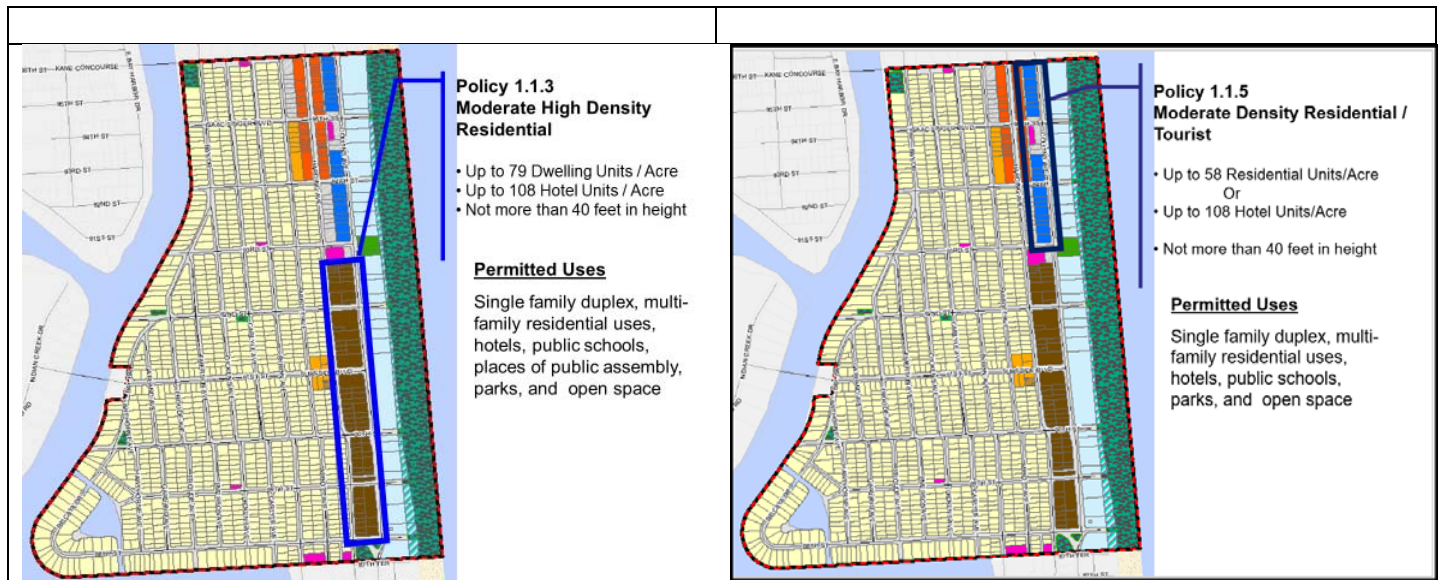


Figure 1 High Density Residential/Tourist (H120)

After approval of the 2009 EAR Report, the locations where hotels would be permitted were expanded to the Moderate High Density Residential (the “Corridor”) and Moderate Density Residential Tourist. Motels were permitted but the word “motel” was removed as part of the 2009 changes as well.



The goal is to improve residential quality of life. This change in comp plan policy may help by mitigating the risk of new dedicated hotel development projects within the Moderate High Density Residential land use category as defined in the Future Land Use Element of the Towns Comprehensive Plan. In my mind the current language in policy 3.6 is too broad and combined with recent trends in property aggregations along the corridor, the risk is increased.

Now that we have some experience with hotel projects, for which the full impacts have not yet been fully realized, the preferred option for Surfside would be to consider restricting the ability for large dedicated hotels to be built in the portion of the town zoned H30 and H40 and covered by the Moderate High [Density] Residential land use category as illustrated in the future land use map FLU-7.

If there is agreement to change policy 3.6, then changes to policy 1.1 also would also need to be considered. The Town Planner will obviously need to assess this discussion item. Since the Town Planner is in the early stages of developing the next EAR Report for Comp Plan amendments, I am asking the TC to direct the administration to assess the alternative language for policy 1.1 and policy 3.6 as presented below.

The following text edit to the Comp Plan policy 3.6 is proposed for TC consideration. This may seem like a simple change (striking 3 words), but it seems like it can dramatically help to protect and preserve the small-town character for years to come and improve quality of life for residents.

Proposed Edits to Policy 3.6

The Town shall maintain a future land use map pattern and other development regulations which limit new tourist facilities to properties in the Moderate Density Residential/Tourist, ~~Moderate-High Residential~~, and High Density Residential/Tourist land use categories.

If the changes to policy 3.6 are acceptable, then policy 1.1 would also need to be addressed.

