



**Town of Surfside
Town Commission Meeting**

AGENDA

May 9, 2017

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 Annual Salary to the Members of the Town Commission** –
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
 - April 13, 2017 Regular Town Commission Meeting Minutes**
 - April 26, 2017 Special Town Commission Meeting Minutes**

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

- 1. See Click Fix
- 2. Development Application Status
- 3. Code Compliance
- 4. Finance
- 5. Information Technology
- 6. Police Department

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

D. Committee Reports – Guillermo Olmedillo, Town Manager

- February 2, 2017 Pension Board Meeting Minutes
- March 27, 2017 Parks and Recreation Committee Meeting Minutes
- March 30, 2017 Sustainability Subcommittee Meeting Minutes
- March 30, 2017 Planning and Zoning Board Meeting Minutes

E. Mutual Aid Agreement between the City of Aventura Police Department and the Town of Surfside Police Department – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACKNOWLEDGING THE MUTUAL AID AGREEMENT BETWEEN THE TOWN OF SURFSIDE, FLORIDA AND THE CITY OF AVENURA AND THE TOWN OF SURFSIDE; AUTHORIZING THE TOWN MANAGER AND CHIEF OF POLICE TO EXECUTE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE MUTUAL AID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

F. Presentation Municipal Clerk's Week Proclamation – Sandra Novoa, MMC, Town Clerk

G. Proclamation Request for Retiring Ruth K. Broad K-8 Center Teachers – Joyce Azevedo, Nancy Garcia and Diana Francois – Mayor Daniel Dietch

H. Proclamation Request for Julia Magnani – Mayor Daniel Dietch

4. Ordinances

(Set for approximately 7:30 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Reading Ordinances

1. Require Noticing of New Residential Construction and Demolitions– Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 "BUILDING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 14-28 "ISSUANCE OF BUILDING PERMITS."; AMENDING CHAPTER 90 "ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 90-19 "SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS."; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Set for approximately 7:45 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

1. Amended Beach Furniture Ordinance - Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 86 "WATERWAYS"; ARTICLE II, "PUBLIC BEACHES", SPECIFICALLY AMENDING SECTION 86-26 "DEFINITIONS"; SPECIFICALLY AMENDING SECTION 86-31 "BEACH FURNITURE PERMIT REQUIREMENTS"; SPECIFICALLY AMENDING 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.

5. Resolutions and Proclamations

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

A. Approval to proceed with A & B Pipe for the purchase of checkmate valves for water outfalls – Guillermo Olmedillo – Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET; APPROPRIATING FUNDS IN THE AMOUNT OF \$45,280 FROM THE STORM WATER FUND RESERVES ACCOUNT NO. 404-0000-391-1000 TO THE EQUIPMENT MAINTENANCE ACCOUNT NO. 404-5500-538-4603; AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF TIDEFLEX CHECKMATE VALVES; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**B. Adoption of the current Miami-Dade County Local Mitigation Strategy–
Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA ADOPTING THE CURRENT MIAMI-DADE COUNTY MULTI-HAZARD LOCAL MITIGATION STRATEGY, AS AMENDED, IN ACCORDANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY RATING SYSTEM REQUIREMENTS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**C. Community Rating System consultant CRS Max – Guillermo Olmedillo,
Town Manager**

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT FOR THE RETENTION OF COMMUNITY RATING SYSTEM MAX CONSULTANTS (CRS MAX) FOR COMMUNITY RATING SYSTEM CONSULTING SERVICES; AUTHORIZING THE APPROPRIATION AND EXPENDITURE FROM THE 2016/2017 FISCAL YEAR BUDGET NOT TO EXCEED \$11,000 FROM THE GENERAL FUND ACCOUNT NO. 001-7900-590-3110; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**D. Approval for work authorization No. 103 to Calvin Giordano & Associates
for the post design services related to the Surfside Traffic Signal
Modifications at three intersections along Harding Avenue – Guillermo
Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING CALVIN, GIORDANO & ASSOCIATES, INC. WORK AUTHORIZATION NO. 103 FOR HARDING AVENUE POST DESIGN SERVICES; AUTHORIZING THE EXPENDITURE FROM THE 2016/2017 FISCAL YEAR BUDGET IN THE AMOUNT NOT TO EXCEED \$37,200.60 FROM THE MUNICIPAL TRANSPORTATION FUND, ACCOUNT NO. 107-8500-549-3110; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR 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.

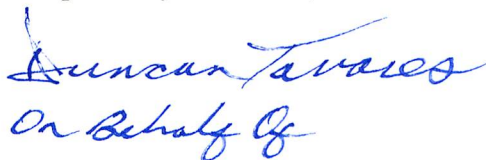
8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

- A. Town of Surfside Red Light Camera Safety Program – Program Continuation Proposals**– Guillermo Olmedillo, Town Manager
- B. Walkability and Pedestrian Improvements** – Guillermo Olmedillo, Town Manager
- C. Modifying measurement of height to prepare Sea level rise** – Guillermo Olmedillo, Town Manager
- D. Beach Furniture Ordinance 16-1658 Amendments** – Commissioner Tina Paul
- E. Zoning Approval Period** - Mayor Daniel Dietch
- F. “No Thru Trucks” Sign Enforcement** – Mayor Daniel Dietch

10. Adjournment

Respectfully submitted,



Guillermo Olmedillo
On Behalf Of

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.



**Town of Surfside
Town Commission Meeting
MINUTES
April 13, 2017
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 Barry 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

Members of the Commission wished everyone happy holidays.

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

Commissioner Paul made a motion to link and move Items 9C and 9D before 5A. The motion received a second from Commissioner Karukin and all voted in favor.

Vice Mayor Cohen made a motion to move Items 9E and 9F after Good and Welfare. The motion received a second from Commissioner Gielchinsky and all voted in favor.

F. Community Notes – Mayor Daniel Dietch

The Mayor recognized Parking Operations Manager Elinor Joseph who received a prestigious Leo Award in the support services category. The Mayor announced upcoming community events which can be found in the Gazette and on the Town's website. Town Manager Olmedillo gave an update of a meeting with Miami-Dade County as someone complained to them that the town's speed limits were too slow. The town was then advised to increase their speed limits. The Manager explained to the County the situation in Surfside and the conditions they are facing and the issue is moot at this time. Commissioner Karukin thanked the Town Manager.

G. Miami-Dade County Commissioner Sally Heyman – Mayor Daniel Dietch

Commissioner Heyman thanked the leadership of Surfside for their decision making on several important issues. The Commissioner presented a proposal for their review regarding mass transit and is asking for their support. The Commissioner gave an explanation and update of the Civil Citation Program and asked for support. She also spoke about the Immigration Policy and sanctuary cities and asks for their support in her proposal regarding the item.

H. Tree City USA Arbor Day Foundation Recognition – Mayor Daniel Dietch

The Mayor spoke on the item and acknowledged Randy Stokes for pushing this item and being instrumental in having our town receive this recognition.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

Mayor Dietch pulled item H on page 7.

Commissioner Paul made a motion to approve the consent agenda minus the pulled item #7. The motion received a second from Commissioner Karukin and all voted in favor.

Pulled Item - Manager Olmedillo explained that he will not report on localized flooding this evening as all the bids have not come in but he will have a report for the May meeting.

A. Minutes – Sandra Novoa, MMC, Town Clerk

March 14, 2017 Regular Town Commission Meeting Minutes

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

1. See Click Fix
2. Development Application Status
3. Code Compliance Cases
4. Finance
5. Police Department
6. I.T.

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

D. Committee Reports – Guillermo Olmedillo, Town Manager

- **December 15, 2016 Sustainability Subcommittee Meeting Minutes**
- **February 6, 2017 Tourist Board Meeting Minutes**
- **February 22, 2017 Parks and Recreation Committee Meeting Minutes**
- **February 23, 2017 Sustainability Subcommittee Meeting Minutes**
- **February 23, 2017 Planning and Zoning Board Meeting Minutes**
- **March 6, 2017 Tourist Board Meeting Minutes**

E. Arbor Day Proclamation Request – Guillermo Olmedillo, Town Manager

F. 60th Anniversary of the Carousel Barbershop Proclamation Request – Mayor Daniel Dietch

Commissioner Paul made a motion to accept the pulled item. The motion received a second from Commissioner Karukin and all voted in favor.

4. Ordinances

A. Second Reading Ordinances

- 1. Require Noticing of New Residential Construction and demolitions– Guillermo Olmedillo, Town Manager.**

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 14-28 “ISSUANCE OF BUILDING PERMITS.”; AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 90-19 “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS.”; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Town Planner Sarah Sinatra presented the item.

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

Commissioner Paul made a motion to revise some of the wording of the ordinance. Town Planner Sinatra gave some clarification of the ordinance. There was further discussion regarding rewording.

Commissioner Paul withdrew her first motion and made a motion to defer the item (with consideration of the language change she presented) to the May 9, 2017 Commission Meeting at 7:00 p.m. The motion received a second from Commissioner Gielchinsky and all voted in favor.

B. First Reading Ordinances

1. Temporary Signs – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VI “SIGNS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 90-69 “DEFINITIONS”; SPECIFICALLY AMENDING SECTION 90-74 “TEMPORARY SIGNS”; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Vice Mayor Cohen had questions on the item and Town Manager Olmedillo, Town Attorney Miller and Town Planner Sinatra explained the item further.

Commissioner Gielchinsky made a motion to approve. The motion received a second from Commissioner Karukin and the motion carried 4/1 with Vice Mayor Cohen voting in opposition.

The Mayor opened the public hearing. No one wishing to speak the Mayor closed the public hearing.

Commissioner Karukin made a motion to continue with the regular agenda and take Items 9C and 9D after Good and Welfare and Items 9E and 9F after. The motion received a second from Commissioner Paul and all voted in favor.

5. Resolutions and Proclamations

A. Purchase of Off-Road Utility All-Terrain Vehicle (ATV) – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$10,337.00 FROM THE FISCAL YEAR 2016/2017 GENERAL FUND, CODE COMPLIANCE DIVISION, ACCOUNT NUMBER 001-2000-524-6410 FOR THE PURCHASE OF A 2017 POLARIS RANGER 570 EFI (R17RMA57A1) OFF-ROAD UTILITY VEHICLE; PROVIDING FOR APPROVAL AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

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

Commissioner Karukin questioned why we are not using resort tax funds for the item. There was discussion on the issue with the Commission expressing their views.

Commissioner Karukin made a motion to approve. The motion received a second from Commissioner Paul and the motion carried 3/2 with Commissioner Gielchinsky and Vice Mayor Cohen voting in opposition.

B. Fourth of July Fireworks – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE TOTAL EXPENDITURE OF \$12,000 FOR ZAMBELLI FIREWORKS MANUFACTURING CO. FOR THE EXHIBITION AND DISPLAY OF FIREWORKS; INCLUDING THE APPROVAL OF \$8,000 FROM THE GENERAL FUND, PARKS & RECREATION DEPARTMENT, ACCOUNT NO. 001-6000-572-4810; AND INCLUDING THE EXPENDITURE OF \$4,000 AUTHORIZED BY THE RESORT TAX BOARD FROM THE RESORT TAX FUND, ACCOUNT NO. 102-8000-552-48-10; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

Vice Mayor Cohen made a motion to approve. The motion received a second from Commissioner Paul and the motion carried 3/1 with Vice Mayor Cohen voting in opposition and Commissioner Gielchinsky absent for the vote.

There was some discussion about future displays. Mayor Dietch would like the Parks and Recreation Committee to reach out to our neighboring communities to see if there are ways to collaborate. On a personal note, the Mayor would like to see more excitement of the display even if it meant a lesser duration of the display.

C. FY 2016-2017 Budget Amendment Resolution – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE ANNUAL BUDGET RESOLUTION ADOPTED FOR FISCAL YEAR OCTOBER 1, 2016 TO SEPTEMBER 30, 2017; FOR THE PURPOSE OF AMENDING THE ANNUAL BUDGET IN THE GENERAL FUND, CAPITAL PROJECT FUND, MUNICIPAL TRANSPORTATION FUND, BUILDING FUND, MUNICIPAL PARKING FUND, AND SOLID WASTE FUND; AND OTHER ADJUSTMENTS TO THE BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017 PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

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

Commissioner Paul made a motion to discuss. The motion received a second from Commissioner Karukin. The Commission discussed the item and Manager Olmedillo and Finance Director Nelson addressed questions from the Commission.

Commissioner Karukin made a motion to approve. The motion received a second from Commissioner Paul and the motion carried 4/1 with Commissioner Gielchinsky absent for the vote.

5. Good and Welfare – The Mayor opened public hearing.

Public Speaker Jeffery Platt commended Town Manager Olmedillo for holding a very good Lounge Chair Meeting.

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

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. Annual Performance Evaluation - Town Manager Guillermo Olmedillo– Mayor Daniel Dietch

The Mayor thanked members of the Commission for completing the evaluation and gave an explanation of the evaluation form to the public. He said Manager Olmedillo was rated very high by the Commission and exceeded in every standard.

Vice Mayor Cohen made a motion to give a .03 percent merit increase in salary to the Town Manager. The motion received a second from Commission Paul and all voted in favor.

B. Miami Dade County League of Cities Director and Alternate Director Designation – Guillermo Olmedillo, Town Manager

Commissioner Paul made a motion to nominate Commissioner Karukin as Director and requested to be the alternate. The motion received a second from Commissioner Gielchinsky and all voted in favor.

Commissioner Paul made a motion to extend the meeting an additional 30 minutes. The motion received a second from Commissioner Gielchinsky and all voted in favor.

C. Report from the Town Manager's Meeting with Representatives of Hotels, Condominiums and Residents – Beach Furniture - Guillermo Olmedillo, Town Manager (linked with 9D)

Manager Olmedillo gave an update on the meeting.

Commissioner Karukin gave a power point presentation based on previous feedback from the public and Commission.

Vice Mayor Cohen believes the town has much larger issues to deal with and should not be putting so much focus on the item.

The Mayor opened the public speaking.

Public Speakers:

-Jeffery Platt had issues with storage on the beach.

-Joel Simmonds representing the Grand Beach Hotel would like to find a friendly resolution and gave his views on the item.

-Silvia Coltrane representing the Marriott Hotel would like the same rights as beachfront hotels and be able to put their chairs on the beach. Commissioner Paul made a motion to allow Ms. Coltrane additional speaking time. Commissioner Karukin and Commissioner Gielchinsky responded to Ms. Coltrane.

-Victor May gave his views and stated this is a public beach.

-Deborah Cimadevilla thanked the Town Manager for the meeting he held. She spoke about the meeting and the concerns presented by the citizens.

-Sean McKeon General Manager of the Marriott (who agreed to complete the necessary paperwork to speak as a lobbyist) spoke on the item and wants to be a good neighbor.

-Jean Michel Kling speaking on behalf of the Grand Beach Hotel said his guests have every right to use the beach just as all the public and beach chairs are necessary.

-Clara Diaz-Leal said regulation of chairs is needed as she cannot find a space to put her chair. She also has issues with littering.

The Mayor read into the record three recommendations given by Mr. George Kousoulas. (1) to redefine the operator so it can be properly regulated; (2) define set-up and storage (3) prohibit set-up and storage except for operators.

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

The Commission discussed the item and expressed their different point of views but agreed something must be done although all people may not be satisfied. The Town Manager said he would like clear direction after their discussion. Commissioner Paul read revisions to the ordinance she would like.

Commissioner Karukin made a motion that a permit is required if a beach furniture operator engages in any kind of organized beach furniture or storage activity. The motion received a second from Commissioner Gielchinsky and the motion passed 3/2 with Commissioner Paul and Vice Mayor Cohen voting in opposition.

Commissioner Gielchinsky made a motion that a beach furniture operator is either a hotel or condominium located on the east side of Collins Avenue that provides beach furniture services to its residents and guests or a hotel located on the west side of Collins Avenue so designated or authorized by the Town Commission. The motion received a second from Commissioner Karukin. The motion carried 3/2 with Commissioner Paul and Vice Mayor Cohen voting in opposition.

Commissioner Karukin made a motion that beach furniture setup is the organized preplacement of beach furniture by a hotel or condominium property located on the east side of Collins Avenue in anticipation of use by an individual beach furniture user. The motion received a second from Commissioner Gielchinsky and the motion carried 4/1 with Commissioner Paul voting in opposition.

Commissioner Karukin made a motion that beach furniture storage is the overnight placement of beach furniture on the public beach. The motion received a second from Commissioner Gielchinsky and all voted in favor.

Vice Mayor Cohen made a motion that the definition of a beach furniture user is an individual using any item of beach furniture while on the public beach. This applies to the general public, condominium residents and hotel guests. The motion received a second from Commissioner Karukin. The motion was

withdrawn by Vice Mayor Cohen and Commissioner Karukin withdrew the second.

Manager Olmedillo will bring back parameters for storage and an operating plan which will dictate terms and conditions.

D. Proposed revisions to Beach Furniture Ordinance and Administrative Policy
– Commissioner Michael Karukin (linked with 9C)

E. Gating the Community – Vice Mayor Barry Cohen

Vice Mayor Cohen made a motion to defer further Items 9E and 9F. The motion received a second from Commissioner Gielchinsky and the motion carried 4/1 with Commissioner Paul absent for the vote.

F. Section 4 of the Town Charter – General power of Town; powers not deemed exclusive – Vice Mayor Barry Cohen
(Item deferred)

G. Town Attorney Retirement – Mayor Daniel Dietch

The Mayor said it was with heavy heart that he accepts the retirement of Town Attorney Miller who has served the town of Surfside since 2008. He expressed his appreciation to Attorney Miller.

Commissioner Karukin made a motion to give Town Attorney Miller a \$10,000 bonus for her hard work and dedication. The motion received a second from Commissioner Paul and all voted in favor.

Attorney Miller thanked the Commission for their generosity and expressed how much she enjoyed working with the Commission and administration.

The Mayor asked the Commission how to move forward in a replacement, in-house or out-sourcing. Commissioner Karukin suggested a special meeting as this is a big issue. Commissioner Paul is in favor of promoting from in-house. There was discussion on the item and the Commission will meet individually with the Town Manager before April 21, 2017.

Commissioner Karukin made a motion to hold a special meeting April 26, 2017 at 5:30 P.M. The motion received a second from Commissioner Gielchinsky and all voted in favor.

Added to the Agenda: The Mayor thanked those who attended the Bal Harbour Commission Meeting. Commissioner Karukin said there was an article in the Miami Herald about the meeting and it is posted on the Bal Harbour website

Commissioner Karukin made a motion to direct the Town Manager (representing the Town of Surfside) to attend the Bal Harbour meeting on April 25, 2017 and May 16, 2017. The motion received a second from Commissioner Paul all voted in favor.

10. Adjournment

The meeting adjourned at 11:15 p.m.

Respectfully submitted,

Accepted this _____ day of _____, 2017

Daniel Dietch, Mayor

Attest:

Sandra Novoa, MMC
Town Clerk



**Town of Surfside
Special Town Commission Meeting
MINUTES**

April 26, 2017

5:30 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 5:34 p.m.

B. Roll Call of Members

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

The Mayor sadly announced the passing of Ethel Spector the owner of Sheldon's. There was a moment of silence in her honor.

C. Pledge of Allegiance

Hector who cooked at Sheldon's for many years, led the Pledge of Allegiance.

2. Town Attorney Hiring Process Discussion – Mayor Daniel Dietch

The Mayor thanked Commissioner Gielchinsky for the outline he provided for review. Commissioner Gielchinsky presented the item as follows:

Objective: To decide upon a process by which to identify potential candidates for the Town Attorney position.

Proposal: To initiate an identification and recruitment process that includes the following:

1. Recruitment for the position is done by the Human Resources Department;
2. Position will open to both individual candidates and firms;
3. The recommended minimum requirements are:

Graduation from an accredited law school with a Juris Doctor degree; Ten (10) years of experience as a practicing attorney with substantial municipal law experience; Member in good standing of the Florida Bar Association; admission to practice in State Court and Federal Court, Southern District of Florida; No disciplinary action by the Florida Bar in the last five (5) years; and Office location in Miami-Dade County; and a Valid driver's license with a satisfactory driving record.

4. Advertise position via the following for 30 days:
 - a. Florida Bar website;
 - b. Florida Bar Journal;
 - c. Florida League of Cities website and newsletter;
 - d. Florida Public Personnel Association;
 - e. International Municipal Attorney's Association;
 - f. Monster.com website;
 - g. LinkedIn; and
 - h. Any other sources deemed worthwhile by Human Resources.
5. Applications will be screened by the Human Resources Department for minimum qualifications, as well as a background check, and forwarded to the Commission after each application is vetted;
6. Human Resources will create a matrix summarizing credentials of applicants;
7. Each Commissioner selects up to three (3) qualified candidates. Candidates must be on more than one Commissioner's list to become an eligible candidate for the interview process;
8. Commission conducts a special public hearing for each candidate to make a presentation;
9. Individual commissioners interview selected candidates, if desired;
10. Each Commissioner selects one proposed semifinalist candidate;
11. Semifinalist candidates are invited to submit written proposals to the Town Manager, which are subject to further negotiation with the Town Manager, assisted by Commissioner Gielchinsky;
12. Terms of final proposals are presented to the Commission for final consideration and voting.

Recommendation: Direct the Town Staff to proceed as recommended herein.

The Commission discussed the item in detail and presented their suggestions. In-house or out-sourcing was discussed with pros and cons of each. The issue of a South Florida experienced attorney, especially in Miami-Dade County, was viewed favorably. Headhunter issue was discussed as well as having an attorney in close proximity where they can go to their office if needed. Commissioner Paul supports Assistant Town Attorney Jane Graham as interim. Town Manager Olmedillo said a

job definition of the position and salary range has to be included in advertising. He also spoke about background checks.

The Mayor opened the public hearing.

Public Speakers:

-Victor May thanked the Commission for their act of transparency on the issue and supports their ideas and presented some other suggestions.

-George Kousoulas gave his opinion on hiring an individual vs. a firm and in-house attorney vs. out-sourcing. He gave his views on an interim attorney.

-Lou Cohen thanked Attorney Miller for her service to the Town and supports the idea of Assistant Town Attorney Jane Graham for the position.

The Commission further discussed all the views presented and whether to move forward with an individual or a law firm.

Vice Mayor Cohen made a motion that we look for a qualified Municipal Law Firm that provides staff in town on a regular basis. Advertise in the Florida Bar Journal, Daily Business Review, FLC website and newsletter and Town website. Commissioner Gielchinsky made a friendly amendment that the deadline will be no later than thirty days from the date of the Daily Business Review notice/ad. Vice Mayor Cohen accepted the friendly amendment. The motion received a second from Commissioner Gielchinsky and all voted in favor.

Commissioner Gielchinsky made a motion to request Town Attorney Miller consider extending her period by thirty (30) days. The motion received a second from Commissioner Karukin and all voted in favor.

Vice Mayor Cohen left the meeting at 7:26 p.m.

Commissioner Gielchinsky made a motion to extend the meeting an additional 30 minutes. The motion received a second from Commissioner Karukin and all voted in favor with Vice Mayor Cohen absent.

Commissioner Paul left the meeting at 7:33 p.m.

Commissioner Gielchinsky made a motion that requirements for the applicants be as specified in Section 3 of the memo with the addition of defining the eligible law firm of being of ten or more attorneys. The motion received a second from Commissioner Karukin and all voted in favor with Vice Mayor Cohen and Commissioner Paul absent.

The Commission discussed a background check and HR Director Yami Slate-McCloud gave some input on the subject.

Commissioner Gielchinsky made a motion that a Florida criminal records check as well as an affidavit from the applicant stating that they have no other criminal record in any other states in the last five years. The motion received a second from Commissioner Karukin and all voted in favor with Vice Mayor Cohen and Commissioner Paul absent.

Commissioner Gielchinsky made a motion to direct the Town Manager to specify to the candidates that we as a Town are looking for an annual flat fee arrangement for legal services with carveouts for litigation and labor related legal services and that we desire a cost savings from our current expenditures. The motion received a second from Commissioner Karukin and all voted in favor with Vice Mayor Cohen and Commissioner Paul absent.

Commissioner Gielchinsky made a motion that all of the services to be provided are included as a written proposal to the Town (12 copies of proposals.) The motion did not receive a second but all the members present were in agreement.

Commissioner Gielchinsky made a motion to adopt a procedure whereby after all applications have been received and vetted through the Town Manager and his designees, that each Commissioner be afforded the opportunity to provide to the Town Manager a list within seven days of their three preferred applicants. Thereafter, any applicant whose name appears on the list of two or more members of the Commission will be considered a semifinal applicant. Thereafter, the semifinalists will be invited to make a public presentation at a special meeting of the commission and to conduct individual interviews with each Commissioner as invited by the individual Commissioner. The motion received a second from Commissioner Karukin and all voted in favor with Vice Mayor Cohen and Commissioner Paul absent.

Commissioner Karukin made a motion to extend the meeting an additional 10 minutes. The motion received a second from Commissioner Gielchinsky and all voted in favor with Vice Mayor Cohen and Commissioner Paul absent.

Commissioner Gielchinsky made a motion to specify that only semifinalists or short list applicant will be invited to submit written proposals of the financial terms of their retention. The motion received a second from Commissioner Karukin and the motion carried 3/0 with Vice Mayor Cohen and Commissioner Paul absent.

Commissioner Karukin made a motion to give Commissioner Gielchinsky the authority for negotiations with the Town Manager with the semifinalist applicants on the final terms of their proposed engagement with the Town. Passing the gavel, Mayor Dietch seconded the motion and all voted in favor with Vice Mayor Cohen and Commissioner Paul absent.

3. Adjournment

The meeting adjourned at 8:09 p.m.

Respectfully submitted,

Accepted this ____ day of _____, 2017

Daniel Dietch, Mayor

Attest:

Sandra Novoa, MMC
Town Clerk



TOWN MANAGER'S REPORT MAY 2017

COMMUNITY PROGRAMS / INITIATIVES / ENHANCEMENTS

1. See Click Fix -- Report attached.

2. Development Application Status

- A. 9116 Harding – A site plan application for a 4 unit townhouse development has been received. A Development Review meeting was held November 2, 2016. Comments were provided and corrections were required. The plans were resubmitted and the second Development Review Group (DRG) was held on February 7, 2017. A DIC meeting has not been scheduled at this time.
- B. 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. Comments were provided and corrections were required. The plans were resubmitted and a DIC meeting was held on February 7, 2017. The item was heard at the April Planning and Zoning Board meeting and was deferred to the next meeting.
- C. 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. Comments were provided and corrections were required. The applicant resubmitted the plans and comments were provided on January 26, 2017. A DIC meeting will be scheduled in the future.
- D. Surf Club II – A site plan application was submitted on August 12, 2015. The Development Review meeting was held on September 4, 2015. A second DRG meeting was held on April 18, 2016. The plans were resubmitted on June 13, 2016 and DIC was held on July 27, 2016. The application was heard by Planning and Zoning on August 25, 2016. The applicant has revised the request and resubmitted the plans. The DRG and DIC meetings were held on March 9. Revisions are required. The next DRG and DIC meetings have not been scheduled yet.
- E. Surf Club Northwest Building – A site plan amendment was submitted on February 9, 2017. The DRG meeting was held on March 9. Revisions were required and were received on April 24, 2017. A DRG meeting is scheduled for May 11, 2017.

TOWN DEPARTMENTS

3. Code Compliance

- A. Code Violation Cases: As of April 28, 2017, the total number of active, open cases being managed is 130; of these cases, 57 cases are still under investigation and are working towards compliance, 5 cases are on-hold, 18 are in the Special Master hearing queue; 12 cases are in post-Special Magistrate action status, and 38 cases have been lienied and remain unpaid. Properties with unpaid liens are sent reminder 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: 84 cases have paid/settled through April 28, 2017 for a total collection of \$29,966
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

4. Finance

- A. Budget to Actual Monthly Report – Report attached.

5. Information Technology

- IT completed the replacement of the firewall and upgrade to Microsoft Exchange on April 30, 2017.
- IT is placing an order for ASI/SDI Digital box for the Meeting Broadcast System (Channel 93).
- IT is working with Finance to complete a cost benefit analysis for the upgrade of the internet bandwidth for FY17/18. The increase would be from 50MBs to 100MBs MetroE. The analysis is projected to be completed in May 2017.
- IT is working with the Video System Controller and Server subcontractor, LexisNexus HD to obtain quotes for replacement of the system. The first quote obtained from AVI came in at \$12,440. IT will work with the Finance Director on the next steps for approval and replacement.

6. Police Department

- A. April 2017 Significant Incidents/Arrests
- Grand Theft Auto Arrest - 04/08/2017: 9300 Block of Dickens Avenue. Subject arrested on 4/12/17.
 - Auto Burglaries Arrest - 04/09/2017: 9200 and 9300 blocks of Bay Drive, 9300 block of Dickens Ave, 9100 block of Froude Ave and 8900 block of Hawthorne Ave. All vehicles were

unlocked. The subject arrested for the Grand Theft Auto was also responsible for two of these burglaries.

- Strong-Arm Robbery - 04/18/2017: 9578 Harding Avenue (CVS Pharmacy). The subject fled on foot.
- Aggravated Assault - 04/23/2017: 9400 Harding Avenue (Publix). The subject drove away possible displaying a gang sign.
- Openly Carrying a Firearm, Carrying a Concealed Weapon and Narcotics Possession Arrest - 04/24/2017: 96th Street and Collins Avenue. Two subjects were arrested.
- Carrying a Concealed Weapon without a Permit Arrest - 04/25/17: 9100 Block of Emerson. The subject was arrested.

B. National Police Appreciation Month: May is the month where the Nation celebrates Memorial Day and National Police Appreciation Month.

In 1962, President John F. Kennedy signed a proclamation which designated May 15 as Peace Officers Memorial Day and the week in which that date falls as Police Week. Currently, tens of thousands of law enforcement officers from around the world converge on Washington, DC to participate in a number of planned events which honor those that have paid the ultimate sacrifice. The Memorial Service began in 1982 as a gathering in Senate Park of approximately 120 survivors and supporters of law enforcement. Decades later, the event, more commonly known as National Police Week, has grown to a series of events which attracts thousands of survivors and law enforcement officers to our Nation's Capital each year.

