



**Town of Surfside
Regular Town Commission Meeting
AGENDA
December 8, 2020
7 p.m.**

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

- 1. Opening**
 - A. Call to Order**
 - B. Roll Call of Members**
 - C. Pledge of Allegiance**
 - D. Mayor and Commission Remarks – Mayor Charles W. Burkett**
 - E. Agenda and Order of Business** Additions, deletions and linkages
 - F. Community Notes – Mayor Charles W. Burkett**
 - G. Presentation of the 2020 Public Pension Coordinating Council (PPCC) Award – Andrew Hyatt, Town Manager**
 - H. Appointments to the Planning and Zoning Board and Personnel Appeals Board- Sandra N. McCready, MMC, Town Clerk**
- 2. Quasi-Judicial Hearings**
- 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. If the public wishes to speak on a matter on the consent agenda they must inform the Town Clerk prior to the start of the meeting. They will be recognized to speak prior to the approval of the consent agenda.*
 - A. Minutes – Sandra N. McCready, MMC, Town Clerk**
- November 19, 2020 Special Town Commission Meeting Minutes

***B. Town Manager's Report** – Andrew Hyatt, Town Manager

***C. Town Attorney's Report** – Weiss Serota, Town Attorney

D. Committee Reports - Andrew Hyatt, Interim Town Manager

- October 1, 2020 Downtown Vision Advisory Committee Meeting Minutes
- October 5, 2020 Tourist Board Meeting Minutes
- October 19, 2020 Parks and Recreation Committee Meeting Minutes

E. FY 2021 Budget Amendment Resolution No. 3 - Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 3 FOR THE FISCAL YEAR 2021 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

F. Certification of Surfside Special Municipal Election – November 3, 2020 – Sandra N. McCready, Town Clerk

RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF SURFSIDE SPECIAL MUNICIPAL ELECTION HELD ON NOVEMBER 3, 2020 FOR THREE REFERENDUM/BALLOT QUESTIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

G. Florida Power & Light (FPL) Authorization to Engage and Expend Funds - Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND AUTHORIZING AN EXPENDITURE OF FUNDS TO FLORIDA POWER & LIGHT COMPANY FOR AN ENGINEERING DEPOSIT REQUIRED IN CONNECTION WITH PREPARATION OF A BINDING ESTIMATE FOR UNDERGROUNDING OF ELECTRIC DISTRIBUTION FACILITIES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

H. Resolution Authorizing Mutual Aid and Joint Declaration Agreements between the Town of Surfside and the Town of Bay Harbor Islands - Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT WITH THE TOWN OF BAY HARBOR ISLANDS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

I. Resolution Approving an Interlocal Agreement with the Miami-Dade County Police Department for Direct Radio Communication Between 911 Public Safety Answering Points and the Town of Surfside Police Department - Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH THE MIAMI-DADE COUNTY POLICE DEPARTMENT FOR DIRECT RADIO COMMUNICATION BETWEEN 911 PUBLIC SAFETY ANSWERING POINTS AND THE TOWN POLICE DEPARTMENT; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

J. Resolution Authorizing the Memorandum of Understanding Agreement between the Town of Surfside (Police Department) and PaybyPhone Technologies, Incorporated for PaybyPhone Services.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE FIRST AMENDMENT TO AGREEMENT WITH PAYBYPHONE TECHNOLOGIES, INC. FOR MOBILE PAYMENT SERVICES AT THE TOWN'S PARKING FACILITIES; FINDING THAT THE SERVICES ARE EXEMPT FROM COMPETITIVE PROCUREMENT PURSUANT TO SECTION 3-13(7)(j) OF THE TOWN CODE; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

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

A. Second Reading Ordinances

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

B. First Reading Ordinances

5. Resolutions and Proclamations

(Set for approximately 9:45 p.m.) (Note: Depends upon length of Good and Welfare)

A. RFQ No. 2020-06 Continuing Engineering Services - Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING NEGOTIATIONS WITH THE TOP EIGHT RANKED QUALIFIED FIRMS PURSUANT TO RFQ NO. 2020-06 SEEKING CONTINUING ENGINEERING SERVICES FOR THE AWARD OF CONTINUING CONTRACTS FOR SUCH SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

B. Byron Avenue Closure Resolution – Mayor Charles Burkett

A RESOLUTION OF THE MAYOR AND THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, IN SUPPORT OF CLOSING BYRON AVENUE AT 96TH STREET AND/OR OTHER TRAFFIC MITIGATION MEASURES; DIRECTING THE TOWN ADMINISTRATION TO COMMENCE THE PROCESS OF CLOSING 96TH STREET AT BYRON AVENUE AND/OR OTHER TRAFFIC MITIGATION MEASURES, INCLUDING APPLICATION TO AND WORKING WITH MIAMI-DADE COUNTY FOR SUCH CLOSURE AND/OR TRAFFIC MITIGATION MEASURES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR TRANSMITTAL TO MIAMI-DADE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

C. Oil Drilling Resolution – Mayor Charles Burkett

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE BAHAMIAN GOVERNMENT TO REVOKE OFFSHORE OIL DRILLING EXPLORATION LICENSES AND PERMANENTLY BAN OFFSHORE OIL DRILLING ACTIVITIES IN THE BAHAMAS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

**6. Good and Welfare/ Public Comments from Residents
(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.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

A. COVID-19 Task Force Update (Verbal) – Commissioner Charles Kesl

B. Discussion and Action Regarding Newly Implemented “Town Blog”, Surfside Gazette and Social Media Guidelines – Commissioner Eliana Salzhauer

C. Amending Town Code Section 2-205 Conduct of Meetings; Agenda – Mayor Charles W. Burkett

D. Topper Selection for 4 x 4 Posts on Hardpack and Walking Path - Andrew Hyatt, Town Manager

E. Building Department Document Scanning- Andrew Hyatt, Town Manager

F. Demolition by Neglect - Mayor Charles W. Burkett

G. Excessive Homeless Contribution made by the Former Commission - Mayor Charles W. Burkett

H. Free (hassle-free) downtown parking for residents - Mayor Charles W. Burkett

I. Regulation of Short-Term Rentals – Mayor Charles W. Burkett

J. Quality Control & Quality Assurance – Commissioner Charles Kesl

K. Increase Lighting Plan – Staff Report – Andrew Hyatt, Town Manager

L. Lowering of Property Taxes and Water Bills – Staff Report – Andrew Hyatt, Town Manager

- M. FPL Solar Together - Vice Mayor Tina Paul**
- N. Climate Environmental Collective Revised - Vice Mayor Tina Paul**
- O. Interest Free Loans to Surfside Builders Granted by Former Mayor and Commission – Mayor Charles W. Burkett**
- P. Amending Town Code Section 2-237 Business Relationships – Commissioner Eliana Salzhauer**
- Q. Beachwalk Trimming- Staff Report – Andrew Hyatt, Town Manager**
- R. Community Center Pool Deck Lighting - Staff Report – Andrew Hyatt, Town Manager**
- S. Community Center Second Floor – Staff Report - Andrew Hyatt, Town Manager**
- T. Designated (Painted) Walking Areas in the Residential District- Staff Report – Andrew Hyatt, Town Manager**
- U. Alternative Kayak Launches in Addition to the 96th Street Park – Mayor Charles W. Burkett**
- V. Comparison of 2006 Code to 2020 Code – Staff Report – Andrew Hyatt, Town Manager**
- W. Stormwater Masterplan - Staff Report – Andrew Hyatt, Town Manager**
- X. Amendment to the Tourist Board Ordinance – Commissioner Nelly Velasquez**
- Y. Legally Defective Charter Amendment Vote in 2012 – Mayor Charles W. Burkett**
- Z. Traffic Control Devices on 88th Street and Hawthorne Avenue – Commissioner Eliana Salzhauer**
- AA. Cone of Silence/Secrecy – Mayor Charles Burkett**
- BB. License Plate Readers – Mayor Charles Burkett**
- CC. Woof Gang Bakery & Grooming – Zoning Code Conditional and Accessory Uses – Vice Mayor Paul**
- DD. Surfside Farmer’s Market – Vice Mayor Paul**
- EE. Cancel Culture in Surfside – Mayor Charles Burkett**

Staff Reports

- A. Permanent Digital Sign - Andrew Hyatt, Town Manager**
- B. Purchase of Land for Parks – Commissioner Nelly Velasquez**

Items Completed or Removed from Previous Agendas

- A. Resolution Adopting an Amended Resiliency Reserve Policy Revision**
- B. Resolution Approving the March 17, 2020 Town of Surfside Municipal Election**

- C. Resolution Abolishing the Sustainability and Resiliency Committee
- D. Resolution Amending the Downtown Vision Advisory Committee
- E. Resolution Reauthorizing the Parks and Recreation Committee
- F. “Flash Your Lights”
- G. Mandatory Face Mask in the Town of Surfside
- H. Bandanas for Town Residents
 - I. Commission Meeting Starting Time at 6:00pm
- J. Discussion Regarding Assistant Town Manager position and Action
- K. Photovoltaic RFP
- L. Facilities Review
- M. Kayak Launch
- N. Jacober Contract
- O. Zambelli Fireworks Manufacturing
- P. Small Business Survival Grant
- Q. Review of Amendment No. 2 to Update No. 5 Town of Surfside Emergency Measures
- R. Downtown Surfside Sidewalk Beautification - Plans and Studies - *[Downtown Vision Advisory Committee to discuss]*
- S. Sidewalk on N 95th St between Abbott and Byron
- T. Beach Raking
- U. Community Digital Signs
- V. Government Academy
- W. Various Tourism Related Events, Initiatives, and Destination Marketing
 - X. Classification and Compensation Study
 - Y. Flooding/ Drainage Improvements
 - Z. Abbott Avenue Drainage
- AA. Police Body-Worn Camera System
- BB. Care ACT Fund
- CC. FY 2020 Budget Amendment
- DD. Purchase of Additional Sewer Pump
- EE. Planning and Zoning Board Membership Requirements Ordinance
- FF. Tourist Board Membership Requirement Ordinances
- GG. Resolution Renaming the Town’s Higher Education Scholarships to be called the “Arya Gray Memorial Higher Education Scholarship”
- HH. Interlocal Shuttle System Report Update
 - II. Reconsideration of the Installation of Berms on 92nd
- JJ. Staffing Hiring Freeze

- KK. Undergrounding power lines – Staff Report**
- LL. Streamline Town Staffing**
- MM. Brightview Agreement (FKA Luke’s Landscape) Report and Follow up–Staff Report**
- NN. Replacement Bins for Trash and Recycling Receptacles Throughout Town**
- OO. Discussion and Action on Ballot Language for Undergrounding of Utilities**
- PP. Potential Ballot Question - P3/Lease or Sale of Town Property**
- QQ. Charter Amendments to affirm the limit of pay for elected officials to a maximum of \$1 per year, term limits for elected officials of 3 consecutive terms, or any part thereof, for both Mayor & Commissioners, a prohibition on the sale or leasing of any Town property without a referendum & a prohibition against any loan or borrowing of any type, which would put the Town into debt for more than 10% of its annual property tax revenue and which could not be fully amortized within a total of 5 years and restore development protections in the charter**
- RR. Star Cleaning Service (Street Sweeping)**
- SS. New Zoning Code-Procedural and Notice Requirements**
- TT. 92nd St Beach-end Improvements**
- UU. Develop Capital Improvement Plan (CIP)**
- VV. 10 Year Water Supply Plan**
- WW. Various Parks & Recreation Related Events and Initiatives**
- XX. CARES Act Funding Interlocal with Miami-Dade County Resolution**
- YY. Repeal of Ordinance No. 17-1662 Beach Furniture – Mayor Charles W. Burkett**
- ZZ. Preservation of Eden Project located at 9300 Collins Avenue – Removed by Mayor Burkett**
- AAA. Speeding on Collins and Harding – Removed by Mayor Burkett**
- BBB. How are Zoning Protections Against Over-Development Were Gutted – Removed by Mayor Burkett**
- CCC. Amending Town Code Section 2-233 to include Non-for-Profit – Removed by Mayor Burkett**
- DDD. Procurement Expertise – Removed by Commissioner Salzhauer**
- EEE. Take Home Vehicles – Removed by Commissioner Salzhauer**
- FFF. Beach Raking – Removed by Commissioner Salzhauer**
- GGG. Speeding and Stop Signs Running – Removed by Commissioner Salzhauer**
- HHH. Draft Ordinance Amending the Definition of Lot Coverage – Removed by Commissioner Salzhauer**

III. Gazette Revenue and Funding Sources – Removed by Mayor
Burkett

JJJ. Town Pension Benefits for Non-Public Safety Employees –
Removed by the Town Commission

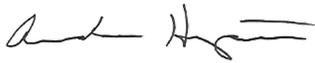
KKK. Records Retention Policy – Removed by Mayor Charles W.
Burkett

LLL. Weiss Serota Contract Follow up – Removed by Mayor Charles W.
Burkett

MMM. Calving Giordano Contracts - Removed by Mayor Charles W.
Burkett

10. Adjournment

Respectfully submitted,



Andrew Hyatt
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.townofsursidefl.gov.

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

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



Public Pension Coordinating Council

***Public Pension Standards Award
For Funding and Administration
2020***

Presented to

Retirement Plan for Employees of the Town of Surfside

In recognition of meeting professional standards for
plan funding and administration as
set forth in the Public Pension Standards.

Presented by the Public Pension Coordinating Council, a confederation of

National Association of State Retirement Administrators (NASRA)
National Conference on Public Employee Retirement Systems (NCPERS)
National Council on Teacher Retirement (NCTR)

A handwritten signature in black ink that reads "Alan H. Winkle". The signature is fluid and cursive, with the first name "Alan" being more prominent.

Alan H. Winkle
Program Administrator



**Town of Surfside
Special Town Commission Meeting
AGENDA
November 19, 2020
7 p.m.**

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

1. Opening

A. Call to Order

Mayor Burkett called the meeting to order at 7:08 p.m.

B. Roll Call of Members

Town Clerk McCready called the roll with the following members present:

Present: Mayor Charles Burkett, Vice Mayor Tina Paul, Commissioner Nelly Velasquez, and Commissioner Charles Kesl and Commissioner Eliana Salzhauer (arrived at 7:06 p.m.)

Also present were Interim Town Manager Jason Greene and Town Attorney Lillian Arango.

C. Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Charles W. Burkett

- *Miami-Dade County Association of Chiefs of Police awarded SPD Officer Joseph Matthews the Miami-Dade County Officer of the Month Award for September 2020*

Chief Yero stated that Officer Matthews could not be present tonight to be recognized because he was on duty.

Mayor Burkett read a synopsis of the incident and the heroic efforts that Officer Matthews performed and they are all incredibly proud of Officer Matthews.

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

Commissioner Kesl requested to make an appointment to the Planning and Zoning Board.

A motion was made by Commissioner Kesl, seconded by Commissioner Velasquez to nominate Horace Henderson as an alternate to the Planning and Zoning Board. The motion carried with a 5-0 vote.

Commissioner Salzhauer asked if Peter Glynn is still interested.

Commissioner Kesl stated that he emailed Mr. Glynn asking if he is still interested and stated he has not received a response.

Commissioner Salzhauer wanted to move Item 9DD (Purchase of Land for Parks) up on the agenda after item 9B (Discussion and Action Regarding Newly Implemented "Town Blog", Surfside Gazette and Social Media Guidelines). Consensus was reached to move Item 9DD (Purchase of Land for Parks) after Item 9B Discussion and Action Regarding Newly Implemented "Town Blog", Surfside Gazette and Social Media Guidelines).

Town Manager Hyatt stated that he will move forward with obtaining more information regarding the undergrounding of the powerlines.

Consensus was reached for Town Manager Hyatt to move forward with the undergrounding of utilities.

Town Attorney Arango is requesting Item 9II (Zoning in Progress Extension) be moved after 9A (COVID-19 Task Force Verbal Update) due to time constraints.

Consensus was reached to move Item 9II (Zoning in Progress Extension) to be heard after 9A (COVID-19 Task Force Verbal Update).

Town Attorney Arango explained the FAA item that was on the Town Attorney's Report.

A motion was made by Commissioner Kesl to move up Item 9GG (Taking Steps to Keep our Businesses Alive During COVID) to be heard after Zoning In Progress (ZIP), seconded by Commissioner Velasquez. The motion carried with a 4-1 vote with Commissioner Salzhauer voting in opposition.

A motion was made by Commissioner Velasquez to move the kayak launch asked to move Kayak before 9GG (Taking Steps to Keep our Businesses Alive During COVID), seconded by Commissioner Salzhauer. The motion carried with 5-0 vote.

Commissioner Kesl spoke regarding the Budget Advisory Committee Meeting and for them to work with the Town Manager Hyatt to hit the 10% budget cut that was proposed.

A motion was made by Commissioner Kesl to make Mayor Burkett the liaison to the Planning and Zoning Board and Commissioner Salzhauer to become the liaison of the

Budget Advisory Committee, seconded by Commissioner Velasquez. The motion carried with a 4-1 vote with Commissioner Salzhauer voting in opposition.

Commissioner Salzhauer stated that she does not care either way and that Planning and Zoning is a huge amount of preparation and is happy to off load it to someone else. She stated that she does not mind taking over the Budget Advisory Committee and giving the Mayor the Planning and Zoning Board.

Vice Mayor Paul stated that Commissioner Salzhauer is expressing her feelings and commented on conducting these meetings by thinking which will help the residents.

Mayor Burkett stated that if anyone wants to speak to please email the Town Clerk.

F. Community Notes – Mayor Charles W. Burkett

G. Proclamation Presentation to Jason Greene – Mayor Charles W. Burkett

Mayor Burkett read the proclamation into the record and congratulated Assistant Town Manager Jason Greene.

2. Quasi-Judicial Hearings

3. Consent Agenda (*Set for approximately 7:30 p.m.*)

A motion was made by Commissioner Kesl to approve the Consent Agenda with the amendment to the minutes, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

A. Minutes – Sandra N. McCreedy, MMC, Town Clerk

- October 1, 2020 Special Town Commission Meeting Minutes
- October 13, 2020 Regular Town Commission Meeting Minutes
- October 22, 2020 Special Town Commission Meeting Minutes

***B. Town Manager's Report** – Andrew Hyatt, Town Manager

***C. Town Attorney's Report** – Weiss Serota, Town Attorney

Town Attorney Arango commented on the FAA flight plan which will affect the Town of Surfside and gave the Commission a synopsis of the report. She requested if the Commission would like to hire the firm of Leech and Tishman to file the appeal and the estimated cost for phase 1 and some type of environmental study would be \$25,000 that would be split among Indian Creek and the Town of Surfside.

Vice Mayor Paul stated that she has observed the flight plan and the increase.

Commissioner Kesl would like to include Bal Harbour and Bay Harbour as well. He

asked where it goes from here and the sense of how these appeals are handled.

Town Attorney Arango addressed the questions and comments made by the Commission.

Mayor Burkett stated that he has noticed the planes flying over Surfside more often.

Commissioner Salzhauer stated that before paying for the firm they should see if Bay Harbour and Bal Harbour are interested in order to split the cost evenly.

Commissioner Velasquez asked if they bring in Bay Harbour and Bal Harbour would that bring us closer to the deadline and she does not want to miss the deadline by waiting to bring in other Towns and it will not increase the time to file.

Vice Mayor Paul stated she is comfortable with the Town Attorney Arango stated and file the appeal and if Bay Harbour and Bal Harbor decides to file it's up to them.

Further discussion among the Commission and Town Attorney Arango took place regarding allowing other municipalities joining the appeal and the time frame.

A motion was made by Vice Mayor Paul to move forward with the appeal, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

D. Committee Reports - Andrew Hyatt, Town Manager

- March 5, 2020 Downtown Vision Advisory Committee Meeting Minutes
- July 30, 2020 Planning and Zoning Board Meeting Minutes
- August 27, 2020 Planning and Zoning Board Meeting Minutes
- September 17, 2020 Downtown Vision Advisory Committee Meeting Minutes

Approved on consent.

E. FY 2021 Budget Amendment - Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 2 FOR THE FISCAL YEAR 2020-2021 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

F. Memorandum of Understanding between the Town of Surfside (Police Department), the Florida Department of Highway Safety and Motor Vehicles (FLHSMV), and the Pinellas County Sheriff's Office (PCSO) For Access to Biometric Facial Analysis System – Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE TOWN OF SURFSIDE, THE FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES, AND THE PINELLAS COUNTY SHERIFF'S OFFICE FOR ACCESS TO THE BIOMETRIC FACIAL ANALYSIS SYSTEM; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

G. Dell Computer Lease Buyout - Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE PURCHASE OF COMPUTER EQUIPMENT AT LEASE EXPIRATION FROM DELL FINANCIAL SERVICES IN THE AMOUNT OF \$32,291.28; FINDING THAT THE PURCHASE IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 3-13(7)(K) OF THE TOWN CODE; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

H. Resolution Authorizing Expenditure of Forfeiture Funds for Fiscal Year 2020-2021 - Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING FISCAL YEAR 2020/2021 POLICE FORFEITURE FUND EXPENDITURES; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

I. Community Rating System (CRS) - Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE PROGRAM FOR PUBLIC INFORMATION (PPI) RELATING TO THE NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY RATING SYSTEM; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

J. Approval of 2021 Town Commission Meeting Dates – Sandra N. McCready, Town Clerk

Approved on consent.

4. Ordinances

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

A. Second Reading Ordinances

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

B. First Reading Ordinances

5. Resolutions and Proclamations

(Set for approximately 9:45 p.m.) (Note: Depends upon length of Good and Welfare)

A. General Planning Services Contract Authorization - Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AGREEMENT WITH MARLIN ENGINEERING, INC. FOR GENERAL PLANNING SERVICES FOR THE BUILDING, AND ZONING DEPARTMENT; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk McCready read the title into the record.

A motion was made by Commissioner Kesl to approve the Resolution, seconded by Vice Mayor Paul. The motion carried with 5-0 vote.

Mayor Burkett commented on the resolution and needing the new planner coming on board and this is a great step forward. Double the Planning and Zoning Board Meetings.

Vice Mayor Paul commented on the need for the Planner to have time to review the applications.

Town Clerk McCready stated that they did contact the Planning and Zoning Board for December 10, 2020 and December 17, 2020 and the members are available for December 17, 2020 and that will give the Planner time to review the applications.

Commissioner Salzhauer stated that her concern is the \$70,000 being spent on rewriting the zoning code without having a new planner.

Mayor Burkett addressed the comments made by Commissioner Salzhauer regarding the new code.

Commissioner Kesl stated that the town planner should be an independent contractor.

Vice Mayor Paul stated that she supports this resolution.

Further discussion took place among the Commission regarding the selection process.

A motion was made by Commissioner Kesl to have another round of comments, seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

Commissioner Salzhauer commented on the selection process of this firm and not having other applications and candidates and would like to see more employees than contractors.

Commissioner Velasquez stated that there was direction to hire a planner and the need to have a planner to conduct these meetings.

Further discussion took place among the Commissioner regarding the town planner and having a permanent planner.

Town Manager Hyatt commented on the applications received for Town Planner.

A motion was made by Vice Mayor Paul to go around for another round of comments, seconded by Commissioner Salzhauer. The motion carried with a 4-1 with Commissioner Velasquez voting in opposition.

Further discussion took place on the item regarding the changes of the code and the hiring of a new Town Planner.

The following member of the public spoke on the item:

Jeff Rose

George Kousalous

B. Recommendation on General Landscape Services Request for Proposals (RFP) # 2020-07 and Town Administration Analysis - Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, SELECTING THE PROPOSALS AND AWARDING

AGREEMENTS PURSUANT TO RFP NO. 2020-07 FOR COMPREHENSIVE LANDSCAPE MAINTENANCE AND RELATED SERVICES TO: (1) BRIGHTVIEW LANDSCAPE SERVICES, INC. FOR PARKS & RECREATION FACILITIES AND TOWN PARKING LOTS, ADDITIONAL ON-DEMAND SERVICES AND DISASTER DEBRIS RECOVERY SERVICES, AND (2) SFM SERVICES, INC. FOR TOWN RIGHT-OF-WAY PROPERTIES, ADDITIONAL ON-DEMAND SERVICES AND DISASTER DEBRIS RECOVERY SERVICES; AUTHORIZING AGREEMENTS WITH BRIGHTVIEW LANDSCAPE SERVICES, INC. AND SFM SERVICES, INC. FOR SUCH SERVICES; AUTHORIZING THE TOWN MANAGER TO FINALIZE AND ENTER INTO THE AGREEMENTS FOR SUCH SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk McCready read the title into the record.

Mayor Burkett commented on the item.

Assistant Town Manager Greene gave a synopsis and summary of the item.

Commissioner Velasquez asked regarding the pesticides used in the tot lot and what is used there does not make any affects the mosquitos. She wanted to know what will be used will be affective in the areas where children play that they will not get bit by mosquitos.

Commissioner Salzhauer commented on the chemicals being used for pesticides and the mosquitos.

Commissioner Kesl commented on the eco system and the pesticides.

Vice Mayor Paul commented on the complaint about the tot lot and it had to do with the mulch and possibly they should look at into substitute that with a different surface and discussed pesticides and reclaiming the soil.

Further discussion took place regarding the item, the leaf blowers, and have gardeners bag their things.

Mayor Burkett asked for the Town Manager to bring back at the next meeting to address the leaf blowers and debris going into the sewers.

A motion was made by Vice Mayor Paul to go forward with option 3 with amendments to add environmentally safe products, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

6. Good and Welfare/ Public Comments from Residents

(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.

The following individuals from the public spoke:

George Kousoulas spoke regarding the Planning Board and the backlog of applications.

Nicole Travis spoke regarding the kayak launch.

Tim Loper commended the Commission on today's meeting being one of the most productive ones and to continue the dialogue in the professional manner. He spoke regarding the comments Mayor has placed on the Gazette. He also spoke regarding speeding on Carlyle. He spoke regarding the removal of stop signs on some of the streets.

Joshua Epstein commented on COVID-19

Jeff Rose spoke regarding walkability in Surfside

Commissioner Velasquez addressed the comments made by Jeff Rose regarding walkability.

Commissioner Salzhauer addressed the comments made by Jeff Rose regarding walkability.

Vice Mayor Paul addressed the comments made by Jeff Rose regarding walkability.

Mayor Burkett stated to bring after good and welfare walkability.

Commissioner Kesl commented on the walkability project.

Clara Diaz-Leal spoke regarding walkability and the issue of people cutting through Byron Street.

Commissioner Velasquez agreed with closing Byron Avenue and alleviate the traffic coming into the Town.

Commissioner Salzhauer addressed the comments made by Clara Diaz-Leal and the closure of Byron Avenue.

Mayor Burkett stated that there may be a chance that the County might not have jurisdiction of Surfside roads but there is no final answer as of yet but the information received so far is very good and he has been working with Clara Diaz-Leal and asked her to get the support to close Byron Avenue.

Vice Mayor Paul stated that she does agree with Clara Diaz-Leal and definitely needs to address 88th street as well.

Further discussion took place among the Commission regarding the closure of Byron Avenue and walkability.

Town Attorney Arango stated that if they would like to add an item formally and discuss it tonight they can make a motion.

A motion was made by Commissioner Kesl to add item 9KK to be discussed now, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

A motion was made by Commissioner Kesl to direct the Town Manager to move forward with closing Byron Avenue, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

The following individual from the public spoke:

Alicia Bougemile spoke regarding the closure of Byron Avenue.

Clara Diaz-Leal thanked them and stated it was already on the agenda as item 9KK.

Joshua Epstein spoke regarding the agenda process.

Debbie Cimadevilla spoke regarding comments made by Joshua Epstein and the issues on Byron Avenue.

Horace Henderson spoke regarding meeting decorum.

Mayor Burkett addressed the comments made by Joshua Epstein.

Commissioner Kesl asked if they could listen to all speakers after good and welfare and then address their comments next time.

Commissioner Velasquez disagrees with waiting to respond until the end of good and welfare.

Commissioner Salzhauer stated that it is more respectful and productive answering them right away.

Further discussion took place regarding the amount of time for each commissioner to speak in addressing the comments made by the speakers on good and welfare.

A motion was made by Commissioner Kesl to listen to all good and welfare speakers before addressing their comments and the following meeting (January) do a one minute one time around, seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

Town Attorney Arango clarified that the Byron Street closure is item 9KK and that item was moved up and action was already taken.

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. COVID-19 Task Force Verbal Update – Commissioner Charles Kesl

Commissioner Kesl gave an update on the COVID-19 Task Force.

Commissioner Salzhauer stated that people are still not wearing masks and asked to do a motion to have Governor De Santis place a mandate for wearing masks.

Further discussion took place among the Commission regarding the mask order mandate.

Vice Mayor Paul gave an update on the Miami Dade County League of Cities and that the doctors are expecting a surge of cases after Thanksgiving and encouraged the public to wear their masks.

Commissioner Velasquez stated that she was under the impression there was already a mandatory order to wear mask and does not believe there needs to be a state-wide mandate.

Mayor Burkett addressed the comments made by Joshua Epstein on his view on the COVID-19 issue. He stated that his job is to put the information out for everyone to aware of the issues. He spoke regarding statistics on COVID-19. He also showed a chart on the cases and deaths in the State of Florida.

Vice Mayor Paul addressed the comments made by Mayor Burkett regarding the statistics on infection and death rate on COVID-19.

Commissioner Salzhauer commented on the death rate on COVID-19.

Further discussion took place regarding the numbers of death and infection rate with COVID-19.

Town Attorney Arango stated that there is still a State wide mask mandate in order.

The following individuals from the public spoke:
Robert Lisman
Joshua Epstein

Town Clerk McCready asked if this will in a form of a resolution or letter.

Town Attorney Arango will be in a form of a letter.

Further discussion took place among the Commission regarding the item.

A motion was made by Commissioner Salzhauer to ask Governor De Santis

to issue a mandate order to wear masks for the entire State of Florida, seconded by Commissioner Kesl. The motion carried with a 3-2 vote with Commissioner Velasquez and Mayor Burkett voting in opposition.

B. Discussion and Action Regarding Newly Implemented “Town Blog”, Surfside Gazette and Social Media Guidelines – Commissioner Eliana Salzhauer

Deferred to next meeting.

C. Resident Survey regarding Kayak Launch – Vice Mayor Paul

Vice Mayor Paul introduced the item and presented the questions to be added to the resident survey.

Further discussion took place among the commission regarding the kayak launch and the purchase of a property to place the kayak launch and where the location should be.

Commissioner Salzhauer would you like to add a question if the residents want the kayak launch to be resident only or open to the public.

A motion was made by Vice Mayor Paul to move forward with the kayak launch resident survey adding all the questions plus Commissioner Salzhauer question, seconded by Commissioner Kesl. The motion carried with a 5-0 vote.

A motion was made by Commissioner Velasquez to extend the meeting for 5 minutes, seconded by Commissioner Salzhauer. All voted in favor.

A motion was made by Commissioner Velasquez to give direction to the Town Manager to assess location for the possible purchase of waterfront land to be suitable for a park and placement of kayak launch, seconded by Commissioner Salzhauer. The motion carried with a 5-0 vote.

D. Amending Town Code Section 2-205 Conduct of Meetings; Agenda – Mayor Charles W. Burkett

Deferred to next meeting.

E. Topper Selection for 4 x 4 Posts on Hardpack and Walking Path - Andrew Hyatt, Town Manager

Deferred to next meeting.

F. Building Department Document Scanning- Andrew Hyatt, Town Manager

Deferred to next meeting.

G. Demolition by Neglect - Mayor Charles W. Burkett

Deferred to next meeting.

H. Excessive Homeless Contribution made by the Former Commission -
Mayor Charles W. Burkett

Deferred to next meeting.

I. Free (hassle-free) downtown parking for residents - Mayor Charles W.
Burkett

Deferred to next meeting.

J. Records Retention Policy – Mayor Charles W. Burkett

Deferred to next meeting.

K. Regulation of Short-Term Rentals – Mayor Charles W. Burkett

Deferred to next meeting.

L. Quality Control & Quality Assurance – Commissioner Charles Kesl

Deferred to next meeting.

M. Weiss Serota Contract Follow up – Staff Report – Andrew Hyatt, Town
Manager

Deferred to next meeting.

N. Increase Lighting Plan – Staff Report – Andrew Hyatt, Town Manager

Deferred to next meeting.

- O. Lowering of Property Taxes and Water Bills – Staff Report – Andrew Hyatt, Town Manager**

Deferred to next meeting.

- P. Calvin Giordano Contracts – Staff Report – Andrew Hyatt, Town Manager**

Deferred to next meeting.

- Q. FPL Solar Together - Vice Mayor Tina Paul**

Deferred to next meeting.

- R. Climate Environmental Collective Revised - Vice Mayor Tina Paul**

Deferred to next meeting.

- S. Interest Free Loans to Surfside Builders Granted by Former Mayor and Commission – Mayor Charles W. Burkett**

Deferred to next meeting.

- T. Amending Town Code Section 2-237 Business Relationships – Commissioner Eliana Salzhauer**

Deferred to next meeting.

- U. Beachwalk Trimming- Staff Report – Andrew Hyatt, Town Manager**

Deferred to next meeting.

- V. Community Center Pool Deck Lighting - Staff Report – Andrew Hyatt, Town Manager**

Deferred to next meeting.

- W. Community Center Second Floor – Staff Report - Andrew Hyatt, Town Manager**

Deferred to next meeting.

X. Designated (Painted) Walking Areas in the Residential District- Staff Report – Andrew Hyatt, Town Manager

Deferred to next meeting.

Y. Alternative Kayak Launches in Addition to the 96th Street Park – Mayor Charles W. Burkett

Deferred to next meeting.

Z. Comparison of 2006 Code to 2020 Code – Staff Report – Andrew Hyatt, Town Manager

Deferred to next meeting.