Proposed edits to Policy 1.1 Third Paragraph

Moderate-High Density Residential: up to 79 residential dwelling units per acre ~~or up to 108 hotel units per acre and~~ not more than 40 feet in height. The permitted uses are single family, duplex, and multi-family residential uses, ~~hotels~~, public schools, places of public assembly, and parks and open spaces.

Recommendation: Direct the Town Administration to have the Town Planner formalize the recommended edits to the comp plan policies as described in this discussion item.

Thank you

Michael Karukin



Town of Surfside Commission Communication

Agenda Item # 9B

Agenda Date: December 13, 2016

Subject: Town of Surfside Commission Approval of Traffic Mitigation Plans

Background: In the November 9, 2016 Town of Surfside Commission Meeting, the Town Commission reviewed Ad hoc Traffic Advisory Committee Recommendations and requested staff prepare a spread sheet listing the Ad hoc Traffic Advisory Committee Recommendations, Staff action and initiatives to date and other ideas. This matter and the same topics have been discussed and presented in a number of Commission Communications.

Analysis:

Ad hoc Traffic Advisory Committee Recommendations	Staff Actions / Initiatives	Mayor / Other ideas
Add stop bar reflectors at 90th Street and Froude Avenue. Motion Passed 4-0	Stop Bar Reflectors have been installed along Byron Avenue and all intersections of 91 Street in the residential area. The vendor is available at the Town's request to add them to additional locations. Estimate \$1,000.00 Per intersection	Use reflective tape on all stop sign posts. Estimate \$1,000.00
Open 94th Street and Abbott Avenue to west bound traffic. Motion Passed 3-1	This idea has been discussed repeatedly and can be completed by Surfside Public Works. The benefit associated with this change is to relieve vehicle traffic from traveling west on 95 th Street from Abbott Avenue. In turn, this will increase traffic in the 300 block of 94 Street and traffic intrusion through 94 th Street into the residential neighborhood significantly.	Request mapping companies not include cut-through options for Surfside residential streets. Legal has advised the streets are public domain and the Town does not have the authority for companies to change their mapping.

<p>To keep the streets between Collins and Harding Avenue open to east and west bound traffic as they currently exist.</p> <p>Motion Passed 3-1</p>	<p>The discussion of developing a traffic pattern to include one way streets for improved traffic management has been ongoing. When this proposal was presented before the community at a Traffic Mitigation Town Meeting there was opposition to the plan. The following list illustrates the locations discussed for one way traffic:</p> <ul style="list-style-type: none"> • 88th Street between Collins & Harding Avenues • 89th Street between Collins & Harding Avenues • 90th Street between Collins & Harding Avenues • 91st Street between Collins & Harding Avenues <p>In more recent traffic mitigation plan discussions additional one way traffic patterns for the 200 block of 94 Street (eastbound) and 200 block of 95 Street westbound) have come about. These changes are largely in consideration of The Shul school expansion adding a considerable amount of vehicle traffic to the 200 block of 95 Street and the lack of space in the area for queuing vehicles in that block.</p>	<p>Utilize one-way streets between Collins and Harding Avenues.</p>
<p>To request FDOT to investigate creating a crosswalk across Harding Avenue on the north side of 90th Street, with traffic beacons on Harding Avenue.</p> <p>Motion Passed 4-0</p>	<p>Multiple meetings with FDOT have occurred. FDOT has repeatedly taken the position that past studies at that location have indicated there is not enough pedestrian traffic at the location for the installation of pedestrian signaling.</p> <p>Town staff has recommended various alternatives to address safety concerns at the intersection of 90th Street & Harding Avenue e.g. One-Way traffic for the 200 block of 90th Street (eastbound), a triangular island on the west side of Harding Avenue at 90th Street to prevent access for vehicles traveling east to west from the 200 block into the residential area</p>	<p>Advocate with Bal Harbor and FDOT to re-align right turn lane on Harding Avenue north of 96 Street.</p>