The Law Enforcement Officers Memorial was established in 1980 to honor fallen officers from every police department and law enforcement agency within Miami- Dade County. In 2001, four black granite walls were erected; etched with the names of the gallant men and women who died serving the citizens of their community.

The Eternal Blue Line Flag will be flown over Surfside Town Hall in the honor of the fallen officers for the month of May.

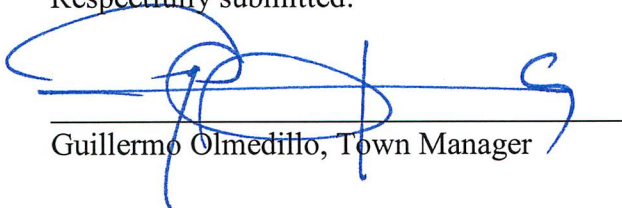
C. Community Service Aide Juan Duran Graduates from Public Service Aide Academy: Surfside Police Department Community Service Aide Juan Duran graduated from the five week Broward College Institute of Public Safety Police Service Aide Academy on April 20, 2017. Juan received training and certification in First Aid, traffic control, parking enforcement, police community relations, and traffic accident investigations. Juan distinguished himself from his peers and was selected as the Company Commander for his class due to his diligence, dedication, and military background. We congratulate Juan on his outstanding accomplishment.

D. Police Events

- The Police Officer Assistance Trust and the Law Enforcement Officers Under Authority Ministry hosted the 17 Annual Law Enforcement Officers Memorial Prayer Breakfast on May 2. Lt. Bambis and Sgt. McKenna represented the Surfside Police Department.
- The Miami-Dade Law Enforcement Officers Memorial Ceremony was held May 4. Chief Allen, Captain Yero, Lieutenant Bambis and Officer Ruiz, and Surfside Police Department Honor Guard represented Surfside.

- The Annual Law Day Celebration was held on May 5 at the North Dade Justice Center. A member of the command staff attended.
- Officer Alejandro Lorente will represent the Surfside Police Department at an Honor Guard Detail for the Police Memorial in Washington, D.C. May 11 – May 13.
- The Dade County Police Benevolent Association will honor Dade County's finest law enforcement officers at their 24th Annual Law Enforcement Awards Gala on May 20. A member of the honor guard will participate in a special tribute to fallen officers.
- Coffee with the Cops is May 30 at Starbucks at 10:00 a.m.
- The monthly Bike with the Chief is May 31 at Town Hall at 5:00 p.m.

Respectfully submitted:



Guillermo Olmedillo, Town Manager



Town of Surfside, FL

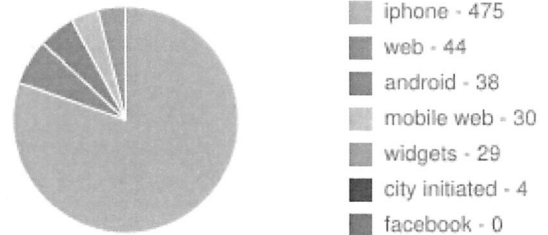
Between Feb 01, 2014 and Apr 26, 2017

620 issues were opened

611 issues were closed

The average time to close was 28.4 days.

Issues by Source



SERVICE REQUEST TYPE	OPENED	CLOSED	DAYS TO CLOSE
Other	162	160	20.4
Beach Issue	91	89	11.4
Parking Issue	61	61	2.6
Police (Safety Concern)	69	69	8.8
Code Compliance (Violation)	50	49	55.0
Street lights (PW)	36	35	180.7
Code Compliance (Safety Concern)	32	29	63.5
Utilities (Water/Sewer) (PW)	17	17	10.6
Construction Issues	16	16	10.5
Dog Stations (P & R)	13	13	5.3
Barking Dog	12	12	20.0
Drainage/Flooding (PW)	12	12	23.4
Surfside Dog Park (P & R)	8	8	1.1
96 Street Park (P & R)	8	8	4.0
Solid Waste (Residential) (PW)	9	9	20.1

Pothole (PW)	5	5	31.7
Community Center (P & R)	4	4	0.0
Hawthorne Tot-Lot (P & R)	4	4	5.2
Beach Patrol	3	3	0.7
Dead Animal	3	3	21.0
Graffiti (PW)	3	3	25.2
Solid Waste (Commercial) (PW)	2	2	0.1
Graffiti (in park) (P & R)	0	0	0.0
Veterans Park (P & R)	0	0	0.0



Town of Surfside, FL

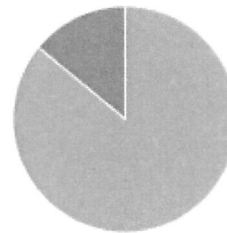
Between Apr 01, 2017 and Apr 26, 2017

7 issues were opened

9 issues were closed

The average time to close was 51.5 days.

Issues by Source



- iphone - 6
- web - 1
- android - 0
- city initiated - 0
- widgets - 0
- facebook - 0
- mobile web - 0

SERVICE REQUEST TYPE	OPENED	CLOSED	DAYS TO CLOSE
Parking Issue	4	4	3.5
Police (Safety Concern)	1	1	0.2
Street lights (PW)	0	3	148.9
Beach Issue	1	0	0.0
Other	1	1	2.8
96 Street Park (P & R)	0	0	0.0
Barking Dog	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
Dog Stations (P & R)	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

Apr 01, 2017 to Apr 26, 2017

1 of 2

Hawthorne Tot-Lot (P & R)	0	0	0.0
Pothole (PW)	0	0	0.0
Solid Waste (Commercial) (PW)	0	0	0.0
Solid Waste (Residential) (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, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2016/2017

AS OF

February 28, 2017

42% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 3

Agenda Date: May 9, 2017

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET
GENERAL FUND			
REVENUE	\$8,584,110	\$13,172,193	65%
EXPENDITURES	4,717,801	\$13,172,193	36%
Net Change in Fund Balance	3,866,309		
Fund Balance-September 30, 2016 (Unaudited)	7,334,438		
Fund Balance-February 28, 2017 (Reserves)	\$ 11,200,747		
RESORT TAX (TEDAC SHARE)			
REVENUE	\$ 216,610	\$735,031	29%
EXPENDITURES	307,659	\$735,031	42%
Net Change in Fund Balance	(91,049)		
Fund Balance-September 30, 2016 (Unaudited)	366,207		
Fund Balance-February 28, 2017 (Reserves)	\$ 275,158		
POLICE FORFEITURE/CONFISCATION			
REVENUE	\$ -	\$50,592	0%
EXPENDITURES	17,652	\$50,592	35%
Net Change in Fund Balance	\$ (17,652)		
Fund Balance-September 30, 2016 (Unaudited)	142,108		
Fund Balance-February 28, 2017 (Reserves)	\$ 124,456		
TRANSPORTATION SURTAX			
REVENUE	\$ 81,642	\$281,330	29%
EXPENDITURES	74,400	\$281,330	26%
Net Change in Fund Balance	7,242		
Fund Balance-September 30, 2016 (Unaudited)	354,265		
Fund Balance-February 28, 2017 (Reserves)	\$ 361,507		
BUILDING FUND			
REVENUE	\$ 1,085,764	\$1,056,688	103%
EXPENDITURES	304,158	\$1,056,688	29%
Net Change in Fund Balance	781,606		
Fund Balance-September 30, 2016 (Unaudited)	0		
Fund Balance-February 28, 2017 (Reserves)	\$ 781,606		
CAPITAL PROJECTS			
REVENUE	\$ 6,408	\$100,000	6%
EXPENDITURES	169,643	\$100,000	170%
Net Change in Fund Balance	(163,235)		
Fund Balance-September 30, 2016 (Unaudited)	1,154,352		
Fund Balance-February 28, 2017 (Reserves)	\$ 991,117		

NOTES:

* Many revenues for February 2017 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 \$109,533 of Prepaid Expenses. The balance of \$5,224,905 is unassigned fund balance (reserves).
 B. Resort Tax Revenues total collected through February 2017 is \$811,851 (\$216,610 is the TEDAC and \$595,241 is the General Fund).

ENTERPRISE FUNDS

ACTUAL

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

WATER & SEWER

REVENUE	\$ 1,194,868	
EXPENDITURES	684,264	
Change in Net Position	510,604	
Unrestricted Net Position-September 30, 2016 (Unaudited)	(2,911,608)	
Restricted Net Position	1,765,319	C1
Unrestricted Net Position-February 28, 2017 (Reserves)	\$ (635,685)	C2

\$3,359,624	36%
\$3,359,624	20%

MUNICIPAL PARKING

REVENUE	\$ 454,995	
EXPENDITURES	673,072	
Change in Net Position	(218,077)	
Unrestricted Net Position-September 30, 2016 (Unaudited)	1,359,603	
Unrestricted Net Position-February 28, 2017 (Reserves)	\$ 1,141,526	

\$1,576,119	29%
\$1,576,119	43%

SOLID WASTE

REVENUE	\$ 594,521	
EXPENDITURES	762,345	
Change in Net Position	(167,824)	
Unrestricted Net Position-September 30, 2016 (Unaudited)	579,682	
Unrestricted Net Position-February 28, 2017 (Reserves)	\$ 411,858	

\$1,746,554	34%
\$1,746,554	44%

STORMWATER

REVENUE	\$ 222,726	
EXPENDITURES	76,055	
Change in Net Position	146,671	
Unrestricted Net Position-September 30, 2016 (Unaudited)	2,253,262	
Restricted Net Position	347,140	C3
Unrestricted Net Position-February 28, 2017 (Reserves)	\$ 2,747,073	

\$684,143	33%
\$684,143	11%

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 (\$635,685) is the result of a change in current net position as of February 2017 of \$510,604 net position as of September 30, 2016 of (\$2,911,608) includes Restricted Net Position of \$1,765,319.

C3. 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

 Guillermo Olmedillo, Town Manager

Town of Surfside
Fund Balance (Reserves)


2/28/2017

FUND	9/30/2014	9/30/2015	9/30/2016	2/28/2017
General	\$ 6,366,391	\$ 5,905,726	\$ 7,334,438	\$ 11,200,747
Resort Tax	180,297	339,396	366,207	275,158
Police Forfeiture	159,626	113,431	142,108	124,456
Transportation Surtax	396,740	440,662	354,265	361,507
Building	-	-	-	781,606
Capital	849,445	182,903	1,154,352	991,117
Water & Sewer	(3,501,884)	(2,705,871)	(2,911,608)	(635,685)
Parking	1,000,355	1,089,165	1,359,603	1,141,526
Solid Waste	116,662	340,391	579,682	411,858
Stormwater	3,838,412	4,051,768	2,253,262	2,747,073
Total	\$ 9,406,044	\$ 9,757,571	\$ 10,632,309	\$ 17,399,363



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: May 9, 2017

SUBJECT: Office of the Town Attorney Report for May 9, 2017

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

April 19, 2017 – Special Master Hearing
April 24, 2017 – Parks and Recreation Committee Meeting
April 26, 2017 – Town Commission Special Meeting
April 27, 2017 – Sustainability Subcommittee Meeting
April 27, 2017 – Design Review Board and Planning and Zoning Board Meeting
May 1, 2017 – Tourist Board Meeting
May 9, 2017 – Town Commission Meeting

Ordinances for Second Reading:

- Amending Sec. 14-28 “Issuance of Building Permits and Amending Sec. 90-19 “Single Family and Two Family Development Review Process

Ordinances for First Reading:

- Beach Furniture amendments

Resolutions:

- CGA Work Authorization No. 103- Traffic Signaling
- Mutual Aid Agreement – Aventura Police Department
- Community Rating System Max Consultants (CRS Max)
- Miami-Dade County Multi-Hazard Local Mitigation Strategy
- Purchase checkmate valves for water outfalls

Proclamations:

- Ruth K. Broad Bay Harbor K-8 Center – Joyce Azevedo
- Ruth K. Broad Bay Harbor K-8 Center – Diana Francois
- Ruth K. Broad Bay Harbor K-8 Center – Nancy Garcia
- Municipal Clerks Week

Town Commission/Town Manager/Town Clerk:

- Review application of Town's Architectural Significance ordinance

April 27, 2017 – Sustainability Subcommittee Meeting:

- Comprehensive Resiliency Priorities

April 27, 2017 – Design Review Board and Planning and Zoning Meeting:

Design Review Board Applications:

- A. 8818 Froude Avenue – Garage conversion
- B. 8830 Byron Avenue – Addition and renovation
- C. 8934 Abbot Avenue – Addition and garage conversion
- D. 9551 Harding Avenue – Sign
- E. 9526 Harding Avenue – Sign
- F. 9072 Carlyle Avenue – Garage Conversion

Quasi-Judicial Application:

- A. 8995 Collins – Architecturally Significant Determination

Planning and Zoning Board:

Quasi-Judicial Application:

- A. Casa de Jesus Special Exception Request

Ordinance: Temporary Signs

Discussion Items:

- A. Pedestrian Circulation – Verbal Update
- B. Sea Level Rise Request to Commission
- C. Summer Schedule
- D. Future Agenda Items

Police Department:

Research, analysis and follow up discussion with Assistant Miami-Dade County Attorney, Surfside Police Chief and Town Manager regarding the proposed Interlocal Agreement between Miami-Dade County and the Town regarding the enforcement of Section 8CC of the Miami-Dade County Code as it relates to Section 21-81 of the Miami-Dade County Code:

Miami-Dade County Code Sec. 21-81:

(d) The following misdemeanor violations, as such may be amended from time, are eligible to receive a civil violation notice pursuant to chapter 8CC of the Code of Miami-Dade County, Florida, at the discretion of a law enforcement officer, provided that such violations are not charged in conjunction with any charge that is a felony, driving under the influence (DUI), incident involving domestic violence, or violent crime, as those terms are defined under State law:

(1) Florida Litter Law, as set forth in Fla. Stat. section 403.413(6)(b), as such may be amended from time to time;

- (2) Illegal Use of Dairy Cases, Egg Baskets, Poultry Boxes, or Bakery Containers, as set forth in Fla. Stat. section 506.509, as such may be amended from time to time;
- (3) Trespass on Property Other Than Structure or Conveyance, as set forth in Fla. Stat. section 810.09, as such may be amended from time to time;
- (4) Retail Theft by Removal of a Shopping Cart, as defined in Fla. Stat. section 812.015(1)(d), as such may be amended from time to time;
- (5) Loitering or Prowling, as set forth in Fla. Stat. section 856.021, as such may be amended from time to time;
- (6) Possession of Cannabis in an amount of 20 grams or less, as set forth in Fla. Stat. section 893.13(6)(b), as such may be amended from time to time; and
- (7) Possession of Drug Paraphernalia, as set forth in Fla. Stat. sections 893.146 and 893.147(1)(b), as such may be amended from time to time.

The Indemnification clause included in the proposed Interlocal Agreement provides that “the TOWN shall indemnify and hold harmless the COUNTY...TOWN shall defend the COUNTY in any action including any action in the name of the COUNTY.” *See below:*

VI. TOWN INDEMNIFICATION

Subject to the limitations set forth in Section 768.28, F.S., and all applicable laws, the TOWN shall indemnify and hold harmless the COUNTY from and for any losses, claims, causes of action or damages of any nature whatsoever, arising from the act, omission or performance or failure of performance of the TOWN or the TOWN’s agents, contractors, servants and employees hereunder relative to the enforcement of the provisions of Section 21-81 of the Code pursuant to Section 8CC of the Code. The TOWN shall

defend the COUNTY in any action including any action in the name of the COUNTY.

Building Department/Code Enforcement:

- Follow up with Code Enforcement for ongoing matters
- Analysis of Code for compliance with Certificate of Use and regulated uses
- Research and provide guidance on solid waste container compliance

Tourist Board:

- Finalize MOU Agreement with Perez Art Museum Miami
- Follow-up Deco Bike meeting and review of renewal terms

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

1. Claimant alleges a false arrest on June 1, 2014. FMIT is investigating this claim.
2. Claimant, Barry Rosenblum alleges an unlawful detention on May 19, 2016. FMIT is investigating this claim.
3. 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. Oral Argument has been requested.
4. 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. The Federal case remains under a stay. The parties are awaiting the Florida Supreme Court's disposition of two red-light camera cases.

5. 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.
6. Sasha Elias, minor by and through her Guardian, Yanina Elias, as her Mother v. Miami-Dade County and Town of Surfside - Case No. 2017-000519-CA-01. On June 25, 2014, Plaintiff 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. Discovery is ongoing.

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



**TOWN OF SURFSIDE
PENSION BOARD MEETING**

Thursday, February 2, 2017 – 2:00 p.m.

9293 Harding Avenue - Town Hall – Commission Chambers

MINUTES

Pension Board Members

Guillermo Olmedillo
Sgt. Julio E. Torres
N. Abraham Issa
Yamileth “Yami” Slate-McCloud
Staci K. Shanahan

Town of Surfside Consultants

Burgess Chambers, Burgess Chambers & Associates
Grant McMurry, Highland Capital Management
Larry Wilson, Gabriel, Roeder, Smith & Company
Robert Klausner, Esq, Klausner & Kaufman
Donald Nelson, Finance Director
Mayte Gamiotea, Third Party Administrator
Frantza Duval, Recording Clerk

1. Call to Order and Roll Call

The meeting was called to order by Chair, Abraham Issa at 2:07pm

All of the above noted Pension Board members were present with the exception of Julio Torres who was absent.

Also in attendance were Frank Wan on behalf of Burgess Chambers, Tod Wishnia was present alongside Grant McMurry from Highland Capital Management, Adam Levinson of Klausner & Kaufman, Donald Nelson, Finance Director for the Town of Surfside, Mayte Gamiotea, Third Party Administrator, Acting Assistant Town Manager, Duncan Tavares, and Frantza Duval Recording Clerk.

Larry Wilson of Gabriel Roeder, Smith & Company was not present.

2. Approval of Minutes

a. Regular Pension Board Meeting – *November 1, 2016*

MOTION:

The Town of Surfside Pension Board recommended approval of the November 1, 2016 minutes of the Regular Board meeting. Staci Shanahan moved; Yamileth Slate-McCloud seconded. The motion passed unanimously.

3. Agenda Additions and Deletions

Mayte Gamiotea included on the agenda under Approval of Invoices Yamileth Slate-McCloud's reimbursement receipt.

Yamileth Slate-McCloud wanted to add the following discussion items to the agenda under New Business:

1. Consultant Evaluations
2. Communication Tools
3. Pension Board Recognition

Abraham Issa will also be presenting information on Calper's Report under New Business.

4. Public Participation

None.

5. Reports and Updates**a. Burgess Chambers & Associates****1. Investment Performance Quarter Ending September 30, 2016**

During the quarter, the Retirement Plan earned \$372K or +1.9% (+1.8% net), ahead of the strategic model (+1.2%) and ranked in the top 12th percentile. The top three performing assets were: iShares Russell 2000 (+9.0%), Highland large-cap value (+8.4%), and iShares Core S&P mid-cap (+7.4%). For the 12-month period, the Plan earned \$1.8 million or +10.1% (+9.7% net), ahead of the strategic model (+8.7%) and ranked in the top 2nd percentile. For the rolling three and five-year periods, the Plan earned +5.9% and +8.8% and ranked in the top 7th and 34th percentiles, respectively.

2. MEPT Summary Ending September 30, 2016

Included in the agenda for review is the MEPT Summary Ending September 30, 2016

3. MEPT: The Quarterly Trust Report (3rd Quarter Results)

Included in the agenda for review is the MEPT: The Quarterly Trust Report for October 2016.

4. Westwood Trust Report Quarter Ending December 31, 2016

Included in the agenda for review is the Westwood Trust Report Quarter Ending December 31, 2016.

5. NewTower Report Quarter Ending December 31, 2016

Included in the agenda for review is the NewTower Report Quarter Ending December 31, 2016.

6. Bentall Kennedy Perspective 2017

Included in the agenda for review is the Bentall Kennedy Perspective 2017.

b. Highland Capital Management

1. Investment Review Ending December 31, 2016

Todd Wishnia provided an overview of the Investment Review for the Quarter Ending December 31, 2016.

2. Portfolio Appraisal as of December 31, 2016

Todd Wishnia provided an overview of the Portfolio Appraisal as of December 31, 2016.

c. Klausner & Kaufman

Adam recommended that the Board start sending out reminders for upcoming conferences.

1. Pending FRS Mortality Table

Adam Levinson advised that the Florida Retirement System (FRS) will be lowering its investment return assumption by 5 basis points from 7.65% to 7.6%. Adam Levinson stated that at the next meeting with the Actuary the discussion of the State approved mortality table needs to be discussed.

2. New Online Annual Report Requirement

Adam Levinson reminded the Board that the Annual Report to the Division of Retirement will now be required to be submitted electronically. This would also include submission of the annual report for local government police officers' & firefighters' pension plan.

3. Ronald Browning Update.

Adam Levinson provided an update on the Ronald Browning case. Adam Levinson has reached out to SunTrust to see if they can talk to Wells Fargo about releasing the funds back to the Town. Adam Levinson will provide another update at the next meeting.

4. Lamar Johnson Update (Beneficiary Change)

Adam Levinson advised that according to Section 2-177 (a) "Generally each member entitled to a normal, early, delayed retirement, vested accrued or disability benefit shall have the right at any time prior to the date on which benefit payments begin." (b). Option 1, joint and null survivor option "shall be null and void if the designated beneficiary dies before the member's benefit payments commence." (e) (1) "Distributions to members shall not extend beyond the life of the member or the lives of the member and his beneficiary."

General employees are not permitted after the death of a joint annuity to bring in another joint annuity. Yamileth Slate-McCloud would like to have Adam Levinson review all of the Town's Pension's form to make sure the current language is clear and concise.

MOTION:

The Town of Surfside Pension Board recommended approval of updating the Pension Plan forms now, as provided to the employees, and updating the forms every five years, unless recommended otherwise by the Pension Board Attorney. Guillermo Olmedillo moved; Yamileth Slate-McCloud seconded. The motion passed unanimously.

5. Attorney's Report

Adam Levinson briefly spoke about Miami Beach's fraud investigation. Adam Levinson advised that although Miami Beach's account wasn't a Pension account he reached out to SunTrust to go over their current procedures to prevent something like this from happening. Donald Nelson advised that the Town's account's currently have fraud control system. There were only two account which didn't have the system set up, but now they are currently covered.

6. Administrator

a. MEPT Wire Transfer

Mayte Gamiotea included for review the confirmation letter for the MEPT Wire Transfer.

b. SunTrust Bank Signature.

Mayte Gamiotea stated that she needed Abraham Issa and Staci Shanahan's signature in order to add them to the account as authorized signers.

7. Approval of Invoices

a. Burgess Chambers & Associates, Inc.

• Invoice #16-383	12/1/2016	\$	6,250.00
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b. Florida Municipal Insurance Trust

• Invoice # 1	12/7/2016	\$	5,016.00
• Invoice #2	12/7/2016	\$	100.00
• Invoice #3	12/7/2016	\$	250.00

Total	\$	5,366.00
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c. Frantza Duval

• Invoice #17-02	1/26/2017	\$	303.75
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d. Gabriel Roeder Smith & Company

• Invoice #426702	12/30/2016	\$	30,932.00
• Invoice #426704	12/30/2016	\$	18,212.00

Total	\$	49,144.00
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Mayte Gamiotea presented Gabriel Roeder's invoice. Two of the invoices pertained to the impact study, which was \$30,932.00 and \$18,212. Mayte Gamiotea questioned who would be responsible for the invoice, would it be the Town or the Pension Board. Donald Nelson advised that he called Larry Wilson seeking an explanation regarding the \$30,932.00, but have yet to get a response. Yamileth Slate-McCloud would like to see a professional discount on the amount, if possible. The board is not questioning the work performed, but the number of hours listed and the service on the invoices.

MOTION:

The Town of Surfside Pension Board recommended approval of paying half of each of the Gabriel Roeder Smith & Company invoices and the remaining balance, pending clarification and/or negotiation of lower fee, to be released by Donald Nelson, up to the current amount listed on the current invoice. Guillermo Olmedillo moved; Yamileth Slate-McCloud seconded. The motion passed unanimously.

e. Highland Capital Management			
• Invoice #14281	12/31/2016	\$	9,712.77
f. Klausner & Kaufman			
• Invoice #19105	10/31/2016	\$	1,170.25
• Invoice #19248	11/30/2016	\$	1,624.50
		Total	\$ 2,794.75
g. Marcum, LLP			
• Invoice # 101071758	10/31/2016	\$	1,491.00
h. Mayte Gamiotea			
• Invoice #17-02	1/26/2017	\$	4,522.50
i. SunTrust Bank Invoice #26895223	1/26/2017	\$	5,437.50
j. Town of Surfside			
• Invoice #21278	8/29/2016	\$	1,400.00
• Invoice #25391032	8/29/2016	\$	282.00
Invoice #113016	11/30/2016	\$	2,800.00
• Invoice #22446	11/30/2016	\$	1,000.00
• Invoice #22759	1/5/2017	\$	1,400.00
• Invoice #MDG12917	1/24/2017	\$	401.46
		Total	\$ 7,283.46
k. Yamileth Slate-McCloud		\$	107.22

MOTION:

The Town of Surfside Pension Board recommended approval of paying the Town of Surfside's invoice #113016 in the amount of \$2,800 for the Trustee school registration for the Finance Director and Plan Administrator through the Pension Board. Guillermo Olmedillo moved; Yamileth Slate-McCloud seconded. The motion passed unanimously.

MOTION:

The Town of Surfside Pension Board recommended approval of the aforementioned invoices, with the exception of the Gabriel Roeder Smith invoices. Yamileth Slate-McCloud moved; Staci Shanahan seconded. The motion passed unanimously.

8. New/Old Business

a. Pension Ordinance (Guillermo Olmedillo)

Guillermo Olmedillo stated that there will be new administrative changes taking places throughout Town. Guillermo Olmedillo would like to see the agenda more condense with the titles only.

Guillermo Olmedillo advised that due to Duncan Tavares' title change, from Director to Acting Assistant Town Manager, he is no longer covered under the recently approved ordinance change (Ordinance 16-1652).

Duncan Tavares spoke on the issue and wanted the Board to consider his case and the possible new Tourism Director to come.

Abraham Issa read the current ordinance Section 2-171 into the record:

"Senior Management Employee: For purposes of the new Senior Management Tier benefit, Senior Management Employee means the Town Manager, Town Attorney, Town Clerk, Building and Zoning Department Director, Code Compliance Director, Finance Director, Human Resources Director, Parks and Recreation Director, Public Works Director, Tourism, Economic Development and Community Services Director."

Adam Levinson stated that as long as Mr. Tavares retains the functions of Economic Development and Community Services Director he would still be covered under the ordinance.

Duncan Tavares stated that he has spoken to a labor attorney who stated that he maintain the existing title in some form, but recommending that the division be clear in some form for future reference.

Donald Nelson recommended amending the ordinance to read all directors and to include the Assistant Town Manager.

Abraham Issa recommended changing the title of Assistant Town Manager to include the term Director.

Donald Nelson recommend amending the ordinance to read as management, to include the Directors and the Assistant Town Manager.

MOTION:

The Town of Surfside Pension Board recommended approval of interpreting Ordinance 16-1652 under the title definitions to include the Assistant Town Manager, as long the title includes status of Director. Guillermo Olmedillo moved; Yamileth Slate-McCloud seconded. The motion passed unanimously.

Adam Levinson suggested making Larry Wilson aware of the new position.

b. Ethics Training Meeting Schedule

Yamileth Slate-McCloud wanted to confirm a meeting date for the ethics training and new trustees orientation.

MOTION:

The Town of Surfside Pension Board recommended approval of scheduling an Ethics and New Trustees orientation on May 2, 2017 at 1pm. Yamileth Slate-McCloud moved; Staci Shanahan seconded. The motion passed unanimously.

c. Consultant Evaluation

Yamileth Slate-McCloud spoke about conducting consultant evaluations. She stated that by general best practice standards it should be done every three years, and the last time the Board conducted consultant evaluations was November 2012. The purpose of the meeting is to be made aware of unknown service that can potentially be offered to the Plan. She would like to see the Plan move towards a more interactive process.

Adam Levinson state that the board can request an RFQ to see what options are available through other companies.

Yamileth Slate-McCloud stated that as her personal opinion she doesn't feel a need to get RFQ as she is currently satisfied with the current consultants.

Staci Shanahan suggested performing two consultant evaluations starting in August and to also evaluate the norm from other pension boards.

Mayte Gamiotea will be responsible to determine the schedule of the consultants and to research the Florida State Report Card to get an idea of what other Plans in the state are paying for each consultant.

d. Communications Tools

Yamileth Slate-McCloud would like to see a "snap shot" of the overall pension plan progress done in the form of a one page newsletter. It should be presented

when Larry Wilson presents the annual report. The newsletter should be a form of education to the employees and a serve as a form of transparency.

Abraham Issa suggests that at the end of the annual report that a summary of the plan be created. He wants to see it be brought back at a future meeting when the annual report is presented.

Adam Levinson stated that there is a company that currently does pension newsletter. Adam Levinson will provide the company's template and information and the board will bring it back at the next meeting.

e. Pension Board Recognition

Yamileth Slate-McCloud would like to see the Plan elevated to the point of recognition; given the Plan's exceptional performance. She wants to start assessing what companies are available that would recognize such plans. The Board is in favor of Yamileth Slate-McCloud moving forward in gathering additional information on such companies.

f. CalPERS Report

Abraham Issa presented the CalPERS report for informational purposes. The purpose of the CalPERS is to focus on making positive changes by reducing costs and risk to the System.

Abraham Issa mentioned a few instances where people who are in retirement plans are taken advantage of simply because they are not educated in the functions of the plan. He wanted to make sure that the employees aren't being taken advantage of when it comes to retirement. Yamileth Slate-McCloud stated that generally employees will come to her if they had any questions and she would advised them of their options and possible consequences, if any of said option. As a Human Resources Director and board member she can't literally choose options for employees, but she can educate them on their choices.

Adam Levinson advised that his firm generally hosts pre-retirement seminars, which serves as an education tool for employees.

Mayte Gamiotea suggested having someone come to talk about retirement during the open enrollment process.

9. Trustees' Comments/Concerns

10. Next Regular Scheduled Meeting Date

May 2, 2017 (Tuesday) 2:00pm

11. Adjournment

There being no further business to come before the Board, the meeting unanimously adjourned at 5:24 pm with the motion made by Guillermo Olmedillo; receiving a second from Yamileth Slate-McCloud.