AA. Stormwater Masterplan - Staff Report – Andrew Hyatt, Town Manager

Deferred to next meeting.

BB. Amendment to the Tourist Board Ordinance – Commissioner Nelly Velasquez

Deferred to next meeting.

CC. Legally Defective Charter Amendment Vote in 2012 – Mayor Charles W. Burkett

Deferred to next meeting.

DD. Purchase of Land for Parks – Commissioner Nelly Velasquez

Deferred to next meeting.

EE. Traffic Control Devices on 88th Street and Hawthorne Avenue – Commissioner Eliana Salzhauer

Deferred to next meeting.

FF. Cone of Silence/Secrecy – Mayor Charles Burkett

Deferred to next meeting.

GG. Taking Steps to Keep our Businesses Alive During COVID – Mayor Charles Burkett

Commissioner Kesl introduced the item and the vacancies in the downtown businesses during COVID.

Commissioner Salzhauer suggested validated of the parking for individuals visiting the businesses.

Vice Mayor Paul spoke regarding assisting the new businesses. She also asked regarding the double-parking issue and have that presented to DVAC.

Commissioner Velasquez asked if the issue with parking is getting free parking or the fact that there is no parking.

Mayor Burkett suggested tapping into the CARES Act and other programs for the businesses.

Consensus was reached to direct the Town Manager to look into possibly using funds from the CARES Act to assist the businesses.

HH. License Plate Readers – Mayor Charles W. Burkett

Deferred to next meeting.

II. Zoning in Progress Extension - Andrew Hyatt, Town Manager

This item was moved to be heard after item 9A (COVID-19 Task Force Verbal Update).

Town Attorney Recio introduced the item and the explanation of the zoning in progress and placing the restrictions for another 90 days.

Vice Mayor Paul spoke regarding the zoning in progress and possible amendments to it and would approve the proposal with amendments.

Commissioner Salzhauer spoke regarding amendments to the ZIP that were provided by George Kousoulas and Mayor Burkett.

Further discussion took place among the Commission on different amendments and changes to the ZIP including solar panels.

Assistant Town Attorney Recio clarified the amendments to the zoning in progress.

The following individuals from the public spoke:
George Kousoulas

Mayor Burkett asked if there is a time constraints.

Assistant Town Attorney Recio stated that there is a time constraint and it needs to be passed today and it ran out on November 8, 2020 and something has to be renewed.

Commissioner Velasquez suggested going with Vice Mayor Paul's suggestion and have a separate Planning and Zoning meeting.

A motion was made by Vice Mayor Paul to extend the meeting for an additional 15 minutes, seconded by Commissioner Velasquez. All voted in favor.

The following individuals from the public spoke:
Joshua Epstein
Jeff Rose
Horace Henderson

Commissioner Salzhauer addressed the comments made by the public speakers.

A motion was made by Vice Mayor Paul to accept as it is with solar panels on top subject to the planning and zoning board acceptance, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

A motion was made by Commissioner Kesl to extend the meeting to 11:30 pm, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

JJ. Maintenance of Beach Dunes – Mayor Charles Burkett

Deferred to next meeting.

KK. Byron Avenue Street Closure - Mayor Charles Burkett

Deferred to next meeting.

Staff Reports

A. Permanent Digital Sign - Andrew Hyatt, Town Manager

Items Completed or Removed from Previous Agendas

- A. Resolution Adopting an Amended Resiliency Reserve Policy Revision**
- B. Resolution Approving the March 17, 2020 Town of Surfside Municipal Election**
- C. Resolution Abolishing the Sustainability and Resiliency Committee**
- D. Resolution Amending the Downtown Vision Advisory Committee**
- E. Resolution Reauthorizing the Parks and Recreation Committee**
- F. "Flash Your Lights"**
- G. Mandatory Face Mask in the Town of Surfside**
- H. Bandanas for Town Residents**
 - I. Commission Meeting Starting Time at 6:00pm**
- J. Discussion Regarding Assistant Town Manager position and Action**
- K. Photovoltaic RFP**
- L. Facilities Review**
- M. Kayak Launch**
- N. Jacober Contract**
- O. Zambelli Fireworks Manufacturing**
- P. Small Business Survival Grant**
- Q. Review of Amendment No. 2 to Update No. 5 Town of Surfside Emergency Measures**
- R. Downtown Surfside Sidewalk Beautification - Plans and Studies - *[Downtown Vision Advisory Committee to discuss]***
- S. Sidewalk on N 95th St between Abbott and Byron**
- T. Beach Raking**
- U. Community Digital Signs**
- V. Government Academy**
- W. Various Tourism Related Events, Initiatives, and Destination Marketing**
- X. Classification and Compensation Study**
- Y. Flooding/ Drainage Improvements**
- Z. Abbott Avenue Drainage**
- AA. Police Body-Worn Camera System**
- BB. Care ACT Fund**
- CC. FY 2020 Budget Amendment**

- DD. Purchase of Additional Sewer Pump**
- EE. Planning and Zoning Board Membership Requirements Ordinance**
- FF. Tourist Board Membership Requirement Ordinances**
- GG. Resolution Renaming the Town's Higher Education Scholarships to be called the "Arya Gray Memorial Higher Education Scholarship"**
- HH. Interlocal Shuttle System Report Update**
 - II. Reconsideration of the Installation of Berms on 92nd**
- JJ. Staffing Hiring Freeze**
- KK. Undergrounding power lines – Staff Report**
- LL. Streamline Town Staffing**
- MM. Brightview Agreement (FKA Luke's Landscape) Report and Follow up–Staff Report**
- NN. Replacement Bins for Trash and Recycling Receptacles Throughout Town**
- OO. Discussion and Action on Ballot Language for Undergrounding of Utilities**
- PP. Potential Ballot Question - P3/Lease or Sale of Town Property**
- QQ. Charter Amendments to affirm the limit of pay for elected officials to a maximum of \$1 per year, term limits for elected officials of 3 consecutive terms, or any part thereof, for both Mayor & Commissioners, a prohibition on the sale or leasing of any Town property without a referendum & a prohibition against any loan or borrowing of any type, which would put the Town into debt for more than 10% of its annual property tax revenue and which could not be fully amortized within a total of 5 years and restore development protections in the charter**
- RR. Star Cleaning Service (Street Sweeping)**
- SS. New Zoning Code-Procedural and Notice Requirements**
- TT. 92nd St Beach-end Improvements**
- UU. Develop Capital Improvement Plan (CIP)**
- VV. 10 Year Water Supply Plan**
- WW. Various Parks & Recreation Related Events and Initiatives**
- XX. CARES Act Funding Interlocal with Miami-Dade County Resolution**
- YY. Repeal of Ordinance No. 17-1662 Beach Furniture – Mayor Charles W. Burkett**
- ZZ. Preservation of Eden Project located at 9300 Collins Avenue – Removed by Mayor Burkett**
- AAA. Speeding on Collins and Harding – Removed by Mayor Burkett**
- BBB. How are Zoning Protections Against Over-Development Were**

- Gutted** – Removed by Mayor Burkett
- CCC. Amending Town Code Section 2-233 to include Non-for-Profit** –
Removed by Mayor Burkett
- DDD. Procurement Expertise** – Removed by Commissioner Salzhauer
- EEE. Take Home Vehicles** – Removed by Commissioner Salzhauer
- FFF. Beach Raking** – Removed by Commissioner Salzhauer
- GGG. Speeding and Stop Signs Running** – Removed by Commissioner
Salzhauer
- HHH. Draft Ordinance Amending the Definition of Lot Coverage** –
Removed by Commissioner Salzhauer
- III. Gazette Revenue and Funding Sources** – Removed by Mayor
Burkett
- JJJ. Town Pension Benefits for Non-Public Safety Employees** –
Removed by the Town Commission

10. Adjournment

A motion was made was made by Commissioner Kesl to adjourn the meeting without objection, seconded by Commissioner Velasquez to adjourn the meeting at 11:43 pm.

Accepted this _____ day of _____, 2020.

Charles W. Burkett, Mayor

Attest:

Sandra N. McCready, MMC
Town Clerk



TOWN MANAGER'S REPORT

DECEMBER 8, 2020

COMMUNITY PROGRAMS / INITIATIVES / ENHANCEMENTS

- I. SEE CLICK FIX REPORT – *Attachment “A”*
- II. SOCIAL MEDIA (NEXTDOOR) REPORT – *Attachment “B”*
- III. DEVELOPMENT APPLICATION PROCESS (2009 – PRESENT) – *Attachment “C”*
- IV. TOWN DEPARTMENTS

Code Compliance Division

A. Code Violation Cases: As of November 20, 2020, the total number of active, open cases being managed is 174. Of these cases, 70 cases are still under investigation and are working towards compliance; 16 cases are on-hold; 7 cases are in the Special Master hearing queue; 7 cases are in the post-hearing status; 38 code cases have been issued liens and remain unpaid; and 36 code cases have service liens and remain unpaid. Properties with unpaid liens are sent reminder letters on a semi-annual basis.

B. Collected Civil Penalty Fines: Unresolved code compliance cases accrue fines until the code violation is resolved. After the violation is corrected, 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 by the Town:

- FY 20/21: As of November 20, 2020, 15 cases have paid/settle for a total collection of \$ 2,500.00
- FY19/20: As of September 25, 2020, 109 cases have paid/settled for a total collection of \$96,240
- FY 18/19: 143 cases paid/settled for a total collection of \$35,654

- FY 17/18: 92 cases paid/settled for a total collection of \$29,576
- FY 16/17: 117 cases paid/settled for a total collection of \$40,842

Finance Department

Monthly Budget to Actual Summary as of October 31, 2020 – *Attachment "D"*

Police Department

A. Police Department Statistics (November 1 – November 22, 2020)

- Traffic Citations – 308
- Parking Citations – 182
- Arrests – 10
- Dispatch Events – 1,121
- Incident/Crime Reports - 51

B. Coronavirus (COVID-19) Update

The Surfside Police Department has maintained situational awareness of the COVID-19 Pandemic Incident in coordination with Local, State, and Federal partner Agencies and through continued contact and information sharing with the Miami-Dade County Office of Emergency Operations-Emergency Operations Center. Our Department strives to maintain operational readiness, public preparedness, safeguarding the community, and enforcement of laws-ordinances-governmental orders.

Three (3) Police Department employees tested positive for COVID-19 in November and are currently in quarantine. They have experienced COVID-19 related symptoms.

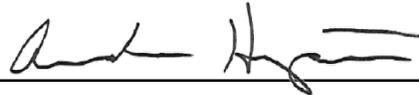
C. Coronavirus (COVID-19) Related Actions:

- Surfside Police Department personnel conducted beach and business checks for compliance with COVID-19 related County and Town Orders
- Surfside Police Department personnel continue to monitor and enforce the Miami-Dade County Emergency Orders
- Communications with Miami-Dade Emergency Operations Center
- Miami-Dade EOC WebEOC COVID-19 Municipal Protective Actions - Situation Reports

D. Police Events/Community Outreach

- Monthly community events (Bike with the Chief and Coffee with the Cops) are cancelled until further notice due to Covid-19 and will resume as soon as possible.
- The Mobile DMV will be rescheduled as soon as possible.
- The Surfside Police Department will host a community blood drive on November 18, 2020 from 11:00 a.m. – 4:30 p.m. in the Town Hall municipal parking lot.
- Due to COVID-19, the Annual Toy Giveaway Event has been canceled. However, the Police Department will be collecting new toys to donate to needy families in Surfside as well as a charitable cause.

Respectfully submitted by:



Andrew E. Hyatt, Town Manager

Attachment "A"

SeeClickFix Report

Requests filtered by request category that have been created 11/01/2020 - 11/30/2020

Request Category	Created in period	Closed in period	Average days to close
Beach Issue	2	0	
Code Compliance (Safety Concern)	2	1	2.3
Code Compliance (Violation)	3	0	
Drainage/Flooding (PW)	1	0	
Graffiti (PW)	1	0	
Other	3	1	2.1
Police (Safety Concern)	1	1	0.3
Street lights (PW)	1	0	
Construction Issues	2	0	0.1

Requests filtered by request category that have been created 01/01/2014 - 11/30/2020

Request Category	Created in period	Closed in period	Average days to close
96 Street Park (P & R)	11	11	2
Beach Issue	227	211	13
Code Compliance (Safety Concern)	102	100	20.2
Code Compliance (Violation)	172	166	18.4
Community Center (P & R)	11	9	8.1
Dog Stations (P & R)	15	15	3.1
Drainage/Flooding (PW)	40	34	17
Graffiti (PW)	5	3	17.5
Hawthorne Tot-Lot (P & R)	7	7	22.5
Other	276	269	15.5
Police (Safety Concern)	89	88	5.7
Pothole (PW)	6	6	18.4
Solid Waste (Commercial) (PW)	8	7	4.8
Solid Waste (Residential) (PW)	27	27	14.1
Street lights (PW)	64	60	83.2
Surfside Dog Park (P & R)	9	9	0.2
Utilities (Water/Sewer) (PW)	47	34	7.2
Barking Dog	12	12	13.2
Beach Patrol	5	5	2.1
Parking Issue	103	103	2.1
Construction Issues	45	40	10.1
Dead Animal	5	5	8.7



MEMORANDUM

To: Andy Hyatt, Town Manager

From: Rachel Pinzur, Public Information Representative

Date: November 24, 2020

Subject: November Social Media (Nextdoor) Report

As part of the Town's communication strategy, the Public Information Representative (PIR) uses Nextdoor to provide residents with helpful information especially amid the coronavirus crisis and to further address matters that are important to residents. Nextdoor is only one of several communication channels used to reach residents including the Town's at-risk seniors and most vulnerable communities.

In November, the PIR continued to publish posts pertaining to the COVID-19 pandemic, elections and ballot questions, Veterans Day tribute, America Recycles Day, Parks and Recreation updates, Thanksgiving holiday information, and distributed various advisories including Town Commission notices, traffic and rip current alerts. Additionally, the PIR notified local businesses about a CARES Act grant opportunity and kept residents/businesses updated on Tropical Storm Eta.

It is important to reiterate the Nextdoor platform is not a replica of the Town's website and Gazette and should not be viewed as such. To that end, information presented on Nextdoor often refers back to the Town's primary communication tools. The Town encourages residents to find information on the Town's website (www.townofsurfsidefl.gov) and/or by contacting the Town directly.

Last updated on 12/1/2020

DEVELOPMENT APPLICATION PROCESS (2009 - PRESENT)															
Application Date	Location	Project Description	Zoning Process				Density/Intensity		Variances			Building Permit		Construction Status	
			DRG	P&Z	TC	Site Plan Extension	Allowed	Approved	Requested	Received	Application No.	Issuance	Status		
12/29/2009	9200 Collins Ave	Surfside Hotel - Proposed surfside hotel consisting of 183 hotel units, 4 stories and adjacent 3 stories garage	1/13/2010, 2/3/2010	2/25/2010	5/10/2011			242 units	175 units	None	None	13-377	1/13/2014	Issued	Completed
1/6/2010	9580 Abbott Ave	Young Israel - Construction of Jewish orthodox temple containing 371 seats and a maximum building height of 40 feet	1/20/2010, 2/2/2012	3/29/2012	4/10/2012			Negotiated settlement to determine buildable area and setbacks		Approved through Settlement agreement not variance. Settlement determined setbacks.	None	13-118	5/5/2014	Issued	Completed
5/4/2011	9449 & 9418 Collins Ave	Grand Beach-341 room hotel	5/18/2011, 6/15/2011	7/28/2011	9/13/2011			341 units	341 units	None	None	12-144	5/5/2012	Issued	Completed
7/17/2012	9379, 9365 & 9349 Collins Ave	Chateau Ocean Residences - Demolition of existing 92-room hotel; construction of 90-unit residential condominium building and accessory amenities	8/12/2012, 9/11/2012	12/4/2012	1/24/2013			325 units	85 units (however approximately 58 were built)	None	None	14-132	9/24/2014	Issued	Completed
Original submittal: 7/13/2012 Site plan amendment: 4/15/16	9011 Collins Ave	Surf Club - restoration of the famous surf club historic structure and for the construction of new improvements	7/31/2013, 8/23/2012, site plan amendment: 9/27/2012, 5/16/2016, 8/4/2016, 3/9/2017, 5/11/2017	Original site plan: 9/27/2012, site plan amendment: 8/31/2017	10/15/2012, site plan amendment: 10/10/2017			762 units	257 units	None	None	13-727	6/27/2014	Issued	Under Construction
7/20/2012	9450 Collins Ave	The Shul - New multiuse glass atrium and joining learning center (3 stories)	2/11/2013, 3/27/2013, 7/9/2013	2/27/2014	10/28/2014			3 story expansion of 8,558.9 square feet		None	None	14-509	11/12/2015	Issued	Under Construction
3/15/2015	201, 203, 207, 209 & 215 88th St 8809 Harding Ave	Surfside Condos - redevelopment of (7) parcels into single unified condo development	4/2/2015, 6/3/2015	8/27/2015	12/8/2015			65 units	28 units	None	None	16-569		Plans approved, waiting on GC	Pending selection of GC
8/12/2015	9133 Collins Ave & 9149 Collins Ave	Surf Club II - Redevelopment of property with a multi-family residential project and renovation of existing historic structure	9/4/2015, 3/9/2017, 9/17/2017	12/7/2017	2/13/2018		Site Plan Extension approved by TC on 7/28 TC Meeting. Applicant requested extension of site plan due to FL Declaration of Emergency.	199 units	48 condominium units, 31 hotel rooms	None	None			Has not applied for permit yet.	
Original submittal: 2/11/2016 Revised submittal: 5/31/18	9380, 9372, 9364, 9348, 9340, 9322, 9316 & 9300 Collins Ave	9300 Collins Ave - demolition of all existing improvements, construction of 3-story building	Original submittal: 3/10/2016, 4/27/2016 Revised submittal: 6/27/2018, 8/28/2018, 11/1/18	Original approval: 7/18/2016, Revised approval: 11/29/2018	Original approval: 11/10/2016, Approved February 26, 2019.		Request submitted to extend approval due to emergency declaration (hurricane Doran)	250 units	Request is for 205 units	None	None	18-610		Has not applied for permit yet	
5/4/2016	8955 Collins Ave	Residential Condominiums	6/20/2016, 7/27/2016	10/27/2016	11/10/2016			110 units	16 units	None	None	16-602	12/26/2017	Issued	Under Construction
Oct-16	9116 Harding Ave	303 Surfside - 4 Townhouses	11/2/2016, 2/7/2017, 5/18/2017	6/27/2018	4/14/2018			8 units	4 units	None	None			Has not applied for permit yet	
5/19/2017	8995 Collins Ave	Surf House - site plan approval for expansion to existing multi-family building	6/19/2017, 8/24/2017, 9/28/2017	2/22/2018, 4/26/2018, 5/31/2018, approved on 10/27/19	Scheduled for 12/10/19			99 units	Current request has not been scheduled for commission yet. Request is for 34 units	Has not been scheduled for TC until recommendation from properties (Landscape Buffer).	None			Has not applied for permit yet	
Original submittal: 10/26/2017	Abbott Lot	Unsolicited Proposal (P3)													Terminated
Original submittal: 1/06/2015 Revised submittal: 8/01/2016, 12/13/2016, 03/09/2018, 10/29/2018, 9/25/2020	8851 Harding Avenue	18 multi-family units	01/22/2015, 08/18/2016, 01/23/2017, 03/23/2018, 11/29/2018 Meeting Pending	01/31/19 PZ recommended approval (Requires reconsideration by PZ)	Denied by the Commission (requires reconsideration by TC)			33 units	Request is for 18 units. Updated Site Plan needs to be reviewed by new Planner. DDC and P&Z to be scheduled	1 requested: Section 90-82 - Off-street loading requirements (Loading Space Size).	Approved			Denied	
7/3/2019	9580 Abbott Ave	Young Israel Variance Request to eliminate landscaping to provide for a handicapped accessible ramp	N/A	8/29/2019	10/29/19					1 requested: eliminate landscaping along the north side of the building	Approved				
1/7/2020	9340 Collins Avenue	Eden request to demolish and rebuild historic structure.	N/A	Deferred 1/30/20	Applicant withdrew the site plan						Withdrawn				Withdrawn by the applicant
1/7/2020	8926 Collins Avenue	Arre request to have FPL vault encroachment into landscape buffer.	N/A	1/30/2020	2/11/2020					Landscape buffer	Approved				

Attachment "D"

TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2020/2021
As of OCTOBER 31, 2020
8.33% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 3

December 8, 2020

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGET	% BUDGET
--------------------	--------	---------------	----------

GENERAL FUND - 001			
REVENUE	\$ 28,830	\$16,489,690	0%
EXPENDITURES	2,123,422	\$16,489,690	13%
Net Change in Fund Balance	(2,094,592)		
Fund Balance-September 30, 2020 (Unaudited)	18,286,748		
Fund Balance-October 31, 2020 (Reserves)	<u>\$ 16,192,156</u>		

TOURIST RESORT FUND - 102			
REVENUE	\$ 2,404	\$2,939,353	0%
EXPENDITURES	339,024	\$2,939,353	12%
Net Change in Fund Balance	(336,620)		
Fund Balance-September 30, 2020 (Unaudited)	2,109,658		
Fund Balance-October 31, 2020 (Reserves)	<u>\$ 1,773,038</u>		

POLICE FORFEITURE FUND - 105			
REVENUE	\$ 2,820	\$2,000	141%
EXPENDITURES	165	\$2,000	8%
Net Change in Fund Balance	\$ 2,655		
Fund Balance-September 30, 2020 (Unaudited)	168,289		
Fund Balance-October 31, 2020 (Reserves)	<u>\$ 170,944</u>		

TRANSPORTATION SURTAX FUND - 107			
REVENUE	\$ 95	\$235,706	0%
EXPENDITURES	13,830	\$235,706	6%
Net Change in Fund Balance	(13,735)		
Fund Balance-September 30, 2020 (Unaudited)	442,856		
Fund Balance-October 31, 2020 (Reserves)	<u>\$ 429,121</u>		

BUILDING FUND - 150			
REVENUE	\$ 78,555	\$1,068,035	7%
EXPENDITURES	79,860	\$1,068,035	7%
Net Change in Fund Balance	(1,305)		
Fund Balance-September 30, 2020 (Unaudited)	1,991,388		
Fund Balance-October 31, 2020 (Reserves)	<u>\$ 1,990,083</u>		

CAPITAL PROJECTS FUND - 301			
REVENUE	\$ 676	\$0	0%
EXPENDITURES	0	\$0	0%
Net Change in Fund Balance	676		
Fund Balance-September 30, 2020 (Unaudited)	4,899,128		
Fund Balance-October 31, 2020 (Reserves)	<u>\$ 4,899,804</u>		

NOTES:

1) Many revenues for October 2020 are received in subsequent months (timing difference) and are recorded on a cash basis in the month received.

2) Expenditures include payments and encumbrances. An encumbrance is a reservation of a budget appropriation to ensure that there is sufficient funding available to pay for a specific obligation.

A. Includes \$2,000,000 available for hurricane/emergencies. The unaudited balance of \$16,286,748 is unassigned fund balance (reserves).

PROPRIETARY FUNDS	ACTUAL	ANNUAL BUDGET	% BUDGET
WATER & SEWER FUND - 401			
REVENUE	\$ 345,243	\$4,309,700	8%
EXPENDITURES	137,914	\$4,309,700	3%
Change in Net Position	207,329		
Unrestricted Net Position-September 30, 2020 (Unaudited)	(2,376,269)		
Unrestricted Net Position-October 31, 2020 (Reserves)	<u>\$ (2,168,940)</u>		
MUNICIPAL PARKING FUND - 402			
REVENUE	\$ 82,199	\$1,288,140	6%
EXPENDITURES	209,986	\$1,288,140	16%
Change in Net Position	(127,787)		
Unrestricted Net Position-September 30, 2020 (Unaudited)	1,293,993		
Unrestricted Net Position-October 31, 2020 (Reserves)	<u>\$ 1,166,206</u>		
SOLID WASTE FUND - 403			
REVENUE	\$ 82,819	\$1,917,932	4%
EXPENDITURES	283,352	\$1,917,932	15%
Change in Net Position	(200,533)		
Unrestricted Net Position-September 30, 2020 (Unaudited)	219,615		
Unrestricted Net Position-October 31, 2020 (Reserves)	<u>\$ 19,082</u>		
STORMWATER FUND - 404			
REVENUE	\$ 118,505	\$840,000	14%
EXPENDITURES	28,025	\$840,000	3%
Change in Net Position	90,480		
Unrestricted Net Position-September 30, 2020 (Unaudited)	3,205,050		
Unrestricted Net Position-October 31, 2020 (Reserves)	<u>\$ 3,295,530</u>		
FLEET MANAGEMENT FUND - 501			
REVENUE	\$ 71,782	\$863,307	8%
EXPENDITURES	39,627	\$863,307	5%
Change in Net Position	32,155		
Unrestricted Net Position-September 30, 2020 (Unaudited)	825,468		
Unrestricted Net Position-October 31, 2020 (Reserves)	<u>\$ 857,623</u>		



Jason D. Greene, Assistant Town Manager / CFO



Andrew Hyatt, Town Manager

Town of Surfside
Net Funds Historical Balances
Period 2017 - October 2020

FUND	9/30/2017	9/30/2018	9/30/2019	9/30/2020	10/30/2020	CAGR ^(a)
General	\$ 8,460,802	\$ 10,902,050	\$ 14,984,105	\$ 18,286,748	\$ 16,192,156	29.3%
Tourist Resort	469,880	356,313	1,640,525	2,109,658	1,773,038	65.0%
Police Forfeiture	164,933	159,527	105,725	168,289	170,944	0.7%
Transportation Surtax	388,363	263,292	328,377	442,856	429,121	4.5%
Building	1,742,910	2,760,673	2,563,517	1,991,388	1,990,083	-11.9%
Capital Projects	576,122	2,158,902	3,048,582	4,899,128	4,899,804	104.1%
Water & Sewer	(3,048,579)	(2,546,398)	(2,367,098)	(2,376,269)	(2,168,940)	-8.0%
Municipal Parking	811,013	943,315	1,198,948	1,293,993	1,166,206	16.9%
Solid Waste	429,743	601,201	641,636	219,615	19,082	-20.1%
Stormwater	3,264,379	3,203,878	3,200,132	3,205,050	3,295,530	-0.6%
Fleet Management	-	-	585,363	825,468	857,623	N/A
Total	\$ 13,259,566	\$ 18,802,753	\$ 25,929,812	\$ 31,065,924	\$ 28,624,647	21.2%

(a) - CAGR stands for Compound Average Growth Rate, and is a useful measure of growth over multiple time periods. It represents the growth rate of a Fund Balance from the initial time value to the ending balance if you assume that the fund has been compounding over a time period.



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

TO: Mayor and Town Commission

FROM: Lillian M. Arango, Town Attorney
Weiss Serota Helfman Cole & Bierman, P.L.

CC: Andrew Hyatt, Town Manager
Jason Greene, Assistant Town Manager

DATE: December 2, 2020

SUBJECT: Office of the Town Attorney Report for December 8, 2020 Regular Commission Meeting

This Firm attended/prepared and/or rendered advice for the following Public Meetings and Commission meetings during the past month:

November 9, 2020 – Virtual Tourist Board Meeting

November 17, 2020 – Mayor’s Roundtable Regarding Sea Level Rise

November 19, 2020 – Special Town Commission Meeting

Members of the firm assisted with the agendas and drafted the resolutions and ordinances for these meetings in addition to drafting or assisting with the preparation of a number of the communications and reviewing, revising and, as appropriate, negotiating the legal requirements

of the relative agreements and supporting documents. Members of the Firm were instrumental in contacting Governor DeSantis early in the COVID-19 pandemic to seek approval by Emergency Order 20-69 for virtual commission meetings to ensure that the Town Commission could continue meeting and conducting essential Town business and implementing policy. The Firm assisted with the preparation and adoption of rules governing virtual meeting or communications media technology for public meetings during the COVID-19 health emergency, as required by Governor DeSantis' Executive Order 20-69, "Emergency Management - COVID-19 Local Government Public Meetings." The Firm has also assisted the Town with the preparation of numerous emergency measures or orders due to the COVID-19 health pandemic, and continues to assist the Town with COVID-19 related issues and documents. Most recently, the Firm prepared an Emergency Order to permit continuation of virtual public meetings for the Town Commission, boards and committees.

With the appointment of new Boards and Committee members, members of the Firm provided various orientation sessions to members regarding Sunshine Law, Public Records Law, Ethics and Board/Committee procedures. The Firm recently organized and hosted a Social Media and Government Communications: Legal and Ethical Considerations webinar with the Miami-Dade County Commission on Ethics and continues to support the Town Commission, Committees and staff with all ethical considerations and training.

Commission Support:

Attorneys of the firm have worked with members of the newly elected Town Commission to transition and address concerns and research specific issues and are always available, either in the office or by phone or email. The COVID-19 health pandemic has created additional challenges, and inhibited our ability to personally meet with members of the Town Commission. We appreciate your support as we continue our third year of service and work in implementing new policy directives.

Staff Support:

Members of the firm have provided extensive support to Town administration and staff during the recent COVID-19 health pandemic, and addressed a variety of issues and assisted with the Town's response to the crisis. The Firm provides regular information and orders issued by the State, the County and other municipalities in response to COVID-19.

As typical, members of the Firm continue to assist the Town administration and staff, as well as assist boards and committees, with application review, contract and agreement review, ballot initiatives for the November 3, 2020 election, preparation of ordinances as directed by the Commission, procurement and purchasing, budgetary requirements and approval process, various solicitations (RFQs and RFPs) and agreements, IT related agreements, ADA compliance agreements, Code enforcement and interpretation, attendance at Special Master Hearings, beach furniture operator permits and administration, ethics issues and requirements, police related issues and matters, vehicle purchases for Town Departments, building permit and enforcement issues, subpoenas and public records requests, research, litigation support, oversight and case management, Town Code interpretation and application, labor, employee and pension matters, assistance with and response to Union Representation Certification Petition filed by AFSCME Florida Council 79 for Town civilian employees, and various procurements and service provider contracts for Town Departments.

Key Issues:

The workload has been diverse and has included specific issue support to every department. Key issues over the past year have included:

- Emergency Declaration and Emergency Measures and Orders related to the COVID-19 health pandemic.
- Contract Review Related to COVID-19 health pandemic.
- Repeal of Ch. 90 Zoning Code and Map and Adoption of New Zoning Code (2006 Code with modifications).
- Resolution Combatting Hate Due to COVID-19 Health Pandemic
- Resolutions Approving Interlocal Agreements with Miami-Dade County for Access to Exempt Information and Enforcement of Miami-Dade County Code
- Resolution for the Purchase of Police Body-Worn Cameras and Preparation of Agreement
- Resolution Regarding Nurse Initiative Ruth K. Broad
- Beach Furniture Ordinance and Regulations
- Rate Resolutions Solid Waste Assessment
- RFQs for Abbott Avenue Drainage, Planning Services and Engineering Services

- Resolutions Calling Special Election and Referendum for Undergrounding of Utilities, Restricting Sale, Lease or Exchange of Town Land, and Indebtedness Restrictions
- Resolution Approving Waste Connections for Recycling Services
- Resolution Approving Interlocal Agreement with Miami-Dade County CARES Act
- Resolution Approving Miami-DADE County Local Mitigation Strategy 2020 (LMS)
- Resolution Approving a MOU with the Florida State Lodge Fraternal Order of Police to Provide 1% Hazard Pay to First Responders Due to COVID-19
- Resolution Authorizing Negotiations with Highest Ranked Firm Pursuant to RFQ Seeking General Planning Services
- Resolution Authorizing Negotiations with the Highest-Ranked Qualified Firm Pursuant to RFQ 2020-04 Seeking Engineering Services for Abbott Avenue Drainage Improvements.
- Resolution Approving Purchase and Installation of Lighting Regarding Holiday and Downtown District
- Resolution Approving MOU with Bay Harbor Islands for School Address Verification Program
- Resolutions Approving Proposed and Final Millage Rates and Budget for FY 2020-2021
- Resolution Urging FAA Regarding Metroplex/NextGen Flight Paths
- Resolution Selecting and Awarding Contractors to provide General Landscape Maintenance Services, Additional On-Demand Services and Disaster Debris Recovery Serves, and corresponding agreements.
- Resolution Approving Agreement with Marlin Engineering, Inc. for General Planning Services.
- Resolution Adopting Program for Public Information (PPI) in connection with the National Flood Insurance Program
- Resolution Approving MOU with Florida Department of Highway Safety and Motor Vehicles Regarding Access to Biometric Facial Analysis System
- Resolution Approving FY 20-21 Police Forfeiture Fund Expenditures
- Assistance and Response to AFSCME Florida Council 79 Union Representation Certification Petition for Civilian Town Employees

- Resolution in Support of Closing Byron Avenue at 96 Street and/or Other Traffic Mitigation Measures
 - Resolution Urging Bahamian Government to Ban Off Shore Oil Drilling
 - Resolution Approving First Amendment to Agreement with PayByPhone Technologies for Mobile Payment Services for Town Parking Facilities
 - Resolution Approving and Authorizing Expenditure of Funds to FPL for Binding Estimate on Undergrounding of Electric Distribution Facilities
 - Resolution Certifying Election Results for November 3, 2020 Special Election on Three Referendum/Ballot Questions
 - Resolution Approving Budget Amendment No. 3
 - Resolution Approving Interlocal Agreement with MDPD Regarding for 911 Answering Points
 - Resolution Approving Police Mutual Aid Agreement with Bay Harbor Islands
-

Litigation: New or supplemental information is provided for the following case:

No report at this time. Information on pending litigation has or will be provided individually to members of the Town Commission, as needed.