	and both have been rejected by area residents.	
<p>Not to discuss city-wide sidewalk issues since it is not a part of this Committee's scope.</p> <p>Motion Passed 5-0</p>	<p>The idea to evaluate sidewalk options is another topic that has been discussed repeatedly and has always received strong opinion from both sides.</p>	<p>Close Byron Avenue at 88 Street to all northbound vehicular travel.</p> <p>This has been explored in the past. Miami Beach and Miami-Dade County oppose the closing.</p>
<p>To perform a simulation of the "hot spots" in the Town and their effect on the residential areas west of Harding Avenue with the cooperation of FDOT.</p> <p>Motion Passed 5-0</p>	<p>Traffic Studies – There is a cost associated with this item. CGA traffic engineer to provide an estimate.</p>	<p>Traffic light at Abbott Avenue on 96 Street.</p> <p>FDOT has advised on numerous occasions that they will not allow this and it would create more traffic congestion on 96th Street. The Ad hoc Traffic Advisory Committee also rejected this as there was not a second to bring it to vote when discussed.</p>
<p>To require developers/contractors to stage construction on property, and when needed borrow portions of side streets as a second option before the developers/contractors are allowed to close lanes on Collins, Harding or other major roads for staging. Motion Passed 5-0</p>		<p>Create vehicular circulation plan for all commercial construction projects along Collins and Harding Avenues.</p>
<p>Recommend that the Commission put the gating of the town on the back burner, and not to make it a priority.</p> <p>Motion Passed 4-1</p>	<p>The topic of Gating the Town, specifically the residential streets of Surfside, is another discussion often had. This issue while associated with traffic mitigation when related to cut through traffic of drivers avoiding the congestion on A1A (Collins and Harding Avenues) would develop a new traffic pattern on the main thoroughfares such as A1A and 96th Street. At issue with gating the community is the placement of entry and exit points.</p>	

<p>To consider leaving the installation of new stop signs throughout the Town up to the police department on an as needed basis, with emphasis on intersections with line of sight issues.</p> <p>Motion Passed 5-0</p>		
<p>To consider adding a centerline curb diverter on 95th Street between Abbott and Byron Avenues.</p> <p>Motion Passed 4-1</p>	<p>This would deter commercial trucks from cutting through 95th Street to Byron Avenue from the Business District.</p>	
<p>To consider that any traffic mitigation plan include streetscape improvements in the built environment where applicable.</p> <p>Motion Passed 4-1</p>		
<p>To consider removing the “No Turn on Red” sign on the west side of 93rd Street and Harding Avenue.</p> <p>Motion Passed 5-0</p>	<p>Needs FDOT approval</p>	
<p>To consider adding a speed bump on Abbott Avenue between 91st Street and 92nd Street. Motion Passed 5-0</p>	<p>Speed Bumps have been added to several locations (listed below) and additional speed bumps can be installed by Town Public Works as directed.</p> <p>Speed Bump locations:</p> <ul style="list-style-type: none"> • 1272 Biscaya Drive • 88th Street between Garland & Hawthorne • 88th Street between Dickens & Emerson • 9000 block of Abbott Avenue • 9100 block of Bat Drive • 9200 block of Bay Drive • Byron Avenue from the 9000 block to the 9500 block. 	
<p>To request FDOT remove the “No U-Turn” sign on the 96th Street east-bound lane at the traffic light for the entrance to the Bal Harbor Shops parking lot.</p> <p>Motion Passed 4-1</p>	<p>Needs FDOT approval</p>	

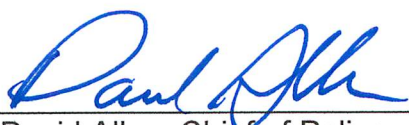
<p>To request to FDOT that all pedestrian crossings across Harding and Collins Avenues (for both intersections with and without traffic lights) be striped as follows:</p> <ul style="list-style-type: none"> a. Collins pedestrian street crossings be striped on south-side of road only. b. Harding pedestrian street crossings be striped on north-side of road only. <p>Motion Passed 5-0</p>	<p>Needs FDOT approval</p>	
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Conclusion:

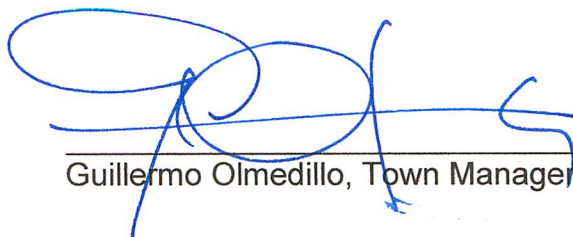
In conclusion, Staff is ready to act on the installation of additional four way stop signs at other intersections in the residential neighborhood, add speed bumps in the 9100 block of Abbott Avenue, the 9000 block of Froude Avenue and as requested, to add Red Stop Bar Reflectors to 90th Street intersections and throughout the Town if desired. Staff is ready to open 94th Street and Abbott Avenue to westbound traffic. All of these can be considered short term traffic mitigation actions that will occur as quickly as Public Works personnel can schedule and appropriate funding is determined. Establishing one way traffic patterns as described above can be worked for in the short term with Commission approval and direction to proceed.

Improvements such as eliminating parking spaces to create a left turn only lane in the 200 block of 95th Street (in conjunction with The Shul Development Order) and loop detection sensors for traffic lights on Harding Avenue are in the engineering stages and can be considered intermediate traffic mitigation plans. Town Staff has met with Shul personnel recently regarding the left turn lane project. The discussion of making 95th Street one way westbound arose from that meeting due to concerns on behalf of all involved regarding the impact that The Shul development will have on the area traffic at peak times.