Accepted this 2nd day of May, 2017

N. Abraham Tssa
Member (Print)

[Signature]
Signature

Attest:

[Signature]
Frantz Duval
Recording Clerk



Town of Surfside

PARKS & RECREATION COMMITTEE MINUTES

March 27, 2017 – 7:00 p.m.
Surfside Community Center
9301 Collins Avenue, Surfside, FL 33154

1. Call to Order/Roll Call

The meeting was called to order by Chair Logan at 7:05 p.m.

The following were present: Chair Retta Logan
Shlomo Danzinger
Zoya P. Javier

Absent: Vice Chair Eliana Salzhauer
Jeffrey Platt

Also present: Tim Milian, Parks and Recreation Director
Jane Graham, Assistant Town Attorney
Commissioner Tina Paul, Commission Liaison
Frantza Duval, Recording Clerk
Elora Riera, Deputy Town Clerk

2. Introduction of new Committee Member – Zoya Pashenko Javier

Committee member Javier introduced herself to the Board. Committee members and staff welcomed her to the Committee and look forward to working with her.

3. Approval of Minutes – February 22, 2017

Chair Logan passed the gavel to Committee member Javier.

Committee member Danzinger moved to approve the minutes as written. Chair Logan seconded the motion which carried unanimously on voice vote.

4. Hawthorne Tot Lot Final

Parks & Recreation Director Milian commented that the Tot Lot was opened in January but it did not have the final walkthrough. The final walkthrough was done approximately three weeks ago, and the books are officially closed on the Tot Lot.

5. 5K Run Recap

Parks & Recreation Director Milian commented that they had a record turnout this year. There was a total of 222 runners and the weather was perfect. The scenic view is normally what attracts the runners since it is done on the hard pack.

6. Spring Camp & Summer Camp Update

Parks & Recreation Director Milian commented that registration has begun for Spring Camp and the camp begins on April 8th and there are 8 spots left. Summer Camp registration begins on April 17th and he anticipates spots to fill up quickly.

7. 96th Street Park Intro. to Planning

Parks and Recreation Director Milian commented that the Committee has addressed this item in the past but due to other items requiring more attention, this was put on hold. He stated that he will go through prior minutes and bring this item back to the Committee to give the members a refresher regarding this item and also provide the Committee with what dollars are available.

8. Community Input

Victor May of 9117 Froude Avenue asked for information on the Easter events and Parks & Recreation Director Milian commented that the Spring egg hunt is taking place on April 8th at the 96th Street park at 10:00 a.m. There is also a Splash into Spring event that will take place on April 15th at the Community Center at 10:00 a.m.

Mr. May commented that he has trouble getting information about Town events. He suggested that there should be LED boards that provide information.

Chair Logan advised Mr. May that they advertise all Town events through the Gazette, the website and throughout the Town. He can also sign up through the Town website to receive information directly to his email.

Parks & Recreation Director Milian advised Mr. May that he will verify his email address to ensure he receives the information moving forward.

Commissioner Paul commented that at the last Commission meeting, the Commission discussed ways to better communicate with the residents so she appreciates Mr. May's suggestion.

Parks & Recreation Director Milian explained the Piano on parades charity that was approved by the Commission. For a donation of \$1,500, the Town will receive a

refurbished piano which will be painted through the youth programs and will be placed in a covered area at the Community Center.

9. Meeting Adjournment

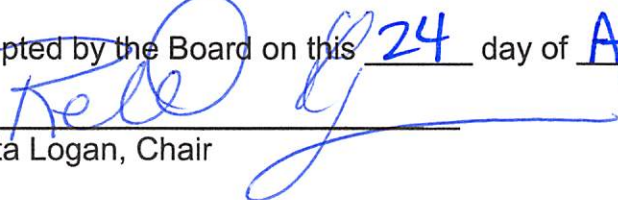
The Board made a recommendation to hold their next meeting on April 24th at 7:00 p.m.

Chair Logan moved to adjourn the meeting at 7:32 p.m. Committee member Danzinger seconded the motion which carried unanimously on voice vote.

Respectfully submitted:



Elora Riera, Deputy Clerk

Adopted by the Board on this 24 day of April, 2017


Retta Logan, Chair



Town of Surfside

Sustainability Subcommittee of the Planning & Zoning Board MINUTES

March 30, 2017

Town Hall Police Training Room –
9293 Harding Ave, 2nd Floor, Surfside, FL 33154

1. Call to Order

The meeting was called to order by Chair Kousoulas at 6:00 p.m.

2. Roll Call: Chair George Kousoulas
Vice Chair Bertha Goldenberg
Deborah Cimadevilla
Lou Cohen
Moshe Behar

Also present: Linda Miller, Town Attorney
Guillermo Olmedillo, Town Manager
Sarah Sinatra Gould, Town Planner
Duncan Tavares, Acting Asst. Town Manager
Brian Roller, DRB/P&Z Board Liaison
Frantza Duval, Recording Clerk
Elora Riera, Deputy Clerk

3. Approval of Minutes – February 23, 2017

Vice Chair Goldenberg made a motion to approve the minutes as written. Committee member Cohen seconded the motion which carried unanimously on voice vote.

4. Shore Management Plan

a) Revised Crossover Code Language – Sarah Sinatra Gould, Town Planner

Town Planner Sinatra provided an explanation to the revised code language.

Committee member Cimadevilla moved to approve the crossover code language as prepared by Town Planner Sinatra. Vice Chair Goldenberg seconded the motion which carried unanimously on voice vote.

Chair Kousoulas provided background information to Planning and Zoning Board Liaison, Brian Roller with regards to this item and why this is being brought to the Subcommittee.

To answer Committee member Cohen's question, Acting Asst. Town Manager Tavares explained what areas are maintained by the County and the Town.

Vice Chair Goldenberg inquired about the lack of trash cans on the hardpack and Committee member Cimadevilla questioned if recycling bins could be placed along the walking path.

Acting Asst. Town Manager Tavares replied that he would look into both inquiries and provide feedback to the Committee at their next meeting.

b) Setback for fences (hardpack) – Sarah Sinatra Gould, Town Planner

Town Planner Sinatra provided an explanation to this item. At the moment, there is no required setback and what is being proposed is a 5-foot setback from the hardpack. This will apply only to new properties or properties doing more than 50% of improvements.

Discussion ensued regarding the language of the Code.

Vice Chair Goldenberg commented that she uses the hardpack a lot and feels that it is wide enough and does not see the need to make it wider and Chair Kousoulas replied that this would not make it wider; it would make it more natural on either edge.

Committee member Cohen believes this will create an issue for the buildings on the beach.

Town Planner Sinatra advised the Committee that she will bring back the landscape language for further discussion at their next meeting.

5. Sustainable Building Requirements (LEED)

Town Planner Sinatra provided information to the Committee regarding the proposal to require all new multifamily and non-residential construction follow the guidelines of LEED or other green building rating systems.

After some discussion, Town Planner Sinatra stated that she will bring back more information on different codes regarding the definitions between LEED certified vs. LEED silver.

6. Infrastructure Protection

a) Undergrounding Utilities Feasibility

Town Manager Olmedillo provided information to the Committee.

Chair Kousoulas suggested that the Committee be provided with more information to get a better understanding and some background knowledge of what a utilities system is.

Committee member Cohen questioned if the Town could piggyback off of what Sunny Isles is doing or get information from them since they are currently working on something similar to this and Town Manager Olmedillo replied that Town Planner Sinatra can speak with their Manager.

Town Manager Olmedillo explained that the two main factors will be how much this will cost the Town and what hardship will the Town have to go through to get this done.

Committee member Cimadevilla commented about information she learned from and FP&L and mentioned that FP&L has a facts sheet on their website that is free for viewing and it would be beneficial for the Committee to review those documents.

The Committee requested that they be provided with the facts sheet from FP&L's website for their next meeting.

7. Public Comment

None.

8. Next Meeting Date – Comprehensive Resiliency Priorities

Acting Asst. Town Manager Tavares advised the Committee that their next meeting will be held on April 27th and will be dedicated to addressing the Comprehensive Plan.

Committee member Cohen made a motion to add a new item for discussion to item #6 with regards to sustaining the Town and beach. Committee member Cimadevilla seconded the motion which carried unanimously on voice vote.

9. Adjournment

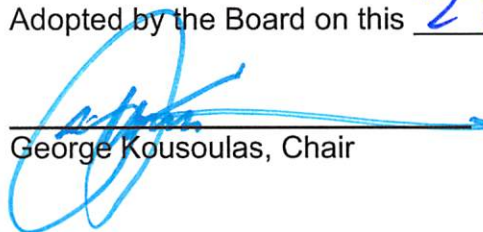
Committee member Cimadevilla moved to adjourn the meeting at 6:58 p.m. Vice Chair Goldenberg seconded the motion which carried unanimously on voice vote.

Respectfully submitted:



Elora Riera, Deputy Clerk

Adopted by the Board on this 27 day of April, 2017



George Kousoulas, Chair



**TOWN OF SURFSIDE
DESIGN REVIEW BOARD
AND
PLANNING AND ZONING BOARD
MINUTES
MARCH 30, 2017
7:00 PM**

Town Hall Commission Chambers – 9293 Harding Ave., 2nd Floor
Surfside, Florida 33154

DESIGN REVIEW BOARD

1. CALL TO ORDER

Chair Lindsay Lecour called the meeting to order at 7:03 p.m.

2. ROLL CALL

Recording Clerk Frantza Duval called the roll with the following members present: Chair Lindsay Lecour, Vice Chair Judith Frankel, Board Member Jorge Gutierrez, Board Member Brian Roller and Board Member Gregg Covin. Board Member Richard Iacobacci and Board Member Peter Glynn were absent. Commissioner Daniel Gielchinsky attended as liaison.

3. APPROVAL OF MINUTES: February 23, 2017

Board Member Gutierrez made a motion to approve. The motion received a second from Vice Chair Frankel and all voted in favor with Board Members, Glynn and Iacobacci absent.

4. DESIGN REVIEW BOARD APPLICATIONS:

A. Request of the Owner of Property located at 9400 Harding Avenue (Publix)

The applicant is requesting two (2) non-illuminated wall signs for the existing Publix retail store.

Town Planner Sarah Sinatra presented the item.

Board Member Gutierrez made a motion to approve with the following conditions:

1) The wall face should be reconditioned and painted where non-conforming signs have been removed.

2) Proposed signs shall be off-set from the wall a minimum of one-quarter inch to a maximum of two inches to permit rain water to flow down the wall face.

The motion received a second from Board Member Roller and all voted in favor with Board Members, Glynn and Iacobacci absent.

B. Request of the Owner of Property located at 9429 Harding Avenue (UPS)

The applicant is requesting two (2) illuminated wall signs for a UPS retail store – (1) is the business name; and (2) is the corporate logo.

Town Planner Sarah Sinatra presented the item.

Board Member Gutierrez made a motion to approve with the following conditions:

- 1) A detail should be submitted to confirm the logo sign qualifies as a channel letter sign;
- 2) Proposed signs shall be off-set from the wall a minimum of one quarter into a maximum of two inches to permit rain water to flow down the wall face;
- 3) The wall face should be reconditioned and cleaned as necessary;

The motion received a second from Board Member Roller and all voted in favor with Board Members, Glynn and Iacobacci absent.

C. Request of the Owner of Property located at 8901 Abbott Avenue

The applicant is requesting a four-foot high picket style fence along the east portion of their property to enclose the yard.

Town Planner Sarah Sinatra presented the item. The applicant Dan Goldman spoke in support of the item and answered questions from the Board.

Board Member Roller made a motion to approve with the following conditions:


- 1) All landscaping shall be placed within the property, not in the right of way.
- 2) The landscaping shall be placed on the exterior of the fence.

The motion received a second from Board Member Gutierrez and all voted in favor with Board Members, Glynn and Iacobacci absent.


5. ADJOURNMENT

There being no further business to come before the Design Review Board the meeting adjourned at 7:13 p.m.

Accepted this 27 day of April, 2017


Chair Lindsay Lecour

Attest:


Sandra Novoa, MMC
Town Clerk

PLANNING AND ZONING BOARD

1. CALL TO ORDER

Chair Lindsay Lecour called the meeting to order at 7:13 p.m.

2. ROLL CALL

Recording Clerk Frantza Duval called the roll with the following members present: Chair Lindsay Lecour, Vice Chair Judith Frankel, and Board Member Brian Roller. Board Member Peter Glynn and Board Member Richard Iacobacci were absent. Commissioner Daniel Gielchinsky attended as liaison.

3. COMMISSIONER DANIEL GIELCHINSKY- TOWN COMMISSION LIASION REPORT

Commissioner Gielchinsky gave a brief update on the past two months.

4. PLANNING AND ZONING BOARD MEMBER – SUSTAINABILITY SUBCOMMITTEE LIASION REPORT

Board Member Roller attended the meeting and gave an update. Chair Lecour commented on LEED Certification and is in support of an equivalency of the LEED Certification. Town Planner Sinatra gave more details on LEED Certification and will bring back more information in the next two months. Vice Chair Frankel will attend the next meeting.

5. APPROVAL OF MINUTES: February 23, 2017

Vice Chair Frankel made a motion to approve. The motion received a second from Board Member Roller and all voted in favor with Board Members Glynn and Iacobacci absent.

6. ORDINANCE: Require Noticing of Residential Construction and Demolition

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 14-28 “ISSUANCE OF BUILDING PERMITS.”; AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 90-19 “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS.”; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Recording Clerk Frantza Duval read the title of the ordinance.

Town Planner Sinatra presented the item.

Town Attorney Miller asked if the sentence regarding the Town Commission Meeting date and time can be struck and Planner Sinatra said yes.

Vice Chair Frankel made a motion to forward to the Town Commission. The motion received a second from Board Member Roller and all voted in favor with Board Members Glynn and Iacobacci absent.

7. DISCUSSION ITEMS:

A. Pedestrian Connectivity

Town Manager Guillermo Olmedillo gave a power point presentation with a review and update of the item. The Board discussed the item and gave their views.

Chair Lecour opened the public hearing.

Public speakers:

- Clara Diaz-Leal spoke on the item and gave her views.
 - Deborah Cimadevilla spoke on the item and had some questions.
 - Victor May spoke about his concerns regarding traffic and is in support of gating the community.
 - Vice Mayor Barry Cohen (speaking as a resident) is in favor of gating the community and spoke of the traffic issues facing residents.
 - Galen Bakken is in favor of gating and gave his views on one-way streets.
- No one else wishing to speak the public hearing was closed but will be open again after the Board discussion.

The Board discussed the item further taking into consideration the public comments. Vice Chair Frankel believes gating should be held as a separate item and gave her views on the traffic flow and her suggestions. Board Member Rollins suggested creating cul-de-sacs on 93rd and Byron with a park. He also is in favor of launching pads for kayaks. Chair Lecour suggested we have a test run and ask the Town Commission to invest the necessary resources to implement a pilot project of the alternating one-ways on 90th and 89th Streets including landscaping (the full streetscape).

Board Member Rollins made a motion to make a recommendation to the Commission to fund a project that allows a test consisting with the elevations in our package with 90th Street running one-way to the east and 89th Street running one-way to the west. The motion received a second from Vice Chair Frankel and all voted in favor with Board Members Glynn and Iacobacci absent.

Public speakers Clara Diaz Leal and Deborah Cimadevilla made some additional suggestions and comments.

B. Update on Miami Beach's Resiliency Criteria

Town Planner Sinatra gave an update and indicated more direction is needed and would come back with ballot language. Town Attorney Miller gave further details on procedure of a resolution.

C. Maximum Building Lengths and the Impact of New Development

Town Planner Sinatra gave an update.

Commissioner Gielchinsky left at 9:23 p.m.

Public Speakers:

- Commissioner Michael Karukin (speaking as a resident) asked that the Board reconsider massing that had been passed and feels it needs revision and to back it down to about 150 ft. He also gave his views on other various aspects of the item.
- Deborah Cimadevilla spoke about parking and parking stickers for residents.
- Victor May spoke about the parking issue and gave some suggestions.

Manager Olmedillo also spoke on the item giving further information to the Board. The Board agreed that further discussion is needed and it will be placed as a future agenda item.

D. Future Agenda Items

- Streetscape update
- Resiliency

5. ADJOURNMENT

There being no further business to come before the Planning and Zoning Board the meeting adjourned at 9:44 p.m.

Accepted this 27 day of April, 2017

Attest:



Sandra Novoa, MMC
Town Clerk



Chair Lindsay Lecour



Town of Surfside Commission Communication

Agenda Item # 3E

Agenda Date: May 9, 2017

Subject: Mutual Aid Agreement between the City of Aventura Police Department and the Town of Surfside Police Department

Objective: To extend mutual aid in the form of law enforcement services and resources between the Aventura Police Department and Surfside Police Departments for requesting operational assistance in law enforcement intensive situations and emergencies and for assistance of a routine law enforcement nature that crosses jurisdictional lines

Background: The Town of Surfside Police Department has mutual aid agreements with many Miami-Dade County law enforcement agencies. The Town of Surfside and the City of Aventura are so located in relation to each other that it is an advantage of each to receive and extend mutual aid in the form of law enforcement services and resources. The new Mutual Aid Agreement between the Town of Surfside Police Department and City of Aventura Police Department would be in effect from January 1, 2017 through and including January 1, 2022.

Budget Impact: N/A

Staff Impact: N/A

Recommendation: It is recommended that the Surfside Town Commission approve the resolution authorizing the Mutual Aid Agreement between the Town of Surfside Police Department and the City of Aventura Police Department.

David Allen, Chief of Police

Guillermo Olmedillo, Town Manager

RESOLUTION NO. 17 - _____

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACKNOWLEDGING THE MUTUAL AID AGREEMENT BETWEEN THE TOWN OF SURFSIDE, FLORIDA AND THE CITY OF AVENURA AND THE TOWN OF SURFSIDE; AUTHORIZING THE TOWN MANAGER AND CHIEF OF POLICE TO EXECUTE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE MUTUAL AID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, law enforcement agencies can only benefit when they work in close cooperation with each other and in partnership with each other; and

WHEREAS, there exists the possibility of law enforcement problems and other natural and man-made conditions which are beyond the control of the services, personnel, equipment or facilities of the Surfside Police Department; and

WHEREAS, it is in the best interest of both the Police Departments of the Town Surfside and the City of Aventura to receive and extend mutual aid in the form of law enforcement services and resources to adequately respond to continuing, multi jurisdiction law enforcement problems, as well as the need of providing the highest level of public safety, and

WHEREAS, it is in the best interest of the Town to enter with the City of Aventura into the Mutual Aid Agreement (Attachment "A") due to the essential need for public safety.

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. Authorization and Approval. The Town Commission authorizes and approves the Town Manager and Chief of Police to execute and implement the Mutual Aid Agreement between the Town of Surfside, Florida and the City of Aventura, Florida (Attachment "A").

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

PASSED AND ADOPTED this _____ day of May 2017.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

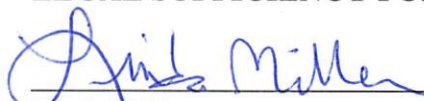
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, Town Clerk

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



Linda Miller, Town Attorney

**MUTUAL AID AGREEMENT
(AVENTURA-SURFSIDE)**

WITNESSETH

WHEREAS, it is the responsibility of the governments of the City of Aventura, Florida, and the Town of Surfside, Florida (collectively, the "Parties") to ensure the public safety of their citizens by providing adequate levels of police service to assess any foreseeable routine or emergency situation; and

WHEREAS, there is an existing and continuing possibility of the occurrence of law enforcement problems and other natural or man-made conditions which are, or likely to be, beyond the control of the services, personnel, equipment, or facilities of the Aventura Police Department and the Surfside Police Department (collectively, the "Agencies"); and

WHEREAS, the Parties are so located in relation to each other that it is to the advantage of each to receive and extend mutual aid in the form of law enforcement services and resources to adequately respond to:

- (1) Intensive situations including, but not limited to emergencies as defined under Section 252.34(2), Florida Statutes; and
- (2) Continuing, multi-jurisdictional law enforcement problems, so as to protect the public peace and safety, and preserve the lives and property of the people; and

WHEREAS, the Parties have authority under Part I of Chapter 23, Florida Statutes, the Florida Mutual Aid Act, to enter into:

- (1) A requested operational assistance agreement for the requesting and rendering of assistance in law enforcement intensive situations and emergencies; and
- (2) A voluntary cooperation agreement for assistance of a routine law enforcement nature that crosses jurisdictional lines.

NOW, THEREFORE, BE IT KNOWN that the City of Aventura, a political subdivision of the State of Florida and the Town of Surfside, a political subdivision of the State of Florida, in consideration for mutual promises to render valuable aid in times of necessity, do hereby agree to fully and faithfully abide by and be bound by the following terms and conditions:

SECTION I: DESCRIPTION

This Agreement provides for the requesting and rendering of assistance for both routine and law enforcement intensive situations and combines elements of both a voluntary cooperation agreement and a requested operational assistance agreement, as described in Chapter 23, Florida Statutes.

SECTION II: PROVISIONS FOR VOLUNTARY COOPERATION

The Chief of Police for the City of Aventura and the Chief of Police for the Town of Surfside (collectively "Agency Heads") may execute a joint declaration, enumerating the specific conditions under which aid may be requested or rendered pursuant to this Agreement (the "Joint Declaration"). Subsequent to execution, a Joint Declaration shall be filed with the clerks of the respective political subdivisions and shall thereafter become part of this Agreement. The Joint Declaration may be amended at any time upon the mutual assent of the Agency Heads.

SECTION III: POLICY AND PROCEDURE

- (a) In the event that a party to this Agreement is in need of assistance as set forth above, an authorized representative of the Agency requiring assistance shall notify the Agency, Agency Head, or his/her designee from whom such assistance is required. The Agency Head or authorized agency representative whose assistance is sought shall evaluate the situation and the Agency's available resources, consult with his/her supervisors if necessary and will respond in a manner he/she deems appropriate. The Agency Head's decision in this regard shall be final.
- (b) The resources or facilities that are assigned by the assisting Agency shall be under the immediate command of a supervising officer designated by the assisting Agency Head. Such supervising officer shall be under the direct supervision and command of the Agency Head or his designee of the Agency requesting assistance.
- (c) Should a violation of Florida Statutes occur in the presence of said officers representing their respective Agencies in the furtherance of this Agreement, they shall be empowered to render enforcement assistance and act in accordance with law.

SECTION IV: POWERS, PRIVILEGES, IMMUNITIES AND COSTS

- (a) Members of the Agencies when actually engaging in mutual cooperation and assistance outside of the jurisdictional limits of Aventura or Surfside under the terms of this Agreement, shall, pursuant to the provisions of Section 23.127, Florida Statutes, have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the political subdivision in which they are normally employed.
- (b) Each Party agrees to furnish the necessary equipment, resources, and facilities and to render services to each other Party to the Agreement as set forth above; provided however, that no Party shall be required to deplete unreasonably its own equipment, resources, facilities, and services in furnishing such mutual aid.

- (c) The Agency furnishing any equipment pursuant to this Agreement shall bear the loss or damages to such equipment and shall pay any expense incurred in the operation and maintenance thereof.
- (d) The Agency furnishing aid pursuant to this section shall compensate its appointees/employees during the time such aid is rendered and shall defray the actual travel maintenance expenses of such employees while they are rendering such aid, including any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid. **HOWEVER**, if the requesting Agency receives compensation from the Federal Emergency Management Agency (FEMA), the requesting Agency may compensate the assisting Agency during the time of the rendering of such aid and may defray the actual travel and maintenance expenses of such employees while they are rendering such aid, including any amounts paid or due for compensation as a result of personal injury or death while such employees are rendering such aid as pertains to this Agreement.
- (e) All of the privileges and immunities from liability, exemption from laws, ordinances and rules, and all pension, insurance, relief, disability, worker's compensation, salary, death and other benefits which apply to the activity of such officers, agents or employee of any such agency when performing their respective functions within the territorial limits of their respective public agencies shall apply to them to the same degree, manner, and extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this Agreement. The provisions of this section shall apply with equal effect to paid, volunteer, and reserve employees.
- (f) Nothing herein shall prevent the requesting Agency from requesting supplemental appropriations from the governing authority having budgeting jurisdiction to reimburse the assisting Agency for any actual costs or expenses incurred by the assisting agency performing hereunder when assistance is requested under this Agreement.

SECTION V: FORFEITURE

It is recognized that during the course of the operation of the Agreement, property subject to forfeiture under the Florida Contraband Forfeiture Act, Florida Statutes, may be seized. Seized property shall be forfeited and equitably distributed among the participating agencies in proportion to the amount of investigation and participation performed by each agency. This shall occur pursuant to the provisions of the Florida Contraband Forfeiture Act.

SECTION VI: INDEMNIFICATION

Each Party engaging in any mutual cooperation and assistance, pursuant to this Agreement, agrees with respect to any suit or claim for damages resulting from any and all acts, omissions, or conduct of such party's own employees occurring while engaging in rendering such aid pursuant to this Agreement, to hold harmless, defend and indemnify the other participating party and its appointees or employees, subject to the provisions of Section 768.28, Florida Statutes, where applicable, and provided such indemnifying party shall have control of the defense of any suit or claim to which said duty to indemnify applies.

SECTION VII: EFFECTIVE DATE

This Agreement shall be effective upon execution and approval by the hereinafter-named officials and shall continue in full force and effect from January 1, 2017, until the expiration of a period of five (5) years from January 1, 2017, unless terminated prior thereto by any or all of the Parties herein. The term of the previously effective Mutual Aid Agreement which was initially entered into by the Parties on February 1, 2011, is hereby extended from January 1, 2016 to January 1, 2017, and said extension is hereby ratified, confirmed and approved.

SECTION VIII: CANCELLATION

This Agreement may be cancelled by any Party upon delivery of written notice to the other Party or Parties. Cancellation will be at the direction of any subscribing Party.

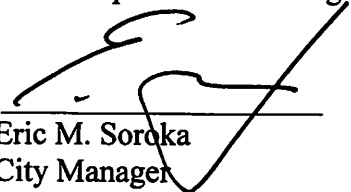
IN WITNESS WHEREOF, the Parties hereto cause these presents to be signed on the date specified.

Guillermo Olmedillo
Town Manager
Town of Surfside

Date: _____

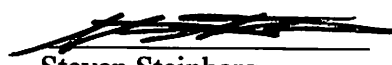
David Allen
Chief of Police
Surfside, Florida

Date: _____



Eric M. Soroka
City Manager
City of Aventura

Date: 4/4/17



Steven Steinberg
Chief of Police
Aventura, Florida

Date: 4/7/17

ATTEST:

Sandra Novoa, MMC
Town Clerk
Surfside, Florida

ATTEST:



Ellisa Horvath, MMC
City Clerk
City of Aventura, Florida

**JOINT DECLARATION
OF THE CHIEF OF THE TOWN OF SURFSIDE POLICE DEPARTMENT AND
THE CHIEF OF THE CITY OF AVENTURA POLICE DEPARTMENT
PURSUANT TO MUTUAL AID AGREEMENT**

A police officer of either of the participating law enforcement agencies shall be considered to be operating under the provisions of the Mutual Aid Agreement when:

- Participating in law enforcement activities that are preplanned and approved by each respective agency head, or
- Appropriately dispatched in response to a request for assistance from the other law enforcement agency.

In compliance with, and under the authority of, the Mutual Aid Agreement, hereto entered into by the Town of Surfside, Florida and the City of Aventura, Florida, it is hereby declared that the following list comprises the circumstances and conditions under which mutual aid may be requested and rendered regarding police operations pursuant to the Agreement. Said list may be amended or supplemented from time to time, as needs dictate, by subsequent declarations.

1. Joint multi-jurisdictional criminal investigations.
2. Civil affray or disobedience, disturbances, riots, large protest demonstrations, controversial trials, political conventions, labor disputes and strikes.
3. Any natural disaster.
4. Incidents which require rescue operations and crowd and traffic control measures, including, but not limited to, large-scale evacuations, aircraft and shipping disasters, fires, explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical or hazardous waste spills, and electrical power failures.
5. Terrorist activities including, but not limited to acts of sabotage.
6. Escapes from or disturbances within detention facilities.
7. Hostage and barricaded subject situations, and aircraft piracy.
8. Control of major crime scenes, area searches, perimeter control, backup to emergency and in-progress calls, pursuits, and missing persons calls.
9. Enemy attack.
10. Transportation of evidence requiring security.
11. Major events; e.g., sporting events, concerts, parades, fairs, festivals, and conventions.

12. Security and escort duties for dignitaries.
13. Emergency situations in which one agency cannot perform its functional objective.
14. Incidents requiring utilization of specialized units; e.g., underwater recovery, canine, motorcycle, crime scene, marine patrol enforcement or investigation, and police information.
15. Joint training in areas of mutual need.
16. Participating in exigent situations without a formal request which are spontaneous occurrences such as area searches for wanted subjects, perimeters, crimes in progress, escaped prisoners; traffic stops near municipal boundaries, request for assistance and no local unit is available or nearby, calls or transmissions indicating an officer is injured, calls indicating a crime or incident has occurred in which a citizen may likely be injured and the assisting municipality is closer to the area than the officer receiving the call.
17. Mutual enforcement of all existing applicable laws and ordinances and exercise of arrest powers within the area comprising the jurisdictional waters within respective municipal boundaries.
18. Concurrent marine patrol related jurisdiction between agencies on the waters, waterways, canals, channels, rivers, streams, and any and all other bodies of waters, including the Intracoastal Waterway (ICW) that fall within either jurisdiction.
19. Both agencies will be permitted to patrol jurisdictional waters of either jurisdiction, and to take enforcement actions as deemed appropriate under city, state and federal laws, rules and regulations, and to write boating law violation citations, make arrests, and to attend court on behalf of the other agency.
20. Both agencies agree that any and all incidents, which require an initial (preliminary) police offense incident report (OIR), will be completed by the agency making the initial contact. Any follow-up investigations that are required are to be completed by the jurisdiction in which the incident occurred regardless of which agency completed the original offense incident report.
21. If an arrest is made by one agency that is operating in the jurisdictional waters of the other agency, and that arrest results in asset forfeiture proceedings, both agencies agree to a 50-50 share of the final asset distribution following the payment of all expenses related to the prosecution of the civil case. The jurisdiction of civil forfeiture actions shall be determined and filed by the seizing agency.
22. Both agencies have the right to set their own days and hours for marine patrol and agree to provide assistance and aid to the other agency under the spirit of the Mutual Aid Agreement.