Special Matters: Continued monitoring of new case law and legislation from Federal, State and County, including implementation of adopted House and Senate Bills for the 2020 Florida Legislative Session. Matters which we will continue to work on and anticipate in the upcoming months include, implementation of various policy directives from the Mayor and Town Commissioners, issues related to the COVID-19 health pandemic, including issuance and implementation of various emergency orders and measures, review of existing contracts for services related to the COVID-19 pandemic, implementation of beach furniture ordinance, short term rentals ordinance, review of revenue utility bonds and reduction of water/sewer rates, review and analysis of Resort Tax and Tourist Board legislation, procurement of professional services and contracts, appeal of FAA Metroplex NextGen flights paths Final Environmental Assessment and Findings of No Significant Impact, review and policy implementation of revisions to Zoning Code and Map, review and monitoring of all Development Orders and

approvals, police matters and agreements, implementation and contract preparation for RFQs for Planning Services, Engineering Services, Abbott Avenue Drainage project, landscaping services, shuttle and transportation services and debris monitoring and management services, implementation of approved Referendum and Charter amendments, various procurements and service or provider agreements for Town improvements, facilities and programs, assistance with and response to AFSCME Florida Council 79 Union Representation Certification Petition to unionize Town civilian employees.



Town of Surfside

DOWNTOWN VISION ADVISORY COMMITTEE MINUTES

October 1, 2020 – 6:00 p.m.

Opening Items:

1. Call to Order/Roll Call

The meeting was called to order by Deputy Town Clerk Herbello at 6:02 p.m.

The following Members introduced themselves:

Zoya Pashenko
 Celida Cuenca (arrived at 6:09 p.m.)
 Marianne Meishcheid
 Meghan Rote
 Commissioner Charles Kesl, Commission Liaison

Also, present: Frank Trigueros, Tourism Director
 Evelyn Herbello, Deputy Town Clerk
 Clara Diaz-Leal, Tourist Board Liaison

2. Agenda and Order of Business

Deputy Town Clerk requested to walk an item on which is the approval of the September 17, 2020 Tourist Board Meeting Minutes.

A motion was made by Chair Meishcheid to approve the September 17, 2020 minutes, seconded by Committee Member Rote. All voted in favor.

3. Committee Introductions

All Committee members introduced themselves.

Commissioner Kesl introduced himself and stated that he is there for the Committee and encouraged their input.

4. Appointment of Chair and Vice Chair

A motion was made by Committee Member Meischeid to appoint herself as the Chair of the Downtown Vision Advisory Committee, seconded by Committee Member Rote. All voted in favor.

A motion was made by Committee Member Pashenko to appoint herself as Vice Chair, seconded by Committee Member Rote. All voted in favor.

5. Committee Function

Tourism Director Trigueros gave an overview of the Committee functions.

Deputy Town Clerk Herbello read the objective and goals of the Committee into the record.

6. Approval of Minutes – March 5, 2020

A motion was made by Chair Meishcheid to approve the March 5, 2020, seconded by Vice Chair Pashenko. All voted in favor.

7. Tourist Board Update

Tourism Director Trigueros gave an update on the work the Tourist Board is undertaking following their first meeting in August. Initiatives include creating a presence for small businesses on the Town website, highlighting special offers, and activating social media in support of partners.

Commissioner Kesl addressed the Committee recalling some of his past experiences on the Tourist Board and the collection of Resort Tax, which would be impacted this year due to the pandemic as business activity has seen a significant decrease.

Chair Meischeid discussed the goals for DVAC and what issues and ideas are able to be addressed.

8. Former Committee: Alleys, Art in Public Places, Downtown Sidewalks, Vacancies

Tourism Director Trigueros gave an update on some key past initiatives discussed by the former DVAC.

Chair Meischeid expanded on some of those past initiatives, highlighting the importance of working on those that are easier to accomplish like ordering that businesses open their shutters to avoid the appearance of looking closed and unwelcoming. She suggested a vacancies report so the committee can have that information available for each meeting in addition to an AR report contrasting last year to better understand the effects of COVID-19.

Tourism Director Trigueros addressed the comments made by Chair Meischeid and agreed to have that information available for the next meeting.

Chair Meischeid recommended having a meeting every 6 weeks in order and have a special meeting November 12, 2020.

Commissioner Kesl stated that more work needs to be done to highlight businesses on the Town website, and added that ribbon cuttings at new businesses could be another way to help attract more attention given the challenges of opening during a pandemic. He encouraged committee members to exercise their voice by taking action and making meaningful recommendations.

Committee Member Cuenca suggested having a survey to the residents via email for them to give their input of what types of businesses they would like to have.

A motion was made by Committee Member Cuenca to have the meeting on November 12, 2020 seconded by Committee Member Rote. All voted in favor.

9. New Ideas and Future Topics from Committee Members

Committee members requested to look into a potential second survey that could also be shared with landlords. Tourism Manager Trigueros said he would do some research on the previous survey and come back with more information.

Chair Meischeid spoke regarding a property located at 9491 Harding Avenue and having a collaborative action with one of the properties on the corner of 95th Street and Harding Avenue. She stated that she would like to look at having input on the next agenda on the current Planning and Zoning Board.

10. Future Meeting Date – November 12, 2020

Tourism Director Trigueros advised the Committee of the next meeting scheduled for November 12, 2020.

11. Public Comment – (3-minute limit)

George Kousoulas spoke about the challenges currently facing businesses and pointed to one of his diagrams for better understanding the district's landscaping.

12. Adjournment

A motion was made by Committee Member Cuenca to adjourn the meeting 6:52 p.m. The motion received a second from Vice Chair Pashenko and all voted in favor.

Respectfully submitted:

Accepted this 19 day of November, 2020


Marianne Meishcheid, Chair

Attest:



Evelyn Herbello
Deputy Town Clerk



Town of Surfside
TOURIST BOARD MEETING
MINUTES

October 5, 2020– 5:30 p.m.

Opening Items:

1. Call to Order/Roll Call

The meeting was called to order by Chair Herman at 5:35 p.m.

Present: Chair Lisa Herman
Vice Chair Eli Tourgeman
Board Member Clara Diaz-Leal
Board Member Robert Lisman

Absent: Board Member Ian Marovath

Also present: Vice Mayor Tina Paul
Haydee Sera, Town Attorney
Evelyn Herbello, Deputy Town Clerk
Frank Trigueros, Interim Tourism Director

2. Agenda and Order of Business

3. Approval of Meeting Minutes: September 14, 2020

A motion was made by Vice Chair Tourgeman to approve the September 14, 2020 Tourist Board Meeting Minutes, seconded by Board Member Diaz-Leal. The motion carried with a 4-0 vote with Board Member Marovath absent.

4. Resort Tax Update

Tourism Director Trigueros gave an update of the Resort Tax.

Board Member Lisman asked if this type of revenue decrease has been seen in the past.

Tourism Director Trigueros stated that decrease has been exclusively due to COVID-19.

Board Member Diaz-Leal stated that this is to be expected due to COVID and that many companies that have been closing in recent times. She suggested having a plan in case businesses are ordered to close again that would include ways to help survive a second round so that tourists also have somewhere to dine.

Tourism Director Trigueros stated that he will speak with some of the hotels to see what their mitigation tactics are in anticipation of a second wave and how the Town could support the businesses.

Vice Chair Tourgeman spoke regarding some places and restaurants closing down, suggesting the Town look into accommodating extra outdoor dining space for restaurants by utilizing parking areas or lanes. He noted the FDOT would need to be contacted.

Tourism Director Trigueros stated that he will look into the possibility.

5. FY 2020/2021 Budget

Tourism Director Trigueros gave an update of the FY 2020/2021 Budget and which line items were reduced. He stated that the Commission reached consensus on having more Town events and shifted some of the funding under the Parks and Recreation portion of the Resort Tax in order to accomplish having more events. He stated that the budget will have to be amended due to an anticipated decrease in the cost for Holiday Lights.

Board Member Diaz-Leal asked if there was any desire for the Tourist Board to get other things moving forward that are COVID friendly like other communities have done. She also asked which items were moved from the Parks and Recreation portion of the budget.

Tourism Director Trigueros addressed the comments made by Board Member Diaz-Leal.

Chair Herman asked about the Halloween event and if there are monies that are being rolled over.

Tourism Director Frank Trigueros stated that any unused event funds will be rolled over to next year.

Further discussion took place among the Board members regarding specific line items on the budget and Pinzur Communications as well as having more diversity within Surfside's tourism demographic.

Vice Mayor Paul stated that what she would like to see from the Board is more involvement like the signage of the masks. She asked Tourism Director Frank Trigueros how much involvement this Board will have.

Tourism Director Frank Trigueros addressed the comments made by Vice Mayor Paul and stated that he welcomes the Board's participation and discussed the selection of street banners and having the Board involved and their feedback.

Board Member Diaz-Leal stated that they should look into the hotel's participation and have a possible Autumn in Surfside. She stated that staycation is how individuals will be vacationing for a while.

Vice Mayor Paul asked if the hotels offer certain happy hours for private outdoor parties. She also spoke regarding Lincoln Road doing an initiative of using empty storefronts for art shows since Art Basel is cancelled this year.

Tourism Director Frank Trigueros addressed the comments made and stated that he will check with the hotels if they are offering some type of similar experience or offers for the residents.

A motion was made by Board Member Diaz-Leal to approve the FY 2020/2021 Tourist Board Budget, seconded by Chair Herman. The motion carried with a 4-0 vote with Board Member Mavorah absent.

6. Support Local Update

Tourism Director Frank Trigueros gave an update of the item and stated that he is finalizing the details with Rachel Pinzur. He spoke regarding the anti-littering pamphlet and stated that Code Enforcement has a pamphlet that is handed out for anti-littering and turtle nesting which is circulated to the condominiums and placed in the Gazette.

Vice Chair Tourgeman stated that he would like to see year around pamphlet so visitors that come year-round are aware of protecting our beaches including the protection of the turtles and how the hotels can help the Tourist Board as well as the environment by educating the community at large.

Tourism Director Frank Trigueros stated that he will speak with Rachel Pinzur and look at discussing it with the hotels and feels they will be supportive. He stated that he will circle back on this item.

Tourism Director Frank Trigueros spoke regarding the small business grant application to receive funding from the CARES Act. He stated that it has been preapproved and pending the formal approval from the Miami Dade County Board of Commission.

Tourism Director Frank Trigueros stated that the hotel information has uploaded a link to their YouTube videos, special events page, the blog and the social media platform.

7. Sweet Portfolio Media Recap

Tourism Director Frank Trigueros gave a recap of the Sweet Portfolio Media and provided a presentation.

Bringing up new suggestions, Chair Herman stated that in front of the Community Center there used to be buckets available to pick up trash and clean up the beach. She asked if the hotels could do the same. She stated possibly having Surfside buckets to be placed along the beach.

Vice Mayor Paul stated that she did participate in some of the beach cleanup possibly a year and half ago.

Chair Herman stated that it was a pole with buckets that people would use to clean up the trash and then place the bucket back on the pole.

Vice Chair Tourgeman stated that is a great idea. He stated that it would be great to expand on those activities and educate the public.

Vice Mayor Paul stated that what is missing is the general public going to the beach and stated that they need better signage.

Chair Herman asked if Surfside has ever done Turtle Talks which is how the turtles hatch and the turtles would then be placed on the beach to go into the ocean.

Tourism Director Frank Trigueros stated that they have never done that but he could find out.

Chair Herman commented on the Surfside Letter during events could they have an Instagram frame that is there all the time as a branding for everyone to use.

Vice Mayor Paul stated that in Orlando they have a giant beach chair that one could pose at and thinks that is a good idea to place in certain street ends.

Board Member Diaz-Leal commented that there is a large chair like that one at the Southernmost Beach Hotel for individuals to sit and take pictures.

Vice Chair Tourgeman agreed with Chair Herman's ideas of the large letters to promote Surfside.

Further discussion took place among the Board members regarding different ideas of promoting Surfside with awareness of the turtles and for Tourism Director Frank Trigueros to come back with some ideas. Among them, the possibility of acquiring new Turtle Walk fiber glass decorated sculptures that could serve functional purposes.

Discussion Items:

1. Next Meeting: Monday, November 9, 2020 at 5:30 p.m.

Deputy Town Clerk Herbello commented on the next meeting date being November 9, 2020 due to primary elections being held on November 3, 2020 and the Chambers being used by Miami Dade County to set up for elections.

Board Member Diaz-Leal stated she will be out of town November 9, 2020 and will not be present at the meeting.

Vice Chair Tourgeman stated if they cannot secure safety and separation, he will not be attending any live meeting.

Assistant Town Attorney Sera stated that some governments have been holding hybrid meetings and stated that under State Law boards and committees need to achieve an in-person quorum. She stated the majority of the board has to be present but if the board members present agree to allow the other board members to appear virtually then they can conduct the meeting.

She stated that she will work with the Town Clerk's Office and Tourism Director Frank Trigueros to see how to achieve the in-person meeting with some attending virtually.

2. Public Comment – 3-minute time limit each, please

There were no public speakers.

3. Adjournment

There being no further business to discuss before the Tourist Board, Vice Chair Tourgeman made a motion to adjourn the meeting at 6:42 p.m., seconded by Board Member Diaz-Leal. The motion carried with a 4-0 vote with Board Member Mavorah absent.

Respectfully submitted:

Accepted this 9 day of NOV, 2020



Lisa Herman, Chair

Attest:



Evelyn Herbello
Deputy Town Clerk



Town of Surfside

**PARKS & RECREATION COMMITTEE
MEETING**

MINUTES

October 19, 2020 at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order by Deputy Town Clerk Herbello at 7:00 p.m.

The following were present: Chair Retta Logan
Vice Chair Nicole Travis
Committee Member Janice Tatum

Absent: Committee Member Frank MacBride, Jr.
Committee Member Marta Olchyk
Commissioner Nelly Velasquez

Also, present: Tim Milian, Parks and Recreation Director
Evelyn Herbello, Deputy Town Clerk

2. Agenda and Order of Business

3. Approval of Minutes: September 14, 2020

A motion was made by Committee Member Tatum to approve the September 14, 2020 Parks and Recreation Committee Meeting Minutes, seconded by Vice Chair Travis. The motion carried with a 3-0 vote with Committee Member MacBride and Committee Member Olchyk absent.

4. Possible After School Program and Fall Programming Update – Tim Milian, Parks and Recreation Director

Parks Director Milian gave an update of the programs and the possibility of having the PEAR Program going live based under the new normal guidelines and possibly starting in November. He stated doing what they have done with the summer camp program and separating the buses for the aftercare program while maintaining social distancing. He spoke regarding sanitizing the Community Center and parks and there will be a maximum capacity of 40%. He will be gauging the community's feedback.

Vice Chair Travis thanked the staff for staying ready and at the front end to make sure everything is being handled properly.

Parks Director Milian addressed the comment made by Vice Chair Travis and stated that they are doing everything possible to stay on top of the COVID issue. He stated that they will be running two movie nights for Halloween and they had a waiting list. They advertised maintaining distance and have ample space for the families which will have their own pods. He stated that everyone that registered was placed on the list.

Parks Director Milian stated that they are doing more but there are individuals that would like both options of in person and continue zoom and they have guidelines in place to protect everyone. He spoke regarding the different programs the Community Center has and the success of them.

Committee Member Tatum stated that the Wednesday program puts some parents at a disadvantage in getting an appointment for the events in order to register.

Parks Director Milian addressed the comment made by Committee Member Tatum and stated that they are working hard to getting the issues handled and the tennis program has a waiting list. He stated that what occurred with Wednesday is that parents showed up without being registered.

Parks Director Milian spoke regarding the web track system in assisting in doing online registration. He spoke regarding the Halloween Event including pumpkin carving contest and movies.

Chair Logan asked if there are any mandates by the Town, cancelling Halloween and residents asking regarding trick or treating.

Parks Director Milian stated he has not heard anything nationally or county-wide and will follow up with the Town Manager but he believes it will be up to the parent's discretion. He spoke regarding Halloween being a tradition in Surfside.

Vice Chair Travis asked if by next meeting they can have an opportunity to discuss and get feedback of what changes would be implemented for the next round of registration since she has received a lot of feedback from the last registration.

Parks Director Milian stated that he will add that to the November 2020 Parks and Recreation Committee meeting agenda.

Committee Member Tatum also commented on receiving calls from the residents regarding the registration process.

Further discussion took place among the Committee Members and Parks Director Milian regarding the registration process and different complaints regarding the phones not being answered.

5. Facilities Opening Under New Normal Guidelines - Tim Milian, Parks and Recreation Director

Parks Director Milian introduced the item and gave an update on the opening of the water playground which is the tot lot adjacent to the pool and received good feedback on the water playground. He stated that the hours will be adjusted. He stated that we are still in the pandemic and there are still restrictions in keeping everyone safe.

Committee Member Tatum stated that she received feedback regarding the pool and would like the slide open for personal use.

Parks Director Milian stated that if they open the slide, which falls under amusement rides, they would have to rope off the area and not have anyone in the water which will require another employee. They have a 15-minute gap in order to have the area sanitized and cleaned.

Chair Logan asked if there is a protocol for 96th Street.

Parks Director Milian stated that basketball can be under organized play but they are not giving out equipment. He stated that if they cannot social distance and are not in their same family group they have to wear a mask.

Committee Member Tatum stated that mask wearing is being enforced at 96th Street Park by the attendant.

Parks Director Milian addressed the comment made regarding enforcement and County Order mandates. He stated that staff takes periodic trips to Hawthorne and the parks.

Vice Chair Travis stated that the attendant was making sure everyone was being held accountable and that made her feel safe.

Parks Director Milian stated that masks are being offered to those that forget a mask.

6. 96th Street Park Project Update - Tim Milian, Parks and Recreation Director

Parks Director Milian gave an update of the project. He stated that the firm Miller and Associates was awarded the RFQ for the design of the park. He advised the Committee that the goal is try to get them on the Commission agenda in November and it will be an agenda item moving forward on the Parks and Recreation Committee to provide an update on the project.

7. Public Comments - (3-minute time limit per speaker)

The following individual from the public spoke.

Jeff Rose thanked the Parks and Recreation Director for opening the tot lot and said that hopefully they could keep the kayak launch on the radar and possibly by the spring time they could have a solution for the kayak launch.

Parks Director Milian addressed the comment by Jeff Rose and stated that the kayak launch is an item on the Commission agenda and is still on the scope.

Vice Chair Travis spoke regarding a feasibility study for the Commission to move forward on the location and does that mean it has to appear on the Commission agenda.

Parks Director Milian stated that this Committee is a recommendation body and a feasibility study was already asked and the architectural firm is aware of that and it is a possibility. He stated that what has to happen first is coming up with a scheme and deciding the location.

Chair Logan stated that it is important for the public to attend and speak under good and welfare and communicate with the Commissioners that this is something the community wants.

Discussion continued among the Committee Members and Parks Director Milian regarding the kayak launch, its location and safety.

Vice Chair Travis spoke regarding paddeltopia and possibly having a monthly event with a floating dock and everyone can bring their own paddleboard and kayaks for one weekend a month.

Parks Director Milian stated that was a topic discussed and advised the Committee that this Thursday there will be a Special Commission Meeting to discuss the new Town Manager's Agreement and start date.

8. Next Meeting: November 16, 2020

Parks and Recreation Director Milian advised the Committee of the next Parks and Recreation Committee Meeting date. Consensus was reached to have the next meeting in person on November 16, 2020.

9. Adjournment

A motion was made by Vice Chair Travis to adjourn the meeting without objection at 7:56 p.m. The motion received a second from Committee Member Tatum. The motion carried with a 3-0 vote with Committee Member MacBride and Committee Member Olchyk absent.

Respectfully submitted:

Accepted this 16 day of November, 2020



Retta Logan, Chair

Attest:



Evelyn Herbello
Deputy Town Clerk



MEMORANDUM

ITEM NO. 3E

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission
From: Andrew Hyatt, Town Manager
Date: December 8, 2020
Subject: FY 2021 Budget Amendment Resolution No. 3

The State of Florida, the Charter of the Town of Surfside, and sound financial management practices require monitoring of the Town's budgetary condition. Budget requirements include maintaining a balanced budget and a prohibition against entering into encumbrances for which there is not sufficient appropriation.

The Town Commission monitors the budget to actual summary at the fund level monthly on each agenda. The Town Manager is authorized by the Charter to make adjustments within funds so long as the appropriation for each fund is not exceeded. The purpose of this budget amendment is for the Town Commission to amend the FY 2021 annual budget and to recognize changes in revenues and expenditures that differ from the adopted budget.

The attached document represents the amendment that ensures compliance with State law, Town Charter, and sound financial management practices.

Staff has reviewed FY 2021 actual revenues and expenditures and recommends a change to the FY 2021 annual budget is as follows:

GENERAL FUND (Attachment A)

The General Fund is being amended to:

1. Record a Federal CARES Act grant award of \$105,439 for financial assistance to local business owners, and to appropriate those funds for distribution to the business owners under a reimbursement program in the amount of \$105,439;
2. Appropriate \$60,432 for an FPL undergrounding project cost estimate;
3. Appropriate \$25,000 for Phase I legal/consulting fees for the initial filing of an appeal to and an environmental assessment of the FAA's plan to alter flight paths.

Reviewed by: JDG

Prepared by AM

RESOLUTION NO. 2020-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 3 FOR THE FISCAL YEAR 2021 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 22, 2020, the Town of Surfside (the “Town”) Commission adopted Resolution No. 2020-2716 approving the budget for Fiscal Year 2021 and establishing revenues and appropriations for the Town; and

WHEREAS, the General Fund is being amended to record (i) a Federal CARES Act grant award of \$105,439 for financial assistance to local business owners, and to appropriate those funds for distribution to the business owners under a reimbursement program, (ii) appropriate \$60,432 for an FPL undergrounding project cost estimate, and (iii) appropriate \$25,000 for Phase I legal/consulting fees for the initial filing of an appeal to and an environmental assessment of the FAA’s Metroplex plan to alter flight paths; and

WHEREAS, an increase to the budgeted revenue estimates and expenditure estimates is required for the General Fund, to comply with Florida Statutes and the Town's commitment to sound budgeting practices, where budgeted expenditures may not exceed anticipated revenues; and

WHEREAS, the Town Commission desires to amend the Fiscal Year 2021 budget by amending the General Fund as set forth in Attachment “A” attached hereto; and

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the residents of the Town.

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

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

Section 2. Approving Amended Budget. That the Town Commission approves the 2021 fiscal year budget amendment provided for in Attachment “A” attached hereto.

Section 3. Implementation. The Town Manager and/or his designee are directed to take any and all action necessary to accomplish this Budget amendment and the purposes of this Resolution.

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

PASSED AND ADOPTED on this 8th day of December, 2020.

Motion By: _____

Second By: _____

FINAL VOTE ON ADOPTION:

Commissioner Charles Kesl _____

Commissioner Eliana R. Salzhauer _____

Commissioner Nelly Velasquez _____

Vice Mayor Tina Paul _____

Mayor Charles W. Burkett _____

Charles W. Burkett, Mayor

Attest:

Sandra McCready, MMC
Town Clerk

Approved as to Form and Legal Sufficiency:

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

**TOWN OF SURFSIDE
BUDGET AMENDMENT
ATTACHMENT A**

Fiscal Year 2020/2021
 BA No. 3
 Fund Nos. 001 General Fund

12/8/2020

Account Number	Account Description	Justification	Original/ Adjusted Budget	Increase	Decrease	Adjusted Budget
GENERAL FUND						
REVENUES						
001-590-331-50-10	Federal Grant - CARES Act (MDC)	Federal Financial Assistance Grant - CARES ACT for local business owners	\$0	\$105,439		\$105,439
TOTAL	GENERAL FUND REVENUES			\$105,439	\$0	
EXPENDITURES						
001-7900-590-83-10	Small Business Grant Pgrm - Cares Act (MDC)	CARES Act reimbursements to local business owners		\$ 105,439		\$ 105,439
001-7900-590-99-10	Return to Reserves	Appropriate funds for FPL undergrounding estimate and professional services to appeal FAA plan to alter flight paths	\$3,192,325		\$85,432	\$3,106,893
001-7900-590-31-10	Professional Services	FPL undergrounding estimate	\$ 66,800	\$ 60,432		\$ 127,232
001-1500-514-31-11	Professional Services - Legal Svcs	FAA plan to alter flight paths - Phase I legal fees for initial filing of appeal and environmental assessment	\$ -	\$ 25,000		\$ 25,000
TOTAL	GENERAL FUND EXPENDITURES			\$ 190,871	\$ 85,432	



**Town of Surfside
Town Commission Meeting
December 8, 2020
7:00 pm**

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

Date: December 8, 2020

Prepared by: Sandra N. McCready, MMC, Town Clerk

Subject: Certification of Surfside Special Municipal Election – November 3, 2020

Background – The Town of Surfside had three ballot questions on the November 3, 2020 Election. Below are the questions and the respective results:

1. Do you favor the undergrounding of Surfside's powerlines and other utilities in order to improve safety and promote sustainability and resilience, at an estimated cost of \$16,000,000 to \$18,000,000?

Yes: 2,035 votes

No: 755 votes

2. The Charter provides for the unrestricted sale or lease of Town-owned real property. Shall the Charter be amended to restrict the sale, lease for a term in excess of three years or exchange of Town-owned real property unless approved by at least four members of the Town Commission and a minimum of 60% of Town electors voting at a referendum for any such sale, lease or exchange of Town-owned real property?

Yes: 1980 votes

No: 705 votes

3. Shall the Charter be amended to require that any indebtedness incurred after the effective date of this amendment, exceeding 15% of the Town's average annual property tax revenue for the preceding five years and which is not fully repayable within a maximum of seven years, be approved by a minimum of three (3) members of the Town Commission followed by approval by referendum of the Town electors by majority vote?

Yes: 2,055 votes

No: 585 votes

Analysis – The results of the November 3, 2020 Town of Surfside Special Municipal Election were certified on November 13, 2020 by the Miami-Dade County Supervisor of Elections, Christina White (Exhibit A" to the Resolution). For the Town record, the Town Commission must now certify the election results.

Budget Impact – The budgeted amount for this special election for FY 2021 is \$17,000. The Town has not received the invoice from Miami-Dade County Elections Department as of November 25, 2020.

Staff Impact –N/A

Recommendation – It is recommended that the Town Commission adopt the attached resolution.

Prepared by: SNMc

Approved by: AH

RESOLUTION NO. 20 - _____

RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF SURFSIDE SPECIAL MUNICIPAL ELECTION HELD ON NOVEMBER 3, 2020 FOR THREE REFERENDUM/BALLOT QUESTIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (“Town”) held a special municipal election on Tuesday, November 3, 2020, for three referendum/ballot questions; and

WHEREAS, the deadline to submit the three referendum/ballot questions to the Miami-Dade County Supervisor of Elections was Friday, July 31, 2020; and

WHEREAS, on July 14, 2020, the Town Commission adopted Resolutions No. 2020-2702 (undergrounding of utilities), Resolution No. 2020-2703 (Limitations on the Sale, Lease or Exchange of Town-owned real property), and Resolution No, 2020-2704 (limitations on Indebtedness), calling for a special election for the purpose of submitting to the electorate the proposed referendum/ballot questions; and

WHEREAS, the Miami-Dade County Canvassing Board has canvassed the returns, has tabulated the ballots of the absentee voters and has determined the total number of votes at such election for the three referendum/ballot questions as shown by said returns; and

WHEREAS, the results of the November 3, 2020 Town Special Municipal Election were certified on November 13, 2020 by the Miami-Dade County Supervisor of Elections, Christina White (Exhibit A” to the Resolution), with all three referendum/ballot questions approved by the Town electorate; and

WHEREAS, the Town Commission hereby certifies the election results of the November 3, 2020 Town Special Municipal Election.

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

Section 1. Recitals Adopted. The above and foregoing recitals are true and correct and are hereby adopted and incorporated herein.

Section 2. Certification of Special Election. The Town Commission finds, declares and certifies the results of the Special Municipal Election held on November 3, 2020 for the three referendum/ballot questions pursuant to the Certificate of County Canvassing Board Miami-Dade County (See Exhibit "A" attached).

Section 3. Implementation. The Town Clerk is hereby authorized and directed to take all action necessary and perform any and all incidental duties in connection herewith as required by law.

PASSED and ADOPTED on this 8th day of December, 2020.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

Commissioner Charles Kesl	_____
Commissioner Eliana Salzhauer	_____
Commissioner Nelly Velasquez	_____
Vice Mayor Tina Paul	_____
Mayor Charles W. Burkett	_____

Charles W. Burkett, Mayor

ATTEST:

Sandra N. McCready, MMC, Town Clerk

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

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

*** Official Results ***
**CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY**

We, the undersigned, VICTORIA FERRER, County Judge, MILENA ABREU, County Judge, CHRISTINA WHITE, Supervisor of Elections, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the Thirteenth day of November, 2020 A.D., and proceeded publicly to canvass the votes given for the Proposed Amendments to the Constitution of the State of Florida and Proposed Amendments to the Constitution of the State of Florida Referendums on the Third day of November, 2020 A.D. as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

**NO. 1
CONSTITUTIONAL AMENDMENT
ARTICLE VI, SECTION 2
CITIZENSHIP REQUIREMENT TO VOTE IN FLORIDA
ELECTIONS**

This amendment provides that only United States Citizens who are at least eighteen years of age, a permanent resident of Florida, and registered to vote, as provided by law, shall be qualified to vote in a Florida election.

Yes for Approval	819,860	votes
No for Rejection	242,587	votes

**NO. 2
CONSTITUTIONAL AMENDMENT
ARTICLE X, SECTION 24
RAISING FLORIDA'S MINIMUM WAGE**

Raises minimum wage to \$10.00 per hour effective September 30th, 2021. Each September 30th thereafter, minimum wage shall increase by \$1.00 per hour until the minimum wage reaches \$15.00 per hour on September 30th, 2026. From that point forward, future minimum wage increases shall revert to being adjusted annually for inflation starting September 30th, 2027.

Yes for Approval	752,370	votes
No for Rejection	314,076	votes

**NO. 3
CONSTITUTIONAL AMENDMENT
ARTICLE VI, SECTION 5
ALL VOTERS VOTE IN PRIMARY ELECTIONS FOR STATE
LEGISLATURE, GOVERNOR, AND CABINET**

Allows all registered voters to vote in primaries for state legislature, governor, and cabinet regardless of political party affiliation. All candidates for an office, including party nominated candidates, appear on the same primary ballot. Two highest vote getters advance to general election. If only two candidates qualify, no primary is held and winner is determined in general election. Candidate's party affiliation may appear on ballot as provided by law. Effective January 1, 2024.

Yes for Approval	606,088	votes
No for Rejection	434,014	votes

**NO. 4
CONSTITUTIONAL AMENDMENT
ARTICLE XI, SECTIONS 5 AND 7
VOTER APPROVAL OF CONSTITUTIONAL AMENDMENTS**

*** Official Results ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

Requires all proposed amendments or revisions to the state constitution to be approved by the voters in two elections, instead of one, in order to take effect. The proposal applies the current thresholds for passage to each of the two elections.

Yes for Approval	472,922	votes
No for Rejection	578,203	votes

NO. 5
CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 4 AND ARTICLE XII
LIMITATION ON HOMESTEAD ASSESSMENTS

Proposing an amendment to the State Constitution, effective date January 1, 2021, to increase, from 2 years to 3 years, the period of time during which accrued Save-Our-Homes benefits may be transferred from a prior homestead to a new homestead.

Yes for Approval	777,733	votes
No for Rejection	267,667	votes

NO. 6
CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 6 AND ARTICLE XII
AD VALOREM TAX DISCOUNT FOR SPOUSES OF CERTAIN
DECEASED VETERANS WHO HAD PERMANENT, COMBAT-
RELATED DISABILITIES

Provides that the homestead property tax discount for certain veterans with permanent combat-related disabilities carries over to such veteran's surviving spouse who holds legal or beneficial title to, and who permanently resides on, the homestead property, until he or she remarries or sells or otherwise disposes of the property. The discount may be transferred to a new homestead property of the surviving spouse under certain conditions. The amendment takes effect January 1, 2021.