Long term initiatives such as sidewalks for residential streets and gating the residential community have been controversial during Town meetings as well as the Ad-hoc Traffic Advisory Committee meetings.



David Allen, Chief of Police



Guillermo Olmedillo, Town Manager



Town of Surfside Commission Communication

Agenda Item # 9C

Agenda Date: December 13, 2016.

Subject: Funding the Beach Furniture Part-time Code Compliance Officer.

Background: At the October 13, 2016 Town Commission meeting, the Administration was directed to return with a plan to finance the code compliance component of the Beach Furniture Ordinance. The following accompanies the second reading of said ordinance on this agenda.

Analysis: One part-time Code Compliance Officer is required to work on weekends and holidays.

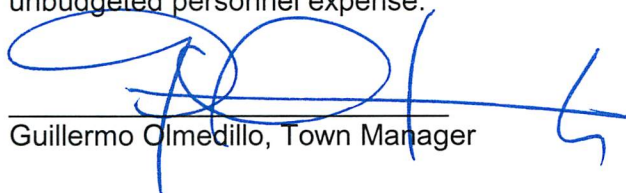
The following are recommended options that require Town Commission direction:

1. To fund the new part-time Code Compliance Officer, personnel savings can be used from the unfilled positions of Assistant Town Manager and the Assistant Public Works Director. The personnel cost of the part-time Code Compliance Officer will be from the hire date through the end of FY 2016-2017. The FY 2017-2018 budget will include this new part-time position as an additional Code Compliance personnel expense for the full fiscal year.
2. The Town Commission adopts the ordinance with an effective date of October 1, 2017 tied to the adoption of the FY 2017-2018 budget. The FY 2017-2018 budget would include the new part-time position as an additional Code Compliance personnel expense.
3. Utilize existing General Fund reserves upon adoption of the ordinance to fund this unbudgeted personnel expense for this fiscal year. The FY 2017-2018 budget will include this new part-time position as an additional Code Compliance personnel expense.

Budget Impact: Option I - \$36,059 annually. Option II - \$22,936 annually (Attachment A). The personnel expense would be prorated through this fiscal year based on the hiring date or begin in FY17/18 based on Town Commission direction.

Staff Impact: A part-time Code Compliance Officer would to be hired through the Town's personnel recruitment process. Estimated timeframe of two to three months from adoption of the ordinance to start date.

Recommendation: Seeking Town Commission direction on the preferred method to finance this unbudgeted personnel expense.


Guillermo Olmedillo, Town Manager


Donald Nelson, Finance Director

ATTACHMENT "A"

CODE COMPLIANCE DIVISION

BEACH ENFORCEMENT OFFICER OPTIONS

Officer Duties: The Beach Enforcement Officer will be responsible for patrolling the Surfside Beach to enforce our municipal Code of Ordinances relating to beach activities, such as beach furniture, motorboats and watercraft, commercial photography and other solicitations, picnicking, drinking of alcoholic beverages, building fires, peddling, dogs on the beach, other dog nuisances, use of expanded polystyrene containers, littering, beach events, prohibited noise, and other beach related regulations.

OPTION I: Part-Time Officer / Friday, Saturday, Sunday and Monday

4 days/week x 7 hours/day = 28 hours/week x \$22.00/hour = \$616.00/week x 52 weeks/year = \$32,032.00; plus added Fringe Benefit Cost (FBC) of 9.65%: \$3,092.00

- Total Officer Payroll Cost: \$35,124.00
- Uniform Cost: \$150.00
- Cell Phone Service: \$55.00/month x 12 months = \$660.00
- Camera: \$125.00

Total Cost for Four-Day Per Week Operation: \$36,059.00

OPTION II: Part-Time Officer / Saturdays, Sundays and Legal Holidays

Saturday and Sunday (8 hours per day) = 16 hours/week x \$22.00 per hour = \$352.00/week x 52 weeks/year = \$18,304.00; plus Legal Holidays (10 days/year x 8 hours/day x \$22.00/hour = \$1,760.00

Plus added Fringe Benefit Cost of 9.65% of total wages (of \$20,064.00): \$1,937.00

- Total Officer Cost: \$22,001.00
- Uniform Cost: \$150.00
- Cell Phone Service: \$55.00/month phone x 12 months = \$660.00
- Camera: \$125.00

Total Cost for Saturday, Sunday and Legal Holidays Operation: \$22,936.00

Note: Start time of daily work hours will vary according to the season (time of year, peak tourist load, and holidays).