DATE: _____

DATE: 4/7/17

David Allen
Chief of Police
Town of Surfside Police Department
Surfside, Florida

Steven Steinberg
Chief of Police
City of Aventura Police Department
Aventura, Florida

ATTEST:

ATTEST:

Sandra Novoa
Town Clerk
Town of Surfside, FL

Ellisa Horvath
City Clerk
City of Aventura, FL





TOWN OF SURFSIDE
PROCLAMATION, CERTIFICATE, COMMUNITY CENTER BRICK
AND KEY TO THE TOWN
REQUEST FORM
OFFICE OF THE TOWN CLERK

Request for: Proclamation ☒ Certificate ☐ Key ☐ Brick ☐ (check one)

Date of Request: April 21, 2017

Name of Requestor: Sandra Novoa

Organization: Town of Surfside

Address: 9293 Harding Avenue, Surfside, FL 33154

Phone / E-Mail: snovoa@townofsurfsidefl.gov (305)861-4863

Name of Individual / Organization to be honored:

Sandra Novoa & Elora Riera

Title for Proclamation or Certificate:

Municipal Clerks Week

Date of Recognition: May 9, 2017

Reason for Recognition (*Please attach 4 – 6 “whereas clauses” as draft text for a Proclamation*):

Document is to be:

- Presented at a Commission Meeting in May, 2017 (month / year)
- Presented at the following event _____ (*Please attach event information to the request form*)
- Picked up by _____ on _____ (date)

Administrative Use Only

Proclamation _____ Certificate _____ Key _____ Coin _____

Approved: Yes _____ No _____ If no, state reason: _____

Approved Date: _____

Date Submitted for Mayor's Signature: _____

Date Issued: _____

Completed by: _____



Proclamation

Whereas, the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

Whereas, the Office of the Municipal Clerk is the oldest among public servants; and

Whereas, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

Whereas, the Municipal Clerk serves as the information center on functions of local government and community; and

Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and

Whereas, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk,

NOW, ~~THEREFORE~~, the Town of Surfside, does hereby proclaim the week of May 7 through May 13, 2017, as "Municipal Clerks Week," and further extend appreciation to our Municipal Clerks, Sandra Novoa, MMC and Elora Riera, CMC and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

In witness thereof I have hereunto set my hand this 9th day of May 2017.

*Daniel Dietch, Mayor
Town of Surfside, Florida*



TOWN OF SURFSIDE

PROCLAMATION, CERTIFICATE, COIN AND KEY TO THE TOWN

REQUEST FORM

OFFICE OF THE TOWN CLERK

Request for: Proclamation X Certificate ____ Key ____ Coin ____ (check one)

Date of Request: April 27, 2017

04-27-17P01:32 RCVD

Name of Requestor: Mayor Daniel D. Dietch

Organization: Ruth K. Broad K-8 Center

Address: 1155 93rd Street, Bay Harbor Islands, FL 33154

Phone / E-Mail: 305-865-7912

Name of Individual / Organization to be honored:
Retiring Teachers: Joyce Azevedo, Nancy Garcia; and Diana Francois

Title for Proclamation or Certificate:

 Date of Recognition: May 6, 2017

Reason for Recognition (Please attach 4 – 6 “whereas clauses” as draft text for a Proclamation):

Document is to be:

- Presented at a Commission Meeting in _____ (month / year)
- Presented at the following event _____ (Please attach event information to the request form)
- Picked up by _____ on _____ (date)

Administrative Use Only

Proclamation ____ Certificate ____ Key ____ Coin ____

Approved: Yes ____ No ____ If no, state reason: _____

Approved Date: _____

Date Submitted for Mayor's Signature: _____

Date Issued: _____

Completed by: _____

Proclamation

Whereas, Ruth K. Broad Bay Harbor K-8 Center and the Town of Surfside declare May 6, 2017 as Appreciation Day in honor of Joyce Azevedo for her devoted and conscientious service to our school and our students and staff.

Whereas, we recognize her 27 years of service at Ruth K. Broad Bay Harbor K-8 Center.

Whereas, we recognize her caring and dedicated service to our students and staff.

Whereas, we recognize her efficient and effective skills in the areas of registration, payroll and schedules.

Whereas, she will be greatly missed by the students, staff, administration, and parents.

Now, Therefore, The Bobcat Family and the Town of Surfside do hereby proclaim May 6, 2017 Joyce Acevedo Day in observance thereof, we call upon her friends and family to join us in celebration of this day.

Proclamation

Whereas, Ruth K. Broad Bay Harbor K-8 Center and the Town of Surfside declare May 6, 2017 as Appreciation Day in honor of Nancy Garcia for her devoted and conscientious service to our school and our students and staff.

Whereas, we recognize her 20 years of service at Ruth K. Broad Bay Harbor K-8 Center.

Whereas, we recognize her caring and dedicated service to our students and staff.

Whereas, we recognize her efficient and effective skills in the cafeteria.

Whereas, she will be greatly missed by the students, staff, administration, and parents.

Now, Therefore, The Bobcat Family and the Town of Surfside do hereby proclaim May 6, 2017 Nancy Garcia Day in observance thereof, we call upon her friends and family to join us in celebration of this day.

Proclamation

Whereas, Ruth K. Broad Bay Harbor K-8 Center and the Town of Surfside declare May 6, 2017 as Appreciation Day in honor of Diana Francois for her devoted and conscientious service to our school and our students and staff.

Whereas, we recognize her 14 years and 4 months of service at Ruth K. Broad Bay Harbor K-8 Center.

Whereas, we recognize her caring and dedicated service to our students and staff.

Whereas, we recognize her efficient and effective skills in the cafeteria.

Whereas, she will be greatly missed by the students, staff, administration, and parents.

Now, Therefore, The Bobcat Family and the Town of Surfside do hereby proclaim May 6, 2017 Diana Francois Day in observance thereof, we call upon her friends and family to join us in celebration of this day.



TOWN OF SURFSIDE

PROCLAMATION, CERTIFICATE, COIN AND KEY TO THE TOWN

REQUEST FORM

OFFICE OF THE TOWN CLERK

Request for: Proclamation X Certificate ____ Key ____ Coin X (check one)

Date of Request: May 1, 2017

Name of Requestor: Daniel Dietch

Organization: Resident

Address: 9293 Harding Avenue, Surfside, FL 33154

Phone / E-Mail: 305 992-7965 / ddietch@townofsurfsidefl.gov

Name of Individual / Organization to be honored:

Julia Magnani

Title for Proclamation or Certificate:

Julia Magnani Day

Date of Recognition: June 13, 2017

Reason for Recognition (*Please attach 4 – 6 “whereas clauses” as draft text for a Proclamation*):

PTA leader, Surfside Holiday Fund coordinator, Tourist Board contract employee, etc. (more to be developed)

Document is to be:

- Presented at a Commission Meeting in June, 2017 (month / year)
- Presented at the following event (Please attach event information to the request form)
- Picked up by on (date)

Administrative Use Only

Proclamation ____ Certificate ____ Key ____ Coin ____

Approved: Yes ____ No ____ If no, state reason: _____

Approved Date: _____

Date Submitted for Mayor's Signature: _____

Date Issued: _____

Completed by: _____



Town of Surfside Commission Communication

Agenda Item: 4A1

Agenda Date: May 9, 2017

Subject: Require noticing of new residential construction and demolitions

From: Sarah Sinatra Gould, AICP, Town Planner

Background: The Planning and Zoning Board has requested that staff prepare an ordinance to notify the public of a hearing for a new single family home or major renovation consisting of at least 50% improvements to the structure. The item has been clarified to review notification in two instances. The first is if there is a full demolition or partial demolition of more than 50% of the structure. In this case, the applicant sends notices that they have pulled a building permit for demolition, which will occur within 180 days from the date of the letter.

The second instance is when an applicant has applied for a Design Review Board Hearing and they are proposing one of the following:

- A) Construction of a new single family home.
- B) Partial demolition and rebuilding of at least 50% of the square footage of a single family home where the exterior façade of the structure is affected.
- C) An addition of at least 50% of the square footage of the existing single family home.

The applicant will be required to mail written courtesy notices via certified mail, to the abutting single family property owners and single family property owners parallel to the subject property line across any right-of-way, of the Design Review Board meeting date and location 10 days prior to the meeting.

The applicant will be required to provide the Town the corresponding certified mail receipts, indicating the notices have been mailed and provide evidence that the sign has been posted three days prior to the Design Review Board meeting.

Budget Impact: N/A

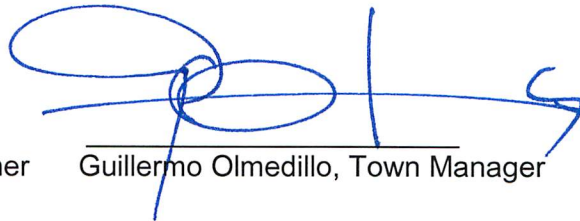
Growth Impact: Giving neighboring property owners an opportunity to attend the Design Review Board meeting where new construction adjacent to their property is proposed.

Staff Impact: Additional record keeping by the Town Staff and confirmation that the advertising and notice has occurred prior to the meeting.

Staff Recommendation: Approval



Sarah Sinatra Gould, AICP, Town Planner



Guillermo Olmedillo, Town Manager

ORDINANCE NO. 17 - _____

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 14-28 “ISSUANCE OF BUILDING PERMITS.”; AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 90-19 “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS.”; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board requested that staff prepare an ordinance to notify the public of a hearing for a new single family home or major renovation consisting of at least 50% improvements to the structure; and

WHEREAS, the Town Commission heard the item on first reading on March 14, 2017 where it was passed with the modification that noticing would be limited to new single family homes and the demolition and rebuilding of at least 50% of the square footage of an existing single family home; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the revisions to the Code of Ordinances for consistency with the Town’s Comprehensive Plan at a duly noticed hearing on March 30, 2017 and recommended approval; and

WHEREAS, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on May 9, 2017; and

WHEREAS, the Town Commission hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

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 Ordinances of the Town of Surfside, Section 14-28 “Issuance of building permits.” is hereby amended as follows:

Sec. 14-28. - Issuance of building permits.

- (a) All plans prior to the issuance of a permit for any building or structure in the town must first have the approval of the town manager or designee.
- (b) No permit shall be required for general maintenance or repairs where such work or repair does not change the occupancy, use, alter the outside appearance of the structure and the value of which does not exceed \$250.00 in labor and material as determined by the building official.
- (c) No permit shall be issued unless the applicant demonstrates to the town manager that applicant has made adequate provision for persons associated with the subject improvements legally to park vehicles on site or otherwise not utilizing on-street parking.
- (d) Applications for building permits that require excavation of sand seaward of the Coastal Construction Control Line must comply with the beach sand quality regulations as described in sections 34-2 to 34-8 of the Town Code of Ordinances.
- (e) All applications for complete or partial demolitions of 50% or more of a single family home shall require the applicant to mail written courtesy notices via certified mail to the abutting single family property owners and single family property owners parallel to the subject property line across any right-of-way notifying the property owners that the demolition will occur within 180 days from the date of the letter. The letter shall provide contact information for the applicant or agent of the applicant if there are questions relating to the demolition.

Section 3. Code Amendment. The Code of Ordinances of the Town of Surfside, Section 90-19 "Single-family and two-family development review process." is hereby amended as follows:

Sec. 90-19. - Single-family and two-family development review process.

90-19.6 Single-family and two-family development shall be reviewed by the design review board. The following types of applications shall require noticing as described below:

- A) Construction of new single family homes.
- B) Partial demolition and rebuilding of at least 50% of the square footage of a single family home where the exterior façade of the structure is affected.
- C) An addition of at least 50% of the square footage of the existing single family home.

The applicant shall notify the public of the Design Review Board hearing date and location, on the proposed application as follows:

1. The applicant shall post a notice on the property one week prior to the Design Review Board meeting and remove the notice three days after the conclusion of the Design Review Board meeting. A notice, 18 inches by 24 inches, shall be placed in a prominent place on the property by the applicant, denoting the following:

REQUEST FOR: _____

DESIGN REVIEW BOARD MEETING: DATE AND TIME

TOWN HALL
9293 Harding Avenue
Surfside, FL 33154

COMPLETE INFORMATION REGARDING THE APPLICATION IS
AVAILABLE BY CONTACTING THE TOWN HALL.

2. The applicant shall mail written courtesy notices via certified mail, to the abutting single family property owners and single family property owners parallel to the subject property line across any right-of-way, of the Design Review Board meeting date and location 10 days prior to the meeting.
3. The applicant shall provide the Town the corresponding certified mail receipts, indicating the notices have been mailed and provide evidence that the sign has been posted three days prior to the Design Review Board meeting.

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 re-lettered 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 on first reading this _____ day of _____, 2017.

PASSED and **ADOPTED** on second reading this ____ day of _____, 2017.

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

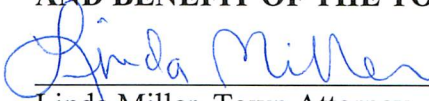
Mayor Daniel Dietch

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: May 9, 2017
From: Guillermo Olmedillo, Town Manager
Subject: Amended Beach Furniture Ordinance

Background: On December 13, 2016, the Town Commission adopted Ordinance No. 16-1658 to regulate beach furniture and its corresponding *Administrative Policy: Beach Furniture and Equipment*, which provides for public access and safety and requirements for beach furniture. (Attachment "A") At the February 16, 2017 Town Commission meeting, the Commission made a motion for the Town Administration to prepare an updated framework to regulate beach furniture, including suggestions by Town residents related to storage and set-up. At the March 14, 2017 Town Commission meeting, the Commission further discussed the Beach Furniture and Equipment Guidelines and directed the Town Manager to meet with multifamily property owners and hotel property owners to discuss the beach furniture ordinance and guidelines. That meeting took place on March 28, 2017 in the Commission Chambers.

At the April 13, 2017 Town Commission meeting, the Town Commission after much discussion directed the Town Administration to amend the beach furniture ordinance and include the following:

1. Provide permit regulations for hotel properties on the east and west side of Collins Avenue as well as to provide for permit regulations for condominium properties on the east side of Collins Avenue.
2. Prepare a Beach Furniture Permit Application (Attachment "B")
3. Revise *Administrative Policy: Beach Furniture and Equipment*. (Attachment "C")

Budget Impact: FY 2016/2017 - \$10,337 – All terrain vehicle ("ATV")
FY 2016/2017 - \$11,456 - Part-time Code Enforcement Officer

Staff Impact: Department of 3 – Supervision required of part-time Code Enforcement Officer

Recommendation: The Town Commission adopt the amended Beach Furniture Ordinance on first reading.



Guillermo Olmedillo, Town Manager

ORDINANCE NO. 16 - 1658

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 reasonable 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 13th day of October, 2016.

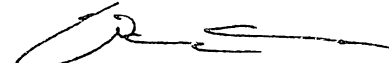
PASSED and ADOPTED on second reading this 13th day of December, 2016.

On Final Reading Moved by: Commissioner Paul.
On Final Reading Second by: Mayor Dietch

FINAL VOTE ON ADOPTION

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

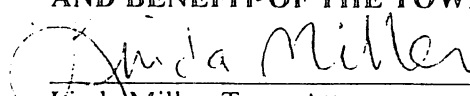
yes
yes
yes
no
yes


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

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 no less than 12 feet and up to 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.



Town of Surfside
9293 Harding Avenue, Surfside, FL 33154
Phone: (305) 861-4863 Fax: (305) 861-1302

Beach Furniture Permit Application
(\$500.00 Application Fee must accompany this form)

Applicant/Organization/Business Owner (Corporate Name):

Mailing Address:

City: _____ State: _____ Zip Code: _____

Daytime Phone: _____ Daytime Fax: _____

Name of Contact Person: _____

E-mail Address: _____

Daytime Phone Number of Contact Person: _____

Property Address of Beach Furniture:

Terms and Conditions of the Approval

- 1) Beach furniture shall not inhibit reasonable access to the public beach, nor obstruct reasonable access on the beach for pedestrians and emergency vehicles, nor impact any native vegetation, nor affect sea turtle nesting areas or other wildlife.
- 2) A Beach Furniture Operator who provides beach furniture must obtain a permit from the Town of Surfside pursuant to the permit process described in Chapter 86 of the Town of Surfside (Attachment "A") and shall comply with the Town Manager's "Administrative Policy: Beach Furniture and Equipment" (Attachment "B").

3) All permit applications shall include:

- A. An application fee of \$500.00; and
- B. A Beach Furniture Operations Plan, including specifications on storage, staffing and clean-up, and an evacuation plan in the event of a natural disaster such as a tropical storm or a hurricane, including a storage area during the natural disaster; and
- C. Compliance with indemnification and insurance requirements pursuant to Chapter 86 of the Town of Surfside Code.

4) A hotel Beach Furniture Operator must procure a Local Business Tax Receipt and comply with Section 70-41 of the Town of Surfside Code and all required licenses or permits from Miami-Dade County, the State of Florida, or federal entities.

5) By signing this Beach Furniture Permit Application, I affirm that I have read the above Terms and Conditions of Approval, Chapter 86 of the Town of Surfside Code (Attachment "A") and shall comply with the Town Manager's "Administrative Policy: Beach Furniture and Equipment" (Attachment "B"), and agree to follow and abide by same.

Signature of Applicant for the
Organization/Business Owner

Date

Sworn to and subscribed before me this _____ day of _____, 20____,
by _____, who is personally known to me or who produced the
following identification: _____

(Seal below)

Notary Public, State of _____

For Office Use Only:

Approval: ☐ Yes ☐ No ☐ With Conditions
Comments:

By: _____

Guillermo Olmedillo, Town Manager

Date

Form Created: January 2017
Revised: May 2017

Administrative Policy

May 9, 2017.

BEACH FURNITURE AND EQUIPMENT

It is the purpose of this Administrative Policy to further the intent of the adopted Town Ordinance regulating the use of beach furniture within the corporate limits of the Town of Surfside.

A permit issued by the Town is required before a Beach Furniture Operator, as defined in the Ordinance, may place furniture on the beach within the corporate limits of the Town.

The following are the guidelines for placement of furniture on the beach:

- 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 no less than 12 feet seaward of the edge of the vegetation line of the dune.
- Beach Furniture Operator shall submit an operations plan to be reviewed by the Town Manager which includes specifications on set up, number of chairs to be preset (not to exceed 40), removal procedures, hours, 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.
- 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.

ORDINANCE NO. 17 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 86 “WATERWAYS”; ARTICLE II, “PUBLIC BEACHES”, SPECIFICALLY AMENDING SECTION 86-26 “DEFINITIONS”; SPECIFICALLY AMENDING SECTION 86-31 “BEACH FURNITURE PERMIT REQUIREMENTS”; SPECIFICALLY AMENDING 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, on December 13, 2016 the Town Commission adopted Ordinance No. 16-1658 to regulate beach furniture and its corresponding *Administrative Policy: Beach Furniture and Equipment* which provides for public access and safety and requirements for beach furniture; and

WHEREAS, on April 13, 2017 the Town Commission directed Town Administration to amend the beach furniture ordinance to clarify terms in the ordinance; and

WHEREAS, the Town Commission held its first public hearing on May 9, 2017 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 June 13, 2017 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. Article II, “Public Beaches,” specifically Section 86-26 “Definitions,” Section 86-31 “Beach Furniture Permit Requirements” and Section 86-33 “Violations, Civil Fines and Penalties” is hereby amended as follows:

Sec. 86-26. - Definitions.

* * *

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.~~ either a hotel or condominium association located on the east side of Collins Avenue that provides beach furniture services to its residents and guests or a hotel located on the west side of Collins Avenue so approved by the Town Commission pursuant to Section 86-31(C) of the Town Code.

Beach Furniture Setup is the organized preplacement of beach furniture by a beach furniture operator in anticipation of use by an individual beach furniture user.

Beach Furniture Storage is the overnight placement of beach furniture on the public beach.

Beach Furniture User is an individual using any item of beach furniture while on the public beach. This applies to the general public, condominium residents and hotel guests.

* * *

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

Beach Furniture Operator, as defined in this article must obtain a permit for Beach Furniture Setup ~~to place beach furniture~~ on the public beach within the Town. Town Manager or designee shall establish an Administrative Policy: Beach Furniture and Equipment 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.~~ ~~A hotel~~ 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 within one year of ~~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.~~

A. Permit applications for hotels on the east side of Collins Avenue shall include the following:

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

B. Permit applications are required for condominium associations on the east side of Collins Avenue for Beach Furniture Setup. Individual residents and guests may place beach furniture on the beach on an as needed basis.

Permit applications for condominium associations on the east side of Collins Avenue shall include the following:

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

C. Permit applications for hotels located on the west side of Collins Avenue must be approved by the Town Commission.

- (1) Permit applications for hotels located on the west side of Collins Avenue shall include the following:
 - a. An application fee of \$500.00;
 - b. Beach furniture operations plan, including specifications on storage, staffing and clean-up, and an evacuation plan, in the event of a natural disaster such as a tropical storm or hurricane, including a storage area;
 - c. Compliance with indemnification and insurance requirements pursuant to Section 86-32 of the Town of Surfside Code;
- (2) All applications for hotels located on the west side of Collins Avenue are subject to the Town Administrative Policy: Beach Furniture and Equipment and shall be approved by the Town Commission.
 - a. The Town Commission shall review each application for conformity with the Town Administrative Policy: Beach Furniture and

Equipment and decide whether the application shall be approved, approved with conditions, or denied.

- b. The Town Commission public hearing shall be advertised at least once in a local newspaper of general circulation or publicly posted in the Town Hall at least ten days prior to the public hearing. Written courtesy notices shall be sent by first class mail to affected property owners within a radius of 300 feet and shall contain a copy of the permit application.

A notice, 18 inches by 24 inches, shall be placed in a prominent place on the property by the applicant at his own expense denoting the following:

REQUEST FOR: _____

TOWN COMMISSION MEETING: DATE AND TIME

TOWN HALL
9293 Harding Avenue
Surfside, FL 33154

COMPLETE INFORMATION REGARDING THE APPLICATION IS AVAILABLE BY CONTACTING THE TOWN HALL AT

_____.

Such notice to be posted not less than ten days prior to such town commission hearing. All applications must be made and presented by the fee title owner or owners of the property sought to be rezoned or by a tenant or attorney for the owner with the owner's written approval.

B. D. 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. E. 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, or the Town Commission for permit applications pursuant to Section 86-31(C) of the Town Code, 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. F. A beach furniture permit is revocable if the applicant does not meet the requirements as specified in the Town Code, Administrative Policy: Beach Furniture and Equipment

and operation plan. A hotel Beach Furniture Operator is subject to the provisions of Article II "Local Business Tax Receipt" of Chapter 70 of the Town Code.

E. G. 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. 86-33. - Violations, Civil fines and penalties.

Any person or entity found to be in violation of any condition of this section ~~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.~~

Violations of this section shall be subject to the following fines. The special master shall not waive or reduce fines set by this section.

a. If the violation is the first violation-\$100.00

b. If the violation is the second violation within the preceding 12 months- \$500.00

c. Any subsequent violation after the second violation within the preceding 12 months- \$1,000.00. After the third violation, violator shall be suspended from obtaining a permit for beach furniture operations for a period of one year from the date of violation.

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 _____, 2017.

PASSED and ADOPTED on second reading this ____ day of _____, 2017.

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION

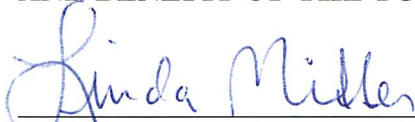
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

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 #: 5A

Agenda Date: May 9, 2017

Subject: Approval to proceed with A & B Pipe for the purchase of checkmate valves for water outfalls.

Background: The Town of Surfside is a coastal community surrounded by both the Atlantic Ocean and Biscayne Bay. Due to its proximity to the water, the Town experiences flooding during torrential weather and through high tides, especially during the King Tides. When localized flooding occurs the current system and drainage pumps become operational and overburdened creating a delay for standing surface water to drain.

Analysis: When the salt water flows into the drainage system, due to damaged flapper gates, it slows the street drainage process. Purchasing the checkmate valves will stop water coming from the Bay and flowing back into the drainage systems. It also poses a possible threat to the pump by damaging the pumps via salt water intrusion. The current cost to repair and/or replace the pumps are approximately \$15,000-\$50,000. The purchase of these valves will assist in prolonging the life of these pumps. The Public Works Department successfully underwent a competitive bid process, which consisted of four bids.

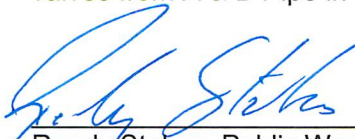
The four bids presented for the valves are as follows:

- | | |
|--------------------------|-------------|
| 1. A & B Pipe | \$45,280.00 |
| 2. Ferguson | \$45,862.00 |
| 3. HD Supply | \$48,360.00 |
| 4. Tideflex Technologies | \$46,817.00 |

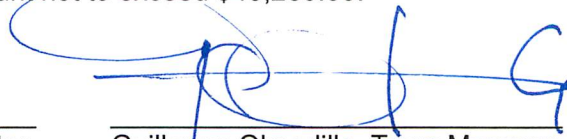
Staff Impact: The Water & Sewer Department staff will be installing the valves during normal working hours.

Budget Impact: The purchase of the checkmate valves was not budgeted in the 2016/2017 Fiscal Year Budget and the cost to purchase requires an appropriation of funds from the Storm water Funds Reserve Account No. 404-0000-391-1000 to Equipment Maintenance Account No. 404-5500-538-4603 in the amount of \$45,280.00.


Recommendation: Staff recommends moving forward with the approval and purchase of the checkmate valves from A & B Pipe in the amount not to exceed \$45,280.00.



Randy Stokes, Public Works Director



Guillermo Olmedillo, Town Manager



Donald Nelson, Finance Director

RESOLUTION NO. 17 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET; APPROPRIATING FUNDS IN THE AMOUNT OF \$45,280 FROM THE STORM WATER FUND RESERVES ACCOUNT NO. 404-0000-391-1000 TO THE EQUIPMENT MAINTENANCE ACCOUNT NO. 404-5500-538-4603; AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF TIDEFLEX CHECKMATE VALVES; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside ("Town") is a coastal community surrounded by the Atlantic Ocean and Biscayne Bay and due to its proximity to the water, the Town experiences flooding during torrential weather and through high tides; and

WHEREAS, the street drainage process slows when saltwater flows into the drainage system; and

WHEREAS, installing the checkmate valves will stop water coming from the Bay and flowing back into the drainage systems; and

WHEREAS, the Town received four bids (See Composite Attachment "A") for the TideFlex checkmate valves:

A & B Pipe & Supply	\$45,280.00
Ferguson	\$45,862.00
HD Supply	\$48,360.00
Tideflex Technologies	\$46,817.00

WHEREAS, the Town Manager considers the A & B Pipe & Supply proposal to be the lowest responsible bidder; and

WHEREAS, the Town Commission has decided it is in the best interest of the Town to authorize the purchase of TideFlex checkmate valves.

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

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Authorization to Amend the Fiscal Year 2016/2017 Annual Budget to Appropriate and Expend Funds. The Town Commission hereby authorizes to amend the Fiscal Year 2016/2017 Annual Budget to appropriate funds in the amount of \$45,280 from the

Storm Water Fund Reserves Account No. 404-0000-391-1000 to the Equipment Maintenance Account No. 404-5500-538-4603 and to expend funds for the purchase of TideFlex checkmate valves.

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 May 2017.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

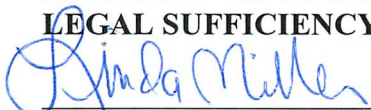
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

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

Composite Attachment "A"

S1548385.2

ORDER TO:
A&B PIPE & SUPPLY
6500 NW 37TH AVENUE
MIAMI, FL 33147
305-691-5000

** QUOTATION **
Quote #: S1548385
P/O # : PUBLIC WORKS DEP.
Printed: 04/18/17
Page # : 1 of 1

QUOTE TO:
TOWN OF SURFSIDE
9293 HARDING AVENUE
SURFSIDE, FL 33154

SHIP TO:
TOWN OF SURFSIDE
9293 HARDING AVENUE
SURFSIDE, FL 33154

Quoted for		Quote Date	Expr Date	Ship Via	Frght	warehouse		
HECTOR		07/05/17	06/02/17	OT OUR TRUCK	No	Shp 1	Prc 1	
Writer		Salesperson		Release #	Terms			
Rigoberto Rodriguez		HOUSE SALES ACCOUNT			NET 20TH			
Quote Qty	Part #	Product Description				Net Prc	Ext Prc	
		***** Shipping Instructions *****						
		*				*		
		*				*		

2ea	64252	^15" INLINE TIDEFLEX ULTRAFLEX CHECKMATE CHECK VALVE NEOPRENE ELASTOMER 304SS EXPANDING RING-DOWNSTREAM END (15TIDEFLEX)				2829.787	5659.57	
2ea	64252	NON CANCELLABLE & NON RETURNABLE ^18" INLINE TIDEFLEX ULTRAFLEX CHECK VALVE CHECKMATE NEOPRENE ELASTOMER 304SS EXPANDING RING-DOWNSTREAM END CMCBUF (18TIDEFLEX)				3500.000	7000.00	
1ea	64252	NON CANCELLABLE & NON RETURNABLE ^24" INLINE TIDEFLEX ULTRAFLEX CHECK VALVE CHECKMATE NEOPRENE ELASTOMER 304SS EXPANDING RING-DOWNSTREAM END CMCBUF (24TIDEFLEX)				5025.532	5025.53	
2ea	64252	NON CANCELLABLE & NON RETURNABLE ^30" INLINE TIDEFLEX ULTRAFLEX CHECK VALVE CHECKMATE NEOPRENE ELASTOMER 304SS EXPANDING RING-DOWNSTREAM END CMCBUF (30TIDEFLEX)				8718.085	17436.17	
1ea	64252	NON CANCELLABLE & NON RETURNABLE ^36" INLINE TIDEFLEX ULTRAFLEX CHECK VALVE CHECKMATE NEOPRENE ELASTOMER 304SS EXPANDING RING-DOWNSTREAM END CMCBUF (36TIDEFLEX) NON CANCELLABLE & NON RETURNABLE LEAD TIME 8-9 WEEKS COMPLETE				10158.511	10158.51	

TAXES NOT INCLUDED

THIS IS A QUOTATION ONLY
Prices may change due to market conditions.
Materials subject to prior sale.
TAXES EXTRA!