Yes for Approval	958,656	votes
No for Rejection	107,554	votes

COUNTY REFERENDUM 1

County Referendum 1

Yes for Approval	754,383	votes
No for Rejection	268,991	votes

COUNTY REFERENDUM 2

County Referendum 2

Yes for Approval	808,689	votes
No for Rejection	222,805	votes

COUNTY REFERENDUM 3

County Referendum 3

Yes for Approval	501,486	votes
------------------	---------	-------

*** Official Results ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

No for Rejection	525,560	votes
------------------	---------	-------

BAL HARBOUR REFERENDUM

Bal Harbour Referendum

Yes for Approval	1,139	votes
No for Rejection	333	votes

DORAL REFERENDUM 1

Doral Referendum 1

Yes for Approval	14,285	votes
No for Rejection	6,718	votes

DORAL REFERENDUM 2

Doral Referendum 2

Yes for Approval	12,323	votes
No for Rejection	8,760	votes

DORAL REFERENDUM 3

Doral Referendum 3

Yes for Approval	14,220	votes
No for Rejection	7,433	votes

DORAL REFERENDUM 4

Doral Referendum 4

Yes for Approval	14,560	votes
No for Rejection	8,015	votes

DORAL REFERENDUM 5

Doral Referendum 5

Yes for Approval	9,336	votes
No for Rejection	12,567	votes

DORAL REFERENDUM 6

Doral Referendum 6

Yes for Approval	7,567	votes
No for Rejection	14,483	votes

*** Official Results ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

KEY BISCAVNE REFERENDUM

Key Biscayne Referendum

Yes for Approval	3,465	votes
No for Rejection	2,662	votes

MIAMI BEACH REFERENDUM 1

Miami Beach Referendum 1

Yes for Approval	19,861	votes
No for Rejection	14,833	votes

MIAMI BEACH REFERENDUM 2

Miami Beach Referendum 2

Yes for Approval	16,933	votes
No for Rejection	17,692	votes

MIAMI BEACH REFERENDUM 3

Miami Beach Referendum 3

Yes for Approval	18,589	votes
No for Rejection	16,912	votes

MIAMI BEACH REFERENDUM 4

Miami Beach Referendum 4

Yes for Approval	23,240	votes
No for Rejection	11,553	votes

MIAMI BEACH REFERENDUM 5

Miami Beach Referendum 5

Yes for Approval	21,998	votes
No for Rejection	12,541	votes

MIAMI BEACH REFERENDUM 6

Miami Beach Referendum 6

Yes for Approval	20,328	votes
No for Rejection	13,249	votes

*** Official Results ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

PALMETTO BAY REFERENDUM 1

Palmetto Bay Referendum 1

Yes for Approval	5,887	votes
No for Rejection	6,939	votes

PALMETTO BAY REFERENDUM 2

Palmetto Bay Referendum 2

Yes for Approval	5,834	votes
No for Rejection	7,632	votes

PALMETTO BAY REFERENDUM 3

Palmetto Bay Referendum 3

Yes for Approval	5,481	votes
No for Rejection	7,463	votes

PALMETTO BAY REFERENDUM 4

Palmetto Bay Referendum 4

Yes for Approval	12,427	votes
No for Rejection	1,431	votes

PALMETTO BAY REFERENDUM 5

Palmetto Bay Referendum 5

Yes for Approval	8,944	votes
No for Rejection	4,432	votes

PALMETTO BAY REFERENDUM 6

Palmetto Bay Referendum 6

Yes for Approval	10,295	votes
No for Rejection	3,409	votes

PALMETTO BAY REFERENDUM 7

Palmetto Bay Referendum 7

Yes for Approval	12,983	votes
No for Rejection	920	votes

*** Official Results ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

SOUTH MIAMI REFERENDUM 1

South Miami Referendum 1

Yes for Approval	2,940	votes
No for Rejection	3,066	votes

SOUTH MIAMI REFERENDUM 2

South Miami Referendum 2

Yes for Approval	3,983	votes
No for Rejection	2,051	votes

SURFSIDE REFERENDUM 1

Surfside Referendum 1

Yes for Approval	2,035	votes
No for Rejection	755	votes

SURFSIDE REFERENDUM 2

Surfside Referendum 2

Yes for Approval	1,980	votes
No for Rejection	705	votes

SURFSIDE REFERENDUM 3

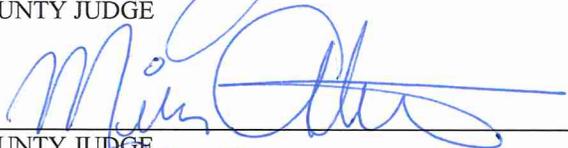
Surfside Referendum 3

Yes for Approval	2,055	votes
No for Rejection	585	votes

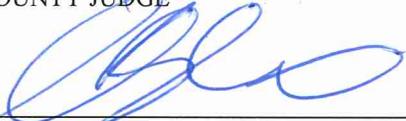
We Certify that pursuant to Section 102.112, Florida Statutes, the canvassing board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.



COUNTY JUDGE



COUNTY JUDGE



SUPERVISOR OF ELECTIONS



MEMORANDUM

ITEM NO. 3G

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Andrew Hyatt, Town Manager

Date: December 8, 2020

Subject: Florida Power & Light (FPL) Authorization to Engage and Expend Funds

Based on the November 3, 2020 election results in which the residents of the Town recommended to move forward with developing the plan to underground utilities in Surfside, Town Administration is seeking authorization to engage with FPL and expend funds towards a binding estimate. As required by Town code Section 3-6 (c) on purchasing limitations, Town Administration is requesting authority to expend \$60,432.00.

Town Administration is currently in discussions with an engineering firm with significant experience in managing undergrounding of utilities in South Florida. Town Administration plans to bring to the January Commission a request to contract with this firm.

Town Administration recommends that the Commission authorize the Town Manager to engage with FPL and expend \$60,432.00 for the purpose of receiving a binding estimate on the undergrounding of the electrical elements of the Town's utilities.

Reviewed by: LA

Prepared by: JDG

RESOLUTION NO. 2020-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND AUTHORIZING AN EXPENDITURE OF FUNDS TO FLORIDA POWER & LIGHT COMPANY FOR AN ENGINEERING DEPOSIT REQUIRED IN CONNECTION WITH PREPARATION OF A BINDING ESTIMATE FOR UNDERGROUNDING OF ELECTRIC DISTRIBUTION FACILITIES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 3, 2020, a vast majority of the Town of Surfside (“Town”) electorate approved a ballot/referendum question in order to move forward with developing a plan to underground utilities in the Town; and

WHEREAS, Florida Power & Light Company (“FPL”) will assist with a feasibility analysis of converting overhead electric distribution facilities to an underground system, and requires a non-refundable engineering deposit of \$62,432.00 in order to prepare a binding estimate for the undergrounding work, as set forth in the Electric Facilities Conversion Letter Ballpark Estimate dated May 31, 2018 attached hereto as Exhibit “A”; and

WHEREAS, the Town Administration is seeking authorization to engage with FPL and expend funds in the amount of \$60,432.00 towards a binding estimate; and

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the residents of the Town.

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

Section 1. Recitals. Each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Approving and Authorizing Expenditure of Funds to FPL. The Town Commission approves and authorizes the expenditure of \$62,432.00 to FPL for a binding estimate in connection with the undergrounding of electric distribution facilities in the Town as set forth in the Electric Facilities Conversion Letter Ballpark Estimate dated May 31, 2018 attached hereto as Exhibit “A”.

Section 3. Implementation. The Town Manager and Town Administration are authorized and directed to take any and all action necessary to accomplish the purposes of this Resolution.

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

PASSED AND ADOPTED on this 8th day of December, 2020.

Motion By: _____

Second By: _____

FINAL VOTE ON ADOPTION:

Commissioner Charles Kesl _____

Commissioner Eliana R. Salzhauer _____

Commissioner Nelly Velasquez _____

Vice Mayor Tina Paul _____

Mayor Charles W. Burkett _____

Charles W. Burkett, Mayor

Attest:

Sandra McCready, MMC
Town Clerk

Approved as to Form and Legal Sufficiency:

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney



May 31, 2018

Mr. Guillermo Olmedillo
Town Manager
Town of Surfside
9293 Harding Ave.
Surfside, FL 33154

**Re: Town of Surfside
Electric Facilities Conversion – Ballpark Estimate
Entire Town
WR # 8245255**

Dear Mr. Olmedillo:

FPL welcomes the opportunity to assist you in examining the feasibility of converting from overhead electric distribution facilities to an underground system at the following location:

Entire Town limits in Surfside, Florida.

As per your request, the non-binding "ballpark" estimate to complete this conversion is \$6,700,000. This estimate is provided strictly to assist you in preliminary decision making and it does not include the conversion of any existing streetlight system. It is not an offer from FPL to perform the requested conversion and should not be construed or used as such for detailed planning purposes. This represents an "order of magnitude" figure based on previous FPL experience and reflects the CIAC payment that the Town would ultimately need to make to FPL if the conversion were performed at this point in time utilizing standard underground equipment. It is our experience that conversions in developed areas are the most complex and challenging types of construction. As such, this estimate likely will not precisely represent the Town's ultimate actual cost to convert, but can assist the Town in preliminary decision-making.

FPL estimates include only estimated charges to be paid by the Town to FPL. The costs of the following items are not included with the estimate and are the responsibility of the Town / residents. These potential costs should be included in future planning of the project:

- Site restoration (sod, landscaping, pavement, sidewalks, etc)
- Rearrangement of customer electric service entrances (requires electrician) from overhead to underground. Also, additional customer expense if local inspecting authorities require customer wiring to be brought to current codes.
- Trenching/backfilling for service laterals.
- Removal and undergrounding of other utilities (e.g. telecom, CATV, etc.)
- Acquiring, describing, securing and recording of easements for underground facilities. In underground systems, major components formerly attached to poles must now occupy "at grade" appurtenances, e.g., ground level pad mounted transformers and switch cabinets. Facilities of an underground distribution system will not be placed in road right-of-way, with the exception of cables required for crossings. (See special note below)

Note: Obtaining easements is typically the most difficult aspect of the conversion process; the time required to secure the easements may even exceed the 180 day binding estimate timeframe. FPL strongly suggests that all easements required for the conversion be described and secured prior to requesting the detailed cost estimate.

In 2007, the Public Service Commission approved FPL's 25% Governmental Adjustment Factor (G.A.F.) waiver for local government sponsored projects. In order to be eligible for the G.A.F. waiver a project must meet a series of criteria (see Attachment). Based on the preliminary information you provided for the proposed conversion area, this request would qualify for the G.A.F. waiver. The G.A.F. waiver amount is not reflected in the ballpark estimate presented above.

After reviewing the "ballpark" estimate, if you decide to move forward with the conversion project, you may request a detailed and "binding" estimate. Due to the complexity and time required to estimate such a conversion, a non-refundable engineering deposit is required prior to beginning the estimating process, as set forth in the Florida Administrative Code 25-6.115. For this conversion project the amount of the required engineering deposit is \$60,432.00. If you decide to proceed with the work contained in the estimate, the amount of this deposit would be applied toward the estimated amount owed to FPL for the conversion. The work must commence within 180 days of the date the binding estimate is provided.

The request for the binding estimate must be in writing, and must describe in detail the facilities to be converted. Binding estimates are valid for 180 days, and would be subject to change in the event of a work scope change. Should actual FPL costs exceed the binding estimate amount, the customer may be responsible for those additional costs up to a maximum of 10% of the binding estimate amount. Payment of customer costs, easements (with opinion of title and recorded), agreements from other utilities/pole licensees, and execution of a Conversion Agreement would be required before commencement of construction.

If you have any questions or wish to consider a binding cost estimate, please call me at 305-442-5711.

Sincerely,

Jose Triana
Customer Advisor
Customer Service
Florida Power & Light Company

Attachments

cc: Mr. Tom Allain – FPL
Mr. John Lehr – FPL
Mr. Roger Mendoza – FPL



MEMORANDUM

ITEM NO. 3H

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Andrew Hyatt, Town Manager

Date: December 8, 2020

Subject: Resolution authorizing Mutual Aid and Joint Declaration Agreements between the Town of Surfside and the Town of Bay Harbor Islands.

It is the responsibility of the governments of the Town of Surfside, Florida, and the Town of Bay Harbor Islands, Florida, to ensure the public safety of their citizens by providing adequate police service to address any foreseeable routine or emergency situation; and because of the existing and continuing possibility of the occurrence of law enforcement problems and other natural or manmade conditions which are likely to be, beyond the control of the services, personnel, equipment or facilities of the participating police departments; these municipalities have the authority to enter into a Mutual Aid Agreement in order to adequately address any and all of these conditions, to protect the public peace and safety, and to preserve the lives and property of the people of the municipalities. The Mutual Aid and Joint Declaration Agreements specify the circumstances and conditions under which mutual aid may be requested and rendered regarding police operations.

The Town of Surfside Police Department has mutual aid agreements with many Miami-Dade County law enforcement agencies and the Town of Bay Harbor Islands Police Department has been one of them for years. The Town of Surfside and the Town of Bay Harbor Islands are located in a way that it is advantageous and in their best interest 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 the Town of Bay Harbor Islands Police Department will be in effect upon execution and approval by both parties and shall continue in full force and effect through and including January 1, 2026. The Surfside Police Department requires Town Commission approval and authorization to enter into the new Mutual Aid Agreement and Joint Declaration Agreement with the Town of Bay Harbor Islands Police Department.

Town Administration recommends approval of the resolution to authorize the Mutual Aid and Joint Declaration Agreements between the Town of Surfside and the Town of Bay Harbor Islands.

Prepared by: JY

RESOLUTION NO. 2020-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT WITH THE TOWN OF BAY HARBOR ISLANDS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (the “Town”) is responsible for ensuring the public safety of residents and businesses of the Town by providing adequate levels of public services, including police protection and services; and

WHEREAS, there may be natural or manmade disasters, emergencies, and other major law enforcement problems that may cross jurisdictional boundaries; and

WHEREAS, Chapter 23, “Florida Mutual Aid Act,” of the Florida Statutes authorizes municipalities to enter into Mutual Aid Agreements for the rendering of law enforcement assistance across jurisdictional boundaries; and

WHEREAS, the Town Commission wishes to approve the law enforcement Mutual Aid Agreement between the Town and the Town of Bay Harbor Islands for voluntary cooperation and operational assistance (the “Agreement”), in substantially the same form attached hereto as Exhibit “A,” which provides the residents and businesses of the Town with assurances of adequate levels of law enforcement services; and

WHEREAS, the Town Commission finds that the Agreement and this Resolution is in the best interest and welfare of the Town.

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

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

Section 2. **Approval.** That the Town Commission approves the Agreement in substantially the same form attached hereto as Exhibit "A."

Section 3. **Authorization and Implementation.** The Town Manager and Town Chief of Police are authorized to execute the Agreement, attached hereto as Exhibit "A." The Town Manager and Chief of Police are hereby further authorized to do all necessary things to implement the Agreement and the purposes of this Resolution, including the execution of any renewal agreements with the Town of Bay Harbor Islands.

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

PASSED AND ADOPTED this 8th day of December, 2020.

FINAL VOTE ON ADOPTION:

Commissioner Charles Kesl _____
Commissioner Eliana R. Salzhauer _____
Commissioner Nelly Velasquez _____
Vice Mayor Tina Paul _____
Mayor Charles W. Burkett _____

Charles W. Burkett, Mayor

ATTEST:

Sandra McCready, MMC
Town Clerk

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

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

MUTUAL AID AGREEMENT

Between the Town of Bay Harbor Islands Police Department and the Town of Surfside Police Department

WHEREAS, it is the responsibility of the governments of the **Town of Bay Harbor Islands**, Florida and the **Town of Surfside**, Florida to ensure the public safety of their citizens by providing adequate levels of police services to address any foreseeable routine or emergency situation; and

WHEREAS, because of the existing and continuing possibility of the occurrence of law enforcement problems and other natural and man-made conditions which are, or are likely to be, beyond the control of the services, personnel, equipment of facilities of the participating municipal police departments; and

WHEREAS, in order to ensure that preparation of these law enforcement agencies will be adequate to address any and all of these conditions, to protect the public peace and safety, and to preserve the lives and property of the people of the participating **Miami-Dade County** municipalities; and

WHEREAS, the participating Miami-Dade County municipalities have the authority under Chapter 23, Florida Statutes, Florida Mutual Aid Act, to enter into a mutual aid agreement;

NOW, THEREFORE, BE IT KNOWN that the **Town of Bay Harbor Islands**, subdivision of the State of Florida, and the undersigned representatives, 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:

- 1. Short title:** Mutual Aid Agreement
- 2. Description:** Since this Mutual Aid Agreement provides for the requesting and rendering of assistance for both routine and law enforcement intensive situations, this Mutual Aid Agreement combines the elements of both a voluntary cooperation agreement and a requested operational assistance agreement, as described in Chapter 23, Florida Statutes.

3. **Definitions:**

- A. **Joint declaration:** A document which enumerates the various conditions or situations where aid may be requested or rendered pursuant to this Agreement, as determined by concerned agency heads. Subsequent to execution by the concerned agency heads, the joint declaration shall be filed with the clerks of the respective political subdivisions and shall thereafter become part of this Agreement. Said declaration may be amended or supplemented at any time by the agency heads by filing subsequent declarations, subject to the approval of the legal counsel of their respective political subdivisions, and filed with the clerks of the respective political subdivisions.
- B. **Agency or participating law enforcement agency:** Either the **Town of Bay Harbor Islands Police Department** or the **Town of Surfside Police Department**.
- C. **Agency Head:** Either the Chief of **Bay Harbor Islands Police Department**, or the Chief's designees; and the Chief of Police of the **Town of Surfside Police Department**, or the Chief's designees.
- D. **Participating municipal police department:** The police department of any municipality in **Miami-Dade County**, Florida, that has approved and executed this Agreement upon the approval of the governing body of the municipality.
- E. **Certified law enforcement employee:** Any law enforcement employee certified as provided in Chapter 943, Florida Statutes.

4. **Operations:**

- A. In the event that a party to this Agreement is in need of assistance as specified in the applicable joint declaration, an authorized representative of the police department requiring assistance shall notify the agency from whom such assistance is requested. The authorized agency representative whose assistance is sought shall evaluate the situation and his available resources and will respond in a manner deemed appropriate.
- B. Each party to this Agreement agrees to furnish necessary manpower, equipment, facilities, and other resources and to render services to the other party as required to assist the requesting party in addressing the situation which caused the request; provided, however, that no party shall be required to deplete unreasonably its own manpower, equipment, facilities, and other resources and services in rendering such assistance.

- C. The agency heads of the participating law enforcement agencies, or their designees, shall establish procedures for giving control of the mission definition to the requesting agency, and for giving tactical control over accomplishing any such assigned mission and supervisory control over all personnel or equipment provided pursuant to this Agreement to the providing agency.

5. Powers, Privileges, Immunities, and Costs:

- A. All employees of the participating municipal police department, including certified law enforcement employees as defined in Chapter 943, Florida Statutes, during such time that said employees are actually providing aid outside of the jurisdictional limits of the employing municipality pursuant to a request for aid made in accordance with this Agreement, shall, pursuant to the provisions of Chapter 23, 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. The political subdivision having financial responsibility for the law enforcement agency providing services, personnel, equipment, or facilities pursuant to the provisions of this Agreement shall bear any loss or damage to same and shall pay any and all expenses incurred in the maintenance and operation of same.
- C. The political subdivision having financial responsibility for the law enforcement agency providing aid pursuant to this Agreement shall compensate all of its employees rendering aid pursuant to this Agreement, during the time of the rendering of such aid, and shall defray the actual travel and maintenance expenses of such employees while they are rendering such aid. Such compensation shall include any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid. Such compensation shall also include all benefits normally due such employees.
- D. All exemptions from ordinances and rules, and all pension, insurance, relief, disability, workers' compensation salary, death, and other benefits which apply to the activity of such officers, agents, or employees of any such agency, when performing their respective functions within the territorial limits of their respective agencies, shall apply to them to the same degree, manner, and extent while engaged in the performance of their functions and duties extraterritorially under the provisions of the Mutual Aid Agreement. The provisions of this Agreement shall apply with equal effect to paid and auxiliary employees.

- 6. Indemnification:** The political Subdivision having financial responsibility for the law enforcement agency providing aid pursuant to this agreement agrees to hold harmless, defend, and indemnify the requesting law enforcement agency and its political subdivision in any suit, action or claim for damages resulting from any and all acts or conduct of employees of said providing agency while providing aid pursuant to this Agreement, subject to Chapter 768, Florida Statutes, where applicable.
- 7. Forfeitures:** It is recognized that during the course of the operation of this Agreement, property subject to forfeiture under the Florida Contraband Forfeiture Act, Florida Statutes, may be seized. The property shall be seized, 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.
- 8. Conflicts:** Any conflicts between this Agreement and the Florida Mutual Aid Act will be controlled by the provisions of the latter, whenever conditions exist that are within the definitions stated in Chapter 23, Florida Statutes.
- 9. Effective Date and Duration:** This Agreement shall be in effect from date of signing, through and including January 1st, 2026. Under no circumstances may this Agreement be renewed, amended or extended except in writing.
- 10. Cancellation:** This Agreement may be canceled by either party upon sixty (60) day's written notice to the other party. Cancellation will be at the discretion of the chief executive officers of the parties hereto.

AGREED AND ACKNOWLEDGED this _____ day of _____ 2020

Maria Lasday
Town Manager
Town of Bay Harbor Islands, Florida

Andrew Hyatt,
Town Manager
Town of Surfside, Florida

ATTEST :

ATTEST :

Marlene M. Siegel,
Town Clerk
Town of Bay Harbor Islands, Florida

Sandra Nova
Town Clerk
Town of Surfside, Florida

APPROVED AS TO FORM AND LEGAL SUFFICENCY:

Frank Simone
Town Attorney
Town of Bay Harbor Islands, Florida

Wiess, Sorota, Helfman, Cole &
Bierman, P.L.
Town Attorney,
Town of Surfside, Florida

Filing the mutual aid agreement: section 23.1225(4), Florida statutes, requires the filing of a copy of the signed mutual aid agreement with FDLE within 14 days after signature.

**JOINT DECLARATION BETWEEN THE TOWN OF SURFSIDE AND
THE TOWN OF BAY HARBOR ISLANDS PURSUANT TO A
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 dispatch 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 heretofore entered into by the Town of Surfside, Florida and the Town of Bay Harbor Islands, 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 trails, political conventions, labor disputes, and strikes.
3. Any natural disaster.
4. Incidents which require rescue operations and crowd control measures including, but not limited to, large-scale evacuations, aircraft and shipping disaster, 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, act 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, back-ups to emergency and in-progress calls, pursuits, and missing person 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, aircraft, canine, motorcycle, bomb, crime scene, marine patrol, and police information.
15. Joint training in areas of mutual need.
16. Joint multi-jurisdictional marine interdiction operations.

The following procedures will apply in mutual aid operations:

1. Mutual aid requested or rendered will be approved by the Chief of Police or designee.
2. Specific reporting instructions for personnel rendering mutual aid should be included in the request for mutual aid. In the absence of such instructions, personnel will report to ranking on-duty supervisor on the scene.
3. Communications instructions will be included in each request for mutual aid.
4. Incidents requiring mass processing of arrestees, transporting prisoners, and operating temporary detention facilities will be handled per established procedures.

AGREED TO AND ACKNOWLEDGED this day of , 2020

Julio Yero
Chief of Police
Town of Surfside

Date : _____

ATTEST :

Sandra Novoa
Town Clerk
Town of Surfside

Date: _____

Chief of Police
Town of Bay Harbor Islands

Date : _____

ATTEST :

Marlene Siegel
Town Clerk
Town of Bay Harbor Islands

Date: _____



MEMORANDUM

ITEM NO. 31

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Andrew Hyatt, Town Manager

Date: December 8, 2020

Subject: Resolution authorizing Interlocal Agreement for Direct Radio Communication for 911 Public Safety Answering Points between Miami-Dade County, by and through Miami-Dade Police Departments, and the Town of Surfside and Surfside Police Department.

This interlocal agreement will be made and entered into by and between Miami-Dade County as the metropolitan sheriff operating by and through the Miami-Dade Police Department (the COUNTY) and all first responder agencies operating within Miami-Dade County and includes the Town of Surfside Police Department as a FIRST RESPONDER AGENCY. It is the responsibility of the sheriff of Miami-Dade County, Florida, to ensure that each 911 Public Safety Answering Point (PSAP) is capable of direct radio communications with first responders and dispatchers within the surrounding area for which the PSAP would not otherwise provide dispatch; and public safety is best served when emergency services are dispatched appropriately and neighboring first responder agencies can share information and communicate seamlessly in the event of an emergency.

Florida Statute 365.179 requires each sheriff, in collaboration with all first responder agency heads in his or her county, to facilitate the development and execution of written interlocal agreements between all primary first responder agencies within the county to coordinate direct radio communication between 911 PSAPs and FIRST RESPONDER AGENCIES regarding dispatch and communication protocols. This agreement requires the PSAP to have direct radio contact with primary first responder agencies and their dispatchers, for whom the PSAP can reasonably receive 911 communications, without having to transfer a 911 communication to another PSAP or dispatch center for dispatch.

This interlocal agreement sets forth the protocols under which a PSAP will directly provide notice by radio of a public safety emergency to the on-duty personnel of a FIRST RESPONDER AGENCY for which the PSAP does not provide primary dispatch functions, and methods by which agencies will conduct such communications.

The new Interlocal Agreement between the Town of Surfside and Surfside Police Department and the Miami-Dade County, by and through the Miami-Dade Police Department, and all other first responder agencies for 911 PSAPs will be in effect upon execution and approval by both parties and shall continue in full force and effect for 10 years from the effective date. Under no circumstances may this agreement be renewed, amended, or extended except in writing.

Town Administration recommends approval of the resolution to authorize the Interlocal Agreement between Miami-Dade County, by and through the Miami-Dade Police Department, and the Town of Surfside and Surfside Police Department.

RESOLUTION NO. 2020- _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH THE MIAMI-DADE COUNTY POLICE DEPARTMENT FOR DIRECT RADIO COMMUNICATION BETWEEN 911 PUBLIC SAFETY ANSWERING POINTS AND THE TOWN POLICE DEPARTMENT; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, under Section 365.179, Florida Statutes, the Town of Surfside (the “Town”) Police Department is required to possess the capability to immediately broadcast 911 communications and public safety information over primary radio dispatch channels; and

WHEREAS, in order to comply with Section 365.179, Florida Statutes, the Town is required to enter into an interlocal agreement with the Miami-Dade County Police Department (“MDPD”) for mutual cooperation of 911 communications between the Town Police Department and MDPD; and

WHEREAS, the Town wishes to enter into an interlocal agreement, in substantially the form attached hereto as Exhibit “A,” with the Miami-Dade County Police Department (the “Interlocal Agreement”) relating to direct radio communication between 911 public safety answering points and the Town Police Department; and

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the residents of the Town.

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

Section 1. Recitals. That the above and foregoing recitals are true and correct and are hereby incorporated by reference.

Section 2. Approval and Authorization. The Interlocal Agreement between the Town and MDPD, substantially in the form attached hereto as Exhibit “A”, is hereby approved, subject to the Town Attorney’s approval as to form, content, and legal sufficiency. The Town Manager is authorized to finalize and execute the Interlocal Agreement, in substantially the same form attached hereto as Exhibit “A”.

Section 3. Implementation. The Town Manager is authorized to take all action necessary to implement the purposes of this Resolution and the Interlocal Agreement.

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

PASSED AND ADOPTED this 8th day of December, 2020.

FINAL VOTE ON ADOPTION:

Commissioner Charles Kesl _____
Commissioner Eliana R. Salzhauer _____
Commissioner Nelly Velasquez _____
Vice Mayor Tina Paul _____
Mayor Charles W. Burkett _____

Charles W. Burkett, Mayor

ATTEST:

Sandra McCready, MMC
Town Clerk

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

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

**INTERLOCAL AGREEMENT
BETWEEN MIAMI-DADE COUNTY
AND ALL FIRST RESPONDER AGENCIES
OPERATING IN MIAMI-DADE COUNTY
FOR DIRECT RADIO COMMUNICATION BETWEEN 911 PUBLIC
SAFETY ANSWERING POINTS AND FIRST RESPONDER AGENCIES**

This Interlocal Agreement is made and entered into by and between Miami-Dade County as the metropolitan sheriff operating by and through the Miami-Dade Police Department (hereinafter, the COUNTY) and all first responder agencies operating within Miami-Dade County (See Exhibit A), including those agencies that operate their own 911 public safety answering points (See Exhibit B) (hereinafter, FIRST RESPONDER AGENCY(IES)).

WHEREAS, it is the responsibility of the sheriff of Miami-Dade County, Florida, to ensure that each 911 public safety answering point (hereinafter, PSAP) is capable of direct radio communications with first responders and dispatchers within the surrounding area for which the PSAP would not otherwise provide dispatch; and

WHEREAS, public safety is best served when emergency services are dispatched appropriately and neighboring first responder agencies can share information and communicate seamlessly in the event of an emergency, even when calls are misrouted based on the geographical location from which the call originated; and

WHEREAS, section 365.179, Florida Statutes requires each sheriff, in collaboration with all first responder agency heads in his or her county, to facilitate the development and execution of written interlocal agreements between all primary first responder agencies within the county to coordinate direct radio communication between 911 PSAPs and FIRST RESPONDER AGENCIES regarding dispatch and communication protocols; and

WHEREAS, each agreement must establish written protocols that outline circumstances and public safety emergencies under which a PSAP will directly provide notice by radio of an emergency to the on-duty personnel of a first responder agency for which the PSAP does not

provide primary dispatch functions; and

WHEREAS, each agreement must require the PSAP to have direct radio contact with primary first responder agencies and their dispatchers, for whom the PSAP can reasonably receive 911 communications, without having to transfer a 911 communication to another PSAP or dispatch center for dispatch; and

WHEREAS, each PSAP must be capable of immediately broadcasting 911 communications or public safety information over the primary radio dispatch channels of each first responder agency in the county it serves, except in those first responders service areas where the PSAP cannot reasonably receive 911 calls; and where a county or jurisdiction has multiple PSAPs, each PSAP must have this capability.

WHEREAS, unless technologically precluded due to radio incompatibility, upon written request from a law enforcement agency head, a law enforcement agency head in the same county or in an adjacent jurisdiction in another county must authorize the requesting agency to install the responding agency's primary dispatch channel or channels in the requesting agency's PSAP, dispatch center, or mobile or portable radios; and

WHEREAS, the COUNTY provides primary police service and/or dispatch service for 28 of Miami-Dade County's cities (herein, COUNTY PSAP) with seven entities maintaining their own police departments and PSAPs (hereinafter, OTHER PSAPs); and

WHEREAS, the Parties are entering into this Interlocal Agreement pursuant to section 365.179, Florida Statutes.

NOW, THEREFORE, BE IT KNOWN that Miami-Dade County, a political subdivision of the State of Florida, and the undersigned first responder agencies and their governing bodies, as applicable, 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. PURPOSE

This Interlocal Agreement sets forth the protocols under which a PSAP will directly provide notice by radio of a public safety emergency to the on-duty personnel of a FIRST RESPONDER AGENCY for which the PSAP does not provide primary dispatch functions, and methods by which agencies will conduct such communications.

SECTION II. DEFINITIONS USED HEREIN

- A. "First responder agency" includes each law enforcement agency and fire service agency that is designated as a primary first responder for the service area in which a 911 public safety answering point receives 911 calls. See Exhibit A for a comprehensive list of first responder agencies operating in COUNTY.
- B. "911 public safety answering point" or "PSAP" means a municipal or county emergency communications or 911 call center in this state that receives cellular, landline, or text-to-911 communications. See Exhibit B for a comprehensive list of PSAPs operating in COUNTY.
- C. "Public safety emergency" is a law enforcement emergency or priority situation including, but not limited to incidents such as an active shooter, mass casualty incident, act of terrorism, civil disturbance or other similar urgent/unstable situation where serious bodily injury or the loss of human life is imminent and/or occurring. This definition excludes calls dispatched as a 3-41, a sick or injured person, wherein the emergency is entirely medical.

SECTION III. JOINT OBLIGATIONS OF THE PARTIES

- A. The Parties hereby agree to and shall, immediately upon execution of this Agreement, pursuant to Florida Statutes § 365.179(4), unless technologically precluded due to radio incompatibility, authorize any and all requesting agencies in COUNTY or an adjacent jurisdiction to install a responding agency's primary dispatch channel or channels in the requesting PSAP, dispatch center, and/or mobile or portable radios.
- B. Each Party is required to train all applicable personnel regarding the procedures and protocols specified in this Agreement. The training must also include radio functionality and how to

readily access the necessary dispatch channels in accordance with this Agreement. Training and implementation for existing parties should be an on-going process and any new officers, deputies, employees, agents, representatives, contractors or subcontractors whose work relates to this Agreement should be trained as they are hired.

SECTION IV. OBLIGATIONS OF THE COUNTY

- A. The COUNTY, as the sole provider of law enforcement dispatch within the COUNTY PSAP, shall at all times have installed in the COUNTY's dispatch consoles the primary dispatch channels for all Miami-Dade County FIRST RESPONDER AGENCIES.
- B. The COUNTY hereby agrees to and shall be capable of immediately broadcasting 911 communications or any other public safety information over the primary radio dispatch channels.
- C. The COUNTY shall broadcast information received via 911 or ten digit line to the dispatcher of the FIRST RESPONDER AGENCY, to include the location, nature and any other relevant information, regarding any public safety emergency on the primary dispatch channel designated as the Police Emergency Channel by all FIRST RESPONDER AGENCIES.
- D. The notification by the COUNTY on the Police Emergency Channel should be concise and directed to the dispatcher. The COUNTY shall not dispatch or direct any units of the FIRST RESPONDER AGENCY. The COUNTY may supplement the original information as necessary so that responding units have the most current and accurate information to ensure officer and public safety.
- E. The COUNTY PSAP shall, as soon as possible, under existing protocols and best practices, transfer the 911 or ten digit line caller to the FIRST RESPONDER AGENCIES' PSAP or primary dispatch so that the call taker of the FIRST RESPONDER AGENCY may have direct communication with the caller.

SECTION V. OBLIGATIONS OF FIRST RESPONDER AGENCIES

- A. In the event a FIRST RESPONDER AGENCY receives information regarding any public safety emergency and is unsure of the FIRST RESPONDER AGENCY to which such incident should be directed, the dispatcher shall broadcast the incident location, nature and any other relevant information on the Police Emergency Channel.
- B. Each of the FIRST RESPONDER AGENCIES with more than one patrol dispatch channel shall designate, identify and notify the COUNTY of the channel on which the COUNTY is to broadcast notification of any and all emergencies within the FIRST RESPONDER AGENCY's jurisdiction, regardless of the location of the emergency.
- C. Each FIRST RESPONDER AGENCY will receive the notification from the COUNTY's PSAP of a public safety emergency, and as quickly as possible, dispatch on-duty personnel to the incident based on the initial notification.
- D. If any FIRST RESPONDER AGENCY receives information in its dispatch center meeting the criteria in Section IV. C. of this Agreement through a ten digit line or other non-911 source, and the occurrence of the event is outside the FIRST RESPONDER AGENCY's jurisdiction, the FIRST RESPONDER AGENCY agrees to provide the information via radio to the COUNTY and/or FIRST RESPONDER AGENCY with jurisdiction under the criteria set forth in Section IV of this Agreement.