Subtotal 45279.78
S&H CHGS 0.00

S1548385.2

Amount Due 45279.78

This is a quotation only & is valid based on receiving a complete order.
Changes in qtys and/or materials within the quotation is subject to a
re-quote & price change. Prices may change due to market conditions.
Availability is subject to prior sale. Taxes extra.'



FEI-MIAMI WATERWORKS #1216
10810 S.W. 184TH ST.
MIAMI, FL 33157-6737

Phone: 786-573-7140
Fax: 305-969-0361

Deliver To:

From: Drew Petonick

Comments:

10:37:34 APR 18 2017

Page 1 of 1

FEI-POMPANO BEACH, FL WW #125

Price Quotation

Phone: 786-573-7140

Fax: 305-969-0361

Bid No: B329054

Bid Date: 04/18/17

Quoted By: DVP

Cust Phone: 305-861-4863

Terms: CASH ON DEMAND

Customer: TOWN OF SURFSIDE
9293 HARDING AVE
SURFSIDE, FL 33154

Ship To: TOWN OF SURFSIDE
9293 HARDING AVE
SURFSIDE, FL 33154

Cust PO#: CHECKMATES

Job Name:

Item	Description	Quantity	Net Price	UM	Total
SP-CHECKMATE15	CHECKMATE 15"	2	2865.000	EA	5730.00
SP-CHECKMATE18	CHECKMATE 18"	2	3545.000	EA	7090.00
SP-CHECKMATE24	CHECKMATE 24"	1	5090.000	EA	5090.00
SP-CHECKMATE30	CHECKMATE 30"	2	8831.000	EA	17662.00
SP-CHECKMATE36	CHECKMATE 36"	1	10290.000	EA	10290.00
PRICE INCLUDES ALL SHIPPING					

Net Total:	\$45862.00
Tax:	\$0.00
Freight:	\$0.00
Total:	\$45862.00

Quoted prices are based upon receipt of the total quantity for immediate shipment (48 hours). SHIPMENTS BEYOND 48 HOURS SHALL BE AT THE PRICE IN EFFECT AT TIME OF SHIPMENT UNLESS NOTED OTHERWISE. QUOTES FOR PRODUCTS SHIPPED FOR RESALE ARE NOT FIRM UNLESS NOTED OTHERWISE.

CONTACT YOUR SALES REPRESENTATIVE IMMEDIATELY FOR ASSISTANCE WITH DBE/MBE/WBE/SMALL BUSINESS REQUIREMENTS.

Seller not responsible for delays, lack of product or increase of pricing due to causes beyond our control, and/or based upon Local, State and Federal laws governing type of products that can be sold or put into commerce. This Quote is offered contingent upon the Buyer's acceptance of Seller's terms and conditions, which are incorporated by reference and found either following this document, or on the web at http://wolseleyna.com/terms_conditionsSale.html.
Govt Buyers: All items are open market unless noted otherwise.

LEAD LAW WARNING: It is illegal to install products that are not "lead free" in accordance with US Federal or other applicable law in potable water systems anticipated for human consumption. Products with "NP" in the description are NOT lead free and can only be installed in non-potable applications. Buyer is solely responsible for product selection.



Bid Proposal for Inline TideFlex Checkmates

TOWN OF SURFSIDE
Bid Date: 03/30/2017
HD Supply Bid #: 288028

HD Supply Waterworks
 18701 SW 108th Ave
 Miami, FL 33157
Phone: 786-573-3401
Fax: 786-573-3440

Seq#	Qty	Description	Units	Price	Ext Price	
10	1 2	15" INLINE TIDFLEX CHECKMATE	EA	3,020.00	6040 USD	3,020.00
20	1 2	18" INLINE TIDFLEX CHECKMATE	EA	3,740.00	7480 USD	3,740.00
30	1	24" INLINE TIDFLEX CHECKMATE	EA	5,370.00		5,370.00
40	1 2	30" INLINE TIDFLEX CHECKMATE	EA	9,310.00	18620 USD	9,310.00
50	1	36" INLINE TIDFLEX CHECKMATE	EA	10,850.00		10,850.00
70		LEAD TIME: 6-8 WEEKS				
				Sub Total		32,290.00
				Tax		0.00
				Total		32,290.00

48,360 USD

HD SUPPLY PROVIDED PRICING BASED
 ON ONE UNIT QUANTITY. REDLINE
 SHOWS ADJUSTMENT BASED ON
 TOWN INVENTORY SHOWN BELOW

Summary
 Pipe Diameter
 Total QTY
 15" 2
 18" 2
 24" 1
 30" 2
 36" 1

Tideflex Technologies

600 N. Bell Avenue -- Carnegie, PA 15106 -- www.tideflex.com

Phone: 412 279-0044

Fax: 412 279-7878

Reference: TOWN OF SURFSIDE – MIAMI, FL

Quote Number: 60297

Quote Date: 19-Apr-17

Quote Expires: 18-May-17

To: Hector Gomez

Town of Surfside

9293 Harding Avenue

Surfside, FL 33154

USA

Email: hgomez@townofsurfsidefl.gov

Phone: 786-778-1728

Fax:

Authorized Sales Representative:

Mr. Girard Mitchell

Environmental MD, Inc

PO Box 773537

Ocala, FL 34477-3537

USA

Phone: 352-861-0067

Fax: 866-849-0202

Description

CHECKMATE ULTRAFLEX SLIP-IN

INLINE CHECK VALVE

Sleeve Material: Neoprene

Complete with Integral Saddle Grooves, Arc Notch Bill and

316 Stainless Steel Expansion Clamps

Please advise Back Pressure and Line Pressure

Confirm Exact Pipe I.D. at Time of Order

Please Advise if Approval Drawings are Required

Lead Time: 8-10 Weeks A.R.A.D.

Item	Quantity	Size	Unit Price	Extended Price
1	2	15"	\$2,926.00	\$5,852.00
2	2	18"	\$3,619.00	\$7,238.00
3	1	24"	\$5,196.00	\$5,196.00
4	2	30"	\$9,014.00	\$18,028.00
5	1	36"	\$10,503.00	\$10,503.00

Total Net Price: \$46,817.00

Total: \$46,817.00

Payment Terms: 100% Net 30, No Retainage

Shipping Terms: Prepaid and Add

F.O.B. Terms: Gastonia, NC

Prepared by: Brandon Fluke

Please Reference Red Valve Quote Number When Placing Order.

We reserve the right to re-quote upon receipt of formal specifications.

All prices are quoted in United States Dollars, exclude applicable taxes, and are subject to credit approval.

Please see Terms and Conditions of Sale on reverse side.



Town of Surfside Commission Communication

Agenda Item # 5B

Agenda Date: May 9, 2017

Subject: Adoption of the current Miami-Dade County Local Mitigation Strategy

Background: As a participant in Federal Emergency Management Agency's (FEMA), National Flood Insurance Program's (NFIP) Community Rating System (CRS) which provides flood insurance discounts to communities participating in the CRS based floodplain management activities. CRS Activity 512 specifically requires the Town adopt a Floodplain Management Plan consistent with FEMA NFIP requirements. Miami-Dade County, with input from all participating municipalities, has prepared a Multi-Hazard Local Mitigation Strategy that will act as the Town's Floodplain Management Plan.

Analysis: Adoption of the aforementioned mitigation strategies will allow the Town access to and utilization of a wide range of data and resources in its mission of floodplain management.

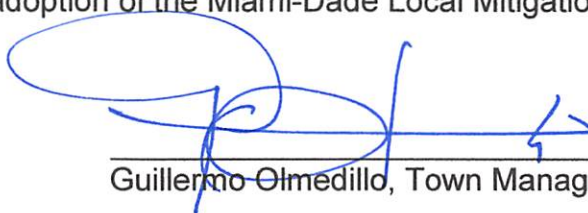
Budget Impact: None

Staff Impact: None

Recommendation: Staff recommends adoption of the Miami-Dade Local Mitigation Strategy.



Ross Prieto, Floodplain Manager



Guillermo Olmedillo, Town Manager

RESOLUTION NO. 17 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA ADOPTING THE CURRENT MIAMI-DADE COUNTY MULTI-HAZARD LOCAL MITIGATION STRATEGY, AS AMENDED, IN ACCORDANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY RATING SYSTEM REQUIREMENTS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside is a participant in the Federal Emergency Management Agency ("FEMA"), National Flood Insurance Program's ("NFIP") Community Rating System ("CRS"); and

WHEREAS, FEMA provides flood insurance discounts to communities that participate in the CRS based on their floodplain management activities; and

WHEREAS, CRS Activity 512 requires the Town to adopt a Floodplain Management Plan consistent with FEMA NFIP requirements; and

WHEREAS, Miami-Dade County (the "County"), with input from all participating municipalities in the County, has prepared a Multi-Hazard Local Mitigation Strategy ("LMS"), as amended, that will act as the Town's Floodplain Management Plan; and

WHEREAS, the current County LMS, as amended, is included by reference in the links in attached Exhibit "A" and is incorporated herein and made part hereof by this reference; and

WHEREAS, it is in the best interest of the Town to adopt the County LMS.

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

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

Section 2. Adoption of the Miami-Dade Multi-Hazard Local Mitigation Strategy. The current County LMS, as amended, which is included by reference in the links in attached Exhibit "A" to this Resolution is hereby adopted.

Section 3. Implementation. The Town Manager is authorized to take such action as may be necessary to implement the provisions of this Resolution.

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

PASSED AND ADOPTED this _____ day of May 2017.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

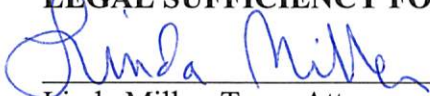
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

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

EXHIBIT "A"

The documents for Exhibit "A" are available at:

<http://www.miamidade.gov/fire/mitigation.asp>

Alternatively, you may access the documents at the following links:

- Part 1: The Strategy
<http://www.miamidade.gov/fire/library/OEM/local-mitigation-strategy-part-1-strategy.pdf>
- Part 2: The Projects
<http://www.miamidade.gov/fire/library/OEM/local-mitigation-strategy-part-2-projects.pdf>
- Part 3: The Funding
<http://www.miamidade.gov/fire/library/OEM/local-mitigation-strategy-part-3-funding.pdf>
- Part 4: The Appendices
<http://www.miamidade.gov/fire/library/OEM/local-mitigation-strategy-part-4-appendices.pdf>
- Part 5: Meeting Minutes
<http://www.miamidade.gov/fire/library/OEM/local-mitigation-strategy-part-5-meeting-minutes.pdf>
- Part 6: Completed Projects
<http://www.miamidade.gov/fire/library/OEM/local-mitigation-strategy-part-6-completed-projects.pdf>
- Part 7: Flooding – The NFIP and CRS
<http://www.miamidade.gov/fire/library/OEM/local-mitigation-strategy-part-7-flooding-nfip-and-crs.pdf>



Town of Surfside Commission Communication

Agenda Item # 5C

Agenda Date: May 9, 2017

Subject: Community Rating System consultant CRS Max

Background: The Community Rating System (CRS) allows for credits to communities that adopt and apply floodplain management above and beyond the minimum criteria of the National Flood Insurance Program (NFIP). Any community can apply for rating under the CRS program and if rated are eligible for discounts of their flood insurance premiums.

CRS Max Consultants specialize in application and acceptance into the CRS program and are certified by the Emergency Management Institute, the Insurance Services Office and the Florida Floodplain Managers Association. Flood insurance premiums are discounted in increments of 5% for CRS participating communities. The Town of Surfside earned a rating of 8 in 2016 and having accumulated enough credits to date will earn a rating of 7 in 2018 upon reapplication.

Analysis: Utilizing the consulting services of CRS Max can aid in maximizing the Town's efforts when applying for recertification to the CRS program. CRS Max, Inc.'s professional services are exempt from the competitive bid procedures pursuant to Section 3-12 (2) of the Town Code.

Budget Impact: CRS Max proposes that its fee be based upon the classification it is able to help secure for the Town. The fee for continuing service shall be \$6,000 and for a classification rating improvement shall be \$5,000 from the FY16/17 General Fund Account No.001-7900-590-3110 for a total fee of \$11,000.

The community rating class and discounts are as follows:

<u>Community Class</u>	<u>Discount</u>
9	5%
8	10%
7	15%
6	20%
5	25%
4	30%
3	35%
2	40%
1	45%

Staff Impact: Existing staff will provide all the needed information for application to the CRS program and all subsequent reporting during the maintenance phases of the program.

Recommendation: Staff recommends approval of the agreement to retain the services of CRS Max Consultants to aid in the application to the CRS program.



Ross Prieto, Floodplain Manager



Donald Nelson, Finance Director



Guillermo Olmedillo, Town Manager

RESOLUTION NO. 17-_____

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT FOR THE RETENTION OF COMMUNITY RATING SYSTEM MAX CONSULTANTS (CRS MAX) FOR COMMUNITY RATING SYSTEM CONSULTING SERVICES; AUTHORIZING THE APPROPRIATION AND EXPENDITURE FROM THE 2016/2017 FISCAL YEAR BUDGET NOT TO EXCEED \$11,000 FROM THE GENERAL FUND ACCOUNT NO. 001-7900-590-3110; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Community Rating System (CRS) allows for communities to meet and exceed minimum criteria of the National Flood Insurance Program (NFIP) to be eligible for discounts of their flood insurance premiums; and

WHEREAS, any community can apply for rating under the CRS program and if rated are eligible for discounts on their flood insurance premiums; and

WHEREAS, Community Rating System Max Consultants (CRS Max) provide services to guide municipalities to achieve the highest possible score for the community by developing effective hazard mitigation programs including but not limited to developing floodplain management plans, public outreach projects and grant applications; and

WHEREAS, after conducting a good faith review of available sources and the experience and success of CRS MAX, the Town Manager has recommended, pursuant to Section 3-12(2) of the Town Code, to continue to retain CRS MAX for professional services described in the Agreement for CRS Program Application Services attached as Attachment "A" ("Agreement"); and

WHEREAS, it is in the best interest of the Town to authorize the expenditure of funds not to exceed the amount of \$11,000.00 from the Fiscal Year 2016/2017 General Fund Account No. 001-7900-590-3110 for the CRS Continuing Consulting Services as requested by the Town to review the current CRS program, provide answers to questions pertaining to the CRS program, assist with annual CRS recertification, interface with ISO/CRS Specialist as required, and assist with efforts to improve the Town's CRS classification.

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. Authorization to Execute and Implement Agreement. The Town Commission hereby authorizes the Town Manager to execute the Agreement on behalf of the Town, to execute and implement the terms and conditions of the Agreement (Attachment "A") for CRS Continuing Consulting Services as requested by the Town to review the current CRS program, provide answers to questions pertaining to the CRS program, assist with annual CRS recertification, interface with ISO/CRS Specialist as required, and assist with efforts to improve the Town's CRS classification.

Section 3. Authorization to Expend Funds. The Town Manager is authorized to expend funds from the FY 2016/2017 Budget of no more than \$11,000 from the Fiscal Year 2016/2017 General Fund Account No. 001-7900-590-3110 to implement the terms and conditions of the Agreement.

Section 4. Effective Date. That this Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this _____ day of May, 2017.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

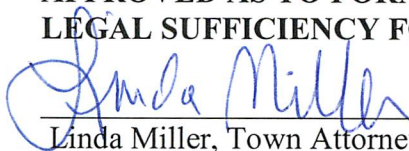
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

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

COMMUNITY RATING SYSTEM (CRS)
CONTINUING CONSULTANT SERVICES

This is an Agreement made on _____ 2017, between **THE TOWN OF SURFSIDE**, a political subdivision of the State of Florida, hereinafter referred to as TOWN, and **CRS MAX CONSULTANTS, INC.**, hereinafter referred to as CONSULTANT:

WITNESSETH, in consideration of the mutual terms and conditions, promises, covenants and payments hereinafter set forth, TOWN and CONSULTANT agree as follows:

ARTICLE 1

SCOPE OF SERVICES

TOWN intends to utilize CONSULTANT for Community Rating System Continuing Services when duly authorized by TOWN, through this Agreement.

1.1 CRS CONTINUING CONSULTANT SERVICES

The following services shall be included in CRS Continuing Consulting Services as requested by the TOWN:

- a. Review current CRS program
- b. Provide answers to questions pertaining to the CRS program
- c. Assist with annual CRS recertification
- d. Interface with ISO/CRS Specialist as required
- e. Assist with efforts to improve TOWN's CRS classification

1.2 CONSULTANT'S AND TOWN'S RESPONSIBILITIES

CONSULTANT shall have responsibility for:

- a. Advising the TOWN of CRS-related responsibilities
- b. Notifying the TOWN of scheduling deadlines in time to meet scheduling requirements
- c. Reviewing the TOWN's documentation and advising TOWN staff of any required or recommended documentation improvements
- d. Answering CRS-related questions TOWN may have and providing consultation whenever requested
- e. Identifying all CRS requirements for recertifications and working together with staff to complete and submit recertification package

TOWN is responsible to process and maintain all elevation certificates in accordance with State and NFIP requirements. CONSULTANT is not responsible for the CRS score of the County's floodplain management plan, which the TOWN may choose to adopt. TOWN is ultimately responsible for implementation of the TOWN's CRS program

ARTICLE 2

2.1 NOTICE OF MEETING

CONSULTANT anticipates providing all services from its offices in Coconut Creek, Florida. However if onsite visit is requested by TOWN and deemed by CONSULTANT to be advisable, CONSULTANT will visit TOWN. In such a case, CONSULTANT agrees to meet with TOWN at reasonable times and with reasonable notices.

2.2 TERM OF AGREEMENT

This Agreement shall remain in effect twelve months from the date of complete execution of this agreement by both parties.

2.3 COMMENCEMENT OF WORK AND TIME TO COMPLETE

The Agreement shall take effect upon execution by both parties. The authorized work as described in the Agreement will commence immediately upon receipt of notice to proceed issued by the TOWN.

2.4 OWNER FURNISHED SERVICES

It is understood and agreed that TOWN will furnish:

- a. The reasonable services of its officials and staff to assist CONSULTANT in obtaining background information to perform its duties.
- b. To assist CONSULTANT in proper and timely performance of its duties, reasonable access to existing records of TOWN, where available, including, but not limited to, previous reports.
- c. To grant to CONSULTANT access to TOWN records of Repetitive Loss Properties and Insurance Services Office/Community Rating System (ISO/CRS) Specialist.
- d. TOWN shall give prompt written notice to CONSULTANT whenever TOWN observes or otherwise becomes aware of any development which affects the scope or timing of CONSULTANT's services or any defect in the work of the CONSULTANT.

ARTICLE 3

COMPENSATION AND METHOD OF PAYMENT

3.1 COMPENSATION

The TOWN agrees to pay CONSULTANT as compensation for its services provided under the terms of this Agreement amounts calculated in accordance with the following schedule:

Basic Continuing Consultant Services \$6,000.00

- 3.1.1 There will not be any fees charged to TOWN by CONSULTANT for travel, per diem, or subsistence expenses, or travel time, unless specifically authorized in writing in advance by TOWN.
- 3.1.2 All required copies of documents will be furnished to TOWN at no additional cost.
- 3.1.3 CONSULTANT will work diligently to improve the CRS class rating of TOWN. As an incentive to be successful in its efforts, a bonus of \$5,000 will be invoiced for every class rating improvement achieved.

3.2 METHOD OF BILLING AND PAYMENT

- 3.2.1 Payment shall be due within 30 days after date of invoice, provided the invoice is accepted for payment. Payment shall be made only for approved invoices. The TOWN retains the right to delay or withhold payment for services, which have not been accepted by the TOWN.
- 3.2.2 Invoice shall be submitted by CONSULTANT following contract execution by the TOWN and CONSULTANT.
- 3.2.3 Invoice for bonus shall be submitted as follows:

Receipt of ISO/CRS Specialist recommendation for class modification	\$2,500.00
Receipt of NFIP advisement of class modification	\$2,500.00

ARTICLE 4

MISCELLANEOUS PROVISIONS

4.1 BOOKS OF ACCOUNT

CONSULTANT will maintain books and accounts of all expenses charged to TOWN. Said books shall be available at all reasonable times for examination by TOWN or authorized agent at the corporate office of CONSULTANT.

4.2 INSURANCE

CONSULTANT will maintain insurance in accordance with state requirements. Copies of said insurance policy will be supplied to TOWN by insurance carrier or by CONSULTANT as requested. TOWN shall be notified in writing of any changes in insurance coverage 10 days in advance of any change. TOWN shall be named an

Additional Insured on the Certificate of Insurance except for the Professional Liability Insurance Policy.

4.3 DOCUMENTS

CONSULTANT will furnish TOWN the agreed upon copies of all reports, records and documents prepared for TOWN. All documents furnished by CONSULTANT pursuant to this Agreement are instruments of CONSULTANT's services in respect to the assigned projects. However, it is expressly understood that the TOWN shall have title to all documents submitted to TOWN under this Agreement.

4.4 TERMINATION OR ABANDONMENT

Either party may terminate this agreement without cause upon giving thirty (30) days written notice. CONSULTANT will be paid for all work performed prior to termination.

4.5 SUCCESSORS AND ASSIGNS

All of the terms, conditions and provisions hereof shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns provided, however, that no assignment of the Agreement shall be made without written consent of the parties to the Agreement.

4.6 CONFLICT OF INTEREST

CONSULTANT agrees not to accept employment during the time this Agreement is in effect from any builder, land developer, utility company, or others which might be construed as a conflict of interest with CONSULTANT's work for the TOWN. The CONSULTANT shall conscientiously avoid a conflict of interest with regard to work for TOWN, but when unavoidable, the CONSULTANT shall forthrightly take the following action:

- a. Disclose in writing to TOWN the full circumstances of possible conflict of interest; and
- b. Assure in writing that the conflict will in no manner influence his judgment or the quality of his services to TOWN; and

The CONSULTANT shall promptly inform TOWN of any business association, interest or circumstances, which may be influencing his judgment or the quality of his services to TOWN.

The CONSULTANT shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.

The CONSULTANT shall not solicit or accept gratuities directly or indirectly, from contractors, their agents or other parties dealing with TOWN in connection with work for which it is responsible.

4.7 NOTICES

Whenever either party desires to give notice unto the other, it must be given by written notice, sent by registered United States mail with return receipt requested, addressed to the party for whom it is intended, at the place last specified, and the place for giving of notice shall remain such until it shall have been changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving of notice, to-wit:

FOR TOWN

Guillermo Olmedillo, Town Manager
Town of Surfside
9293 Harding Avenue
Surfside, FL 33154

FOR CONSULTANT

Cathy King, President
CRS Max Consultants, Inc.
3331 NW 71st Street
Coconut Creek, Florida 33073

4.8 ALL PRIOR AGREEMENTS SUPERSEDED

This document incorporates and includes all prior negotiations, correspondence, agreements or understandings between the parties applicable to the matters contained herein. The parties agree there are not commitments, agreements or understanding between the parties concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree no deviation from the terms shall be predicated upon any prior representations or agreements between the parties, whether oral or written.

4.9 OBSERVANCE OF LAWS

The CONSULTANT shall keep fully informed of all federal and state laws, all local laws, ordinances and regulations, and all orders and decrees of bodies or tribunals having jurisdiction or authority which, in any manner, affect work authorized under the terms of this Agreement. The CONSULTANT shall at all times observe and comply with all such laws and regulations.

4.10 TRUTH-IN-NEGOTIATION CERTIFICATE

Signature of this Agreement by CONSULTANT shall act as the execution of a truth-in-negotiation certificate stating that wage rates and other factual unit costs supporting the compensation of this Agreement are accurate, complete, and current at the time of contracting. The original contract price and any additions thereto shall be adjusted to exclude any significant sums by which TOWN determines the contract price was increased due to inaccurate, incomplete, or noncurrent wage rates and other factual unit's costs.

4.11 PROHIBITION AGAINST CONTINGENT FEES

CONSULTANT warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for CONSULTANT, to solicit or secure this Agreement and that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for CONSULTANT any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award of making of this Agreement. For the breach or violation of this provision, TOWN shall have the right to terminate the Agreement without liability at its discretion, to deduct from the contract price, or otherwise recover the full amount of such fee, commission, percentage, gift or consideration.

ARTICLE 5

EQUAL OPPORTUNITY EMPLOYMENT

CONSULTANT agrees not to discriminate against any employee or applicant for employment for work under this Agreement because of race, color, religion, sex, age, handicapped status or national origin. CONSULTANT will comply with Section 3-1.1 "Non-discrimination contract requirements; waiver" of the Town of Surfside Code. By entering into this Agreement with the Town, CONSULTANT represents and affirms that CONSULTANT is not currently engaged in, and will not engage in, a boycott as defined in Section 3-1.1 of the Town of Surfside Code of Ordinances

IN WITNESS WHEREOF, the parties have signed this agreement as of the day and year first above written.

TOWN OF SURFSIDE

By: _____
Guillermo Olmedillo, Town Manager

Date: _____

CRS MAX CONSULTANTS, INC.

By: _____
Cathy L. King, President

Date: _____

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 #: 5D

Agenda Date: May 9, 2017

Subject: Approval for work authorization No. 103 to Calvin Giordano & Associates for the post design services related to the Surfside Traffic Signal Modifications at three intersections along Harding Avenue.

Background: There are several intersection locations throughout the Town of Surfside, where there are no traffic signal detections that will prompt the traffic signals to change. Vehicles have to wait a predetermined amount of time before the light can change and they can proceed through the intersection. Public Works, with the help of the Police Department, has identified locations for these improvements, which include the following intersections:

94th Street and Harding Avenue (east and westbound)

93rd Street and Harding (east and westbound)

88th Street and Harding Avenue (east and westbound)

The engineering design plans for these locations have been finalized and permits from Miami Dade County and FDOT have been issued to construct these improvements. The post design services include bidding assistance and construction administrative services related to Miami Dade Department of Transportation and Public Works Permit #DR 2017000223 and FDOT Construction Agreement #2016-C-691-10.

Analysis: The installation of traffic loop detectors at the identified locations will improve the traffic operations and vehicular and pedestrian circulation. The increasing traffic volumes along Harding Avenue and surrounding local streets warrant the need for installation of this traffic signal infrastructure.

Staff Impact: N/A

Budget Impact: The cost to complete these post design services will not exceed \$37,200.60 and will be funded from the Municipal Transportation Fund, Account No. 107-8500-549-3110. The funds received in the Town's Municipal Transportation Fund are from the Miami-Dade Citizen's Independent Transportation Trust ("CITT") which are generated through a Miami-Dade County half-penny sales surtax to improve transportation throughout the County.

Recommendation: Staff recommends approval.

Randy Stokes, Public Works Director

Guillermo Olmedillo, Town Manager

Donald Nelson, Finance Director

RESOLUTION NO. 17 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING CALVIN, GIORDANO & ASSOCIATES, INC. WORK AUTHORIZATION NO. 103 FOR HARDING AVENUE POST DESIGN SERVICES; AUTHORIZING THE EXPENDITURE FROM THE 2016/2017 FISCAL YEAR BUDGET IN THE AMOUNT NOT TO EXCEED \$37,200.60 FROM THE MUNICIPAL TRANSPORTATION FUND, ACCOUNT NO. 107-8500-549-3110; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside, pursuant to Section 287.055, Florida Statutes, solicited proposals to perform Professional General Engineering Services (“Services”); and

WHEREAS, on July 8, 2014, the Town Commission adopted Resolution No. 14-2245, which ratified the ranking of the Proposals and authorized the Town Manager to execute an Agreement with Calvin Giordano & Associates, Inc. (“CGA”); and

WHEREAS, the Town Commission selected CGA to perform Services on an on-going, as needed basis, and at the sole discretion of the Town; and

WHEREAS, there are several intersection locations throughout the Town of Surfside (“Town”) where there are no traffic signal detections that will prompt the traffic signals to change; and

WHEREAS, the Town of Surfside Public Works Department, with the help of the Police Department, has identified three locations along Harding Avenue for traffic signal improvements; and

WHEREAS, CGA will provide the Town with bidding assistance and construction administration services as outlined in Work Authorization No. 103 for Harding Avenue Post Design Services from the 2016/2017 Fiscal Year Budget in the amount not to exceed \$37,200.60 from the Municipal Transportation Fund, Account No. 107-8500-549-3110 (see Attachment “A”); and

WHEREAS, it is in the best interest of the Town to approve Work Authorization No. 103.

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

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Approval and Authorization. The Town Commission hereby approves the Work Authorization No. 103 (see Attachment "A") and authorizes the expenditure of funds from the fiscal year 2016-2017 in the amount not to exceed \$37,200.60 from the Municipal Transportation Fund, Account No. 107-8500-549-3110.

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 become effective immediately upon its adoption.

PASSED AND ADOPTED this _____ day of May 2017.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

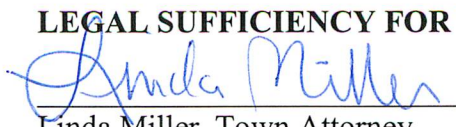
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

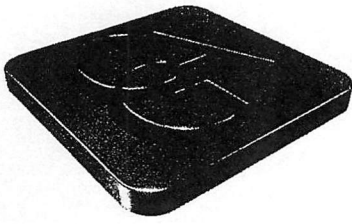
ATTEST:

Sandra Novoa, MMC, Town Clerk

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



Linda Miller, Town Attorney



April 26, 2017

Mr. Guillermo Olmedillo
Town Manager
TOWN OF SURFSIDE
9293 Harding Avenue
Surfside, FL 33154

RE: Work Authorization No. 103
Harding Avenue Post Design Services
CGA Proposal No. 15-8083.2

Dear Mr. Olmedillo,

Enclosed for your review and approval is Work Authorization No. 103 for Harding Avenue Post Design Services. The scope of the project includes Provide the Town with Bidding Assistance and Construction Administration Services. The Scope of Services to be furnished under this Work Authorization includes Construction and Traffic Engineering as shown on the attached Work Authorization.

The Scope of Services to be furnished under this Work Authorization includes Traffic Engineering and Construction 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, plus reimbursables, for a total not to exceed \$37,200.60.

Sincerely,

CALVIN, GIORDANO & ASSOCIATES, INC.

Chris Giordano
Treasurer

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

GSA Contract Holder

1800 Eller Drive
Suite 600
Fort Lauderdale, FL
33316
954.921.7781 phone
954.921.8807 fax

www.cgasolutions.com

TOWN OF SURFSIDE
Harding Avenue Post Design Services

PROJECT DESCRIPTION

1. SCOPE OF SERVICES

Calvin, Giordano & Associates, Inc. is pleased to submit this proposal for professional bidding assistance and construction administrative services related to the Surfside Traffic Signal Improvements located along Harding Avenue in Surfside, FL. The specific bidding assistance and construction administrative services offered herein are outlined below.

I. Professional Engineering Services

A. Traffic Engineering

1. CGA shall issue addenda and provide supplemental information or clarifications, as necessary, to interpret, clarify, or expand the Traffic Signal Modifications at Harding Avenue at 88th Street, 93rd Street and 94th Street intersections bidding documents (Miami Dade County Reference # 2017000223) to all prospective bidders during the bid period. It is anticipated that the traffic signal scope of work shall be awarded under a single construction contract.
2. CGA traffic engineers shall attend the bid opening and assist the Town and/or Owner's Representative in evaluating bids and proposals and in assembling and awarding contract for construction.
3. CGA will attend one pre-construction meetings, provide shop drawing review, answer RFI's from the contractor during construction, assist with interpretation of construction plans and documents and provide plan modifications for required field changes as necessary.
4. CGA traffic engineers will provide the closeout documents required per the Miami-Dade Department of Transportation and Public Works (DR 2017000223) and the Florida Department of Transportation (Construction Agreement Number 2016 C 691 10). CGA traffic engineers will prepare the necessary certification letter by the Engineer of Record for the traffic signal infrastructure improvements.

5. Note: This scope of services does not include preparation of Maintenance of Traffic (M.O.T.) Plans. The Contractor will be responsible for the M.O.T. Plans and the traffic control for the project.
6. Note: This scope of services does not include completing subsurface utility exploration services. The subsurface utility exploration services and final utility clear letters will be a responsibility of the Contractor as a requirement of the bid documents for the Surfside Traffic Signal Modifications project.
7. Note: This scope of services does not include the preparation of as-built drawings. The as-built drawings will be a responsibility of the awarded Contractor. If these services are required an additional service will be provided.

II. Professional Construction Services

- A. The following scope is for Bidding and Award Services, and Construction Administration and Inspection Services based on 30 days of Construction Time (30 days to Final Acceptance) and on total hours specified on attached breakdown. Any additional time beyond will required an approved agreement.
- B. CONSULTANT shall provide services related to the oversight of the Project ("Owner's Representative Services"). The Owner's Representative Services provided by the CONSULTANT shall include the following:
 1. Assist in the advertisement and bidding process including pre-bid coordination / assistance; pre-bid meeting coordination and attendance; bid addendum coordination and tracking; attendance at the bid opening; bid tabulation preparation; investigation of Contractor references (for the low three bidders); preparation of a recommendation of award letter; and contract execution coordination.
 2. Coordinate and participate in one (1) pre-construction meeting; record, prepare, and distribute the meeting minutes.
 3. Receive, log, and coordinate the review and processing of shop drawings, samples and other data which the Contractor is required to submit.

4. Attend / conduct meeting(s) with Contractor and appropriate regulatory agencies / stakeholders as requested and necessary for consultation or conferences in regard to construction of the project. This effort shall include one (1) meeting with Miami Dade County.
5. Coordinate, process and assist in the issuance or interpretations and clarifications of the Contract Documents, and evaluate requested deviations from the approved design or specifications. In connection therewith, review, prepare and process any work change directives or change orders requested by the TOWN.
6. Make daily inspections for compliance with plans and specifications. Make interim inspections for substantial completion and coordinate / conduct a final inspection to determine, in general, if the work has been completed in conformance with the intent of the Contract Documents.
7. Review, approve and process payment requests received from the Contractor.
8. Review as-builts provided by the Contractor. This review is limited to one (1) review and one (1) resubmittal.
9. Assist EOR with Contractor supplied close-out documentation, and permit certification processing.

2. BASIS OF COMPENSATION:

Hourly rates with an estimated fee of \$35,429.14 plus reimbursables at \$1,771.46 with a total not to exceed amount of \$37,200.60. Payments to be made monthly.

3. SUBMITTED

Submitted by:


Chris Giordano

Date:

5/1/17

4. APPROVAL

Approved by:

Guillermo Olmedillo
Town Manager

Date:

TOWN OF SURFSIDE
WORK AUTHORIZATION ESTIMATE DATE

WORK AUTHORIZATION NO. 103
PROJECT NAME Harding Avenue Post Design Services
CGA Proposal No. 15-8083.2
DESCRIPTION Provide the Town with Bidding Assistance and Construction Administration Services. The Scope of Services to be furnished under this Work Authorization includes Construction and Traffic Engineering as shown on the attached Work Authorization.

TITLE	RATE	HOURS/UNITS	COST
Clerical	\$74.26	55	\$4,084.30
Construction Management Director	\$127.31	59.5	\$7,574.95
Director Engineering V	\$159.14	44.5	\$7,081.73
Eng Sr CADD Tech Manager	\$106.09	16	\$1,697.44
Project Engineer III	\$127.31	12	\$1,527.72
Project Manager IV	\$137.92	72	\$9,930.24
Sr Inspector	\$95.48	37	\$3,532.76
			\$35,429.14
SUB-CONSULTANTS			COST

LABOR SUBTOTAL \$35,429.14
REIMBURSABLE SUBTOTAL \$1,771.46
TOTAL \$37,200.60

Reviewed by: _____
Guillermo Olmedillo, Town Manager



Town of Surfside Commission Communication

Agenda Item # 9A

Agenda Date: May 9th, 2017

Subject: Town of Surfside Red Light Camera Safety Program – Program Continuation Proposals

Background: The Town Commission and the Surfside Police Department have supported vehicular safety and pedestrian safety measures and programs that make a significant impact in reducing traffic related crashes involving vehicles and pedestrians. In February of 2011, the Town implemented Red Light Cameras at five (5) intersections within the jurisdiction (88th Street and Harding Ave., 88th Street and Collins Ave., 90th Street and Collins Ave., 93rd Street and Collins Ave., and 96th Street and Collins Ave.) utilizing American Traffic Solutions (ATS) hardware and software. The ATS system captures high-resolution still images and high-definition video to clearly show vehicles that are proceeding through red lights, vehicle license plate information, and additional evidence that depict vehicles in violation of Florida Traffic Statutes. The known presence of these cameras and signage denoting their use in the Town serves as a deterrent to drivers to use due caution when approaching a traffic signal that is changing from a yellow signal to a red signal. Since the implementation of the Red Light Camera Program, there have been over 45,000 Notices of Violation issued to potential violators and only 8% of the violations have been Town of Surfside residents, and the recidivism rate of the residents has averaged 6%. Although there are positive attributes to the Red Light Camera Safety Program, the ATS Red Light Camera System has proven to be manpower intensive and requires constant oversight and involvement from officers, police supervisors, and the Town Attorney's Office. The contract for the ATS Red Light Camera System is in consideration for renewal and thus provides an opportunity to evaluate the program and decide if the program should: 1) Continue in its present format, 2) Utilize a Traffic Infraction Enforcement Officer, part-time contract employee, to oversee daily operations and perform the required reviews and administrative hearing responsibilities, 3) Discontinue the program.

Analysis: During the past several years, municipalities and counties utilizing Red Light Camera Programs have experienced legal challenges to the programs that have required extensive research, required legal analysis and responses, required court appearances by officers and supervisors, and required the assistance of outside counsel to address and defend the challenges. The Town of Surfside has been directly affected by these legal actions and required officers, police supervisors, and the Town Attorney's to spend inordinate amounts of time and effort in responding to these legal actions, preparing for court hearings, and preparing for potential negative outcomes from the legal actions. In addition to the legal challenges and actions to the Red Light Camera Programs the Florida State Senate has each year considered Bills that seek to end these programs.

During the past several years, the Surfside Police Department has incurred thousands of employee staffing hours expended on the operational and administrative components of the Red Light Camera Program to include hardware and software maintenance, daily officer review of all potential Red Light Violators on video, daily officer secondary review of potential Red Light Violators prior to the issuance of a Uniform Traffic Citation, officer/supervisor attendance at all Red Light Camera Notice of Violation Hearings, officer/supervisor attendance at UTC Traffic Court Hearings at Miami-Dade County Court, daily inquiries from red light violators regarding their violation notices and legal questions, supervisor processing of Affidavits from persons claiming they were not the driver of vehicles identified by the system as potential red light violators, and on-going interactions with the vendor in regards to issues with the system.

In addition to the aforementioned staffing impacts of this program, the Town Assistant Clerk or Human Resources Director participates in each Administrative Hearing session to act as the scribe and document the dispositions of the persons challenging the violations.

As previously stated the Red Light Camera Program may:

- Proceed in its present form and continue to negatively impact police employee staffing levels and the manpower level of the Town Attorney's Office.
- Utilize the services of a Traffic Infraction Enforcement Officer who will oversee the program, perform the required daily reviews, and attend administrative hearings and court hearings. The cost of contracting a Traffic Infraction Enforcement Officer is approximately \$50,000.00 per year, and there are no benefits associated with this position.
- Be discontinued and cease operation.

The estimated revenue stream from the Red Light Camera Program for the Town of Surfside will support the wage expense of a Traffic Infraction Enforcement Officer.

Budget Impact: The hiring of a Traffic Infraction Enforcement Officer will incur a cost of approximately \$50,000.00 per year.

Staff Impact: A negative impact in effectiveness, efficiency, loss of manpower hours, and reduction of productivity of police officers and supervisors will continue if the program remains status quo.

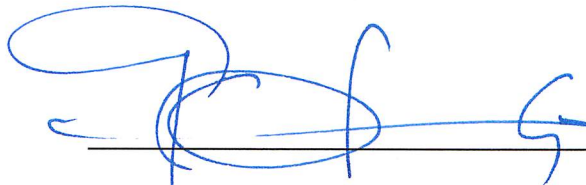
Recommendation: Staff is providing two (2) recommendations:

Recommendation #1: Staff recommends a motion to approve a resolution to contract a Traffic Infraction Enforcement Officer to perform the administrative and operational duties of the Red Light Camera Safety Program for the Town of Surfside.

Recommendation #2: Staff recommends a motion to approve a resolution to discontinue the Red Light Camera Safety Program in the Town of Surfside.

A handwritten signature in blue ink, appearing to read "David Allen", written over a horizontal line.

David Allen, Chief of Police

A handwritten signature in blue ink, appearing to read "Guillermo Olmedillo", written over a horizontal line.

Guillermo Olmedillo, Town Manager

A handwritten signature in blue ink, appearing to read "Donald Nelson", written over a horizontal line.

Donald Nelson, Finance Director



Town of Surfside Commission Communication

Agenda Item: 9B
Agenda Date: May 9, 2017
Subject: Walkability and Pedestrian Improvements
From: Guillermo Olmedillo, Town Manager

Background: The Planning and Zoning Board has identified walkability as one of their main concerns. This includes street scape improvements, traffic calming and landscaping to create a safe, pedestrian environment. The first step was to determine the Town's assets. The attached map demonstrates the Town's assets and the opportunity for connectivity between those assets.

The Planning and Zoning Board reviewed the asset map and vetted numerous concepts in the last few months for increased walkability. They have agreed upon a concept to test a one way street condition. The proposed test project would be a one way system where 89th street would be one way in from Harding Avenue and 90th street would be one way out to Harding Avenue, which is demonstrated in the attached map indicating study area.

The purpose of the one way streets is to slow traffic while offering an opportunity to add landscaping and a pedestrian walkway to the existing street. The cross section graphic depicts the proposed one way system with landscaping as well as a painted or textured treatment to serve as a walkway.

Budget Impact: The test project would be addressed through temporary barriers and signage. If the project was desired to be long term, a cost estimate for the street improvements would be generated and proposed for the FY 2018 budget.

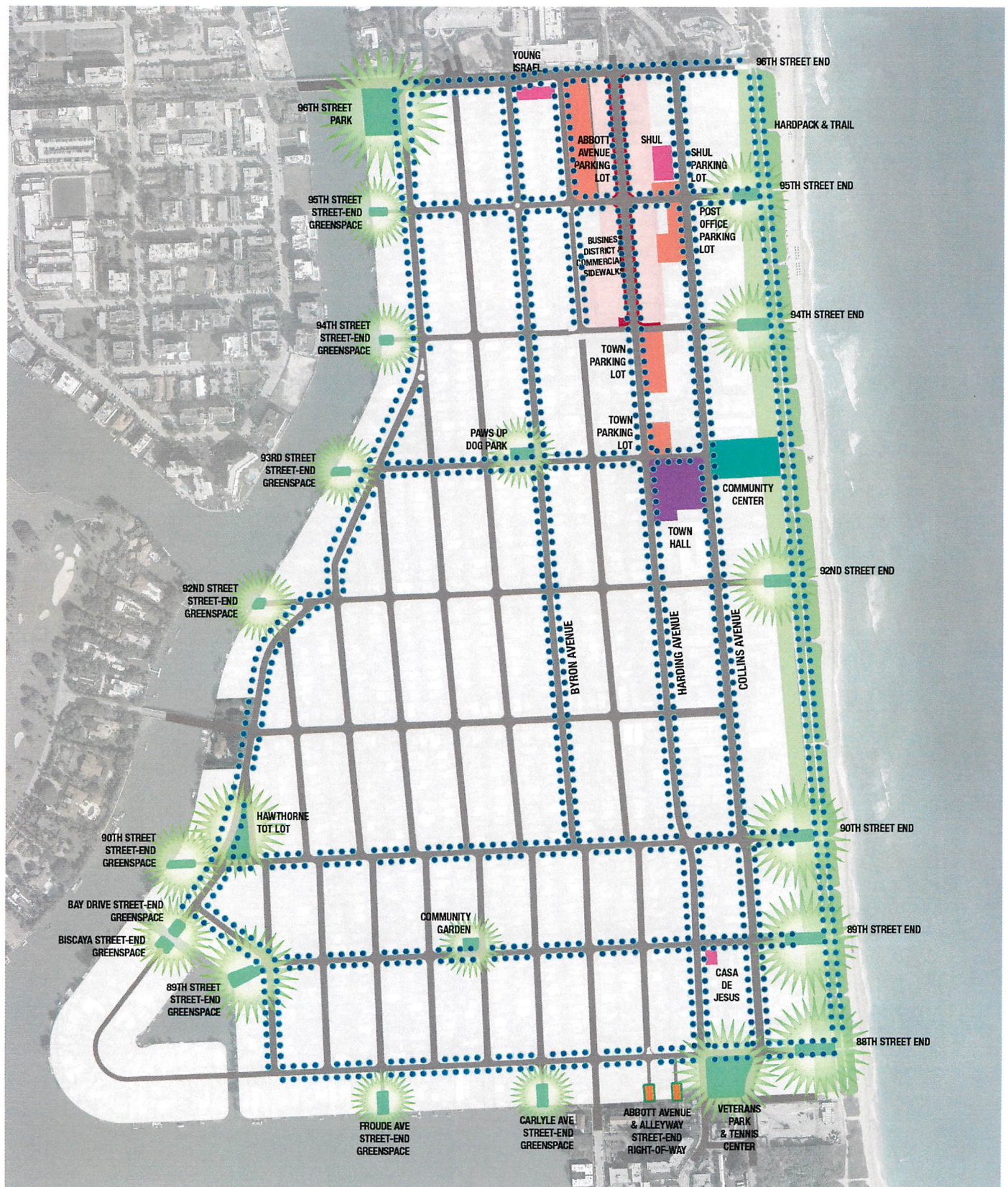
Growth Impact: The proposed project could improve pedestrian and traffic circulation.

Staff Impact: Staff would need to set up initial barriers and signage. The police would need to help guide and educate the public on the new traffic pattern.

Staff Recommendation: Approval of the test project to one way 89th Street and 90th Street.

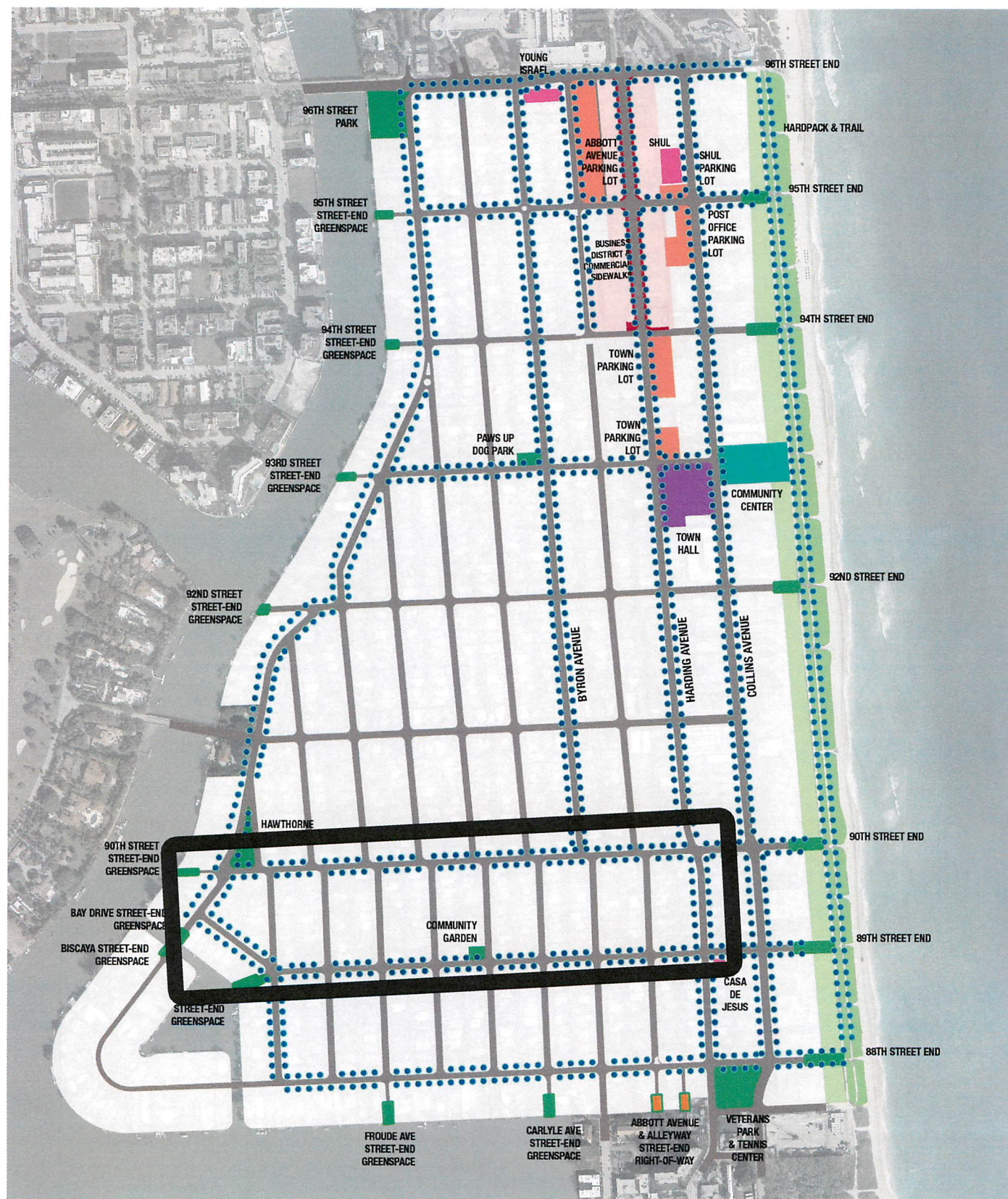
TOWN OF SURFSIDE

TOWN ASSETS AND CONNECTIVITY CONCEPT



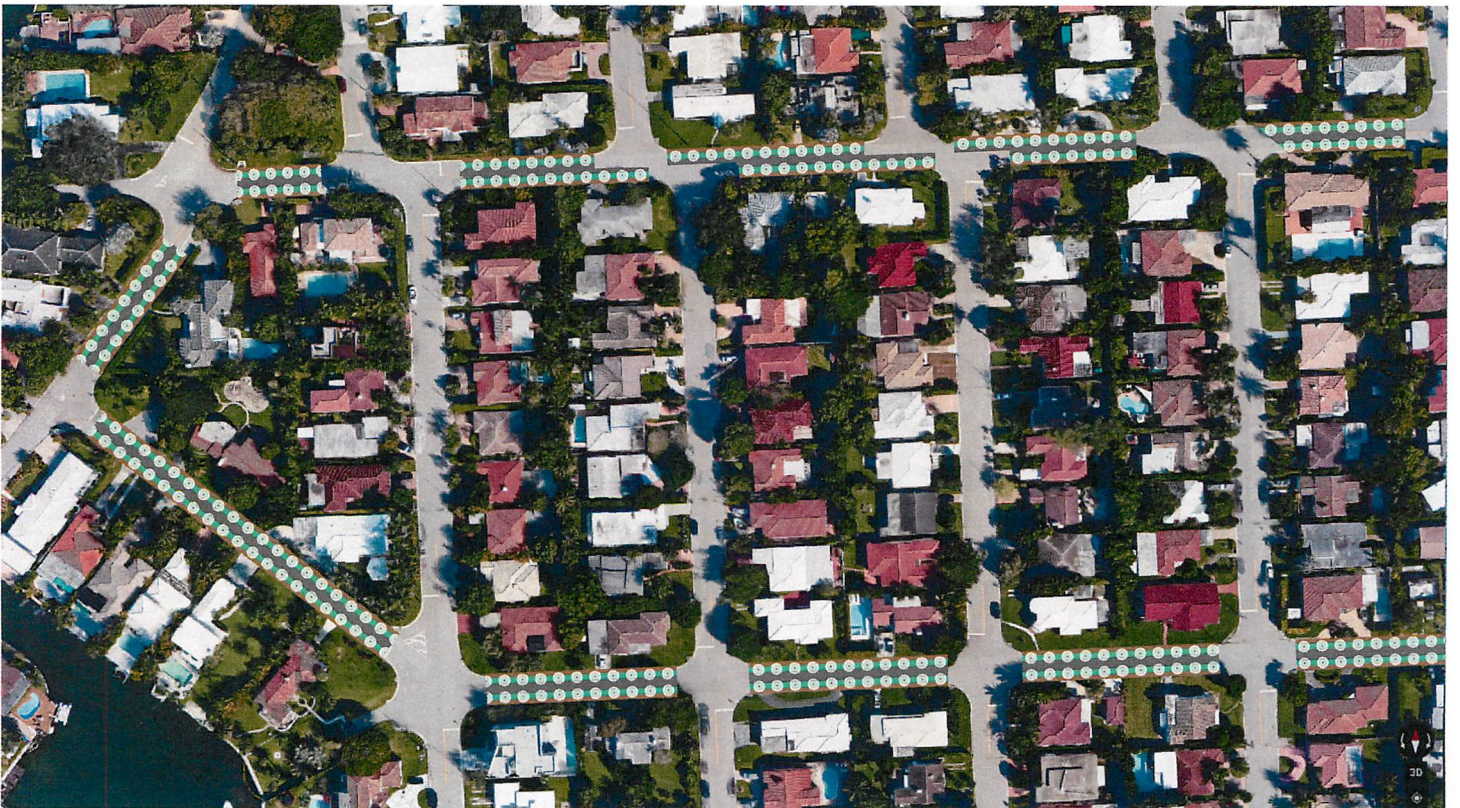
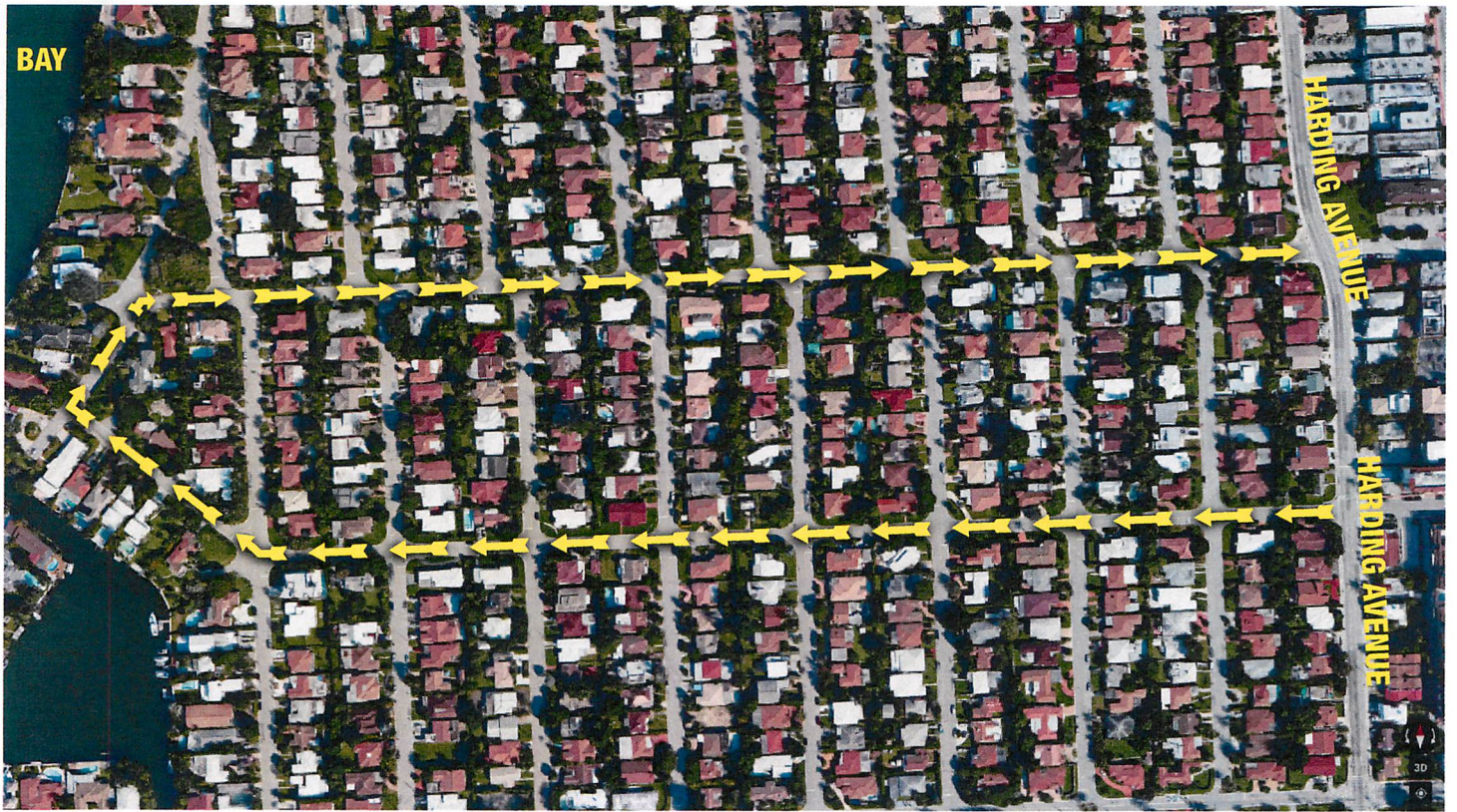
TOWN OF SURFSIDE - STUDY AREA

TOWN ASSETS AND CONNECTIVITY CONCEPT



TOWN OF SURFSIDE - ONE-WAYS STUDY AREA

90TH STREET AND 89TH STREET - FROM HARDING AVENUE TO THE BAY



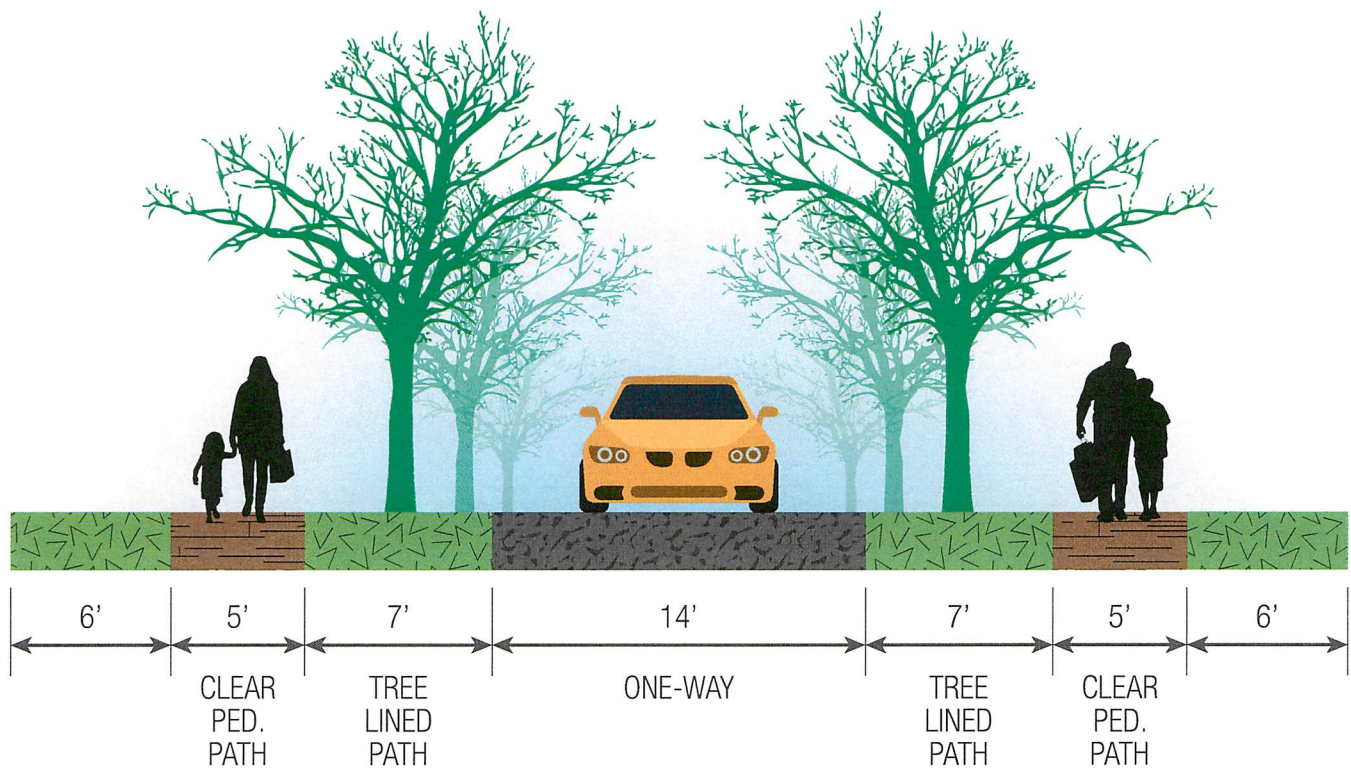
TOWN OF SURFSIDE - STREETSCAPE

90TH STREET AND 89TH STREET - FROM HARDING AVENUE TO THE BAY



TOWN OF SURFSIDE - STREETSCAPE CROSS-SECTION

90TH STREET AND 89TH STREET - FROM HARDING AVENUE TO THE BAY





Town of Surfside Commission Communication

Agenda #: 9C

Agenda Date: May 9, 2017

Subject: Modifying measurement of height to prepare for sea level rise.