SECTION VI. OBLIGATIONS OF OTHER PSAPs

- A. Each OTHER PSAP shall at all times have installed in their dispatch consoles the primary dispatch channels for all Miami-Dade County FIRST RESPONDER AGENCIES unless technologically precluded due to radio incompatibility.
- B. Each OTHER PSAP shall be capable of immediately broadcasting 911 communications or any other public safety information over the Police Emergency Channel.
- C. Each OTHER PSAP shall, via the Police Emergency Channel, broadcast information received via 911 or ten digit line to the dispatcher of the FIRST RESPONDER AGENCY, including the

location, nature and any other relevant information regarding any public safety emergency.

- D. The notification by each OTHER PSAP via the Police Emergency Channel should be concise and directed to the dispatcher. The OTHER PSAP shall not dispatch or direct any units of the FIRST RESPONDER AGENCY. The OTHER PSAP may supplement the original information as necessary so that responding units have the most current and accurate information to ensure officer and public safety.
- E. Each OTHER PSAP shall, as soon as possible, under existing protocols and best practices, transfer the 911 or ten digit line caller to the appropriate FIRST RESPONDER AGENCY PSAP or primary dispatch so that the call taker of the FIRST RESPONDER AGENCY may have direct communication with the caller.

SECTION VII. MUTUAL COOPERATION

The Parties shall mutually cooperate in good faith to carry out the terms and conditions of this Interlocal Agreement. Nothing shall be construed to limit the authority of the parties hereto.

SECTION VIII. INDEMNIFICATION

Each party agrees to assume responsibility for the acts, omissions, or conduct of such party's own employees while participating herein and pursuant to this Agreement, subject to the provisions of Section 768.28, Florida Statutes, where applicable. "Assume Responsibility" shall mean incurring any and all costs associated with any suit, action, or claim for damages arising from the performance of this Agreement.

SECTION IX. EFFECTIVE DATE, TERM AND MODIFICATION

This Agreement shall be effective when signed by all parties. This Agreement shall remain in full force and effect for 10 years from the effective date unless terminated in writing with written notice to all Parties. This Agreement may only be modified or extended in writing and upon signature of all Parties.

SECTION X. THIRD PARTIES

In no event shall any of the terms of this Agreement confer upon any third person, corporation or entity other than the Parties any right or cause of action or damages claimed against any of the Parties arising from the performance of the obligation and responsibilities of the Parties.

SECTION XI. FILING

This Agreement shall be filed by Miami-Dade County with the Clerk of the Circuit Court for Miami-Dade County, Florida, as required by Florida Statutes § 163.01(11) and provided to the Florida Department of Law Enforcement as required by Florida Statutes § 365.179(6), along with a certification that all PSAPs in the Miami-Dade County are in compliance.

SECTION XII. ENTIRE AGREEMENT

This Agreement reflects the full and complete understanding of the Parties.

SECTION XIII. NON-ASSIGNABILITY

No Parties shall assign the obligations, responsibilities or benefits imposed hereby or contained herein to any third party or in any manner contract for the provision of the services required to be performed herein by a third party without the express written consent of the Parties, which consent may be withheld within the sole discretion of any Party.

SECTION XIV. SEVERABILITY

If any one or more of the covenants, agreements or provisions of this Agreement should be held contrary to any express provision of law or contrary to any policy of expressed law and held invalid, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separate from the remaining covenants, agreements or provisions of this Agreement which shall remain fully enforceable.

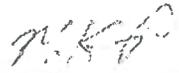
SECTION XV. GOVERNING LAW

The laws of the State of Florida shall govern this Agreement. This Agreement at all times shall be construed consistent with such constitutional and statutory limitations. The duties and

responsibilities set forth in this Agreement to be performed by the Parties shall be performed in a manner that is constitutionally permissible, and all portions of this Agreement shall be interpreted and administered by the Parties accordingly.

IN WITNESS WHEREOF, the Parties have entered into this Agreement and have caused this Agreement to be executed by their undersigned officers, duly authorized.

MIAMI-DADE COUNTY: as PSAP and First Responder Agency (Miami-Dade Police and Miami-Dade Fire Rescue)



for Carlos A. Gimenez
Mayor
Date 08/27/2020



Alfredo Ramirez III, Director
Miami-Dade Police Department
Date 7/29/20



Alan Cominsky, Fire Chief
Miami-Dade Fire Rescue
Date 8/5/2020

ATTEST:



Harvey Ruvlin, County Clerk
Miami-Dade County, Florida
Date 8/28/20



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Assistant County Attorney
Miami-Dade County, Florida
Date _____

TOWN OF SURFSIDE: as First Responder Agency

Jason Greene
Interim Town Manager

Date

ATTEST:

Sandra N. McCreedy, MMC
Town Clerk

Date

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

Name
Town Attorney

Date

SURFSIDE POLICE DEPARTMENT

Julio Yero, Chief

Date



MEMORANDUM

ITEM NO. 3J

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Andrew Hyatt, Town Manager

Date: December 8, 2020

Subject: Resolution authorizing the Memorandum of Understanding Agreement between the Town of Surfside (Police Department) and PayByPhone Technologies, Incorporated for PayByPhone services.

This Memorandum of Understanding (MOU) between the Town of Surfside and PayByPhone Technologies, Inc., provides payments by phone services for parking to the Town of Surfside.

PayByPhone system operates independent of the Town's existing pay stations and includes mobile payment applications, management of information systems, telecommunication systems, mobile payment service enforcement and parking data reports. PayByPhone is utilized by many surrounding municipalities to reduce money transactions and provide patrons with a more convenient option to pay for parking.

The new Memorandum of Understanding between the Town of Surfside and PayByPhone Technologies, Inc., will be in effect upon execution and approval by both parties and shall continue in full force and effect for five (5) years from the effective date. Under no circumstances may this agreement be renewed, amended, or extended except in writing.

Town Administration recommends approval of the resolution to authorize the MOU between the Town of Surfside (Police Department) and PayByPhone Technologies, Incorporated for PayByPhone services.

Prepared by: JH

Approved by: JY

RESOLUTION NO. 2020-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE FIRST AMENDMENT TO AGREEMENT WITH PAYBYPHONE TECHNOLOGIES, INC. FOR MOBILE PAYMENT SERVICES AT THE TOWN'S PARKING FACILITIES; FINDING THAT THE SERVICES ARE EXEMPT FROM COMPETITIVE PROCUREMENT PURSUANT TO SECTION 3-13(7)(j) OF THE TOWN CODE; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 9, 2015, the Town of Surfside ("Town") entered into a Cooperative Contract with PayByPhone Technologies, Inc. ("PayByPhone") for the provision of mobile payment services for the Town's parking facilities ("Agreement") based on the contract procured by the City of Miami and entered into with PayByPhone ("Master Agreement"); and

WHEREAS, on December 17, 2020, the City of Miami approved an amendment to the Master Agreement with PayByPhone, extending the term for five (5) years beginning December 1, 2020 and establishing rates on Appendix A thereto; and

WHEREAS, the Town desires to amend the Agreement to extend the term for an additional five (5) years on the same terms of the amended Master Agreement, as amended, as set forth in the First Amendment to the Agreement attached hereto as Exhibit "A" ("First Amendment"); and

WHEREAS, Section 3-13(7)(j) of the Town Code of Ordinances ("Code") provides that contracts for renewal of software and hardware licenses and maintenance agreements are exempt from the competitive bidding procedures of the Town Code; and

WHEREAS, the Town Commission finds that the First Amendment to the Agreement is exempt from competitive bidding pursuant to Section 3-13(7)(j) of the Town Code, and further

finds that the Agreement was originally procured as a “piggyback” on the City of Miami Master Agreement; and

WHEREAS, the Town Commission finds that the First Amendment is in the best interest and welfare of the Town and wishes to approve the First Amendment in substantially the form attached hereto as Exhibit “A.”

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

Section 1. **Recitals.** Each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. **Approval of First Amendment.** The Town Commission hereby approves the First Amendment between the Town and PayByPhone, in substantially the form attached hereto as Exhibits “A.”

Section 3. **Authorization.** The Town Manager is hereby authorized to execute the First Amendment attached hereto as Exhibit “A” with PayByPhone, subject to final approval by the Town Manager and Town Attorney as to form, content, and legal sufficiency.

Section 4. **Implementation.** The Town Commission hereby authorizes the Town Manager and/or his designee to take any action which is reasonably necessary to implement the purposes of this Resolution.

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

PASSED AND ADOPTED this 8th day of December, 2020.

Motion By: _____
Second By: _____

FINAL VOTE ON ADOPTION:

Commissioner Charles Kesl _____
Commissioner Eliana R. Salzhauer _____
Commissioner Nelly Velasquez _____
Vice Mayor Tina Paul _____
Mayor Charles W. Burkett _____

Charles W. Burkett, Mayor

ATTEST:

Sandra Novoa, MMC
Town Clerk

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

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

FIRST AMENDMENT TO THE AGREEMENT BETWEEN
THE TOWN OF SURFSIDE

AND

PAYBYPHONE TECHNOLOGIES, INC.

THIS FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN OF SURFSIDE, FLORIDA, a Florida municipal corporation (hereinafter the "Town"), and **PAYBYPHONE TECHNOLOGIES, INC.**, a Canadian corporation (hereinafter the "Consultant"), is entered into this ___ day of _____, 2020.

WHEREAS, in accordance with Section 3-13 (3) of the Town Code of Ordinances, on November 9, 2015, the Town entered into a cooperative contract with the Consultant ("Agreement") for the provision of mobile payment services for the Town's parking facilities ("Services") based on the contract procured by the City of Miami and entered into with the Consultant that was set to expire December 1, 2020; and

WHEREAS, the City of Miami and the Consultant executed an amendment to the Master Agreement extending the term of the agreement by five (5) years and setting forth updated rates in Appendix "A" attached thereto; and

WHEREAS, the Town and the Consultant desire to further extend the Term of the Agreement for an additional five (5) year period and modify the rates and pricing schedule of the Agreement on the same terms and conditions of the amended Master Agreement; and

NOW, THEREFORE, for and in consideration of the mutual promises set forth herein, the parties do hereby agree as follows:

1. **Recitals Adopted.** The above recitals are true and correct and are incorporated herein by this reference. All initially capitalized terms used but not otherwise defined herein shall have the meaning ascribed thereto in the Agreement.

2. **Extension/Renewal of Term.** Section 1 of the Agreement, the Term of the Agreement, is hereby extended and renewed for an additional five (5) year term, which shall commence on December __, 2020 and terminate on December __, 2025.

3. **Fees and Payments.** Appendix A of Exhibit "A" of the Agreement is deleted in its entirety and replaced with Appendix "A" attached hereto, which is hereby adopted as the current rates and pricing schedule for the Services.

4. **Conflict; Amendment Prevails.** In the event of any conflict or ambiguity between the terms and provisions of this First Amendment and the terms and provisions of the Agreement, the terms and provisions of this First Amendment shall control.

5. **Agreement Ratified.** Except as otherwise specifically set forth or modified herein, the all terms and pricing in the Agreement are hereby ratified and affirmed and shall remain unmodified and in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this First Amendment as of the date first set forth above.

TOWN:

TOWN OF SURFSIDE, a Florida municipal corporation

By: _____
Andrew Hyatt, Town Manager

Date Executed: _____

Attest:

Town Clerk

Approved as to Legal Form and
Legal Sufficiency:

Town Attorney

CONSULTANT:

PayByPhone Technologies, Inc., a Canadian corporation

Witnesses:

By: _____

Print Name: _____

Name: _____

Title: _____

Date Executed: _____

Print Name: _____

APPENDIX A

SERVICES TO BE PROVIDED:

PayByPhone Mobile Payment Service

SYSTEM WILL:

1. Register consumers by phone or online who wish to pay for parking by mobile phone or web-enabled device.
2. Activate and collect payment via credit or debit card for parking using PayByPhone in accordance with parking rates specified by the Client and the PayByPhone Terms and Conditions.
3. Display payment status of license plate, space or meter number on internet-capable handheld device such as mobile phone, handheld computer or other wireless device for enforcement.
4. Provide a secure web-based administration interface for rates control, management and accounting reports.

PRICING:

<i>One Time Setup Fees:</i>	
Mobile payment services setup	\$1500 waived
Each locations setup after initial deployment phase	\$250 waived
Integration with third party	none
<i>Monthly Fees:</i>	
Monthly minimum	\$250 waived
<i>Per Transaction Charges:</i>	
Option 1:	
Consumer pays (convenience fee added to price of parking)	\$0.27 ⁽²⁾
Option2:	
Parking operator pays (no additional fee added to price of parking – significantly higher uptake)	\$0.19 ⁽²⁾
<i>Merchant account fees:</i>	
Credit Card Authorization charge	N/A ⁽¹⁾

NOTES:

1. Client’s own credit card processing and merchant banking fees will apply.
2. For pricing option where the consumer does not pay any additional fee on top of the price of parking, uptake / usage of the PayByPhone service is significantly higher. The PayByPhone fees are more than off-set by increased volume, repeat usage by consumers who prefer this payment option, extensions to parking sessions paid remotely via PayByPhone and a reduction in cash handling and processing
3. In the event that PayByPhone is the only form of payment, the client will be responsible for 100% of the call centre cost as a pass through.
4. All fees and charges are payable within 30 days of invoicing.

Initials	



MEMORANDUM

ITEM NO. 5A

To: Honorable Mayor, Vice-Mayor, and Members of the Town Commission

From: Andrew Hyatt, Town Manager

Date: December 8, 2020

Subject: RFQ No. 2020-06 Continuing Engineering Services

Calvin Giordano Associates (CGA) currently provides Continuing Engineering Services to the Town of Surfside. These services include but are not limited to, Geographic Information Systems (GIS) management, National Pollution Discharge Elimination System (NPDES) data collection and reporting, water and sewer data collection and reporting, and general engineering consulting services (GEC).

In responding to Town Commission direction to re-procure Continuing Engineering Services, a Request for Qualifications (RFQ) was issued on August 3, 2020 to procure a pool of engineering firms. Interested firms submitted their proposals on September 17, 2020.

Listed below RFQ No. 2020-06 Continuing Engineering Services:

RFQ Responders:

- KCI Technologies
- The Beta Jones Group
- The Corradino Group
- Coastal System International
- 300 Engineering Group
- Cummins/Cederberg Coastal & Marine Engineering
- Kimley-Horn Associates
- Nova Consulting
- Youssef Hachem Consulting
- Thompson & Associates
- LIVS Associates
- CAP Government
- Alvarez Engineers
- Castillo Engineering
- Eastern Engineering
- Keith and Associates

Technical Evaluation Committee Meeting November 16, 2020 10:30am Town Hall Commission Chambers

- Technical Selection Committee scored all sixteen firms (16)
- Rankings by Committee vote (see attached summary scoring sheet):
 1. **KCI Technologies (tie)**
 1. **The Corradino Group (tie)**
 3. **Keith and Associates**
 4. **Kimley-Horn Associates**
 5. **CAP Government**
 6. **Alvarez Engineers**
 7. **Nova Consulting**
 8. **300 Engineering Group**
 9. Coastal System International
 10. Thompson & Associates
 11. Cummins/Cederberg
 12. LIVS Associates
 13. Youssef Hachem Consulting
 14. Eastern Engineering
 15. The Beta Jones Group
 16. Castillo Engineering

The evaluation committee scored all submittals and found all firms to be capable and experienced in the delivery of some if not all of the required services. Based on the volume of work, entering into contracts with all sixteen (16) firms is not recommended. Based on a review of the many specialties that Town may require and to provide more than one firm capable of provided the service, the top eight (8) firms are recommended to receive contracts. This will allow the Town to utilize different firms for various services on a as-needed basis.

Town Administration is requesting authorization to enter into contract negotiations with the top eight firms. It is anticipated that the contracts will return at the next Commission meeting for approval along with any request for expenditures over \$25,000 per fiscal year or for ongoing retainer-type services.

Reviewed by: RS/HG

Prepared by: JG



RFQ 2020-06 Continuing Engineering Services

Technical Evaluation Committee	Maximum Available Points	KCI	THE BETA JONES GROUP	THE CORRADINO GROUP	COASTAL SYSTEMS INTERNATIONAL	300 ENGINEERING GROUP, P.A.	CUMMINS / CEDERBERG	KIMLEY / HORN	NOVA CONSULTING	YOUSSEF HACHEM CONSULTING	THOMPSON & ASSOCIATES	LIVS ASSOCIATES	C.A.P. GOVERNMENT	ALVAREZ ENGINEERS	CASTILLO ENGINEERING	EASTERN ENGINEERING	KEITH
Greene	100	94	75	97	89	94	83	97	92	73	84	82	90	91	81	70	90
Gomez	100	95	88	91	90	98	94	90	85	93	86	91	98	86	83	96	97
Stokes	100	93	73	94	74	65	70	90	88	74	78	73	83	90	68	72	91
		282	236	282	253	257	247	277	265	240	248	246	271	267	232	238	278

*Top 8 firms are recommended as highlighted in green

RESOLUTION NO. ____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING NEGOTIATIONS WITH THE TOP EIGHT RANKED QUALIFIED FIRMS PURSUANT TO RFQ NO. 2020-06 SEEKING CONTINUING ENGINEERING SERVICES FOR THE AWARD OF CONTINUING CONTRACTS FOR SUCH SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 3, 2020, the Town of Surfside (“Town”) issued and advertised Request for Qualifications (RFQ) No.2020-06 pursuant to Florida Statute § 287.055 (Consultants’ Competitive Negotiations Act), seeking qualified firms to provide continuing professional engineering services for various engineering fields (“Services”); and

WHEREAS, proposals received from qualified firms in response to RFQ No. 2020-06 were evaluated and ranked, and the Town administration is recommending negotiations with the top eight (8) ranked and qualified firms and award of continuing contracts to such firms; and

WHEREAS, the Town Commission wishes to authorize the Town Manager and Administration to negotiate continuing contracts with the top eight (8) ranked firms as listed on the Commission Communication Memorandum attached to this agenda item, including a scope of services and fees for the Services, for the following firms: KCI Technologies, The Corradino Group, Keith and Associates, Kimley-Horn & Associates, CAP Government, Alvarez Engineers, Nova Consulting, and 300 Engineering Group; and

WHEREAS, the Town Commission finds that it is in the best interests of the Town to proceed as indicated in this Resolution and authorize negotiations with the qualified firms in order to enter into continuing contracts for the Services.

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

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

Section 2. Negotiations Authorized with Qualified and Ranked Firms Pursuant to RFQ 2020-06. The Town Manager and Town administration are hereby authorized to negotiate with the top eight (8) qualified and ranked firms for award of continuing contracts, as listed on the Commission Communication Memorandum attached to this agenda item, including a scope of services and fees for the Services, for the following firms: KCI Technologies, The Corradino Group, Keith and Associates, Kimley-Horn & Associates, CAP Government, Alvarez Engineers, Nova Consulting, and 300 Engineering Group.

Section 3. Implementation. The Town Manager, Town Administration and Town Attorney are hereby authorized to take any further action as necessary to implement the purposes of this Resolution.

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

PASSED AND ADOPTED this 8th day of December, 2020.

CHARLES W. BURKETT, MAYOR

SUMMARY OF VOTE

Commissioner Charles Kesl _____
Commissioner Eliana R. Salzhauer _____
Commissioner Nelly Velasquez _____
Vice Mayor Tina Paul _____
Mayor Charles W. Burkett _____

ATTEST:

SANDRA MCCREADY, MMC, TOWN CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

TOWN ATTORNEY



**Town of Surfside
Town Commission Meeting
December 8, 2020
7:00 pm**

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

Date: 12/8/2020

Prepared by: Mayor

Subject: Byron Avenue closure resolution

Objective: Affirm Surfside's commitment to stop the massive amount of cut through traffic on Byron Avenue

Consideration:

Recommendation: Surfside Commission pass the attached resolution

Byron Avenue Traffic Report and Recommendations

July 30, 2020 – Clara Díaz Leal

The Town of Surfside prides itself on being a vibrant, peaceful and beautiful community, where residents of all ages enjoy a high quality of life. It is also committed to improvement of resident safety and walkability. For residents of Byron Avenue, traffic has been a significant challenge in recent years, reducing safety and quality of life. Moreover, both Surfside and Miami-Dade County are experiencing continued population growth and intensifying traffic. In order to be a community that's walkable and safe for all, Surfside must urgently address increased traffic incursions and illegal commercial vehicle cut-throughs on Byron Avenue. This document outlines the traffic challenges residents are facing, specifically the undue burden carried by Byron Avenue residents, and highlights a number of possible measures that the Town Commission could take in response.

SUMMARY OF CHALLENGES

On Byron Avenue during weekday rush hours, particularly when school is in session and during high season for tourism (November-March), traffic regularly backs up for blocks. Cars spew

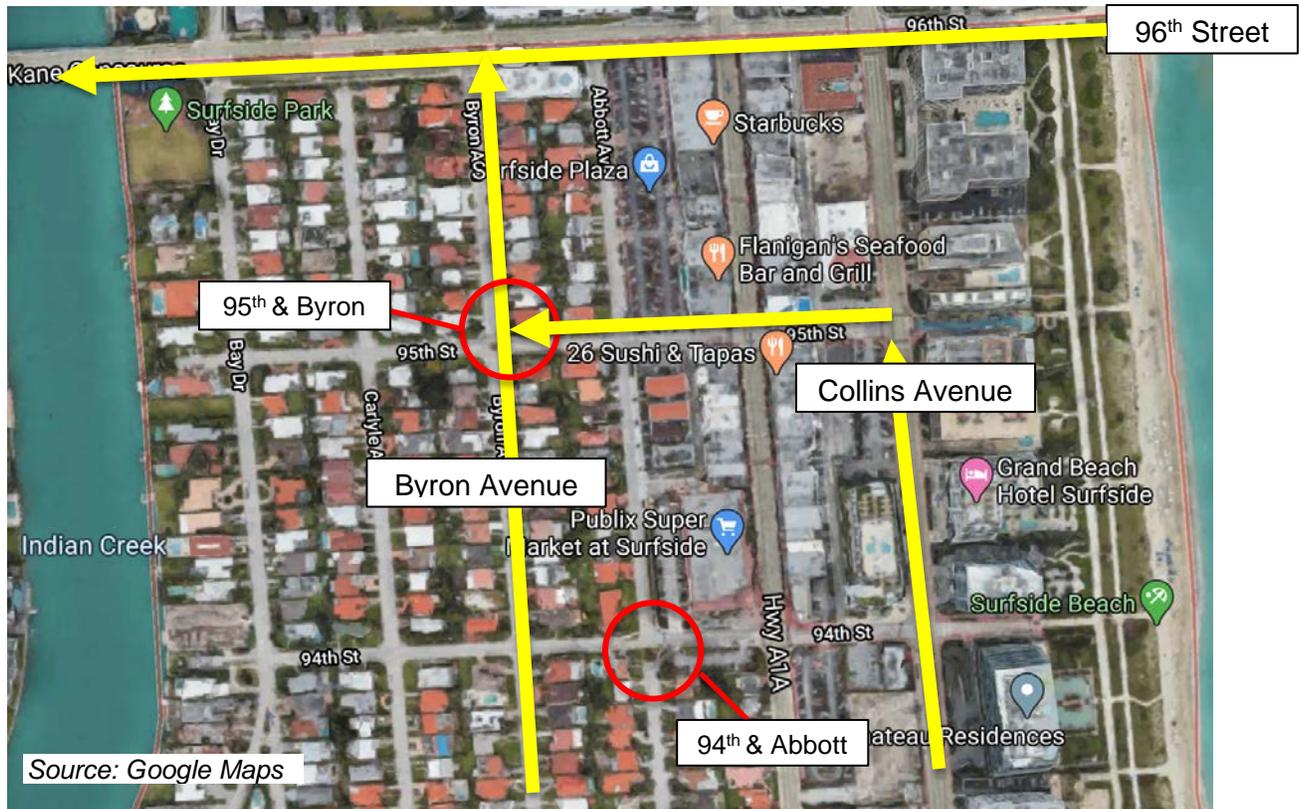
exhaust into the air and a safety hazard is created as



Left: Traffic on Byron Avenue at rush hour on Jan. 10, 2017. Right: Cars backed up on 95th Street at the intersection of 95th and Byron Avenue, Feb. 16, 2017. (Photo source: Clara Díaz-Leal)

drivers impatiently push forward, failing to yield at traffic circles, among other problems.

Many of these drivers are headed to 96th Street so they can turn left toward the mainland.



95th Street is frequently used as a cut-through by drivers traveling north who wish to exit Collins and approach 96th Street from Byron Avenue.

However, instead of staying in northbound traffic on Collins Avenue, they cut over to Byron to drive north, then attempt to turn left at the intersection of Byron and 96th. But the intersection simply is not capable of handling the high volume of traffic these drivers create. Even with traffic light synchronization, the sheer number of drivers waiting to turn often causes Byron to back up for blocks during AM and PM peak traffic hours. Oftentimes, when drivers traveling north on Byron see the light turn green from 95th Street, they speed to the 96th Street intersection, endangering Byron Avenue pedestrians and pets. Additionally, commercial vehicles, including tractor-trailers, regularly use Bryon Avenue as an illegal cut-through, despite signage forbidding this practice. This is a life-safety issue that must be resolved. Both 95th Street and Byron

Avenue are used by Surfside residents to walk to houses of worship, grocery stores, restaurants, local businesses and schools. The traffic and the illegal cut-throughs create a major safety risk, not only to Byron Avenue residents, but also to other Surfside community members who should be able to walk around town safely, whether for pleasure or for commuting.

CAUSES OF BYRON TRAFFIC CHALLENGES

There are several factors that contribute to the traffic backups and illegal cut-throughs described above. They include the following:

- As previously mentioned, at rush hour, traffic on Byron Avenue tends to back up because of a **glut of drivers trying to turn left onto 96th Street**, despite synchronization of the stoplight at Byron Avenue and 96th.
- The rush-hour backups on Byron Avenue tend to get particularly bad **if there's an accident on Collins Avenue or Harding Avenue** anywhere between 79th Street and Sunny Isles Beach, because drivers then use Byron as an alternate route. Additionally, Waze and other navigation apps consistently recommend Byron as a cut-through, often beginning around 88th or 91st Street.
- Much of the weekday traffic is not from Surfside residents; rather it is **regional cut-through traffic** from the City of Miami Beach, the Village of Bal Harbour, the Town of Bay Harbor Islands, the City of Sunny Isles Beach, etc.
- In urban design and city planning, standard practice is that the road adjacent to a main arterial road is the "buffer" for overflow traffic. In Surfside, because Abbott Avenue is the road immediately adjacent to the arterial roads Collins and Harding, it would normally be a "buffer" between residential areas and the high-traffic arteries. However, this is often not the case. **Closure of Abbott Avenue at 94th Street and the creation of a one-way on 94th Street at Abbott Avenue** have led to Byron Avenue becoming the main cut-through route for drivers who want to travel north but avoid Collins or Harding

avenues due to the traffic there. Important to note is that Byron Avenue residents would not want to push this burden to residents of other residential streets, including Abbott Avenue; rather, action needs to be taken to ensure traffic is channeled onto Collins and Harding avenues.

- **Road closures and restrictions of various roads in Surfside** have had the effect of funneling traffic eastward to Byron Avenue. The specific measures that have contributed to this “funnel” effect include:
 - Restricting Bay Drive at 96th Street to right turn only
 - Closure of Carlyle entirely at 96th Street
 - Closure of Abbott Avenue at 94th Street to traffic going north/south
 - Closure of 94th Street at Abbott Avenue to westbound traffic

Through these street closures, Surfside effectively drove traffic into the residential area. This is a huge urban planning mistake.

- The Publix store at 94th Street and Harding, the CVS store at 96th and Harding, and many of the fine restaurants in the Town’s commercial district are among **commercial establishments that tend to attract regional cut-through traffic**, especially around the evening rush hour. In particular, when residents of the Surf-Bal-Bay area have completed their errands along the Harding commercial corridor, the road closures and restrictions described in the previous paragraph tend to funnel them to Byron Avenue as they make their way home. This increases the congestion that Byron already experiences from commuters traveling home at the end of the work day.
- **School drop-offs and end-of-day school dismissals** from both the school in Bay Harbor Islands and the school on Collins Avenue and 95th Street in Surfside tend to lead to additional traffic both around the morning rush hour and just prior to evening rush hour, starting around 3 p.m. Traffic and speeding creates a life-safety issue for students

and families walking to and from these schools. Traffic in the area of 96th Street is likely to intensify as the Collins Avenue school adds space for 200 additional children.

- **Building and increased construction** in Surfside have brought more traffic both because of the construction process and because of the increased traffic the new buildings attract. Building and construction in Miami Beach, Bal Harbour, Bay Harbor Islands and Sunny Isles Beach contribute to regional cut-through issues. This is expected to continue, as both Surfside and our neighboring communities have additional construction projects in the works.

REMEDIATION EFFORTS TO DATE

- Bump-outs installed on Byron Avenue have improved safety for Byron Avenue residents in a number of ways. Prior to the installation of the bump-outs, residents who were walking on the street or trying to get into cars parked along the road experienced near-misses with cars traveling up Byron too fast. Residents who had parked in their driveways were unable to back out into the street. Several cats were hit and killed by cars. One resident was struck by a car while trying to cross the street at the corner.
 - Bump-outs installed on Byron Avenue between 95th and 96th streets have helped address many of the risks addressed above, making it possible for residents to back out of their driveways and to walk on Byron somewhat more safely.
 - The installation of bump-outs and at the intersection of Byron and 95th has helped limit the number of sharp right turns made at 95th and Byron, which reduces the risk to pedestrians trying to cross at the corner.
 - Bump-outs were supposed to be beautified with greenery following installation. However, this has never taken place. Adding planters or shrubbery to the bump-

outs would beautify Byron Avenue and improve the experience of walking on Byron and living in the homes there.

- A traffic circle installed at the same intersection has also had some effect in calming traffic.
- Rubber speed bumps installed between 95th and 96th streets have assisted in discouraging speeding on Byron, according to residents. However, it has been widely suggested that the rubber speed bumps be changed to asphalt humps, which are more durable and can be built wider or taller as necessitated by the traffic.
- Signage prohibiting commercial cut-throughs (e.g. the “Trucks, no left turn” sign at Abbott Avenue and 95th) has not deterred commercial vehicles, including tractor-trailers and construction trucks serving all construction projects, from using Byron as a cut-through. When police officers are present, this behavior is somewhat improved; however, when police are not present, it continues. The intended effect of enhanced enforcement -- fully eliminating the life-safety hazard posed by cut-throughs – has not been achieved.

URGENCY REQUIRED

Planners who conducted a traffic study released in 2012 estimated Surfside would experience approximately 1.0 percent annual growth in peak season traffic each year from 2012 to 2017.¹ Additionally, the planners forecasted additional trips, “including trips from Young Israel, 92nd Street Hotel, Grand Beach Hotel, Surf Club, the Shul, and the Bal Harbour Shops expansion.”² Today in 2020, future growth in traffic is anticipated as a local school adds space for 200 additional children and population growth continues regionally, leading to the potential for additional regional cut-throughs. On Byron Avenue, residents have reported close calls with

¹ Ibid, p. V.

² Ibid.

cars (at least one resident was actually hit) and the deaths of a number of pet cats due to speeding and illegal cut-throughs. Although the economic shutdown due to the coronavirus has provided a respite, it is temporary. The risks of heavy traffic are likely to increase as local and regional population growth continues and schools and businesses open or reopen following the pandemic. Therefore it is imperative that the Town take advantage of this opportunity to implement solutions that reduce traffic, enhance walkability and ensure resident and pedestrian safety, as well as overall quality of life.

POSSIBLE TRAFFIC SOLUTIONS

There are a number of solutions that the Town Commission could consider implementing in order to address the Byron Avenue traffic problem. They include the following:

- The Town thus far has not examined in great detail the possibility of **closing Byron Avenue at 96th Street**. This is despite the fact that the Town has already closed Carlyle Avenue at 96th Street, with the effect of eliminating the very same problem residents of Byron Avenue are currently facing. Closing Byron Avenue at 96th would be exactly the same step, ensuring equity for all Surfside residents. Additionally, it would assist in funneling traffic back to Collins and Harding instead of continuing to allow regional cut-through traffic, and commercial vehicles, to create life-safety hazards in residential areas.
 - In lieu of a closure at the intersection of Byron Avenue and 96th Street, a “Right Turn Only” restriction could be put in place to prohibit left turns during AM and PM peak travel hours. However, significant enforcement would be needed to ensure compliance, and it is unlikely that this would resolve the issue of commercial cut-through traffic. Because of these compliance challenges, a permanent, all-hours right turn (like we see on Bay Drive) would be recommended.

- In late 2019, a Town Commission Communication was developed “[t]o discuss whether to direct the Town Manager to convene a public workshop, and **if appropriate, design and construct a curb to restrict westbound vehicular movement along 95th Street at Abbott Avenue** and install a sidewalk on the north side of 95th Street between Abbott Avenue and Byron Avenue.”³ (Bold added.) One effect of this strategy would have been to lessen the ability of cars to travel west on 95th Street to then turn north on Byron en route to 96th. However, the item was never discussed by the Commission and no action has been taken on it.
 - One possible downside of this approach might have been to funnel traffic onto 93rd Street. Rather than potentially creating a new problem, installing a bump-out to create a permanent right turn as we see on Bay Drive or a “right turn only” sign on Byron at 96th, or closing Byron entirely would avoid creating an undue burden on any one street.
- In 2014, the Town approached the Florida Department of Transportation (FDOT) about **moving the traffic signal at Byron Avenue to Abbott Avenue instead**, in order to avoid Byron from 95th to 96th being used as a main artery to enter 96th.⁴ The response, in part, was the following:

“Building a traffic signal at Abbott Avenue can result in worse traffic flow along 96 Street because of the close proximity to Harding Avenue (275 feet). Unintended consequences of placing two traffic signals so close to each other would be more inefficient traffic progression along the main street, requiring more vehicles to come to a stop and increasing the likelihood for motorists blocking the intersection. Successive deceleration followed by acceleration will also increase

³ Daniel Dietch, email message to Clara Díaz-Leal, Dec. 10, 2019.