From: Sarah Sinatra Gould, AICP, Town Planner

Background: One of the Planning & Zoning Board's (Board) top priorities is to prepare and plan for sea level rise. The existing code measures height from crown of the road to the top of the structure and in the single family zoning districts, this is a maximum of 30 feet in height. This can accommodate a two story structure. By measuring from crown of the road, the structure itself is usually about 24-26 feet in height due to the crown of the road being approximately 4-6 feet above the lot.

As properties are being redeveloped, the Board has been concerned with structures having the ability to be elevated to accommodate sea level rise. The board has asked staff to analyze utilizing Finished Floor Elevation (FFE), plus an additional one to five feet of built up ground rather than crown of the road as the measurement of height. The additional one to five feet of built up ground is called "freeboard." This methodology is utilized by Miami Beach.

Staff has reached out to Miami Beach to get a better understanding of how they arrived at one to five feet for their freeboard ordinance. They have indicated the minimum of one foot comes from FEMA, which provides discounts for Flood Insurance Rates at a one foot freeboard and five feet is a maximum due to their green building ordinance, which requires LEED Building Certification under certain circumstances. LEED has credits for Resilient Design which gives credit for having a first floor elevation at five feet above base flood elevation. In order to facilitate achieving this credit, a maximum five foot freeboard was selected.

Miami Beach's ordinance (Exhibit A) was initially proposed to be a maximum of three feet based on the 500 year flood plain and the South Florida Compact Unified Sea Level Rise Projection. According to the planning department, it was expected that three feet would have provided sufficient protection for approximately 40 years. However, the five feet was selected to accommodate LEED. The Unified Sea Level Rise Projection model is enclosed (Exhibit B). This model provides the three projections accepted by the South Florida Regional Climate Change Compact of 2015. Also enclosed are graphics depicting the current height measurement versus

measuring from FFE plus one foot of freeboard for a flat roofed structure and a pitched roof structure (Exhibit C).

The 2004 Town Charter Amendment limits density, intensity and height to the standards present in the 2004 zoning code and comprehensive plan, whichever was more restrictive. Staff has determined that the 2004 definition of height in the zoning code was measured from crown of the road; therefore, any modification to that definition would require a charter amendment. The Board is requesting the Town Commission to consider directing staff to prepare ballot language to ask the voters to determine if the measurement of height should be modified to allow up to five additional feet of built up ground (freeboard) to accommodate potential sea level rise.

The Sustainability Committee (Committee) has also recently met on the potential updates to the Comprehensive Plan (Plan). One of the proposed policies discussed by the Committee for inclusion in the Plan is to re-evaluate finished floor elevation standards with respect to sea level rise scenarios.

If the Town Commission agrees to direct staff to prepare ballot language, the question would be added to the March 2018 ballot and if the voters support the amendment, zoning code modifications would be prepared.

If the Town Commission does not wish to proceed with the ballot language or if the voters do not support the amendment, freeboard could still be accommodated, however, in the single family zoning districts, only one story structures could be developed due to the height limitation of 30 feet measured from crown of the road. New one story structures are not typically proposed due to the cost of properties along the barrier islands.

The Town Commission should discuss if it wishes to prepare ballot language to permit a modification in the definition of height to accommodate potential sea level rise.

Budget Impact: Cost of preparing ballot language and preparing informational materials.

Growth Impact: Increased height of structures.

Staff Impact: Potential meetings and workshops to inform the public of the proposed amendment. Preparation of materials and legal language for the ballot.

Staff Recommendation: Staff recommends the Town Commission evaluate this request by the Planning and Zoning Board.



Sarah Sinatra Gould, AICP, Town Planner



Guillermo Olmedillo, Town Manager

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: January 18, 2017

SUBJECT: **DISCUSSION REGARDING RESILIENCY AND ADAPTATION CRITERIA FOR LAND USE BOARDS.**

HISTORY

On December 14, 2016, the City Commission, at the request of Commissioner John Elizabeth Alemán, referred this item (R9F) to the Land Use and Development Committee (LUDC) and the Planning Board.

BACKGROUND

On October 19, 2016, at the request of Commissioner John Elizabeth Alemán, the City Commission discussed holding a workshop to explore setting boundaries for the North Beach Local Historic District (Item R9AE). The City Commission requested that every Historic Preservation Board packet presentation include resiliency and sustainability information. However, the City Attorney clarified that this information would have to be part of the Land Use Board review criteria in order to be considered.

ANALYSIS

The City has four Land Use Boards which are authorized to approve various types of development orders and make certain recommendations to the City Commission. These boards, with the assistance of City staff, utilize adopted criteria to make their decisions and recommendations. The general duties of the 4 Land Use Boards are as follows:

- Planning Board
 - Amendments to Comp Plan and Land Development Regulations
 - Conditional Use Permits
 - Division of Land/Lots Splits
- Design Review Board
 - Design Review Approval
- Board of Adjustment
 - Variances and Administrative Appeals
- Historic Preservation Board
 - Historic Designation Recommendations
 - Certificates of Appropriateness

As the City is facing an increase in flooding due to Sea Level Rise, it is important that Land Use Boards incorporate criteria to mitigate the effects of sea level rise and improve the City's Resiliency. Additionally, the recently adopted amendment to the City's

Comprehensive Plan related to “Peril of Flood,” establish the City as an Adaption Action Area (AAA), which among other things, requires that the City incorporate strategies into the Land Development Regulations to improve the community’s adaptability and resiliency capacities, with regards to the Sea Level Rise and Climate Change.

The attached draft ordinance amendment establishes Sea Level Rise and Resiliency Review Criteria within Chapter 133, entitled “Sustainability and Resiliency,” of the Land Development Regulations. It also references these criteria within the individual review criteria for each board. The following is a summary of the draft criteria for the Land Use Boards when reviewing development applications:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
- (4) If resilient landscaping (salt and drought tolerant, native plants species) will be provided.
- (5) Whether the most recent adopted Southeast Florida Climate Compact Unified sea level rise projections, including a study of land elevation and elevation of surrounding properties, where considered and applied.
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.
- (7) Where feasible and appropriate, all critical mechanical and electrical systems will be located above base flood elevation.
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet and dry flood proofing systems will be provided.
- (10) Where reasonably feasible and appropriate, water retention systems shall be provided.
- (11) New below grade parking shall be prohibited.

When considering ordinances, adopting resolutions, or making recommendations, the following criteria would apply:

- (1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.
- (2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.
- (3) Whether the proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.

CONCLUSION

The Administration recommends that the Land Use and Development Committee discuss the matter further and provide appropriate policy direction. If there is consensus on the proposal herein, it is further recommended that the ordinance be recommended for approval at the Planning Board.

JLM/SMT/TRM

SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," AT ARTICLE III, "AMENDMENT PROCEDURE," ARTICLE IV, "CONDITIONAL USE PROCEDURE," ARTICLE VI, "DESIGN REVIEW PROCEDURES," ARTICLE VII, "DIVISION OF LAND/LOT SPLIT," ARTICLE VIII, "PROCEDURE FOR VARIANCES AND ADMINISTRATIVE APPEALS," AND ARTICLE X, "HISTORIC PRESERVATION," TO PROVIDE REFERENCES TO SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA FOR CONSIDERATION BY LAND USE BOARDS WHEN DECIDING ISSUES WITHIN THEIR JURISDICTION; CHAPTER 133, "SUSTAINABILITY AND RESILIENCY," TO ESTABLISH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, Comprehensive Plan Future Land Use Element Policy 3.6 requires that the City "Maximize unpaved landscape to allow for more stormwater infiltration. Encourage planting of vegetation that is highly water absorbent, can withstand the marine environment, and the impacts of tropical storm winds. Encourage development measures that include innovative climate adaption and mitigation designs with creative co-benefits where possible;" and

WHEREAS, Comprehensive Plan Conservation/Coastal Zone Management Element Policy 2.12 provides that "Salt tolerant landscaping and highly water-absorbent, native or Florida friendly plants shall continue to be given preference over other planting materials in the plant materials list used in the administration of the landscape section of the Land Development Regulations and the design review process;" and

WHEREAS, Comprehensive Plan Conservation/Coastal Zone Management Element Objective 13 provides policies to "Increase the City's resiliency to the impacts of climate change and rising sea levels by developing and implementing adaptation strategies and measures in order to protect human life, natural systems and resources and adapt public infrastructure, services, and public and private property;" and

WHEREAS, the Miami Beach Comprehensive Plan designates the entire City as an Adaptation Action Area (AAA) containing one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure and adaptation planning; and

WHEREAS, Comprehensive Plan Conservation/Coastal Zone Management Element Policy 13.4 states that "the City will develop and implement adaptation strategies for areas vulnerable to coastal flooding, tidal events, storm surge, flash floods, stormwater runoff, salt water intrusion and other impacts related to climate change or exacerbated by sea level rise, with the intent to increase the community's comprehensive adaptability and resiliency capacities;" and

WHEREAS, Comprehensive Plan Conservation/Coastal Zone Management Element Policy 13.8 states that the “City shall integrate AAAs into existing and future City processes and city-wide plans and documents which may include:...Land Development Regulations;” and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 118, “Administration and Review Procedures,” Article III, “Amendment Procedure,” Section 118-163, “Review by Planning Board,” is amended as follows:

Before the city commission takes any action on a proposed amendment to the actual list of permitted, conditional or prohibited uses in zoning categories or to the actual zoning map designation of a parcel or parcels of land or to other regulations of these land development regulations or to the city's comprehensive plan, the planning board shall review the request and provide the city commission with a recommendation as to whether the proposed amendment should be approved or denied. In reviewing the application, the planning board may propose an alternative ordinance on the same subject for consideration by the city commission. The following procedures shall apply to the board's consideration of the request:

* * *

- (1) In reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

* * *

- n. Whether the proposed change is consistent with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

SECTION 2. Chapter 118, “Administration and Review Procedures,” Article IV, “Conditional Use Procedure,” Section 118-192, “Review Guidelines,” is amended as follows:

- (a) Conditional uses may be approved in accordance with the procedures and standards of this article provided that:

* * *

- (8) The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

SECTION 3. Chapter 118, “Administration and Review Procedures,” Article VI, “Design Review Procedures,” Section 118-251, “Design Review Criteria,” is amended as follows:

- (a) Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and design guidelines adopted and amended periodically by the design review board and/or historic preservation board. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department. If the board determines that an application is not consistent with the criteria, it shall set forth in writing the reasons substantiating its finding. The criteria referenced above are as follows:

* * *

(19) The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

SECTION 4. Chapter 118, "Administration and Review Procedures," Article VII, "Division of Land/Lot Split," Section 118-321, "Purpose, standards and procedure," is amended as follows:

- B. *Review criteria.* In reviewing an application for the division of lot and lot split, the planning board shall apply the following criteria:

* * *

(7) The structures and sites will comply with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

SECTION 5. Chapter 118, "Administration and Review Procedures," Article VIII, "Procedure for Variances and Administrative Appeals," Section 118-353, "Variance Applications," is amended as follows:

- (d) In order to authorize any variance from the terms of these land development regulations and sections 6-4 and 6-41(a) and (b), the applicable board shall find that:

* * *

(8) The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

SECTION 6. Chapter 118, "Administration and Review Procedures," Article X, "Historic Preservation," Division 3, "Issuance of Certificate of Appropriateness/Certificate to

Dig/Certificate of Appropriateness for Demolition,” Section 118-564, “Decisions on certificates of appropriateness,” is amended as follows:

- (3) The examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The historic preservation board and planning department shall review plans based upon the below stated criteria and recommendations of the planning department may include, but not be limited to, comments from the building department. The criteria referenced above are as follows:

* * *

- g. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

SECTION 7. Chapter 118, “Administration and Review Procedures,” Article X, “Historic Preservation,” Division 4, “Designation,” Section 118-592, “Criteria for Designation,” is amended as follows:

- (c) The historic preservation board shall consider if the historic buildings, historic structures, historic improvements, historic landscape features, historic interiors (architecturally significant public portions only), historic sites, or historic districts comply with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

SECTION 8. Chapter 133, “Sustainability and Resiliency,” is amended as follows:

ARTICLE I. – GREEN BUILDINGS

ARTICLE-DIVISION I. – IN GENERAL

* * *

ARTICLE-DIVISION II. – GREEN BUILDING REQUIREMENTS

* * *

ARTICLE-DIVISION III. – SUSTAINABILITY FEE PROGRAM

Sec. 133-5. - Generally.

A Sustainability Fee will be assessed for all eligible participants. The calculation of the fee, provisions for refunding all or portions of the fee, its purpose, and eligible uses are detailed within this ~~article~~ division.

* * *

ARTICLE II. – SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

The City's Land Use Boards shall consider the following when making decisions within their jurisdiction, as applicable:

(a) Criteria for development orders:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
- (5) Whether adopted sea level rise projections, including a study of land elevation and elevation of surrounding properties, where considered.
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.
- (7) Where feasible and appropriate, all critical mechanical and electrical systems will be located above base flood elevation.
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet and dry flood proofing systems will be provided.
- (10) Where feasible and appropriate, water retention systems shall be provided.
- (11) New below grade parking shall be prohibited.

(b) Criteria for ordinances, resolutions, or recommendations:

- (1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.
- (2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.
- (3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

SECTION 9. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 10. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, as amended; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 11. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 12. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this ____ day of _____, 2017.

Philip Levine
Mayor

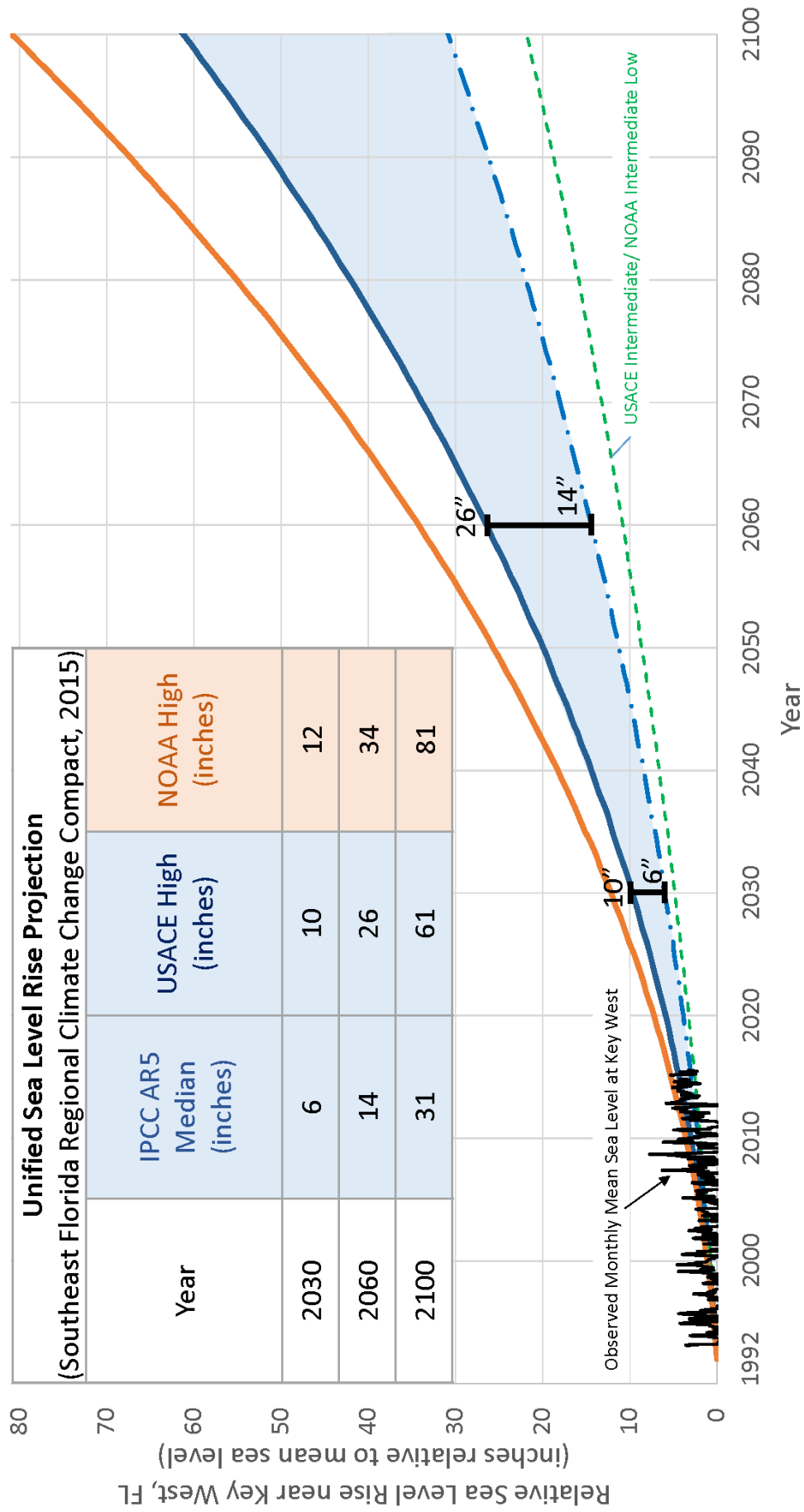
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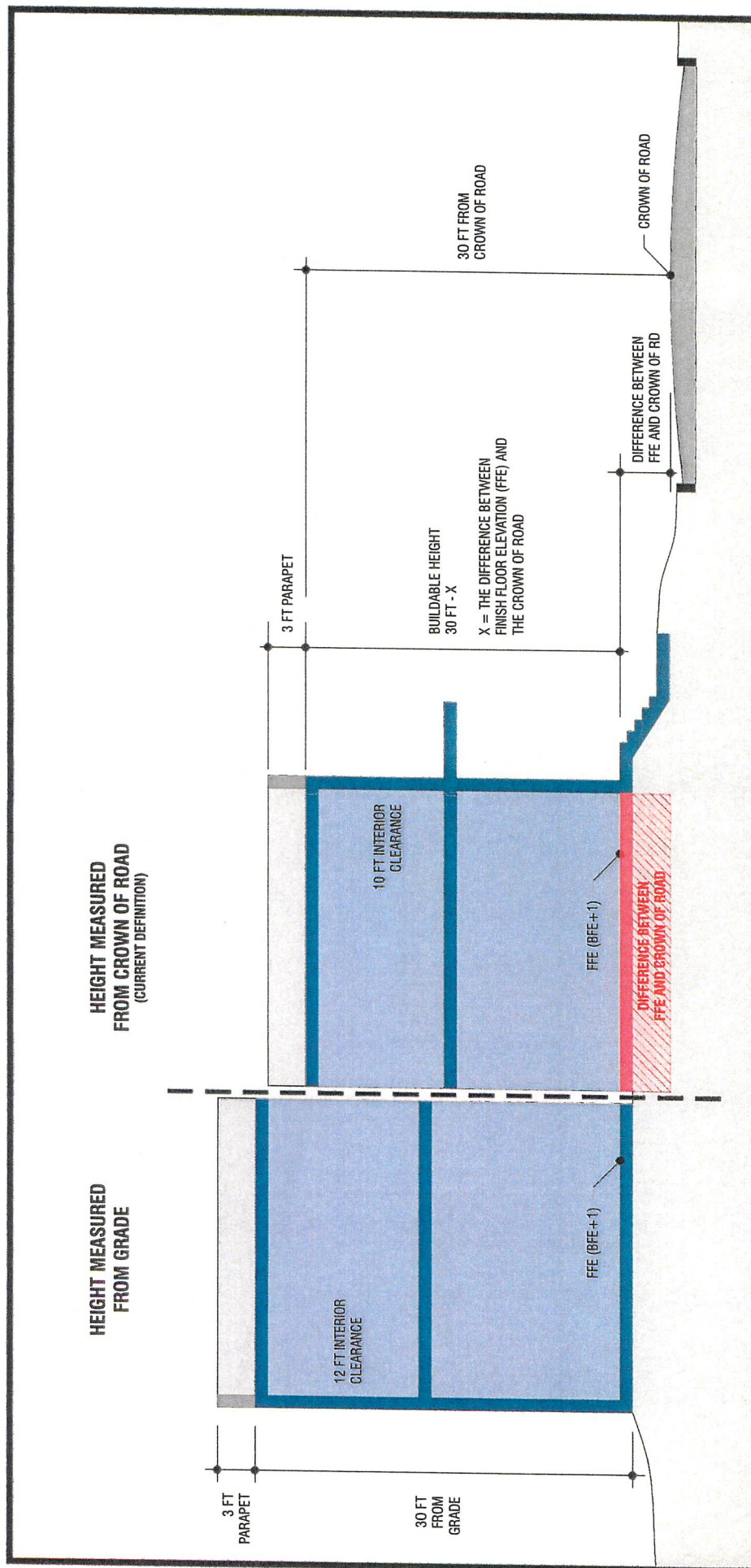
Rafael E. Granado
City Clerk

First Reading: _____, 2017
Second Reading: _____, 2017

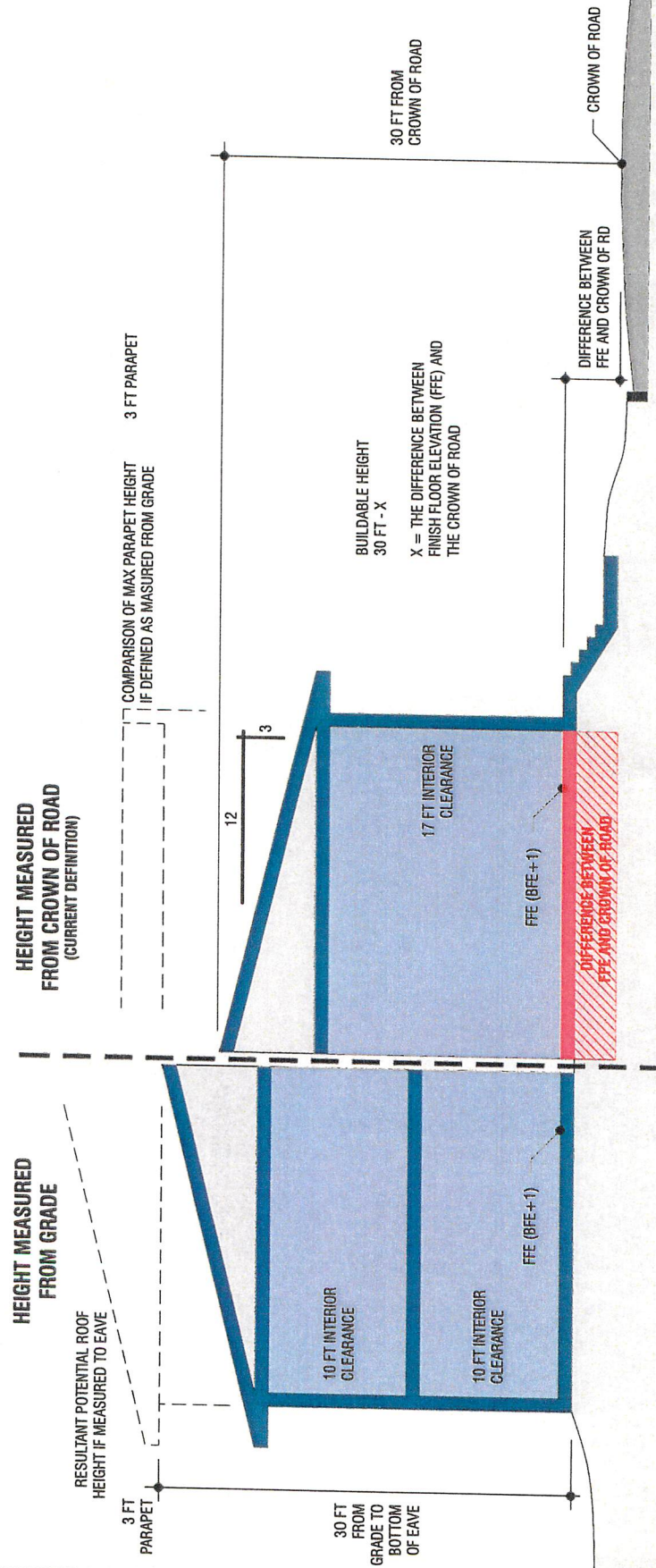
Verified By: _____
Thomas R. Mooney, AICP
Planning Director

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HEIGHT - PITCHED ROOFS





**Town of Surfside
Town Commission Meeting**

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

DISCUSSION ITEM MEMORANDUM

Agenda #: 9D

Date: May 9, 2017

From: Commissioner Tina Paul

Subject: Beach Furniture Ordinance 16-1658 amendments

Objective – At the April 14, 2017 Town Commission Meeting, there was discussion regarding amending Beach Furniture Ordinance 16-1658 that was passed on December 13, 2016. The direction for amending this ordinance was not clear.

Beach Furniture has been discussed at Commission meetings since July 2015. I have included the minutes from some of these meetings as evidence to support the importance of this issue.

The Commission's role is to set policy direction; therefore it is in the best interest of this Commission to resolve this ongoing controversy.

Consideration – it is requested that the Commission review and consider my suggested amendments to Beach Furniture Ordinance 16-1658 and recommendations to the Town Manager for a more effective Administrative Policy.

While we need to recognize the Hotels desire to provide Beach Furniture as an amenity to their guests, this must be done in tandem with our Residents and the Public's customary use of the beach in Surfside.

This can be achieved through capacity limitations on the hotel pre-set and total Beach Furniture count that will be indicated in the Town Manager's Administrative Policy for each entity. We must consider spacial limitations in relation to capacity in order to keep the Beach Furniture intrusion to a minimum. Correct balance for allowing this amenity to Hotel guests must be achieved.

Recommendation – To approve the proposed amendments to Beach Furniture Ordinance 16-1658 and recommendations for setting capacity limits to protect Residents and Public beach users, while keeping Surfside beaches unobstructed from commercial intrusion.

ORDINANCE NO. 16 – 1658

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”; AMENDING SECTION 86-27 “INTENT OF ARTICLE”; CREATING SECTION 86-30 “BEACH FURNITURE”; CREATING SECTION 86-31 “BEACH FURNITURE PERMIT”, “PERMIT CONDITIONS” 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; including pedestrian access, shoreline aesthetics and the view corridor 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 the Town Charter, Sec. 2 and Sec. 86-36, Town Code, the beach is within the corporate limits of the Town of Surfside and the Town exercises full municipal jurisdiction; 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 the intent of the Town to balance the expectations of beachfront hotels with the public's right of access to the beach; 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~~ that provides beach furniture services as an amenity ~~part of a short-term paid lodging to its hotel guests.~~ Authorization ~~authorized~~ through a Certificate of Use and permit issued by the Town is required. A hotel west of Collins Avenue in Surfside shall obtain authorization in the same manner with limitations as defined in the Town Manager’s Administrative Policy.

* * *

Beach Furniture Setup is the organized pre-placement of beach furniture by a beach furniture operator prior to use by individuals.

* * *

Beach Furniture Storage is the overnight placement of beach furniture on the public beach.

* * *

Beach Furniture User is an individual or group using any item of beach furniture while on the Public Beach. This term applies to the general public, condominium residents, and hotel guests.

* * *

Sec. 86-27.- Intent of article.

It is the intent of the town commission to prohibit those activities by persons on the public beach in the town that adversely affects the attractiveness of the public beach or endanger citizens, residents and visitors. The town commission finds that the health, safety, and welfare of the public is best protected by the regulation of beach furniture in the town.

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

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

Beach furniture set up as defined in this ordinance shall be prohibited, except by permitted beach furniture operators. Specific requirements for beach furniture setup shall be further described in the Town Manager's Administrative Policy.

Beach Furniture Storage shall be limited to beach furniture operators and Condominiums on the east side of Collins Avenue. Specific requirements for storage shall be further described in the Town Manager's Administrative Policy.

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

Any Beach Furniture Operator, as defined in this article ~~must~~ shall obtain a permit to place for beach furniture set up and storage as defined in this ordinance. on the public beach within the Town. It shall be unlawful for any Beach furniture operator, as defined in this article, to place beach furniture on a public beach within the Town without first obtaining a permit.

Town Manager or designee shall establish an Administrative Policy for the placement and storage 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 from all hotels shall ~~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 **placement**, 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. **Nothing in this article shall require a permit from a Condominium on the east side of Collins Avenue that engages in storage adjacent to their property as defined in this ordinance.**
- C. Review of permit application. A permit shall be granted upon the submittal of a completed application, **insurance requirement** 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 and their employer. 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

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.
- A Beach Furniture Operator shall not store or pre-set place beach furniture shall be placed in the area immediately adjacent to or directly seaward of the street ends throughout the Town of Surfside without Town approval.
- All beach furniture shall be set at no less than 12 feet and up to 20 feet seaward of the edge of the vegetation line of the dune. Final distance to be determined by the trash pickup operation conducted by Miami-Dade County.
- A Beach Furniture Operator shall submit an operations plan approved as per Sec. 86-31 Beach Furniture Permit Requirements for approval by the Town Manager which includes specifications on set up, storage, removal, staffing, and clean-up.
- It is prohibited for a Beach Furniture Operator to set up beach furniture behind a residential property not included in the operations plan. Beachfront properties are not authorized to lease space from or to anyone for any purpose east of the Erosion Control Line. (ECL).
- Beach Furniture Operators can only provide beach furniture service to their guests. Condominiums can only provide beach furniture service on as needed basis.
- 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~~ **REQUIREMENTS**

- 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.
- Any request from a code enforcement officer, or lifeguard to relocate beach furniture shall be complied with immediately.
- A Beach Furniture Operator may preset up to 1 row of beach furniture or an amount determined by the Town Manager in the beach furniture operations plan.
Beach furniture may not extend behind north and south neighboring buildings.
- A Beach Furniture Operator may store beach furniture on their property or adjacent to their property east of the dune neatly organized and secured to the ground.
All beach furniture shall be stored in properly designed enclosures if deemed necessary and approved by the Town Manager. The enclosure design shall be submitted for approval with the application for beach furniture operation and may include a base designed to prevent wildlife from being trapped.
- All beach furniture storage must not exceed the total allotment of beach furniture permitted in the operations plan. The Town Manager or Code Compliance Official will determine the preset allotment and the as needed capacity. Once capacity is reached, beach furniture may not be added without Code Compliance approval.
- 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.

- C. **Beach Chairs Management**– Guillermo Olmedillo, Town Manager
 Manager Olmedillo explained they are looking at the possibility of mirroring the ordinance adopted by Sunny Isles Beach which includes an orderly display of beach chairs as well as percentage used. He is asking

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Minutes
 Regular Commission Meeting
 July 14, 2015

for direction from the Commission. The Mayor would like the people who attended this evening to voice their opinion but suggested a workshop be held on the topic. Commissioner Olchyk felt there was no reason to delay as everyone wants access to the beach and we should look at the recommendations of the Manager. Commissioner Karukin agreed with Commissioner Olchyk but would like to see some guidelines provided by the Manager.

Public Speakers:

-Jeffery Platt first applauds the Commission for recognition of this problem. He said beach chairs put on the beach during the day should be removed in the evening. He also said only beach owned properties should be allowed to put their chairs out. He also said we should look at the Haulover ordinance as well as Sunny Isles.

-Joel Simmonds representing the Grand Beach Hotel said they are in favor of regulations as long as they are sensible. He asks that the issue be discussed properly taking everyone into consideration.

-Selina Calte feels if we have allowed hotels to be built then they should be allowed to have chairs on the beach and this applies to condos on the beach. She does feel regulations are needed.

-Deborah Cimadevilla said it is difficult to get used to all the hotels and construction that has come in and it has taken away the quaintness that once was Surfside. She asked why chairs can't be placed on a as needed basis instead of an overwhelming of beach chairs.

-Sean McKeen said we do need some regulations.

Commissioner Karukin said we should move forward and asked the Manager to also look at Hallandale. The Manager said he would look at other communities and their regulations.

The Mayor asked the Town Manager to come back with some language and schematics or tables to help with this item.

Town Planner Sinatra presented the item.

Vice Mayor Tourgeman made a motion to approve. The motion received a second from Commissioner Olchyk. The motion carried 4-1 with Commissioner Karukin voting in opposition.

B. First Reading Ordinances

1. Beach Furniture Ordinance – Guillermo Olmedillo, Town Manager [*Set for Time Certain at 7:30PM*]

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”; AMENDING ARTICLE II, PUBLIC BEACHES, SPECIFICALLY AMENDING SECTION 86-26 “DEFINITIONS”; AMENDING SECTION 86.27 “INTENT OF ARTICLE”; CREATING SECTION 86-30 “BEACH FURNITURE”; CREATING SECTION 86-31 “BEACH FURNITURE PERMIT”; CREATING SECTION 86-32 “PERMIT CONDITIONS”; CREATING SECTION 86-33 “CIVIL FINES AND PENALTIES; DENIAL OF FUTURE PERMITS TO REPEAT VIOLATORS”; CREATING SECTION 86-34 “RIGHTS; PAYMENT OF FINE; RIGHT TO APPEAL; FAILURE TO PAY CIVIL FINE OR TO APPEAL”; 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. Manager Olmedillo gave further information on the item.

Commissioner Karukin made a motion to refer the item to the Coastal Issues Committee and have them come back with a report to the Commission at the October, 2015 meeting. The motion received a second from Commissioner Olchyk. Commissioner Cohen and Vice Mayor Tourgeman voted in opposition. Vice Mayor Tourgeman would like to hear from the public speakers before voting. Commissioner Olchyk would like the recommendation of the Coastal Issues Committee but would like to hear the public views. The Mayor reminded all that he had suggested a town meeting first.

Commissioner Karukin withdrew the motion. The motion received a second from Commissioner Olchyk.

Vice Mayor Tourgeman made a motion to accept and refer to the Coastal Issues Committee. The motion received a second from Commissioner Karukin. Commissioner Karukin withdrew his second to the motion. The motion died for a lack of a second.

Commissioner Karukin made a motion to refer the ordinance to the Coastal Issues Committee. The motion received a second from Commissioner Olchyk. The motion carried 4-1 with Vice Mayor Tourgeman absent for the vote.

Public Speakers:

-Joel Simmonds representing the Grand Beach Hotel said they would like to comply with the town and have a better understanding of the proposal.

-Tina Paul said to be aware that this is a public beach and opening it up to commercial businesses leaves a lot of grey areas and may take away from what the public has been enjoying.

-Alex Tachmes representing the Surf Club, said both hotel guests and the general public can work this out so all can enjoy the beach. He feels the ordinance as presented has some serious issues of their concern. He said that Colin Clark and Stephen Letterman also from the Surf Club (Four Seasons) will give more input on the item.

-Clara Diaz-Leal Parker said there are some people from the hotels who view the public putting their chairs on the beach near the hotel as "what are you doing here?" All have to be reminded that it is a public beach for all to use. She cautions the allowance of vendors on the beach to rent chairs and other beach related items.

-Marisa Alonso agrees that lounge chairs should be put out as needed and hotels should not litter the beach with unoccupied chairs.

The Mayor paused the public hearing on this item to go to Good and Welfare as it is a time certain agenda item.

-Deborah Cimadevilla said this is not a battle between developers and residents but preserving communal space. With new developers coming in where is the public going to enjoy the beach.

-Jeffrey Platt read the analysis which talks about public safety but then on another page the report just deals with how best to sell to vendors. His understanding was that Surfside was not to allow concessions on the beach. He also said he heard someone in Surfside was trying to start a business organizing beach vendors.

-Marianne Meischeid asked who issues permits for beach chairs. Who is in charge of allowing concessions.

-Joel Simmonds, representing the Grand Beach Hotel, said patrons of hotels are also members of the public. He would like to see all working together and having discussions with the Coastal Issues Committee.

-George Kousoulas gave a visual presentation of the diagram of the beach and the ordinance as presented. He suggested they look at his proposal of using 40 feet instead of 20 feet and some other changes he believes would be beneficial to the town.

- Michael Kashton representing the Surf Club said we all have to work together and responded to some of the comments made by the public. He believes the issue should go to a workshop as there is much to be discussed.
- Colin Clark of the Four Seasons in Palm Beach spoke and said they were front and foremost in keeping safety and preservation of the beaches. He also said they have always had positive relations with other communities.
- Louis Cohen said we have to work with developers and is in favor of the new Coastal Issues Committee.
- Stephen Leatherman working with the Surf Club said the placing of beach chairs is something he would like to discuss further.
- Silvia Coltrane a developer, said she is not trying to organize anything. She said she is willing to work with the Committee as all hotels need beach chairs and is in favor of regulation.
- Achlene Ayalin said beach chairs should be put out on an as needed basis. She is against the stacking of chairs on the beach at the end of the day. She also mentioned the issue of litter that may accumulate as non residents may not care as much about keeping the beach clean.
- Jean McKeen thanked the Commission for bringing forth the ordinance and thinks it is a fair document.

Commissioner Cohen said we should also look at the effect that water vehicles have such as wave runners as well as lots of unused chairs on the beach.

Commissioner Olchyk felt the ordinance as presented is very raw and feels it should be referred to the Coastal Issues Committee for further discussion.

Mayor Dietch said for the record the issue of securing beach chairs and removal needs further discussion. He also said for the record that there was a lot of concern from the speakers and the anticipation of what the Surf Club may or may not do but they have not put out beach chairs today. However, there are many multi-family establishments on the beach that do have beach chairs out and they are your neighbors and are residents. To his recollection there is only one hotel that puts out beach chairs. He is in favor of chairs on an as needed basis. As to clean up at the end of the day it should be required. Anyone who is in violation and does not comply with code should have their permit or license revoked. He also talked about town beach related events and also thanked Mr. Kousoulas for his concept of a sketch.

E. Committee Reports – Guillermo Olmedillo, Town Manager

- November 19, 2015 Pension Board Minutes
- January 20, 2016 Coastal Issues Committee Meeting Minutes
- January 28, 2016 Planning and Zoning Board Meeting Minutes
- March 2, 2016 Coastal Issues Committee Draft Report

(Pulled by Mayor Dietch 3E) Manager Olmedillo gave an update on the Coastal Issues Committee Report and said several meetings were held and were open to the public. The Mayor thought it prudent to have a workshop. Vice Mayor Tourgeman said the workshop should be all inclusive and property owners advised. Commissioner Karukin feels additional work has to be done as he does not agree with some of the Committee's recommendations.

Vice Mayor Tourgeman made a motion not to accept the Coastal Issues Committee Report. The motion received a second from Commissioner Karukin. The Mayor spoke about the Committee and the work they put into it and feels it disrespectful to reject as the report is not a reflection of the content of the report. The motion carried 4/1 with Mayor Dietch voting in opposition.

Public Speakers:

- Silvia Coltrane just wanted to say thank you to Commissioner Olchyk.
- Joel Simmonds said his organization is willing to work with the town as everyone has a right to enjoy the beach.
- Larisa Alonso encourages that everyone in the community be advised of the upcoming workshop. She also spoke about beach issues and hopes the new Commission listens to the needs of its residents.
- Deborah Cimadevilla has previously asked that the meetings of this Committee be televised and many residents were not aware of the meetings being held. She also spoke of beach issues they are facing and more to come.
- Ray Marvel was unhappy with the decisions made that have taken away their dream of living on the beach. A big issue is the placing of chairs by groups and which take up space and residents cannot come and place their chairs.
- Elizabeth Cimadevilla said the city has to think about its citizens not just the developers.

- D. Beach Chairs Plan** – Guillermo Olmedillo, Town Manager
Manager Olmedillo presented the item.
The Mayor opened the public speaking.

Public Speakers:

- Marianne Meischeid feels the Manager's plan is not good and needs planned property owners only with no vendors.
- Harald Bindeus representing the Grand Beach Hotel spoke about too much regulation. He thinks the Manager's plan is good and they are working with the town to come together. He explained the need for beach services and the benefits of having this hotel and the income it generates for the town.
- Sean McKeen General Manager of the Marriott said here should be complete deregulation.
- Jean-Michel Kling, General Manager of the Grand Beach Hotel said guests at the hotel have the same rights as residents. They are entitled to having beach chairs and they have been working with the town on this issue.
- Jeff Platt is not in favor of the plan and said it only mentions vendors and do the residents want vendors on the beach. From 7:00 a.m. areas are already set up with beach chairs.

- Clara Diaz-Leal believes the plan is okay but lacks specifics. She does not have a problem with licensed vendors but there should be more flexibility in making this workable.
- Deborah Cimadevilla is upset we are still talking about this as the residents have spoken. She is not in favor of the plan and a year ago we all spoke about chairs being placed as needed only. There were other issues she spoke about regarding beach access and the residents should have at least 60% of the beach.
- Maria Perez a local resident and broker said she has never had problems with the beach area but we could use a lifeguard.
- Reed Kandalaft, General Manager of the Four Seasons supports the Managers plan.
- Moniur Mojchrad wants to be assured there will always be space for residents on the beach.
- Joe Benton supports the Town Manager's plan and said we should be focusing on the dune.
- Oscar Chavez has property on the beach and pays high taxes and mentioned the problems all the new hotel construction has caused. He feels all these hotels will be taking over the entire beach. He believes they should have only 30% of the beach and is against any vendors.
- Patricia Fernandez is fighting for the preservation of Surfside as a community and said we need regulation regarding beach chairs.
- Monica Otano is concerned about the Manager's plan and believes we need regulation of beach chairs.

Commissioner Karukin made a motion to extend the meeting to 1:00 a.m. The motion received a second from Commissioner Paul and all voted in favor.

- Larisa Alonso asked why this cannot be regulated. If commercial chairs are placed everywhere she asks how can children play on beach. Chairs are being stored on the dunes and the plan does not address storage. Take a look at other areas where residents are being pushed out of their beaches.
- Jessica Weiss believes it is a small group that is very vocal and believes there is no problem with the chairs and she has no issue.
- Sara Liss said there seems to be a lot of passion and concern and feels there is a time for action.
- George Kousoulas has looked at this issue in several ways and believes the simple plan is ok but because it is simple it can create chaos. Upland property should be included in the plan.
- Victor May shares concerns of residents and residents should have access to the beach.

Commissioner Paul said we should all want to find the right balance for access to the beach. She does feel there should be some regulation and does not want to see a sea of beach chairs set up along the beach that may infringe on resident's rights.

Commissioner Karukin believes there should be limits on the opening chair count. The upland use sounds reasonable as well. He reminded all that it is not "our beach" but beaches belong to the State and Surfside does not own it.

Commissioner Karukin asked if we can get a definitive answer on limits and percentages. Manager Olmedillo said with his conversations with DEP we cannot control vendors and it is very difficult even to deal with percentages. Vendors also have to be sponsored and not just any vendor can come out and set up. They gave specific feedback that the only thing we can control is health, safety and welfare.

The Mayor said to reflect back to the manager our feedback so we can move forward with regulatory framework.

Commissioner Gielchinsky does not believe there is a problem with beach chairs and at this time feels there is no need for regulation and does not believe we should spend any money on this issue. In speaking with residents there are other issues they are more concerned with.

Commissioner Karukin concerns are even though it is not a big problem now it may become a problem in the future.

Commissioner Paul said depending on where you live there may be a problem and she wants to see a balance where all can enjoy the beach equally. The Mayor said not everyone will be happy but to stop bickering and give staff direction to start some framework to go forward.

Vice Mayor Cohen thanked the Commission for realizing we have no authority in regulating the beach and we are on our own. The Vice Mayor then spoke about sea level rise as this is something that has to be addressed. Tourist Director Duncan Travares said moving this forward is the best direction. Commissioner Paul would like notices regarding future workshops or 1st reading be put in the water bills and notices at the condos. The Mayor said it is put on the website and in the Gazette. The Vice Mayor said this is a waste of time.

Commissioner Karukin made a motion to direct staff to use the feedback to work on a first reading ordinance. The motion received a second from Commissioner Paul. The motion carried 3/2 with Vice Mayor Cohen and Commissioner Gielchinsky voting in opposition.

3. Beach Furniture Ordinance – Linda Miller, Town Attorney

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”; AMENDING CHAPTER 86 “WATERWAYS”; ARTICLE II, “PUBLIC BEACHES”, SPECIFICALLY AMENDING SECTION 86-26 “DEFINITIONS”; AMENDING SECTION 86-27 “INTENT OF ARTICLE”; CREATING SECTION 86-30 “BEACH FURNITURE”; CREATING SECTION 86-31 “BEACH FURNITURE PERMIT”; CREATING SECTION 86-32 “PERMIT CONDITIONS”; CREATING SECTION 86-33 “INDEMNIFICATION AND INSURANCE”; CREATING SECTION 86-34 “CIVIL FINES AND PENALTIES; DENIAL OF FUTURE PERMITS TO REPEAT VIOLATORS”; CREATING SECTION 86-35 “RIGHTS; PAYMENT OF FINE; RIGHT TO APPEAL; FAILURE TO PAY CIVIL FINE OR TO APPEAL”; 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.

Commissioner Gielchinsky made a motion to approve. The motion received a second from Vice Mayor Cohen. After the public hearing and discussion, the motion failed as all voted in opposition with Commissioner Karukin absent.

The Mayor opened the public hearing.

Public Speakers:

-Deborah Cimadevilla thanked the Town Manager for the 20 ft. clearance and the no storage on the beach. She stressed the beach is a public beach and there is preplacement of rows of chairs and some advertisement by hotels that there is a private beach. She stated that rows of unused chairs are not fair to the residents of Surfside. She would like the ordinance to include that if asked the vendor must remove empty chairs so the public could use the space.

-Victoria Saik said she took a walk on the beach near the Fontainebleau and mentioned all the vendors, chairs, storage, tiki huts, etc. on the beach. She wants to hear a detailed plan from the town as to how to keep the beach free of this and keep the beach for the public.

-Jeffery Platt said the State has a regulation of no storage on the beach and developers have ignored it because it has not been enforced. Storage ruins the dune system. He foresees a sea of lounge chairs with no room to play.

-Larisa Alonso agrees with the residents who spoke before her. Placement of chairs should be as needed only. She asked for protection of the beach.

- Marianne Meischied said the ordinance should include upland property only.
 - Joel Simmonds representing the Grand Beach Hotel said he has met several times with town officials and they have complied and limited their setup and recycled empty chairs during the day to work with the town. He believes the ordinance oversteps the line and is not in favor of the ordinance.
 - Stephen Halpert has doubts that the town has the authority to enact the provisions stated in the ordinance. In addition, he has noted much beach erosion over the years and the beach needs rebuilding.
 - Michael Kasdan representing the Surf Club agrees with the last two speakers. He had a visual presentation as to what this ordinance would do. John Shubin representing the Surf Club went over the legal aspects of the ordinance and which he believes can be very problematic.
 - George Kousoulas spoke about the authority the town has as to health, safety and welfare of its citizens. He feels the ordinance needs to be revised and explained why.
- No one else wishing to speak, the Mayor closed the public meeting.

Commissioner Paul presented a video of previous meetings and what was originally planned by the Town Manager which she feels was the right way to go.

Passing the gavel, Mayor Dietch made a motion to take Item 9C next. The motion received a second from Commissioner Gielchinsky and all voted in favor with Commissioner Karukin absent.

Passing the gavel, Mayor Dietch made a motion to extend the meeting one hour. The motion received a second from Vice Mayor Cohen and all voted in favor with Commissioner Karukin absent.

Commissioner Paul said there are four classes of beach users and each should get 25% of beach use. Commissioner Gielchinsky said the beach is 100% the public's and 100% State ruled and is concerned that this ordinance goes beyond what we can legally do. Commissioner Paul and Commissioner Gielchinsky were not in agreement with each other. The Mayor tried to bring more unity and stability on the subject and said we cannot please everyone. There was much discussion on the item.

Commissioner Gielchinsky made a motion to direct the Town Manager and staff and Attorney as appropriate to come back to us with the answer to this question only: Can the Town Manager through an individualized beach management plan system account for all of the relative stakeholders and interests who may wish to operate a commercial beach furniture concession operation on the beach, both owners on the East side of Collins and on the West side of Collins, and all others who may be affected and all others who may choose to develop in the future on the East side of Collins, on the West side of Collins and all those who may be affected. The motion received a second from Vice Mayor Cohen and all voted in favor with Commissioner Karukin absent.

2. **Beach Furniture Ordinance** – Guillermo Olmedillo, Town Manager

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.

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 Karukin.

The Commission briefly gave their views on the ordinance with some suggestions.

Mayor Dietch opened the public hearing.

Public Speakers:

-Victor May feels there should be an agreement between all parties as it is a public beach and regulated by State.

-Jeffery Platt is against beach chair operators taking up beach space leaving little for the public.

-George Kousoulas believes the ordinance needs more work.

-Joel Simmonds representing Grand Beach Hotel had issues with the ordinance and read the language he was not in favor of.

-Deborah Cimadevilla had a visual presentation showing rows of unused chairs and storage on the beach. A motion was made to allow Ms. Cimadevilla to speak an additional minute.

-Michael Kashdan representing the Surf Club believes there should be an individual management plan for each property. A motion was made to allow Mr. Kashdan to speak an additional minute.

-Clara Diaz-Leal is happy that they are working on an ordinance and having an individual management plan is essential.

-Amy Huber an attorney representing the Surf Club said the ordinance needs some changes as they are not in favor as it is written. A motion was made to allow Ms. Huber to speak an additional minute.

Page 171 Terry Cohen suggested all parties meet to come to a solution.

Commissioner Paul gave a power point presentation showing the history of the beach from years ago to present. She suggests tailoring to each property as they are different but is against commercialization. The Mayor wanted it clear that the absence of regulation gives us no influence as to what happens on the beach. Commissioner Karukin believes we should proceed without fear of litigation and agrees with an individualized management plan. Commissioner Gielchinsky agrees we should have an individualized management plan but feels we would not be allowed to do so. He also brought up funding and where the money will come from. Commissioner Karukin believes it could come from the Tourist Board revenue.

Passing the gavel, Mayor Dietch made a motion to amend Section 86-33 and to incorporate (1) legislation to be reviewed in one year; (2) permits are revocable; (3) administrative policies regarding public access and safety (4) beach furniture storage (5) adequate staffing; (6) area cleaning; (7) set-up procedures; (8) designated area for public health, safety and welfare. The Town Manager is directed to bring back a finance plan by second reading. The motion received a second from Commissioner Gielchinsky. Commissioner Paul made a friendly amendment that there be no beach commercialization such as renting of beach chairs but hotels provide chairs as an amenity and condos provide chairs as needed. The Mayor accepted the friendly amendment but Commissioner Gielchinsky did not accept the friendly amendment. Passing the gavel, the Mayor restated the motion and added that condos will place chairs as needed and hotels will have a preset and provide chairs as an amenity. The motion received a second from Vice Mayor Cohen. The motion passed 3/2 with Vice Mayor Cohen and Commissioner Gielchinsky voting in opposition.

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.

Town Clerk Sandra Novoa read the title of the ordinance.

Commissioner Paul made a motion to approve. Passing the gavel, the motion received a second from Mayor Dietch.

The Mayor opened the public hearing.

-Robert Davison representing his condo which is not in favor of the ordinance. Manager Olmedillo explained the ordinance in more detail addressing the concern of the condo residents.

-Michelle Ruiz representing homeowners of the Mirage is not in favor of the ordinance.

-Jeffery Platt is not in favor of the ordinance as he believes it is not fair to all.

-Sean McKeon, General Manager of the Marriott believes more clarification of the ordinance is needed.

-Marianne Meischied believes the ordinance needs some tweaking.

-Silvia Coltrane asked that minor changes be made in the ordinance.

-Deborah Cimadevilla had some concerns about the ordinance.

-Joel Simmonds not in favor as the ordinance needs some revision.

-Michael Kashdan had some suggestions for changes in the ordinance.

-George Kousoulas gave some ideas for tweaking the ordinance.

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

Manager Olmedillo reminded everyone that if they are representing anyone else they are required to follow the provisions and register in the Town as a lobbyist for this specific matter.

The Commission addressed the concerns of the public hearing and discussed the ordinance. There was some disagreement among the Commission.

Commissioner Paul made a motion to approve with modifications by the Mayor. Passing the gavel, the motion received a second from Mayor Dietch. The motion carried 3-2 with Commissioner Gielchinsky and Vice Mayor Cohen voting in opposition.

H. Enforcement of the Beach Furniture Ordinance No. 16-1658 – Guillermo Olmedillo, Town Manager

Manager Olmedillo presented the item and gave an update.

Public

Speakers:

-Deborah Cimadevilla fully supports the hiring of new staff for the weekends to keep compliance.

-Jeffery Platt spoke about the ordinance and chairs on the beach.

-Marianne Meischied believes the ordinance is weak and more action is needed

-George Kousoulas believes the ordinance is not that good as many key items were left out.

-Lou Cohen feels we have a chance to do something and we should keep moving forward.

Commissioner Gielchinsky and Vice Mayor Cohen left the meeting at 11:55 p.m.

Commissioner Karukin made a motion to extend the meeting 20 minutes. The motion received a second from Commissioner Paul and the motion carried 3/0 with Commissioner Gielchinsky and Vice Mayor Cohen absent.

Commissioner Karukin made a motion to approve the hiring of a staff person for the weekends. The motion received a second from Commissioner Paul and the motion carried 3/0 with Commissioner Gielchinsky and Vice Mayor Cohen absent.

After discussion Commissioner Paul made a motion to direct the Town Manager to present a framework for next month (30 days) and after review bring back an amended ordinance in 60 days. The motion received a second from Commissioner Karukin and the motion carried 3/0 with Commissioner Gielchinsky and Vice Mayor Cohen absent.

10. Adjournment

The meeting adjourned at 12:17 p.m.

Respectfully submitted,

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F. Beach Furniture Guidelines – Guillermo Olmedillo, Town Manager
Manager Olmedillo presented the item.

The Mayor opened the public hearing.

Public Speakers:

- Jeffery Platt spoke about the ordinance that was passed and not enforced as passed.
- Marianne Meischied felt the guidelines are too vague and lacks precise language and accountability.
- George Kousoulas feels we need more lawyering and not less at this time and needs more definition.
- Joel Simmonds commented on Manager Olmedillo's recommendations. Commissioner Gielchinsky made a motion to extend two minutes speaking time to Mr. Simmonds. The motion received a second from Commissioner Karukin and all voted in favor.
- Jean-Michel Kling spoke on behalf of the Grand Beach Hotel and would like to continue to store beach chairs as they have.
- Robert Davison spoke about beach storage and proper containers.

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

The Commission discussed the item and gave their views on the subject. They felt it was a good starting point but the ordinance needs some work. Assistant Town Attorney Graham answered questions from the Commission and gave legal insight on the item. There was much discussion on the item and for the record, the Mayor said if we cannot get to a reasonable place collectively, he is ready to pull his support for any beach furniture or beach related issues as the city has more important matters to deal with.

Passing the gavel, Mayor Dietch made a motion to direct the Town Manager to meet with the multifamily property owners and hotel property owners to discuss the challenges that we are currently facing with the existing legislation and the proposed framework that was presented this evening and try to develop a compromised position that balances the various interests of property owners that want to utilize the beach either as an accessory use to their property or for the public enjoyment while being protected by public health safety and welfare. The motion received a second from Commissioner Karukin and all voted in favor.

According to scientists, visiting the beach can change your brain in an incredible way

We all know that spending time outdoors is good for you on both a physical and mental level, but the benefits of spending time specifically at the beach have just been revealed.



Source: Pexels

That incredible feeling of peace and calmness that you experience at the beach is now being referred to as “blue space.” That’s what scientists have dubbed the effect that the combination of soothing smells and sounds of water have on your brain. The blue space is enough to make you feel at ease in a hypnotic sort of way.

When you notice how relaxed you feel at the beach, it’s not just all in your head. Science says that it’s a change in the way your brain reacts to its environment leaving you feeling happy, relaxed and reenergized.

Overall, this blue space effects you in four different ways.

1. Going to the beach reduces stress.



Source: Pexels

Water is nature's cure to life's stressors. It's full of naturally occurring positive ions that are known for having the ability to make you feel at ease. So whether you jump in for a swim or simply dip your toes in the water, you're sure to experience a feeling of relaxation. That's one instant mood booster we could all use from time to time!

2. The beach boosts your creativity.



Source: Pexels

Feeling like you're in a creative rut? Well, scientists now believe that the solution to this is the beach. Being in blue space allows you to clear your head and approach problems or projects in a more creative way. Much like meditation, the beach triggers a feeling of calmness that allows you to tune everything else out and reflect on what it is you've been needing to focus on.

3. Going to the beach can help reduce feelings of depression.



Source: Pexels

Much like the effects that the beach has on feelings of stress and creative ruts, the beach also provides some relief to feelings of depression. The hypnotic sound of the waves in combination with the sight and smells of the beach can put you into a meditative space. In turn, you can clear your mind and reflect on life in a safe space away from the chaos of your daily life.

4. Overall, spending time at the beach will change your perspective on life.



Source: [Pexels](#)

And that perspective is going to change for the better! Nature in general has always been a factor in healthy happy lives, but the beach in particular is so good for the soul.

So grab the SPF and pack a picnic, because it's time to head to the beach!

Please **SHARE** this with your friends and family.

[Source: [Earthables](#)]



**Town of Surfside
Town Commission Meeting
May 9, 2017
7:00 pm**

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

Date: May 9, 2017
Prepared by: Daniel Dietch, Mayor
Subject: Zoning Approval Period

Objective: To direct the Town Manager to develop a procedure to “toll” or allow for extending the zoning approval period.

Consideration: I was recently advised by a resident that the zoning (i.e., Design Review Board) approval to construct a single-family home expired due largely to an extended period of time it took to secure approval from a County permitting agency for an element of the work. In speaking with the Town Manager about the situation, he advised that our regulations do not provide him nor a permittee the option to extend the zoning approval period or even allow for “tolling” of the zoning approval period while seeking permits from other municipal agencies for elements of the same project. Accordingly, it seems reasonable to explore options to provide flexibility to our administration under such circumstances.

Recommendation: For the Town Commission to direct the Town Manager to develop a procedure to “toll” or allow for extending the zoning approval period.



**Town of Surfside
Town Commission Meeting
May 9, 2017
7:00 pm**

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

Date: May 9, 2017
Prepared by: Daniel Dietch, Mayor
Subject: "No Thru Trucks" Sign Enforcement

Objective: To direct the Town Manager to develop an ordinance that enables the enforcement of the "No Thru Trucks" signs.

Consideration: Surfside has developed a Traffic Mitigation Program that is being implemented. The Program primarily focusses on personal vehicles more so than commercial vehicles. While there is a public benefit to allowing certain types of trucks in the single-family neighborhood (e.g., delivery trucks, service trucks, etc.), there are surely ways to prohibit tractor trailers and other large trucks not servicing the single-family neighborhood from using the interior streets to enter and exit our community. One such approach may be to set weight limitations for the interior streets that can be linked to the quality of the pavement or the structural design of a bridge in the case of Biscaya Drive or Indian Creek.

Recommendation: For the Town Commission to direct the Town Manager to develop an ordinance that enables the enforcement of the "No Thru Trucks" signs.