⁴ Julio Yero, email message to Clara Díaz-Leal, Dec. 30, 2014.

*noise levels as will vehicle emissions, fuel consumption, chances for crashes, and travel delay.*⁵

- Although FDOT indicated it would not recommend moving a signal to Abbott Avenue, other alternatives could have been discussed as part of this conversation, including foregoing the Byron light and synchronizing the lights at Carlyle and Harding. It is important to note that FDOT's role is to increase speed of travel, without any regard for its effects on residents.
- The Town of Surfside could provide enhanced, consistent signage to direct cut-through vehicle traffic to appropriate routes to and from the mainland. Additionally, the Town should educate residents on the alternative routes outlined in the next section and their efficiency.

ALTERNATIVE TRAVEL ROUTES

An informal study conducted by a Town of Surfside employee in late summer 2020 compared the travel times of various routes through Surfside, in order to identify possible alternatives to northbound travel on Byron Avenue. The study specifically compared the average driving time from the intersection of a major east-west cross street (89th, 91st, 93rd, 94th, 95th) to Kane Concourse using either Byron Avenue or Collins Avenue. For each route, timing began at the east-west cross street and Byron Avenue, and concluded when the test vehicle reached the 500 block of 96th Street. The full series of routes was driven twice to increase the study's precision. Maps of the routes can be found below.

⁵ Ibid.

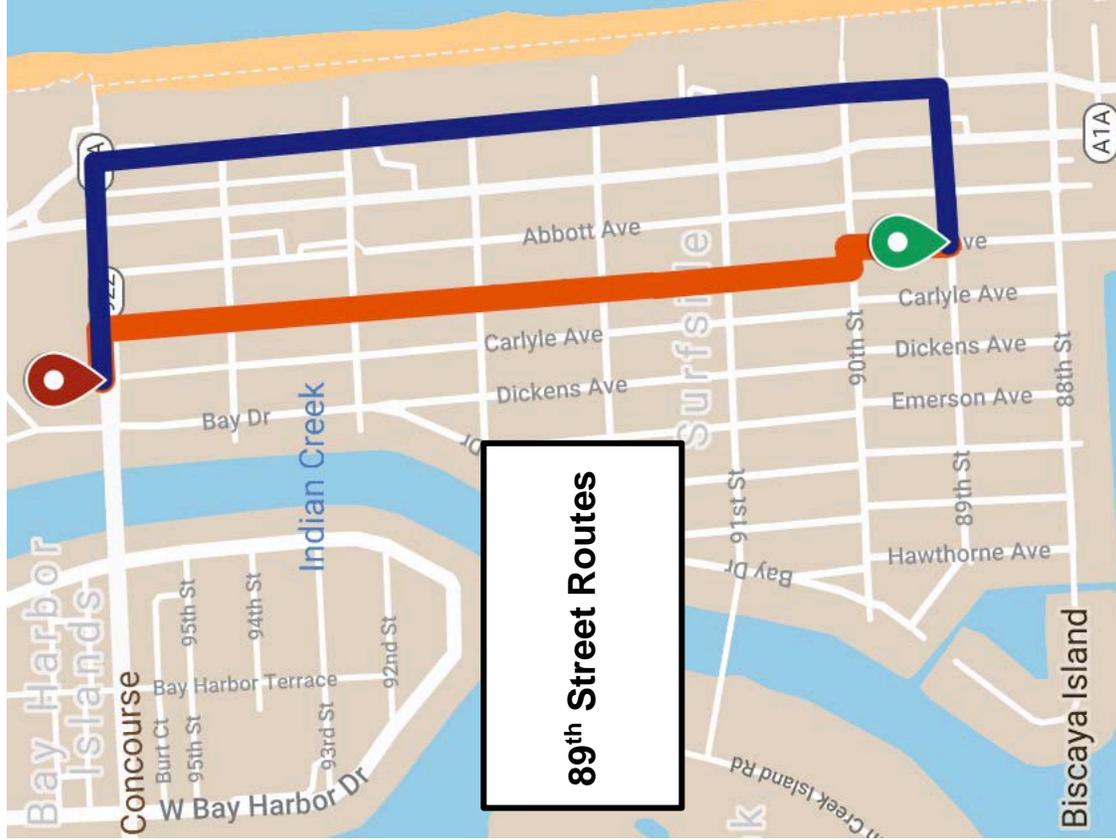
Byron Avenue Alternative Routes Study

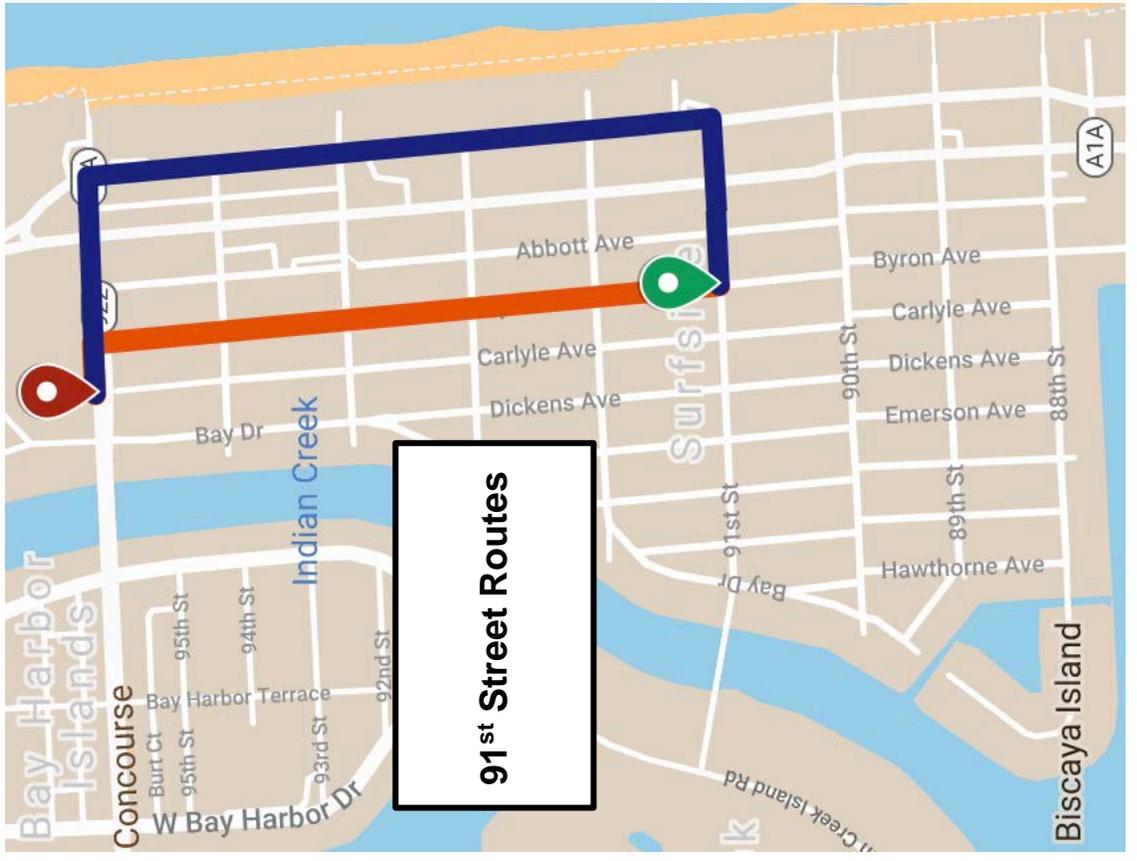
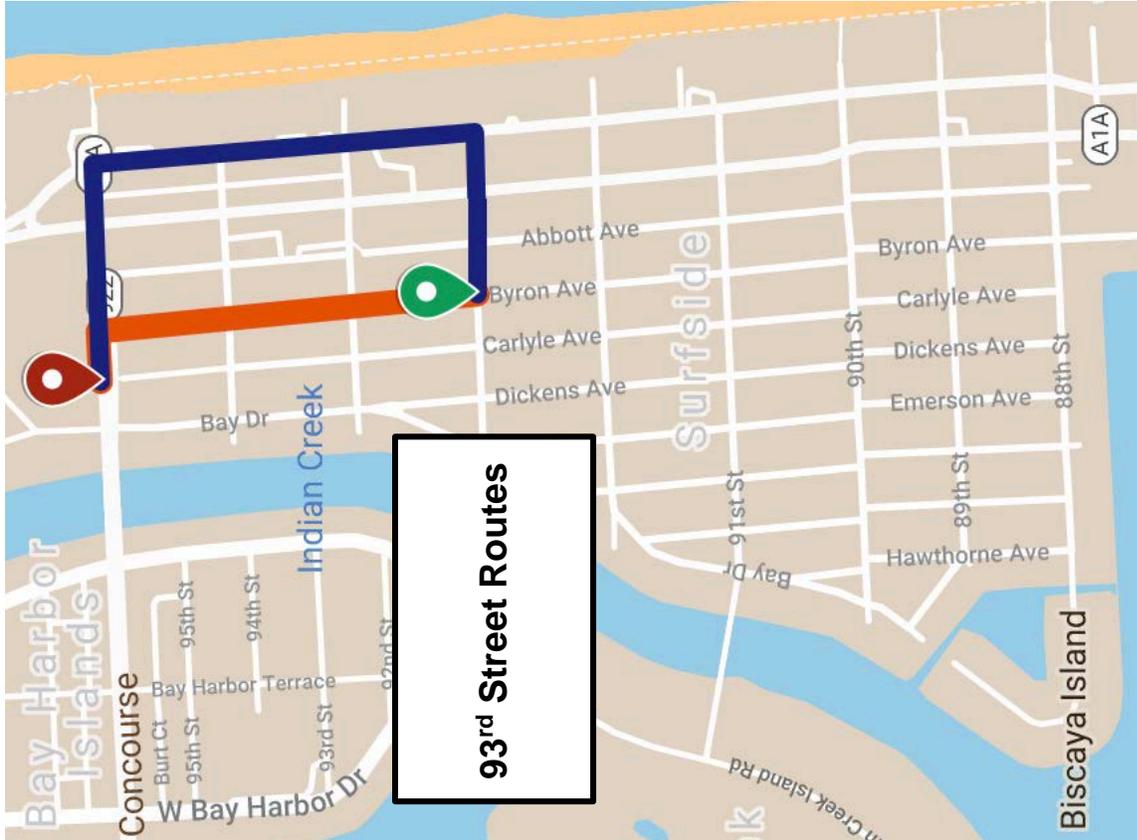
 Route using Byron Avenue

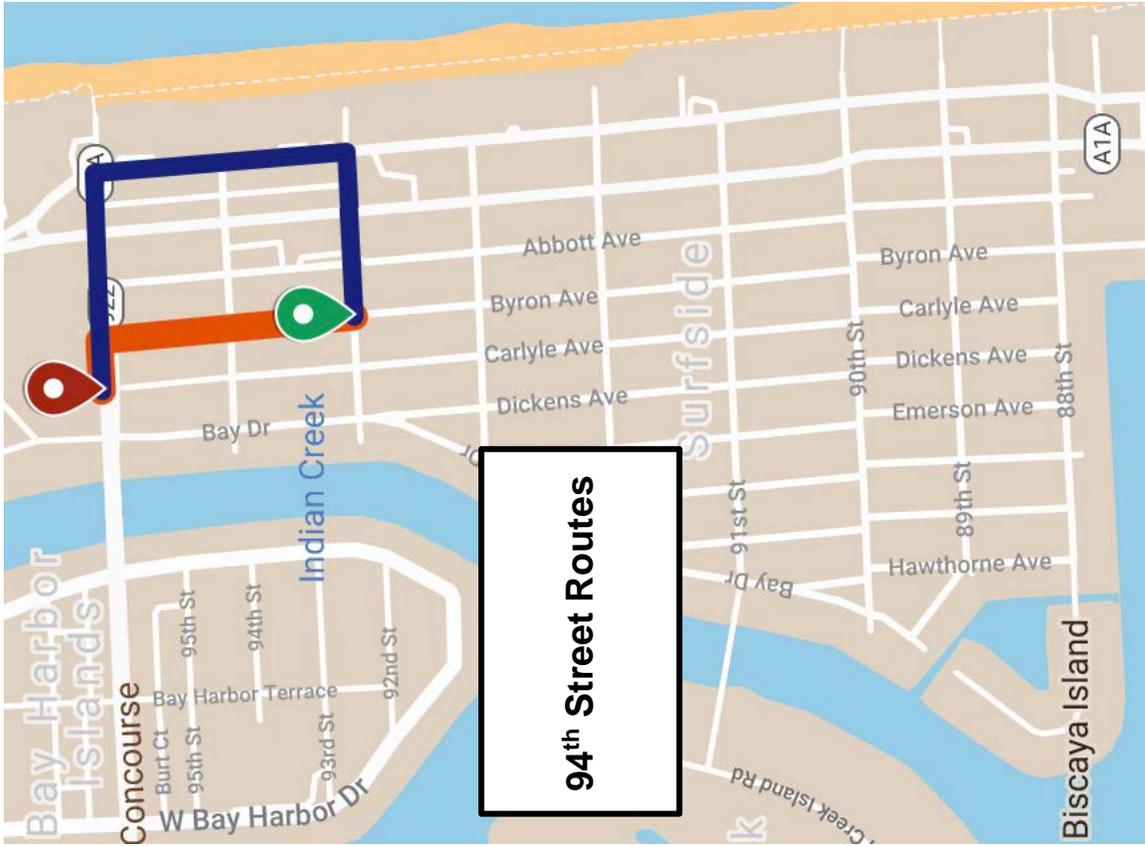
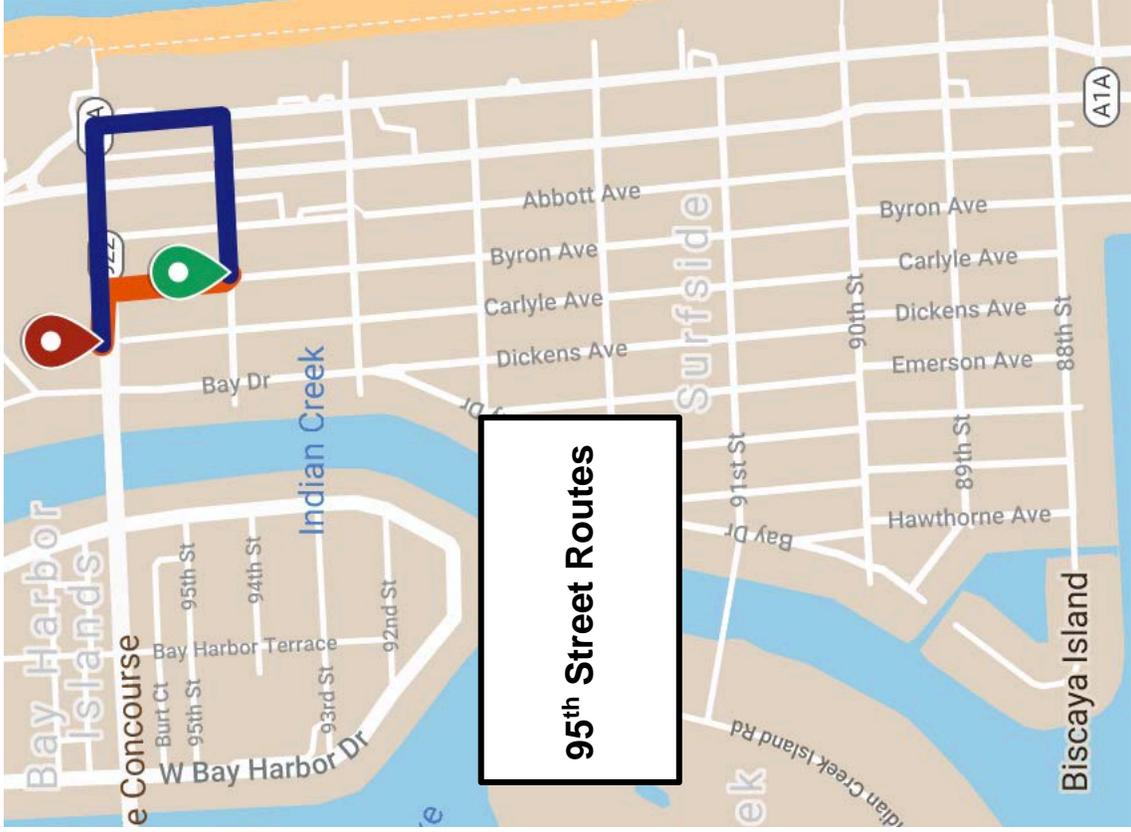
 Route using Collins Avenue

 Timing starts

 Timing stops







The study was conducted on Wednesday, July 29 from 3:30-5:30 p.m. The results can be found below. It is important to note that the study took place during the coronavirus pandemic, so traffic volume was reduced from its normal levels; however, the lack of vehicles on the road actually helps ensure a fair comparison of travel times among the various possible routes.

The study reflects some of the challenges that regularly influence travel times on all routes through Surfside. For example, in Trial 1, the 6:15 travel time from 89th Street to 96th Street on the Collins Avenue route reflects a delay of approximately 45 seconds resulting from a driver who blocked traffic while attempting to make an illegal left turn at the intersection of 96th Street and Harding Avenue. Also in Trial 1, the 4:24 travel time from 89th Street to 96th Street on the Byron Avenue route was impacted by the fact that the study vehicle was traveling behind two slow-moving commercial sewage trucks. A temporary lane closure along Collins Avenue for construction at the Shul site between 95th and 96th Streets was in place during part of Trial 1 (from approximately 3:30-4 p.m.), but ended when construction ceased for the day, without major impacts to the study times below (the study commenced with the Byron Avenue routes and did not move to the Collins Avenue ones until after 4 p.m.).⁶

The following tables should be regarded as a starting point for understanding the differences in travel times northbound on Byron and on Collins, as well as some of the challenges that contribute to inconsistent travel times on the various routes. Further study, ideally including more than two repetitions and trials conducted during AM peak periods, should be executed before making any decisions regarding proposed interventions.

⁶ Of note regarding the Collins Avenue lane closure: The study driver observed that traffic volume on Collins was relatively low due to the coronavirus pandemic, and there was sufficient room for drivers to change lanes and avoid major delays due to the lane closure. However, if the lane closure had taken place amid regular pre-coronavirus PM traffic volumes, delays may have been longer.

TRIAL 1		
STARTING POINT	BYRON AVENUE ROUTE	COLLINS AVENUE ROUTE
89 th Street	4:24	6:15
91 st Street	3:43	5:15
93 rd Street	2:42	2:26
94 th Street	1:59	2:50
95 th Street	1:28	4:50

TRIAL 2		
STARTING POINT	BYRON AVENUE ROUTE	COLLINS AVENUE ROUTE
89 th Street	3:27	3:51
91 st Street	2:41	5:14
93 rd Street	1:53	3:30
94 th Street	1:30	3:22
95 th Street	1:03	3:33

AVERAGE OF TRIALS (rounded to nearest second)		
STARTING POINT	BYRON AVENUE ROUTE	COLLINS AVENUE ROUTE
89 th Street	3:56	5:03
91 st Street	3:12	5:15
93 rd Street	2:18	2:58
94 th Street	1:45	3:06
95 th Street	1:16	4:12

CONCLUSION

Byron Avenue residents face significant risks to their safety and quality of life due to the relentless cut-through traffic they experience and the illegal use of their street by commercial vehicles. In addition to all of that, high traffic volume decreases property value; it is a known fact that houses on Byron consistently are undervalued compared with homes on neighboring streets that experience less traffic. What's more, it is the Surfside community's goal to enhance walkability, whether in the business district, walking to temple or another house of worship, walking to the grocery store or walking to the beach.

Unfortunately, it's human nature that people do not want to give up anything they see as being in their best interests, even if it's for the good of the community as a whole. There are people who will object to the closure of Byron at 96th Street and/or other modifications that will eliminate the possibility of Byron Avenue continuing to be used as a cut-through. They will protest that it takes a few minutes longer to get to school or work (even though research conducted for this report shows that the travel time difference is minimal between using Byron and Collins to travel north). It's clear that if anyone had asked the Byron residents if they would support all the street closures that dumped traffic on their street, the answer would have been NO. So we shouldn't be asking people who don't live on Byron if they want to keep cutting through. Perhaps they would consider opening up all streets?

While concern over travel time is certainly a valid concern, a significantly more troubling issue is the life-safety hazard that comes with continuing to allow Byron Avenue to be used as a cut-through street for rush hour traffic and commercial vehicles. Residents have been hit; pets have been killed. Eliminating cut-through traffic on Byron Avenue would significantly enhance safety not just for Byron residents, but for all Surfside residents who value the ability to walk through their community and commute on foot to school and houses of worship. Therefore, toward

enhancing life safety, increasing walkability and ensuring an equitable future for all Surfside residents – regardless of the street on which they reside -- the Town Commission must take action to address high traffic and illegal commercial cut-throughs on Byron – once and for all.

The time is right to do the right thing. It seems there is a groundswell of Surfsiders who would push towards gating the community in order to ensure safety and quality of life that's equitable for all. Gating would be significantly more restrictive and costly than any of the other solutions discussed in this document. However, if nothing is done to address the chronic traffic and illegal commercial cut-throughs on Byron Avenue, gating is a very real solution for our town.

APPENDIX: STUDIES AND DATA TO DATE

In addition to the research conducted specifically for this report, to date, two major studies of traffic patterns and signalization have been undertaken in the Town of Surfside. First, in 2012, Calvin, Giordano & Associates, Inc. (CGA) performed a Town-wide traffic study to determine potential traffic calming and traffic control measures, and to evaluate several signalized intersections along 96th Street, Harding Avenue, and Collins Avenue to determine if operational efficiency of the intersections could be improved.⁷ Second, in 2014, ATEC was commissioned jointly by the Village of Bal Harbour and the Town of Surfside to develop a mitigation plan for traffic from the Bal Harbour Shops.⁸ With regard to Byron Avenue, the relevant findings include the following:

- Both studies found peak traffic during the week occurs from 7-9 a.m. and 4-6 p.m.^{9,10}
- Unfortunately these studies show that traffic is not limited to weekdays or rush hour only.

The ATEC study (2014) further determined that peak weekend traffic occurs from 3-7 p.m., and that the peak single hours are 8-9 a.m. on weekday mornings, 5-6 p.m. on weekday afternoons, and 5-6 p.m. on weekends.¹¹

⁷ Calvin, Giordano & Associates, Inc., *Town of Surfside Town Wide Traffic Study*, p. I, 2012. https://townofsursidefl.gov/docs/default-source/default-document-library/police-documents/traffic-study/traffic-study-report---final.pdf?sfvrsn=e7dc4494_2.

⁸ ATEC, *Traffic Mitigation Plan for Bal Harbour Shops Congestion*, August 2014, p. 1. https://townofsursidefl.gov/docs/default-source/default-document-library/police-documents/traffic-study/traffic-signal-study.pdf?sfvrsn=e5dc4494_2

⁹ Calvin, Giordano & Associates, Inc., *Town of Surfside Town Wide Traffic Study*, p. I, 2012. https://townofsursidefl.gov/docs/default-source/default-document-library/police-documents/traffic-study/traffic-study-report---final.pdf?sfvrsn=e7dc4494_2.

¹⁰ ATEC, *Traffic Mitigation Plan for Bal Harbour Shops Congestion*, August 2014, p. 4. https://townofsursidefl.gov/docs/default-source/default-document-library/police-documents/traffic-study/traffic-signal-study.pdf?sfvrsn=e5dc4494_2

¹¹ Ibid.

- The CGA study (2012) found that without signal timing optimization, northbound traffic at the intersection of Byron Avenue and 96th Street experienced significant delays (71.7 seconds during the AM peak hour, 72.8 seconds during the PM peak hour).¹² Consequently this intersection received level of service (LOS) ratings of E during both the AM peak hour and the PM peak hour.¹³ (The LOS scale is a six-point scale from A to F, with A being ideal conditions with minimal delay and F being worst conditions with high vehicular delay.)
 - Signal optimization over time did have a positive effect on reducing some of the delays experienced during AM and PM peak hours. The ATEC study found that in 2014, the average wait time at 96th Street and Byron Avenue was 12.6 seconds during the AM peak hour and 8.3 seconds during the PM peak hour.¹⁴ At that time, this meant a LOS rating of B in the AM peak hour and a rating of A in the PM peak hour.¹⁵ While these improvements are good for the people cutting through the community, it does not benefit residents who face safety risks and declining quality of life as more cars, traveling faster, pass through Surfside. It is important to note that FDOT's role is to increase speed of travel, without any regard for its effects on residents.

¹² Calvin, Giordano & Associates, Inc., *Town of Surfside Town Wide Traffic Study*, p. IV, 2012. https://townofsurfsidefl.gov/docs/default-source/default-document-library/police-documents/traffic-study/traffic-study-report---final.pdf?sfvrsn=e7dc4494_2.

¹³ Ibid.

* It is important to note that the number of drivers attempting to turn left at Byron and 96th has increased consistently over time since 2012, due to all the matters discussed earlier in this memo.

¹⁴ ATEC, *Traffic Mitigation Plan for Bal Harbour Shops Congestion*, August 2014, p. 8. https://townofsurfsidefl.gov/docs/default-source/default-document-library/police-documents/traffic-study/traffic-signal-study.pdf?sfvrsn=e5dc4494_2

¹⁵ Ibid.

- The 2012 CGA study also found that westbound vehicles on Harding Avenue at 96th Street experienced an average delay of 142.6 seconds during the AM peak period and 98.8 seconds during the PM peak period, earning LOS ratings of F for both periods.¹⁶ The study further estimated that delays could increase to as much as 261.8 seconds (AM peak) and 237.1 seconds (PM peak) by 2017.¹⁷
- Turning movement counts conducted in August 2012 as part of the CGA study determined that approximately 202 drivers heading north on Byron turned left at the Byron-96th Street intersection during the AM peak and 198 made that same turn during the PM peak*.¹⁸ In contrast, just 22 drivers turned right in the AM peak and 12 during the PM peak.¹⁹ This demonstrates that a majority of drivers using Byron Avenue during these times are likely doing so in order to turn left on 96th Street.
- Meanwhile, 1134 drivers traveled eastbound on 96th Street during the AM peak and 1033 traveled eastbound during the PM peak. This is a very clear indicator to explain the stacking that occurs as a high volume of cars that attempt to turn from Byron to 96th.²⁰
- At the intersection of 95th Street and Byron Avenue, the CGA study found that during the AM peak, 52 vehicles turned right to head north on Byron, while during the PM peak, 139 vehicles made this same turn.²¹ Comparison with the other local (i.e. non-major) roadway intersections that were studied shows that 95th Street and Byron Avenue is one of the busiest non-major roadways in Surfside. In addition, 214 northbound cars passed through this intersection during the AM peak and 187 passed through during the PM

¹⁶ Calvin, Giordano & Associates, Inc., *Town of Surfside Town Wide Traffic Study*, p. 6, 2012. https://townofsurfsidefl.gov/docs/default-source/default-document-library/police-documents/traffic-study/traffic-study-report---final.pdf?sfvrsn=e7dc4494_2.

¹⁷ Ibid.

¹⁸ Ibid., p. 8

¹⁹ Ibid., p. 9

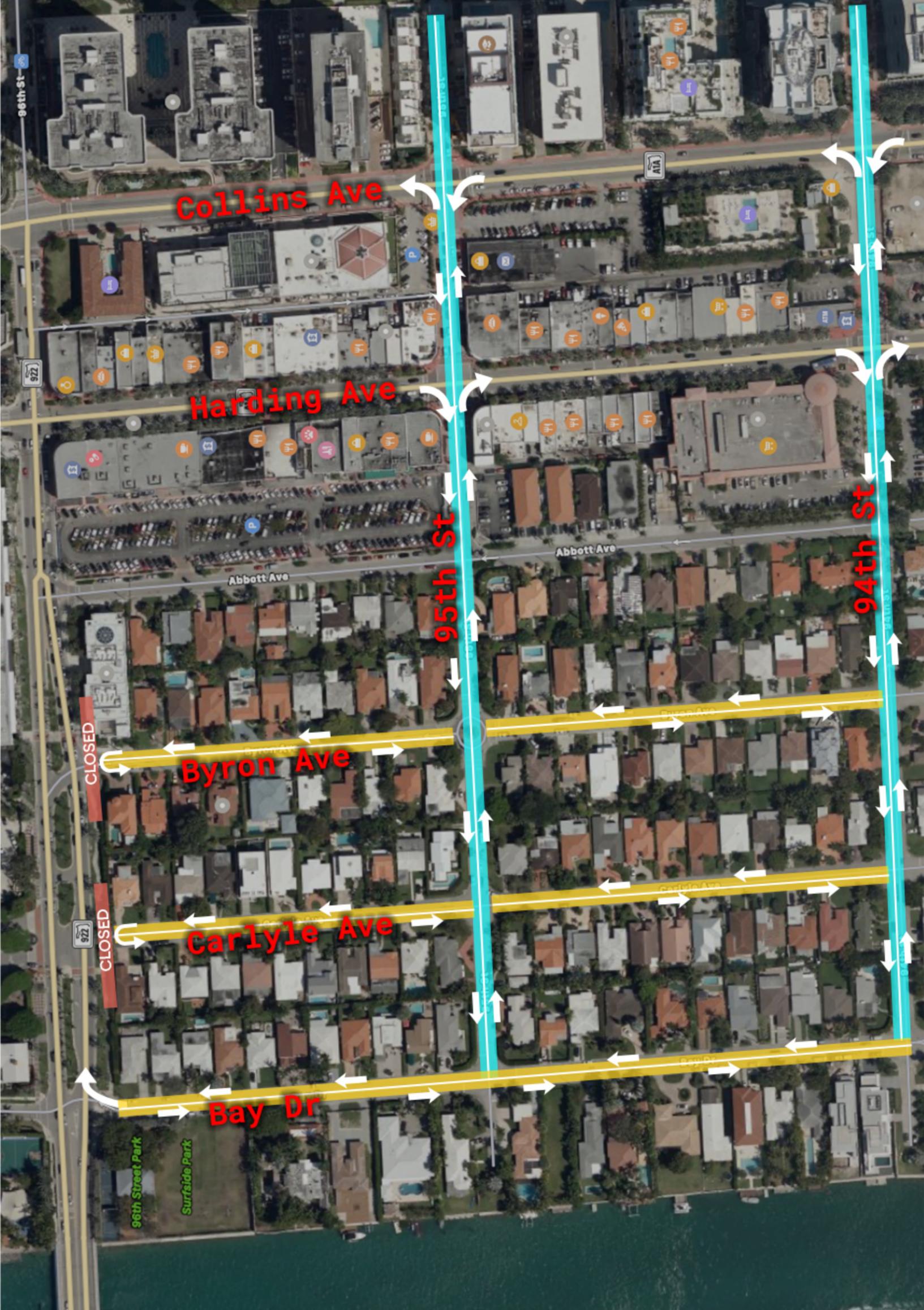
²⁰ Ibid.

²¹ Ibid.

peak.²² Since 95th Street is the last intersection before 96th Street, and since Byron Avenue does not continue north beyond 96th Street, it stands to reason that nearly all of these cars would have to turn either left or right on 96th Street (unless they are traveling to a residence on Byron Avenue between 95th and 96th). Based on the findings described in the previous paragraph, it seems likely that most of these vehicles were headed north on Byron with the intention of turning left at 96th.

²² Ibid.

PROPOSAL
Byron Avenue
Street Closure



TRAFFIC FLOW MODIFICATION(S)/ STREET CLOSURE(S) PROCEDURE



**PUBLIC WORKS DEPARTMENT
TRAFFIC ENGINEERING DIVISION**
Revised January 2009

TRAFFIC FLOW MODIFICATION(S)/ STREET CLOSURE(S) PROCEDURE

TABLE OF CONTENTS

Table of Contents	Page 2
Introduction	Page 3
Phase 1: Summary of Procedure	Page 4
Phase 2: Summary of Procedure	Page 5
Phase 1: Procedure Details	Page 8
Phase 2: Procedure Details	Page 15
 Appendices:	
I. Policy on Traffic Calming Measures	Page 26
II. Policy on Traffic Calming for Low Volume Narrow Streets	Page 27
III. Policy on Speed Humps	Page 28
IV. Report on Speed Humps	Page 29
V. Traffic Flow Modification/ Street Closure Application Form	Page 34
VI. Interdepartmental Review	Page 36
VII. Sample Ballot 1: Traffic Circles, PWD Use	Page 37
VIII. Sample Ballot 2: Traffic Calming Devices, PWD Use	Page 38
IX. Sample Ballot 3: Residents/Property Owners and HOA Use	Page 39

INTRODUCTION

The Public Works Department and Metropolitan Planning Organization obtained the professional engineering services of Frederic R. Harris, Inc. to conduct a Street Closure/Traffic Flow Modification Study that was completed in July 1996.

The primary objectives of the study were to:

- Evaluate and recommend traffic control alternatives to street closures;
- Develop a uniform set of guidelines or warrants to be followed by local municipalities, the County and the State for implementing neighborhood and localized area traffic control; and
- Develop a standardized set of procedures to be followed by local applicants desiring enhanced neighborhood traffic control.

A Steering Committee was assembled and periodically convened to meet with the Consultant to provide input throughout the study process. The Steering Committee consisted of representatives from the Florida Department of Transportation, Miami-Dade County and local municipalities; some of whom had previous experience with citizen requests for street closures. The draft report was developed as a series of Technical Memorandums that were reviewed by the steering committee and later compiled to form the final report.

The Steering Committee developed standardized procedures and guidelines for use by the public, local officials, or other private sector interests requesting traffic flow modifications that may affect local neighborhoods as well as other roadway traffic patterns. The intent of these procedures was to provide Miami-Dade County and municipalities with a uniform approach to facilitate government action in response to requests to restrict local traffic access via street closures, other physical modifications or traffic calming alternatives. These proposed procedures were also intended to ensure that such issues are given appropriate study and timely response, and that the full range of traffic and community impacts is considered.

The procedures addressed traffic issues in an incremental fashion with the least restrictive measures applicable to a particular situation tested first, then monitored and supplemented, modified or replaced with more stringent measures, if necessary. When non-traffic issues enter into the decision process, the procedures weigh both the traffic and non-traffic implications of a street closure or traffic flow modification. Although each citizen request is unique, the process applies equally to any residential traffic control situation and provides government officials with an objective tool to address neighborhood traffic control issues.

On May 20, 1997, the Miami-Dade County Board of County Commissioners approved Resolution No. R-545-97 authorizing an eighteen-month pilot program to implement and evaluate traffic flow modification/street closure study recommendations. A subsequent extension was granted under Resolution No. R-66-00 on January 25, 2000. Since then, County staff has been using this procedure. It has been enhanced over the span of the last twelve years and updated and revised to appropriately address the needs of residents of Miami-Dade County in order to improve their safety as well as their livability standards.

SUMMARY OF PROCEDURE

Phase 1: INITIAL TRAFFIC STUDY BY MIAMI-DADE COUNTY PUBLIC WORKS

- 1.1 All applicants, whether residing within unincorporated Miami-Dade County or a municipality, may submit a request for a traffic flow modification(s)/street closure(s) to the Miami-Dade County Public Works Department (PWD) in the form of a letter or complete the application in Appendix V.
- 1.2 PWD will conduct the initial traffic study to confirm the applicant's concerns and to identify and recommend traffic calming measures. Should the request be initiated through or by a municipality or the Florida Department of Transportation, then these agencies, at their option, may conduct traffic studies utilizing their staff or a traffic consultant.
- 1.3 PWD will make the determination of whether the location(s) falls within unincorporated Miami-Dade County or a municipality, and coordinate the review with the respective municipality.
- 1.4 PWD will make the determination of whether the review from various affected entities, such as Police, Fire, etc., is required. If review is not required, proceed to Step 1.6.
- 1.5 Should review be required, PWD will request the affected entities, including but not limited to, Police, Fire, respective municipality, etc., to review the request and provide comments. If review by any of the entities results in a denial as a result of concerns which cannot be resolved, or if the proposed traffic flow modification(s)/street closure(s) does not meet all criteria outlined under this process or applicable County and State laws, then the application will be denied.
- 1.6 PWD will make the determination if concurrence from the required affected residents and/or property owners is required. If concurrence is not required, proceed to Step 1.8.

Required Concurrence:

Traffic Circles: Requires 100% concurrence of affected residents and/or property owners from four (4) corners adjacent to the proposed circles. This may be extended to the full block should a larger representation be desired by the District Commissioner.

Traffic Flow Modifications other than Traffic Circles: Requires concurrence of two-thirds (2/3) of the affected residents and/or property owners, who elected to vote (ballots received). Non-voters are not counted (ballots not returned).

Municipal Jurisdictions: In lieu of concurrence from the affected residents and/ or property owners, a municipality may pass a resolution after a public hearing requesting PWD to consider the proposed traffic flow modification(s)/street closure(s).

- 1.7 PWD will mail out ballots to obtain concurrence from the affected residents and/or property owners. Should the required concurrence be secured, PWD will proceed to the next step. Should the affected residents and/or property owners fail to reach a consensus to implement

the proposed improvement, then the process ceases.

Reinitiating the balloting process: Should residents and/or property owners desire to reinitiate the balloting process, it can be initiated after ninety (90) calendar days from the date that ballots were opened, provided that the applicant is willing to pay the processing and mailing cost for the ballots.

- 1.8 PWD will schedule the construction of temporary or permanent traffic calming device as funds and contracts are identified.
- 1.9 PWD will assess the traffic impact and determine if the improvements are acceptable to the affected area residents and/or property owners.
 - 1.9.1 Should the determination be made by PWD staff that temporary devices have caused adverse impact, such devices will be removed by PWD.
 - 1.9.2 If improvements are not acceptable to affected area residents and/or property owners:
 - 1.9.2.1 Residents and/or property owners may request removal of temporary traffic calming devices as per a requirement of Step 1.6. Such request must be initiated in the form of a petition signed by 10% of the affected residents and/or property owners. 100% of the adjacent affected residents and/or property owners is required for the traffic circles petition. **Or**
 - 1.9.2.2 Residents and/or property owners may proceed to Phase 2 procedure, Step 2.1.
 - 1.9.3 Improvements did not cause adverse impact and are acceptable to residents: proceed to Step 1.10.
- 1.10 PWD will initiate the design.
- 1.11 PWD will install permanent traffic calming devices as funds and contracts are identified.

PHASE 2: TRAFFIC STUDY BY APPLICANT'S CONSULTANT

- 2.1 In the event that the action taken by PWD in accordance with Phase 1 procedure is unacceptable to the municipal jurisdiction, or the affected area residents and/or property owners, they have the option of engaging a traffic consultant, at their cost, in order to perform an independent traffic study. Should the request be initiated through or by a municipality or the Florida Department of Transportation, then these agencies, at their option, may conduct traffic studies utilizing their staff or a traffic consultant.
- 2.2 The consultant conducts a pre-implementation traffic study to identify and confirm traffic concerns (i.e., traffic intrusion, excessive traffic volume, speeding, traffic accidents, etc.) and to determine if the collected traffic data meets the PWD criteria for traffic calming devices.
- 2.3 The consultant identifies traffic calming alternatives and generates staged alternative plans.

- 2.4 The consultant performs pre-implementation study to determine potential impacts of proposed traffic calming devices on roadways within and outside of the study areas, and documents findings in the form of a report.
- 2.5 PWD makes the determination whether the location is within a municipality or unincorporated Miami-Dade County and coordinates the review with the respective municipality.
- 2.6 PWD makes determination if the review from various affected entities, such as Police, Fire, etc., is required.
- 2.7 PWD requests various affected entities, to include Police, Fire, etc., to review the request and provide their comments.
- 2.8 PWD reviews comments from various entities and makes determination whether to approve or deny the request.
- 2.9 PWD makes determination if concurrence from the affected residents and/or property owners is required. If concurrence is not required, proceed to Step 2.11.

Required Concurrence from affected Residents and/or Property Owners:

Traffic Circles: Requires 100% concurrence of affected residents and/ or property owners from four (4) corners adjacent to the proposed circles. This may be extended to the full block should a larger representation be desired by the District Commissioner.

Traffic Flow Modifications excluding Traffic Circles: Requires concurrence of two-thirds (2/3) of the affected residents and/or property owners, who elected to vote (ballots received). Non-voters are not counted (ballots not returned).

Municipal Jurisdictions: In lieu of concurrence from the affected residents and/or property owners, a municipality may pass a resolution after a public hearing requesting PWD to consider the proposed traffic flow modification(s)/street closure(s).

- 2.10 Applicant obtains concurrence from the affected residents and/or property owners, if required. In the event that the affected residents and/or property owners do not approve the proposed improvements, return to Step 2.3.
- 2.11 Applicant's contractor installs temporary traffic calming devices upon securing approvals and permits from appropriate entities.
- 2.12 Applicant's consultant conducts post-implementation study to determine if traffic calming measures are operating at an acceptable level to the residents and/or property owners.
- 2.13 If the post-implementation study results, as well as the traffic calming devices are acceptable to residents and/or property owners, the process is completed unless residents and/or property owners desire further aesthetic enhancements. Should further aesthetic enhancements be required, proceed to the next step. If the post-implementation study results are unacceptable, return to Step 2.3.

- 2.14 Applicant's consultant designs permanent traffic calming devices if the temporary devices are installed.
- 2.15 Applicant's contractor installs permanent traffic calming devices upon securing approvals and permits from appropriate entities.

PROCEDURE DETAILS

PHASE 1: INITIAL STUDY BY MIAMI-DADE COUNTY PUBLIC WORKS (PWD)

1.1 Submittal of Application for Traffic Flow Modification(s)/Street Closure(s)

In order for an applicant to submit an application for a traffic flow modification(s)/street closure(s), including the **re-opening of a previously closed street(s)**, the applicant, whether residing in unincorporated Miami-Dade County or within a municipality, shall follow the procedures outlined herein:

1.1.a Submit the request in the form of a letter or complete the application form in Appendix V , and

1.1.a.1 Identify any traffic concerns, such as:

- Traffic intrusion
- Excessive traffic volume
- Speeding
- Traffic accidents
- Other

1.1.a.2 Explain how long these problems have existed and the conditions that have caused these problems.

1.1.a.3 Identify the type of traffic control measure that is being requested and include a map illustrating the location(s) of proposed traffic flow modification(s)/street closure(s).

1.1.a.4 Identify on whose behalf the application is being made.

- Homeowners' Association
- Individual
- Other

1.1.a.5 All applicants, **whether residing in unincorporated Miami-Dade County or within a municipality**, must submit their letter or a completed application to PWD at the following address:

Chief, Traffic Engineering Division
Miami-Dade County Public Works Department
111 N.W. First Street, Suite 1510
Miami, Florida 33128-1970

- 1.1.b. If the request for traffic flow modification(s)/street closure(s) is due to reasons other than traffic, such as crime, etc., the following procedures shall be utilized:
- 1.1.b.1 **Creation of a Special Taxing District:** Contact PWD, Special Taxing District Division to obtain procedure details.
- 1.1.b.2 **Reverting of the Public Right-of-way to Adjacent Property Owners:**
- 1.1.b.2.1 If the location falls within unincorporated Miami-Dade County, please contact PWD, Right-of-Way Division to obtain additional information.
- 1.1.b.2.2 If the location falls within a municipality, contact the respective municipality and follow their established procedures.
- 1.1.b.3 **Converting of a public roadway to a private street to be maintained by the Homeowners' Association (HOA):**
- See 1.1.b.2.1 and 1.1.b.2.2

Miami-Dade County has exclusive jurisdiction over traffic control within a municipality. As such, the municipal jurisdictions are required to submit a traffic study to PWD for their review and approval. The study must support the proposed traffic flow modification(s)/street closure(s) and show that County and State roadways would not be adversely impacted as a result of such traffic flow modification(s)/street closure(s); creating a Special Taxing District or due to reverting of the right-of-way or converting a public street to a private street.

1.2 **Initial Traffic Study by PWD**

PWD will conduct an initial study to confirm traffic concerns and to identify and recommend the traffic calming measures. Should the request be initiated through or by a municipality or the Florida Department of Transportation, then these agencies, at their option, may conduct traffic studies utilizing their staff or a traffic consultant.

The scope of the initial study, depending on the nature of the complaint, may include twenty-four (24), forty-eight (48), or seventy-two (72) hour counts, turning movement counts, license plate survey, spot speed studies, etc.

Requests for traffic flow modification(s)/street closure(s) and reopening of previously closed streets, will be considered by PWD on a case-by-case basis, for streets meeting the following criterion.

- 1.2.a **The streets for which modification(s) are proposed must be local or collector residential street(s) and not arterial roadways or part of the State Highway System.**

- 1.2.b The proposed closure(s) **shall not create street(s) longer than 600 feet**, as per Miami-Dade County Code, Section 28-14.6.
- 1.2.c The street(s) proposed for closure **shall have sufficient right-of-way** to adequately construct T-turn around or cul-de-sacs as per PWD Standards Details.
- 1.2.d **Pre-implementation data confirms that a problem exists.**
- 1.2.e The traffic study reveals that the proposed traffic flow modification(s)/street closure(s) meets the criteria for the installation of traffic calming devices on Appendices I, II and III, and the proposed measures will not adversely affect the traffic on nearby streets, by the diverted traffic.
- 1.2.f The projected vehicular volumes on any other adjoining street do not exceed the threshold limits stated in Phase 2, Step 2.4.a.
- 1.2.g The changes in traffic flow will not create any liability to the County.

1.3 **Requests within a Municipality**

- 1.3.a If the request for traffic flow modification(s)/street closure(s) falls within unincorporated Miami-Dade County, PWD coordinates the review as per Step 1.5.a.
- 1.3.b If request for traffic flow modification(s)/street closure(s) falls within a municipality, PWD will request affected entity to coordinate the review, as per Step 1.5.b.

1.4 **Review Required from Various Entities**

PWD will make the determination if the proposed traffic calming measures will impact other entities and if review is required from affected entities, to include Police, Fire, etc.

If review is required, then proceed to next step. If review is not required, proceed to Step 1.6.

1.5 **Preliminary Review by Various Entities**

- 1.5.a **If the request for traffic flow modification(s) or street closure(s) falls within unincorporated Miami-Dade County**, then PWD, Traffic Engineering Division, shall coordinate a review with agencies potentially affected by the traffic flow modification(s)/street closure(s), which may include, but not be limited to, the following entities:

- Miami-Dade County Fire Rescue (MDFR).
- Affected Municipal Fire Department.
- Miami-Dade Police Department (MDPD).
- Affected Municipal Police Department.
- Miami-Dade County Planning and Zoning Department (MDP&Z).
- Miami-Dade County Public Schools (MDCPS).
- Miami-Dade Transit (MDT).

- Florida Department of Transportation (FDOT).

1.5.a.1 PWD, Traffic Engineering Division, shall review all comments brought forth by the aforementioned entities. If all agencies and departments concur, then the Director of PWD will approve the application. However, under the following conditions the application for traffic flow modification(s)/street closure(s) will be denied.

1.5.a.1.1 Comments made by any entity revealed concerns, which cannot be resolved.

1.5.a.1.2 The proposed traffic flow modification(s)/street closure(s) or extenuating circumstances do not meet all criteria outlined under this process or applicable State laws. These reviews shall be relevant to the agency reviewing the proposed traffic flow modification(s)/street closure(s). The scope of the traffic review shall be determined on a case-by-case basis by PWD.

1.5.b **If the request affects local streets within a municipality**, then PWD will request the municipality to coordinate the review with agencies potentially affected by the traffic flow modification(s)/street closure(s), which may include, but not be limited to, the following entities:

- Municipal Fire Department.
- Miami-Dade County Fire & Rescue (MDFR).
- Municipal Police Department.
- Miami-Dade County Police Department (MDPD).
- Miami-Dade County Planning and Zoning Department (MDP&Z).
- Miami-Dade County Public Schools (MDCPS).
- Miami-Dade Transit (MDT).
- Florida Department of Transportation (FDOT).
- PWD, Traffic Engineering Division.

These reviews shall be relevant to the agency reviewing the proposed traffic flow modification(s)/street closures(s). The scope of the traffic review shall be determined on a case-by-case basis by PWD.

1.5.b.1 The municipal representative shall review all comments brought forth by the aforementioned entities. The municipality, under the following conditions, shall deny the application for traffic flow modification(s)/street closure(s):

1.5.b.1.1 Comments made by any entity revealed concerns, which cannot be resolved.

1.5.b.1.2 The proposed locations or extenuating circumstances do not meet all criteria outlined under this process or applicable State laws.

1.5.c If the preliminary review performed by the various affected entities results in denial of the request, then the process ceases.

1.5.d If the preliminary review performed by the various affected entities results in concurrence with the request, then the municipality endorses the request and forwards it to PWD, Traffic Engineering Division, for their review and approval. If the request is approved by PWD, proceed to the next step.

1.6. Is Concurrence from the Affected Residents and/or Property Owners Required?

PWD, depending on the proposed traffic calming devices, will determine if concurrence from the affected residents and/or property owners is required.

Required Concurrence:

Traffic Circles: Requires 100% concurrence of affected residents and/or property owners from four (4) corners adjacent to the proposed circles. This may be extended to the full block should a larger representation be desired by the District Commissioner.

Traffic Flow Modifications other than Traffic Circles: Requires concurrence of two-thirds (2/3) of the affected residents and/or property owners, who elected to vote (ballots received). Non-voters are not counted (ballots not returned).

Municipal Jurisdictions: In lieu of concurrence from the affected residents and/or property owners, a municipality may pass a resolution after a public hearing requesting PWD to consider the proposed traffic flow modification(s)/street closure(s).

The affected area within unincorporated Miami-Dade County will be established by the County's staff. If the location falls within a municipality, the affected area will be established by both the City's and the County's staff.

The affected area may include, but is not limited to, those properties where normal travel routes to and from the affected area are to be altered by the traffic flow modification(s)/street closure(s) and/or properties that are significantly impacted by the diverted traffic.

1.6.a If concurrence from the required affected residents and/or property owners is required, proceed to next step.

1.6.b If concurrence from the required affected residents and/or property owners is not required, proceed to Step 1.8.

1.7. Approval of the Plan by Homeowners

1.7.a PWD, under certain circumstances, may elect to obtain concurrence from the affected residents and/or property owners.

1.7.b PWD will mail out ballots to obtain concurrence of the affected residents and/or property owners.

1.7.c If the location is within a municipality, that jurisdiction, in lieu of the concurrence from the affected residents/property owners may elect to have their elected body vote on the proposed traffic flow modification(s)/street closure(s) after a public hearing and

may submit the resolution to PWD requesting consideration of the proposed traffic flow modification(s)/street closure(s).

- 1.7.d If the required number of affected residents and/or property owners as per Step 1.6 do not approve the proposed improvements by PWD, then the process ceases.
- 1.7.e If the residents and/or property owners desire to reinitiate the process, such process can be reinitiated after ninety (90) calendar days from the previous opening date of the ballots. However, the applicant will be charged with the mailing and processing cost, which will be determined on a case-by-case basis.

1.8 Implementation of Temporary Traffic Calming Measures

- 1.8.a **If the request for traffic flow modification(s)/street closure(s) falls within unincorporated Miami-Dade County**, PWD will implement the improvements as funding and contracts are identified.
- 1.8.b **If the request falls within a municipality**, PWD will coordinate with the municipality for the installation of the traffic calming devices.

1.9 Evaluation of Temporary Traffic Calming Measures:

If the evaluation of the temporary devices by PWD reveals that:

- 1.9.a The improvements implemented by PWD did not cause an adverse impact to traffic and are acceptable to the residents and/or property owners, proceed to Step 1.10.
- 1.9.b The improvements implemented by PWD are unacceptable to the residents and/or property owners, or create unexpected operational and/or safety concerns, then:

Either the removal of temporary devices are requested through the process as per step 1.6, or a more restrictive traffic flow modification(s)/street closure(s) may be considered as per Phase 2, Step 2.1.

1.10 Design of Permanent Traffic Calming Devices

- 1.10.a **If the location falls within unincorporated Miami-Dade County**, PWD will develop construction plans for permanent traffic calming devices as funding and contracts are identified.
- 1.10.b **If the location falls within a municipality**, PWD will coordinate the design of permanent traffic calming devices with the municipality.

1.11 Installation of Permanent Traffic Calming Devices

- 1.11.a If the location falls within unincorporated Miami-Dade County, PWD will install permanent traffic calming devices, as funding and contracts are identified.
- 1.11.b If the location falls within a municipality, PWD will coordinate the installation with

PHASE 2: TRAFFIC STUDY BY APPLICANT'S CONSULTANT

2.1. Applicant Engages a Traffic Consultant to Perform a Traffic Study

In the event that the action taken by PWD in accordance with Phase 1 procedures is unacceptable to the municipal jurisdiction, or the residents and/or property owners, they have the option of engaging a traffic consultant, at their cost, to conduct an independent traffic study. Should the request be initiated through or by a municipality or the Florida Department of Transportation, then these agencies, at their option, may conduct traffic studies utilizing their staff or a traffic consultant.

2.1.a If the location falls within unincorporated Miami-Dade County, this study is coordinated by PWD.

2.1.b If the location falls within a municipality, the study is coordinated by the municipality and reviewed by the PWD.

2.2. Conduct Pre-implementation Traffic Study

The traffic consultant hired by the applicants shall perform a **pre-implementation traffic study**. This study shall identify and confirm the applicant's concerns (i.e., traffic intrusion, excessive traffic volume, speeding, traffic accidents, etc.) and determine if the collected traffic data meets PWD traffic calming criteria.

On a case-by-case basis, PWD, Traffic Engineering Division, may require the following **data** depending on the type and complexity of the concerns:

2.2.a **License Plate Survey:** If the reason for the request is due to traffic intrusions, this survey will be required for confirmation of cut-through traffic. Sampling during the morning and afternoon peak hour periods will be considered adequate.

2.2.b **Average Daily Traffic:** If the reason for the request is due to an excessive amount of traffic in the area, a sampling of twenty-four (24) will be acceptable, and forty eight (48), or seventy-two (72) hour counts will be preferred.

2.2.c **Speed Studies:** If the reason for the request is due to speeding, then speed studies are required to confirm vehicular speed. A speeding problem can be verified when the 85th percentile speed of all vehicles is at least 10 mph greater than the posted speed limit. A non-peak hour daytime minimum sampling of 100 vehicles will be considered acceptable. A twenty-four (24) hour speed study utilizing traditional dual hoses will be preferred.

2.2.d **Traffic Accident History:** If the reason for the request is due to traffic accidents, then traffic accident reports for the last three (3) years are reviewed to confirm accident history. The proposed traffic calming measure shall mitigate significant crashes.

2.2.e **Other data and/or studies** as needed.

PWD, on a case-by-case basis, may require additional traffic data or studies if needed.

- 2.2.f. If the pre-implementation study reveals that the traffic data does not support PWD Policy for Traffic Calming Measures (Appendices I, II and III) then a final decision of denial is rendered and the process ceases. PWD will notify the applicant of the denial.
- 2.2.g. If the pre-implementation study confirms that a problem exists and the traffic data meets PWD Policy for Traffic Calming Measures (Appendices I, II and III), the applicant may proceed to the next step.

2.3. Identify Traffic Calming Alternatives

The consultant shall adopt an area-wide systematic approach to the development of traffic calming alternatives. This approach must work within the overall framework of the existing roadway classification system and encourage community participation.

There are three (3) levels of traffic calming ranging from I to III to distinguish those least restrictive (passive) traffic control measures from those that are most restrictive (active). Among the categories, there could be many design variations unique to each device. Ideally, the least restrictive measures to address traffic concerns should be employed first, followed by more active and physical traffic calming devices. This incremental approach allows a cost-effective opportunity to identify the real traffic problem, if any, and better evaluate the impact of more restrictive measures.

Keeping the above-staged approach in mind and a handful of traffic calming alternatives available for use on local roads, a typical request for a traffic flow modification(s)/street closure(s) might proceed accordingly:

- 2.3.a The traffic consultant will assess the community's needs.
- 2.3.b The consultant will generate staged alternative traffic calming plans, including design plans for temporary and permanent traffic calming measures, for approval by PWD, as well as cost estimates.
 - 2.3.b.1 PWD will implement the lowest level of (Level I through Level III) traffic control measures on a temporary basis that, in the consultant's opinion, will satisfy the applicant's concerns.
 - 2.3.b.2 Allow traffic to stabilize and reevaluate traffic patterns after six (6) months.
 - 2.3.b.3 If Level I measures is selected and its impacts are unacceptable, then proceed to Level II and reevaluate more restrictive traffic calming alternatives. If Level II impacts are unacceptable, then proceed to Level III and reevaluate.
 - 2.3.b.4 If the impacts of Level I, II or III measure, so selected are acceptable, PWD will implement permanent traffic control measures, as funding and

The following categories of traffic calming alternatives are most effective when used in combination with each other:

LEVELS OF TRAFFIC CALMING		
LEVEL I	LEVEL II	LEVEL III
Education Neighborhood Speed Watch Program Law Enforcement Movement Restrictions One-Way Streets Multi-Way Stop Control Textured Pavement Gateway Treatments Border Landscaping Treatment	Chokers Roundabouts Traffic Circle Speed Humps Raised Median through Intersections (Right Turn Only) Mid-block Raised Islands/Medians	Semi Diverter Diagonal Diverter Street Closure Speed Humps

The consultant shall also prepare a cost-estimate for the traffic calming alternatives identified above and proceed to the next step for a pre-implementation study.

2.4. Perform Pre-implementation Study to Determine the Potential Impact of Traffic Calming Measures on Roadways within and outside of the Study Area

The consultant shall conduct a pre-implementation study to determine the potential impact of the proposed traffic calming devices/street closure(s), within and outside of the study area.

Depending on the type, complexity and requirements of the area in question, PWD may, on a case-by-case basis, require analysis per Step 2.4.d and 2.4.e, which must conform to the following criterion:

2.4.a Volume Criteria:

2.4.a.1 Future traffic volumes due to traffic diversion on any of the **Residential Local Streets** may not exceed 1,500 vehicles per day (150 vehicles per hour (VPH) during the peak hours) if a traffic flow modification(s)/street closure is implemented. The threshold values define those limits when a local residential street begins to lose its livability and are used for analysis purposes only. They do not guarantee that the traffic flow modification(s) or closure(s) will be approved.

2.4.a.2 Future traffic volumes due to traffic diversion on any of the **Residential Collector Streets** may not exceed 3,000 vehicles per day (300 VPH during the peak hours) if a traffic flow modification(s)/street closure(s) is implemented. These threshold values define those limits when a residential collector street begins to lose its livability and are used for analysis purposes only. They do not guarantee that the traffic flow modification(s) or closure(s) will be approved.

2.4.b Level of Service (LOS) Criteria:

- 2.4.b.1 Future overall intersection Level of Service (LOS) must not exceed LOS "D" or if operating at LOS "E" must not degrade to LOS "F".
- 2.4.b.2 The same criterion applies for an individual intersection approach within the critical intersection approach.
- 2.4.b.3 If intersection or approach is already at LOS "F", then diverted traffic volumes must not be more than 10% of the existing traffic volumes without diversion.

2.4.c Determine Affected Area:

The affected area may include, but is not limited to, those properties where normal travel routes, to and from the affected area, are to be altered by the traffic flow modification(s)/street closure(s) and/or properties that are significantly impacted by the diverted traffic.

- 2.4.c.1 **If the request for traffic flow modification(s)/street closure(s) falls within unincorporated Miami-Dade County**, PWD will establish affected area boundaries on a case-by-case basis and obtain concurrence from FDOT if their facilities are impacted.
- 2.4.c.2 **If the request for traffic flow modification(s)/street closure(s) falls within a municipality**, both the City's, and County's staff will determine the boundaries of the affected area on a case-by-case basis, and obtain concurrence from the Florida Department of Transportation (FDOT), if their facilities are impacted.

2.4.d Conduct Traffic Analysis within the Study Area:

For critical locations, if any, provide projection of the expected diverted traffic within the study area. This will require the following steps:

- 2.4.d.1 Peak-hour turning movement counts (TMC).
- 2.4.d.2 Twenty-four (24), forty eight (48), or seventy-two (72), hour counts on those streets that are proposed to be closed or modified.
- 2.4.d.3 Twenty-four (24), forty eight (48), or seventy-two (72) hour counts on those streets that may be impacted by proposed traffic flow modification(s)/street closure(s).
- 2.4.d.4 LOS analysis at critical locations that will be affected by redistributed traffic.
- 2.4.d.5 A schematic diagram for both morning and afternoon peak hours showing existing and redistributed traffic and Average Daily Traffic (ADT).

2.4.e Conduct Traffic Analysis outside the Study Area

Projection of the expected diverted traffic at critical intersections, if any, adjacent to and surrounding the affected area. Particular attention shall be paid to the impacts on the State Highway System and County roadways, including:

2.4.e.1 Peak-hour TMC.

2.4.e.2 Queuing analysis and storage requirements at signalized intersections.

2.4.e.3 LOS analysis at critical signalized and un-signalized existing intersections.

2.4.e.4 A schematic diagram showing the results of the TMC and ADT analyses for critical locations.

2.4.e.5 Phasing modification requirements at existing signalized intersection.

2.4.e.6 A detailed evaluation of the impacts caused by the traffic flow modification(s)/street closure(s) on emergency vehicle response times and fire hydrant accessibility, as well as other services such as mail delivery, school bus routing, transit service, trash pick-up, etc.

Each individual case will dictate which of the above items are required, depending on the complexity and requirements of the study area.

2.4.f The Report:

The consultant will document the study in the form of a report. PWD will require the following items as part of this report:

- A drawing that shows the exact location of existing and proposed traffic flow modification(s)/street closure(s).
- Boundary of the affected area.
- Critical intersection geometries.
- Analysis of the critical intersections and roadway links per Section 2.4.d and 2.4.e.
- Comparison of before and after LOS.

The consultant will indicate the optimum traffic calming measure from each of Levels I, II and III, which adequately satisfies the applicant's concern. The Level I measure generally should be implemented first. However, depending on the severity of the case at hand and/or unusual circumstances a higher level of measures can be implemented. If the results are not satisfactory, then the next level measure will be implemented until Level III is reached.

Any traffic study performed for traffic flow modification(s)/street closure(s) should be compiled by the traffic consultant in the form of a formal report, **signed and sealed** by a Florida Registered Professional Engineer.

If the location falls within unincorporated Miami-Dade County, the applicant shall submit three (3) copies of the report to PWD, Traffic Engineering Division, which, in turn, forwards a report to the FDOT if State facilities are impacted.

If the location falls within a municipality, applicant shall submit three (3) copies of the report to the municipality, which in turn, forwards a report to PWD and the FDOT if State facilities are impacted.

2.5 Is the Request within a Municipality?

2.5.a If the request for traffic flow modification(s)/street closure(s) falls within unincorporated Miami-Dade County, PWD coordinates the review as per Step 2.7.a.

2.5.b If request for traffic flow modification(s)/street closure(s) falls within a municipality, PWD will request the affected entity to coordinate the review as per Step 2.7.b.

2.6 Is Review from Various Entities Required?

PWD will make the determination if the proposed traffic calming measures will impact other user entities and if review is required from affected user entities, such as police, fire, etc.

If review is required, proceed to next step. If review is not required, proceed to Step 2.8.

2.7 Preliminary Review by Various Entities

2.7.a **If the request for traffic flow modification(s)/street closure(s) falls within unincorporated Miami-Dade County**, then PWD, Traffic Engineering Division, shall coordinate a review with agencies potentially affected by the traffic flow modification(s)/street closure(s), which may include, but not be limited to, affected Municipal Police and Fire Departments, MDFR, MDPD, MDP&Z, MDCPS, MDT, FDOT.

2.7.a.1 PWD, Traffic Engineering Division, shall review all comments brought forth by the aforementioned entities. If all agencies and departments concur, then the Director of PWD will approve the application.

However, under the following conditions, the application for traffic flow modification(s)/street closure(s) will be denied.

2.7.a.1.1 Comments made by any entity revealed concerns, which cannot be resolved.

2.7.a.1.2 The proposed locations or extenuating circumstances do not meet all criteria outlined under this process or applicable State laws.

- 2.7.b **If the request affects local streets within a municipality**, then the municipality coordinates review with other agencies potentially affected by the traffic flow modification(s)/street closure(s), which may include, but not be limited to, affected Municipal Fire and Police Departments, MDFR, MDPD, MDP&Z, MDCPS, MDT, FDOT, PWD, Traffic Engineering Division.
- 2.7.b.1 The municipal representative shall review all comments brought forth by the aforementioned entities. The municipality, under the following conditions, shall deny the application for traffic flow modification(s)/street closure(s):
- 2.7.b.1.1 Comments made by any entity revealed concerns, which cannot be resolved.
- 2.7.b.1.2 The proposed locations or extenuating circumstances do not meet all criteria outlined under this process or applicable State laws.
- 2.7.c If the preliminary review performed by the various affected entities results in denial of the request, the process ceases.
- 2.7.d If the preliminary review performed by the various affected entities results in concurrence of the request, then the municipality endorses the request and forwards it to PWD, Traffic Engineering Division.

These reviews shall be relevant to the agency reviewing the proposed traffic flow modification(s)/street closure(s). The scope of the traffic review shall be determined on a case-by-case basis by PWD.

2.8 **Approval or Denial of the Request**

- 2.8.a **If the location falls within an unincorporated area**, PWD makes the determination on the traffic flow modification(s)/street closure(s).
- 2.8.a.1 If the traffic flow modification(s)/street closure(s) is denied by PWD, the process ceases.
- 2.8.a.2 If the traffic flow modification(s)/street closure(s) is approved by PWD, then proceed to the next step.
- 2.8.b **If the location falls within a municipality**, that entity makes recommendations on traffic flow modification(s)/street closure(s).
- 2.8.b.1 If the municipality denies the traffic flow modification(s)/street closure(s), the process ceases.
- 2.8.b.2 If the traffic flow modification(s)/street closure(s) is **endorsed by the municipality**, the request is forwarded to PWD for review and approval.

2.9 **Is Concurrence from the Affected Property Owners Required?**

Depending on the traffic calming devices, PWD will determine if concurrence from the affected residents and/or property owners is required.

Required Affected Residents and/or Property Owners:

Traffic Circles: Requires 100% concurrence of affected residents and/or property owners from four (4) corners adjacent to the proposed circles. This may be extended to the full block should a larger representation be desired by the District Commissioner.

Traffic Flow Modifications other than Traffic Circles: Requires concurrence of two-thirds (2/3) of the affected residents and/or property owners, who elected to vote (ballots received). Non-voters are not counted (ballots not returned).

Municipal Jurisdictions: In lieu of concurrence from the affected residents and/or property owners, a municipality may pass a resolution after a public hearing requesting PWD to consider the proposed traffic flow modification(s)/street closure(s).

- 2.9.a If concurrence of the affected residents and/or property owners is required, proceed to the next step.
- 2.9.b If concurrence of the affected residents and/or property owners is not required, proceed to Step 2.11.

2.10 **Approval of Traffic Plan**

As a result of the above-referenced steps, the affected residents and/or property owners must support the traffic calming flow modifications derived. Residents (one per household) must be either property or business owners, or tenant, within the affected area by the proposed traffic flow modification(s)/street closure(s).

A public workshop, organized by the applicant's traffic consultant, will be held and affected residents and/or property owners and business owners will be invited to participate. The purpose of the workshop will be to determine the proposed alternative(s) having the greatest community support. The public workshop should include participation by the municipality, PWD and FDOT officials.

- 2.10.a If the location is within unincorporated Miami-Dade County, PWD will mail out ballots to obtain concurrence from the affected residents and/or property owners.
- 2.10.b If the location is within a municipality, and PWD is funding the installation of the devices then the County shall mail out ballots to obtain concurrence from the required affected residents and/or property owners.
- 2.10.c If the location is within a municipality, and that municipality is funding the installation of the devices then such municipality shall mail out ballots to obtain concurrence from the required affected residents and/or property owners. (see Appendices VII, VIII and IX for sample ballots).

- 2.10.d A municipality, in lieu of the concurrence from affected residents and/or property owners, may elect to have their elected body vote on the proposed traffic flow modification(s)/street closure(s) after a public hearing and may submit the resolution to PWD for review of the proposed traffic flow modification(s)/street closure(s).
- 2.10.e If the required number of affected residents and/or property owners do not approve the proposed improvements, then the process ceases.
- 2.10.f If the residents and/or property owners desire to reinstate the process, such process can be reinstated after ninety (90) calendar days from the previous opening date of the ballots. However, the applicant will be charged with the mailing and processing cost, which will be determined on a case-by-case basis.
- 2.10.g **If the request for traffic flow modification(s)/street closure(s) falls within unincorporated Miami-Dade County**, then the applicant agrees to pay for all costs directly associated with the traffic flow modification(s)/street closure(s) **beyond the installation of signs and markings.**
- 2.10.h **If the request affects local streets within a municipality**, then determination will be made by the local entity and either the applicant or the municipality will share the costs directly associated with the traffic flow modification(s)/street closure(s) **beyond the installation of signs and markings.**
- 2.10.i Depending on the complexity of the traffic flow modification(s)/street closure(s), PWD may direct the Citizens Transportation Advisory Committee (CTAC), Transportation Planning Technical Advisory Committee (TPTAC), or MPO, to provide input prior to the final recommendations by PWD.
- 2.10.j If CTAC, TPTAC or MPO technical reviews recommend against the proposed traffic calming alternative(s), then that decision will be final.
- 2.10.k **If the location falls within unincorporated Miami-Dade County**, then PWD will notify the applicant of the approval or denial of the traffic flow modification(s)/street closure(s) request.
- 2.10.l **If the location falls within a municipality**, then PWD will notify the applicant and the municipality, of the approval or denial of the traffic flow modification(s)/street closure(s) request.
- 2.10.m If the required number of the affected residents and/or property owners does not approve the proposed improvements, then the process ceases.
- 2.10.k If the residents and/or property owners desire to reinstate the process, such process can be reinstated after ninety (90) calendar days from the previous opening date of the ballots. However, the applicant will be charged with the mailing and processing cost, which will be determined on a case-by-case basis.
- 2.10.l If the required number of the affected residents and/or property owners concur with the traffic flow modification(s)/street closure(s) plan approved by PWD, proceed to

2.11 Installation of Temporary Traffic Calming Devices

- 2.11.a The applicant's consultant develops a plan for the temporary and permanent traffic flow modification(s)/street closure(s).
- 2.11.b **If the jurisdiction falls within unincorporated Miami-Dade County**, then the applicant submits construction plans to PWD, Traffic Engineering Division, for approval of the temporary traffic flow modification(s)/street closure(s), including all signs and markings.
- 2.11.c **If the jurisdiction falls within a municipality**, then the applicant submits construction plans to the municipality for approval of the temporary traffic flow modification(s)/street closure(s) including all signs and markings.
- 2.11.d Municipality forwards plans to PWD, Traffic Engineering Division, for traffic engineering review and approval.
- 2.11.e Applicant engages a contractor to install temporary traffic control devices, which will be allowed only for a 90-day trial period.
- 2.11.f At the expiration of the 90-day trial period, the applicant shall remove the temporary traffic calming devices, unless the Director of the Public Works Department grants an extension, or constructs permanent devices.

2.12 Conduct Post-implementation Study to Assess if the Impact of Implemented Devices are Acceptable

Once the temporary traffic calming devices are implemented, they need to be evaluated prior to the installation of the permanent traffic calming devices.

- 2.12.a Applicant requests traffic consultant to collect traffic data after the traffic pattern has been established over a period of thirty (30) days and shall be completed **within the remaining sixty (60) days**.
- 2.12.b Traffic consultant analyzes the data and submits reports either to PWD or the municipality, whichever has jurisdiction.

2.13 Post-impact Analysis Results

If the study reveals that the impact of the temporary traffic control devices are unacceptable, then the consultant shall **go back to Step 2.3 to identify more restrictive traffic calming alternatives**.

If it is determined that the temporary traffic control devices are ineffective, then the request

for permanent installation shall be denied and the **applicant shall direct the contractor to remove the temporary traffic control devices at the expiration of the 90-day trial period.**

2.13.a **If the location falls within unincorporated Miami-Dade County**, then PWD will notify the applicant of the approval or denial of the permanent traffic flow modification(s)/street closure(s).

2.13.b **If the location falls within a municipality**, and if the request is initiated by the municipality, then PWD will notify the municipality. The municipality, in turn, will notify the applicant of the approval or denial of the permanent traffic flow modification(s)/street closure(s).

If the study reveals no adverse impacts and temporary devices are acceptable, then proceed to Step 2.14.

2.14 Design of Permanent Traffic Control Devices

2.14.a **If the location falls within unincorporated Miami-Dade County**, then construction plans are prepared by the applicant's consultant and are submitted to PWD for approval of the permanent traffic flow modifications or street closures, including all signs and markings.

2.14.b **If the location falls within a municipality**, then construction plans are prepared by the applicant's consultant and are submitted to a municipality for approval of the permanent traffic flow modifications or street closures, including all signs and markings. The municipality shall then forward plans to PWD, Traffic Engineering Division, for traffic engineering review and approval.

2.15 Installation of Permanent Traffic Calming Devices

Applicant directs private contractor(s) to install permanent closure, **at their expense**, upon obtaining necessary approvals and permits from the appropriate agencies.

In situations where a traffic flow modification(s)/street closure(s) in one municipality affects an adjacent municipality, then both municipalities shall mutually agree to such modification(s).

Miami-Dade County has the sole discretion, subject to all applicable laws, to approve, modify, remove, continue or deny any traffic flow modification(s)/street closure(s) request regardless of any support or lack thereof via the petition process. The approval or denial issued by the Director of PWD for a traffic flow modification(s)/street closure(s) is final.

APPENDICES

APPENDIX 1

**Public Works Department – Traffic Engineering Division
Policy on Traffic Calming Measures**

Must meet the first criteria and at least one of the remaining criteria in order for the Public Works Department to consider traffic calming measures:

Criterion	Residential Local Streets	Residential Collector Streets
Minimum Traffic Volume	>1,500 VPD <3000***	>3,000 VPD <8,000***
	>150 VPH <300***	>300 VPH <800
85th Percentile Speed+	10 MPH> Speed Limit	10 MPH> Speed Limit
Correctable Accidents per year	>3 per year	>6 per year
Cut Through Traffic during the a.m. or p.m. peak hour	>25%	>50%
Pedestrian Crossing Volume during the a.m. or p.m. peak hour	>25	>50
Concurrence from affected residents/property owners.*	2/3 of returned ballots**	2/3 of returned ballots **

VPD = Vehicles per day;
VPH = Vehicles per hour

+ It is the speed at which 85% of motorists travel.

* Affected residents/property owners to be determined on a case by case basis.

** For traffic circle 100% concurrence from adjacent affected residents and or property owners is required.

Municipal Jurisdictions: In lieu of concurrence a resolution is acceptable from municipalities.

*** The traffic volume within a municipal boundary could be reduced by a total of 30%, and speed by 50% at the request of and for those municipalities, which provide funding for their traffic calming program.



APPENDIX II**POLICY ON TRAFFIC CALMING DEVICES FOR LOW VOLUME NARROW STREET****General Requirements:**

- The street must be a local residential street.
- The street width must be less than 20 feet.
- The posted speed limit must be 30 mph or greater.
- The street is not on an emergency vehicle route.
- The street is not on a school bus route.
- The street must not be on a curve.
- The proposed TCD will have no adverse effect on pedestrians, bicycle safety or drainage.
- The street does not have any sidewalks.

Criteria: The Street must meet the first criteria and any one of the other criteria:

- 85th percentile speed must be 5 mph over the posted speed limit,
- Traffic volume shall not be less than 500 vehicles per day or more than 1000 vehicles per day.
- Cut-through traffic must be over 25%.
- Pedestrian volume must be over 15 pedestrians per hour.
- Two or more correctable-type accidents per year.

OR

- 85th percentile speed must be greater than or equal to posted speed limit.
- Cut-through traffic must be greater than or equal to 40%.
- Traffic volume shall not be less than 500 vehicles per day or more than 1000 vehicles per day.
- Pedestrian volume must be over 15 pedestrians per hour.
- Two or more correctable-type accidents per year.

APPENDIX III**POLICY ON SPEED HUMPS**

PURPOSE: The purpose of this policy is to provide guidelines for the installation of speed humps along local residential streets within Miami-Dade County.

POLICY: Speed humps will be considered, on a case-by-case basis, and only on local residential streets, which meet the following criterion:

CRITERION:

- The street must be a local residential street. **Speed hump shall not be constructed on collector and arterial roadways.**
- The street shall not have more than one traffic lane in each direction.
- The street must be at least 750 feet long, with no intersecting roadways in between.
- Traffic volumes on the street must equal or exceed 750 vehicles per day.
- The street is posted at or has a speed limit of 30 MPH or less.
- The traffic engineering study has determined that the 85th percentile speed on the street is at least 10 MPH over the speed limit.
- The speed humps will not be considered within 250 feet of a traffic signal, within 50 feet of an intersection, in front of a driveway, within an intersection or adjacent to fire hydrants.
- The speed humps will not be considered in, or on the approaches to, a horizontal or a vertical curve where visibility of the hump is restricted.
- The street should not be located along an emergency response route, regional transit or school bus route and must be approved by the respective agencies for the installation of speed humps.
- Installation of these devices shall not cause the traffic to divert to other neighborhood streets.
- 2/3 of the residents/property owners of the block(s) concur with the installation of the speed hump.
- The District Commissioner approves the use of PTP funding for the installation.

APPENDIX IV

REPORT ON SPEED HUMPS

Memorandum



Date: December 14, 2006

To: Honorable Chairman Carlos A. Gimenez
and Members, Regional Transportation Committee

From: George M. Burgess
County Manager 

Subject: Speed Tables/Humps Report

RTC
Agenda Item No. 7(J)

This memorandum is in response to a request by Commissioner Gimenez for a report on the pros and cons of speed humps. A speed hump is a traffic calming tool designed to slow traffic or control the volume of through traffic. It is a raised area in the pavement surface extending transversely across the roadway. Speed humps normally have a minimum height of 3 to 4 inches and a travel length between 12 feet to 22 feet. In some cases, the speed hump may raise the roadway surface to the height of the adjacent curb for a short distance.

Advantages of Speed Humps

The main advantage of speed humps is speed reduction. Reductions in cut-through traffic are also a major benefit of these devices. Based on a report done by the Center for Transportation Research and Education, Iowa State University, a number of studies have evaluated differences in speeds at a location before and after a speed hump was installed. Review of the various studies indicate that the magnitude of speed reduction depends on a number of factors, including the design and spacing where the speed difference was collected in relationship to the traffic calming device, the surrounding environment, and vehicle mix. Speeds between humps have been observed to be reduced between 20 and 25 percent on average.

Studies also indicate that traffic volumes are reduced on average by 18 percent depending on alternative routes available. Additionally, collisions have been reduced on average by 13 percent on streets where installations have occurred.

Disadvantages of Speed Bumps

Among disadvantages attributed to speed humps are the potential lawsuits brought against several jurisdictions as a result of speed hump installations. Also, although speed humps are effective in reducing traffic speed, they also reduce the speed of emergency vehicles and delay response times substantially. The amount of delay that is incurred depends on the type of emergency vehicle and the desired operating speed. This can be as much as 10 seconds per device. In a study done in the USA, it was calculated that more deaths would arise from delayed arrival of ambulances than lives could be saved by any possible accident reduction. Several studies have evaluated the impact of speed humps on emergency response times. In general, there is an approximate delay of between 3 and 5 seconds per speed hump for fire trucks and up to 10 seconds for an ambulance with a patient. In addition, traversing speed humps provides major discomfort to ambulance passengers and emergency personnel.

Speed humps have also been documented to cause accidents and injuries. Experimental devices placed on a street to protect children at local schools in Portland, Maine, resulted in an increase in crashes of 35 percent. Bicyclists and motorcyclists are more prone to be physically impacted. If bicyclists hit a speed hump too quickly while still within the speed limit, they may be

/

Honorable Chairman Carlos A. Gimenez
And Members, Regional Transportation Committee
Page 2

launched into the air losing total control of their bicycle. Drivers have also been observed to be distracted by the humps, therefore, ignoring other hazards such as children. Therefore, speed humps may be a potential safety hazard.

Other disadvantages are:

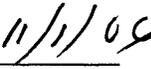
- Increase in air pollution and fuel usage as traffic travels in a lower gear using significantly more fuel per mile.
- Increases in vehicle wear and tear because speed humps frequently cause damage to vehicles even at normal speed levels.
- An increase in roadway maintenance costs because the road surface before and after a hump tends to develop potholes after a few years.
- Accidental automobile air bag deployment

Recommendation

A reduction in vehicle speed and volume may be accomplished either by horizontal controls, such as traffic circles or vertical controls such as the speed humps or tables.

Our current policy favors horizontal control over vertical control since they are safer and can provide comfortable maneuvering for people with disabilities and those transported on emergency vehicles. As such, our current policy on the vertical controls, as described in Attachment A, is limited to those low volume local residential streets where there is no intersecting street within a distance of 750 feet, and where the speed is determined to be at least 10 MPH over the posted speed limit.


Assistant County Manager


Date

2

O:\Documents and Settings\lgomez\Local Settings\Temporary Internet Files\OLKA6\Speed Tables-Humps Memo (Final).doc

ATTACHMENT A**POLICY ON SPEED HUMPS****PURPOSE:**

The purpose of this policy is to provide guidelines for the installation of speed humps along local residential streets within Miami-Dade County.

POLICY:

Miami-Dade County has the sole discretion, subject to all applicable laws, to approve, modify, remove, continue or deny speed hump(s) request regardless of any support or lack thereof via the petition process. The approval or denial issued by the Director of PWD for a speed hump(s) is final. Speed humps will be considered on a case-by-case basis, only on local residential streets which meet the following criteria.

CRITERION:

- The street must strictly be a local residential road, specifically excluding arterial or collector roadways.
- The street shall not have more than one traffic lane in each direction.
- The street must be at least 750 feet long with no intersecting roadways in between.
- Traffic volumes on the street must range between 750 and 1500 vehicles per day.
- The street is posted at or has a speed limit of 30 MPH or less.
- The traffic engineering study has determined that the 85th percentile speed on the street is at least 10 MPH over the speed limit.
- The speed humps will not be considered within 250 feet of a traffic signal, within 50 feet of an intersection, in front of a driveway, within an intersection or adjacent to fire hydrants.
- The speed humps will not be considered in or on the approach to a horizontal or a vertical curve where visibility of the hump is restricted.
- The street should not be located along an emergency response route, transit route, school bus route or truck route, and must be approved by the respective agencies for the installation of speed humps.
- Installation of these devices shall not cause the traffic to divert to other neighborhood streets.
- 100% of the residents/property owners immediately adjacent to the proposed speed humps (one vote per residence) and two-thirds of the residents/property owners of the block(s) shall concur with the installation of the speed humps.

APPLICATION PROCEDURE:

- Individual residents, neighborhood associations or the entity having municipal jurisdiction over the area may initiate the request for a speed hump installation. The applicant must submit a request, in writing, to the Chief of the Traffic Engineering Division, Miami-Dade Public Works Department, 111 NW 1 Street, Suite 1510, Miami, Florida, 33128-1970.

3

O:\Documents and Settings\lgomeztl\Local Settings\Temporary Internet Files\OLKA6\Speed Tables-Humps Memo (Final).doc

- After a request for speed humps is received, the Traffic Engineering Division will conduct an initial study to determine if the street meets the aforementioned criteria for the installation of said devices, or if other alternative measures may be taken to resolve the residents' traffic concerns.
- If the above criteria are not met, the street will not be considered for speed hump installation and the applicant(s) will be notified of the denial.
- If after the initial study it is determined that the street qualifies for speed hump installation, a petition packet consisting of the speed hump petition will be mailed to the applicant(s). The project applicant(s) will be responsible for circulating the petition in the applicable area.
- Once the approved petition is received, the applicant will be notified of the PWD's recommendations.
- If approval is granted, the Traffic Engineering Division will seek approval for allocation of PTP funding from the District Commissioner.
- Upon approval, PWD will initiate the design and subsequently proceed with the installation of the permanent traffic calming devices.
- The initial installation will be allowed for a six-month trial period. The final determination on the retention/removal of the hump(s) will be made at the expiration of the trial period.

SPEED HUMP REMOVAL:

The process for speed hump removal is as follows:

- Individual residents, neighborhood associations or the entity having municipal jurisdiction over the area if not satisfied with the devices may initiate the request for speed hump removal.
- The applicant must submit a request in writing to the Chief of the Traffic Engineering Division, Miami-Dade Public Works Department, 111 NW 1st Street, Suite 1510, Miami, Florida, 33128-1970.
- The application must accompany a petition signed by 100% of the residents/property owners immediately adjacent to the existing speed hump(s) (one vote per residence) and two-thirds of the property owners of the block(s) in favor of the removal of the speed hump.
- In case the PWD determines that an unforeseen problem exists as a result of the humps, the devices may be redesigned or removed by the County. In such a case, the County will bear the full cost of the speed hump removal.
- If the device is installed by a municipal jurisdiction, then such entity will be responsible for the removal of such device(s) upon approval from PWD at no cost to the County.

DESIGN:

The following design is adopted by PWD as the County's Standard for Speed Hump(s).

4

C:\Documents and Settings\lgomez\Local Settings\Temporary Internet Files\OLKA6\Speed Tables-Humps Memo (Final).doc

APPENDIX V

**Traffic Flow Modification/Street Closure
Applicant Form**

Applicant: _____ Date: _____

Contact Name: _____ Phone: _____

Local Address:

Location:

1.a.1 Rank your neighborhood's traffic problems and provide a brief description of each (for instance, time when the problem is most serious, or specific issue, such as a pothole).

- () Traffic intrusion _____
- () Excessive traffic volume _____
- () Speeding _____
- () Accidents _____
- () Other (please explain) _____

1.a.2 How long have these problems existed? What conditions have caused these problems?

1.a.3 Please check the type of action requested.

- () Traffic Circle
- () Median Treatment
- () Street Closure
- () Special Taxing District
- () Reverting the right-of-way
- () Other (please specify) _____

List locations where traffic flow modification(s)/street closure(s) is requested and provide an area map identifying these devices _____



1.a.4 This request is made on behalf of homeowners by:

- Homeowners Association
 - Individual
 - Other (please specify)
-

1.a.5 Please return the completed application form to:

Chief, Traffic Engineering Division
Miami-Dade County Public Works Department
111 N.W. First Street, Suite 1510
Miami, Florida 33128-1970

For Office Use Only

Project Number _____ Date Application Received: _____
Date Preliminary Analysis Completed _____ Identified Problems: Exist Perceived
Date of First Neighborhood Workshop _____ Traffic Team: Yes No
Director Action: Favorable Unfavorable Consensus Reached: Yes No
Date of Project Implementation _____
Project Review Date: _____ Project Successful: Yes No

APPENDIX VI

**Traffic Flow Modification/Street Closure
Interdepartmental Review**

To: Director, Public Works Department
111 N.W. 1st Street, Suite 1610
Miami, Florida 33128-1970

We have reviewed this request and based on the reasoning stated above, we recommend the following action:

Request Approved

Request Denied

Signature: _____ Date: _____

Print Name: _____

Reviewing Agency: _____

Address: _____

Please attach additional sheets as necessary.



APPENDIX VII

Sample Ballot 1: Traffic Circles, PWD Use

February 1, 2008

Mr. & Mrs.
0000 SW 00 Street
Miami, Florida 33143-5952

Dear Mr. & Mrs.

**OFFICIAL NEIGHBORHOOD TRAFFIC CALMING
RESIDENT AND/OR PROPERTY OWNER BALLOT**

The Miami-Dade County Public Works Department (PWD) has completed a traffic study at NW 10 Avenue and NW 50 Street. As a result of this study, a **traffic circle** is being proposed for the intersection of **NW 10 Avenue and NW 50 Street**. (See attached sketch)

Should 100% of the residents and/or property owners adjacent to the proposed **traffic circle** concur with the proposed improvement, the PWD will proceed with the installation of this device, **at no cost to the residents and/or property owners.**

In the event that 100% of these residents and/or property owners fail to reach a consensus, PWD will not pursue this matter any further.

Please read through the ballot, check the appropriate box, complete the pertinent information and return this original ballot to PWD no later than **Friday, February 29, 2008**. A self-addressed return envelope with pre-paid postage is enclosed for your convenience. All submitted ballots (one ballot per lot) must be original, completed in ink.

Ballot:

I, the undersigned resident and/or property owner do hereby indicate my preference by checking the appropriate box, **FOR** or **AGAINST** the installation of the proposed **traffic circle** at the intersection of **NW 10 Avenue and NW 50 Street**.

FOR

AGAINST

Signature _____

Property Address _____

Print Name _____

Phone Number _____

Date _____

Your presence is welcome at the opening and tabulation of the received ballot envelopes on **Friday, March 7, 2008**, at 10:00 a.m., at the Stephen P. Clark Center, 111 NW 1st Street, 15th floor, rear conference room. **Should you have any questions or require additional information, please contact Mr. Muhammed M. Hasan, P.E., Chief, Traffic Engineering Division, at (305) 375-2030.**



APPENDIX VIII

Sample Ballot 2: Traffic Calming Devices, PWD Use

November 18, 2007

Mr. & Mrs.
 0000 SW 00 Street
 Miami, Florida 33143-5952

Dear Mr. & Mrs.

**OFFICIAL NEIGHBORHOOD TRAFFIC CALMING
 RESIDENT AND/OR PROPERTY OWNER BALLOT**

The Miami-Dade County Public Works Department (PWD) in response to the request from the residents is proposing to construct a **median diverter** along SW 74 Street west of SW 52 Avenue in order to enforce the existing right turn restriction (See attached sketch).

Should two-thirds (2/3) of the affected residents and/or property owners concur with the proposed **median diverter**, PWD will proceed with the installation of this device **at no cost to the residents and/or property owners**, upon securing funding from the District Commissioner.

In the event that two-thirds (2/3) of these residents and/or property owners fail to reach consensus, PWD will not pursue this matter any further.

Please read through the ballot, check the appropriate box, complete the pertinent information, and return this original ballot to PWD no later than **Friday, December 7, 2007**. A self-addressed return envelope with pre-paid postage is enclosed for your convenience. All submitted ballots (one ballot per lot) must be original and completed in ink.

Ballot:

I, the undersigned resident and/or property owner do hereby indicate my preference by checking the appropriate box **FOR** or **AGAINST** the installation of the proposed **median diverter** along SW 74 Street west of SW 52 Avenue.

FOR

AGAINST

Signature _____

Property Address _____

Print Name _____

Phone Number _____

Date _____

Your presence is welcomed at the opening and tabulation of the received ballot envelopes on **Friday, December 14, 2007**, at 10:00 a.m., at the Stephen P. Clark Center, 111 NW 1st Street, 15th floor, rear conference room. **Should you have any questions or require additional information, please contact Mr. Muhammed M. Hasan, P.E., Chief, Traffic Engineering Division, at (305) 375-2030.**



APPENDIX IX

Sample Ballot 3: Residents/Property Owners and HOA Use

**OFFICIAL NEIGHBORHOOD TRAFFIC CALMING
RESIDENTS' AND/OR PROPERTY OWNERS' BALLOT**

The Miami-Dade County Public Works Department (PWD), in response to the request for street closures, is proposing **half closures at NE 88 St and NE 90 Street east of NE 10 Avenue** that will prevent vehicles from entering NE 88 Street and NE 90 Street from NE 10 Avenue (See attached sketch). Please note that initially the half closures will be constructed using signs, plastic batons and pavement markings in order to receive input from the residents and make any needed adjustments to the design. It will be reevaluated after ninety (90) days. Subsequently, should this device be acceptable to all parties involved, it will be made permanent utilizing concrete curb and gutter.

Should two-thirds (2/3) of the affected residents and/or property owners concur with the proposed **half closures**, PWD will proceed with the installation of these devices.

All submitted ballots (one ballot per lot) must be original and completed in ink.

Ballot:

We, the undersigned resident and/or property owner do hereby indicate our preference by checking the appropriate box **FOR** or **AGAINST** the installation of the proposed **half closure** along NE 88 St and NE 90 Street east of NE 10 Avenue.

Name:

Address:

Signature: _____

FOR **AGAINST**

Name:

Address:



Signature: _____

FOR **AGAINST**



RESOLUTION NO. 2020-_____

A RESOLUTION OF THE MAYOR AND THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, IN SUPPORT OF CLOSING BYRON AVENUE AT 96TH STREET AND/OR OTHER TRAFFIC MITIGATION MEASURES; DIRECTING THE TOWN ADMINISTRATION TO COMMENCE THE PROCESS OF CLOSING 96TH STREET AT BYRON AVENUE AND/OR OTHER TRAFFIC MITIGATION MEASURES, INCLUDING APPLICATION TO AND WORKING WITH MIAMI-DADE COUNTY FOR SUCH CLOSURE AND/OR TRAFFIC MITIGATION MEASURES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR TRANSMITTAL TO MIAMI-DADE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the traffic light at 96th Street and Byron in the Town of Surfside (“Town”) has caused the entire length of Byron Avenue to become a speedway for commuters and has caused northbound traffic from Collins Avenue to utilize Byron Avenue as a short cut to go west on 96th Street; and

WHEREAS, the traffic light at 96th Street and Byron Avenue has incentivized the entire residential area to utilize only this street to exit the Town at its north end, rather than to exit the residential area by way of Collins Avenue via all streets throughout the Town; and

WHEREAS, the traffic light at 96th Street and Byron Avenue has caused a hugely disproportionate amount of traffic and impact on Byron Avenue and its residents, as rather than utilizing Collins Avenue, many non-residents and commercial traffic leaving the business district and beach, utilize Byron Avenue and 96th Street to go west and left; and

WHEREAS, the traffic light and northbound exit at 96th Street and Byron Avenue, and the heavy and constant traffic along Byron Avenue, has caused a safety concern for residents, pedestrians and bikers utilizing Byron Avenue, including families with children, our elderly and anyone walking to worship; and

WHEREAS, the extreme traffic driven by funneling traffic to the Byron Avenue traffic light at 96th Street has impacted and caused the value of homes along Byron Avenue to be diminished in value; and

WHEREAS, the traffic light at 96th Street and Byron Avenue has caused diminished quality of life, anxiety and stress for all residents who live along the length on Byron Avenue, with at least one resident being hit by a car and hospitalized and numerous pets have been killed; and

WHEREAS, the Town Commission finds that closing Byron Avenue at 96th Street and/or other traffic mitigation measures are needed to protect the life, safety and welfare of residents along Byron Avenue and in the Town, to ensure proper traffic flow and safety, and to improve the quality of life and property values for residents along Byron Avenue and the Town; and

WHEREAS, the Town Commission wishes to direct the Town administration to commence the process of closing 96th Street at Byron Avenue and/or other traffic mitigation measures, including application to and working with Miami-Dade County, including the Department of Transportation and Public Works, for such closure and/or traffic mitigation measures pursuant to the County's "Traffic Flow Modification/Street Closure Procedures"; and

WHEREAS, on December 8, 2020, the Town Commission conducted a public hearing on this matter and all interested parties were heard and provided public comment, and due and proper consideration was given to the matter; and

WHEREAS, the Town Commission finds that this Resolution is in the best interest of the public health, welfare, and safety of the Town's residents.

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

Section 1. Recitals. Each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. In Support of Closing Byron Avenue at 96th Street and/or Other Traffic Mitigation Measures; Request to Miami-Dade County Department of Transportation and Public Works. The Mayor and Town Commission of the Town of Surfside support the closure of Byron Avenue at 96th Street and/or other traffic mitigation measures as necessary to protect the life, safety and welfare of residents along Byron Avenue and in the Town, to ensure proper traffic flow and safety, and to improve the quality of life and property values for residents along Byron Avenue and the Town. The Town Commission hereby requests that the Miami-Dade County Department of Transportation and Public Works consider any proposed Town application for Traffic Flow Modification/Street Closure.

Section 3. Direction to Town Administration; Implementation. The Town Commission directs and authorizes the Town Administration to commence the process of closing 96th Street at Byron Avenue and/or other traffic mitigation measures, including application to and working with Miami-Dade County, including the Department of Transportation and Public Works, for such closure and/or traffic mitigation measures pursuant to the County’s “Traffic Flow Modification/Street Closure Procedures”, and to take all action necessary to implement the purposes of this Resolution. The Town Administration is further authorized to engage a traffic engineer to consult and assist in the submittal of a Traffic Flow Modification/Street Closure application to Miami-Dade County and/or a traffic study and supporting documentation, as may be prudent or required.

Section 4. Transmittal. That the Town Clerk is directed to transmit a copy of this Resolution to Miami-Dade County, including the Board of County Commissioners and the Department of Transportation and Public Works.

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

PASSED AND ADOPTED this 8th day of December, 2020.

Motion By: _____

Second By: _____

FINAL VOTE ON ADOPTION:

Commissioner Charles Kesl _____

Commissioner Eliana R. Salzhauer _____

Commissioner Nelly Velasquez _____

Vice Mayor Tina Paul _____

Mayor Charles W. Burkett _____

Charles W. Burkett, Mayor

ATTEST:

Sandra Novoa, MMC
Town Clerk

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

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney



**Town of Surfside
Town Commission Meeting
7:00 pm**

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

Date: 12/8/20

Prepared by: Mayor

Subject: Oil Drilling Resolution

Objective: Condemn the effort to drill for oil in the Bahamas

Consideration:

Recommendation: Pass the resolution condemning the drilling in our back yard.

RESOLUTION NO. 2020 ____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE BAHAMIAN GOVERNMENT TO REVOKE OFFSHORE OIL DRILLING EXPLORATION LICENSES AND PERMANENTLY BAN OFFSHORE OIL DRILLING ACTIVITIES IN THE BAHAMAS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Bahamas Petroleum Company (“BPC”) has been granted an offshore oil drilling exploration license by the Bahamian government that allows them to construct exploratory offshore oil drilling wells 150 miles off the coast of Florida; and

WHEREAS, exploratory and commercial drilling, extraction, and transportation of offshore oil and gas resources by BPC poses a significant risk of oil spills and chronic leakage that impact the Bahamas and coastal communities in the Caribbean and Florida; and

WHEREAS, offshore drilling activities pose threats to treasured vacation destinations in the Caribbean and along Florida’s Coasts, which are of intrinsic economic value for numerous industries and countries, provide essential nursery habitats for recreational and commercially important fisheries, and act as natural buffers from storm surge and hurricanes; and

WHEREAS, the Town of Surfside (“Town”) is one of numerous coastal communities in Florida and in the Caribbean whose marine habitats, industries, and public health could be devastated by offshore drilling oil spills originating in the Bahamas; and

WHEREAS, the Town endeavors to protect the environmental health of all marine habitats in the Caribbean and the Atlantic, and, particularly, off the coast of the Town and Biscayne Bay; and

WHEREAS, exploration and development of oil and gas resources off the coast of Florida may not effectively address the long-term economic diversification goals of the Bahamas, and would likely substantially damage the tourism sector of the Bahamian economy, which makes up sixty percent of the country’s economy; and

WHEREAS, the Town urges the Bahamian government to revoke BPC’s offshore oil drilling exploration license and permanently ban offshore oil drilling activities in the Bahamas, and further urges Miami-Dade County and the State of Florida to oppose such offshore oil drilling and work with the Bahamian government in such efforts.

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

Section 1. Recitals Adopted. The above referenced “Whereas” clauses are true and correct and made a part hereof.

Section 2. Urging the Bahamian Government to Ban Offshore Oil Drilling. The Town Commission urges the Bahamian government to revoke offshore oil drilling exploration licenses issued to BPC and further urges the Bahamian government to permanently ban all offshore oil drilling activities in the Bahamas. The Town Commission further urges Miami-Dade County and the State of Florida to oppose such offshore oil drilling and work with the Bahamian government in such efforts.

Section 3. Transmittal. That the Town Commission hereby directs the Town Clerk to transmit a copy of this Resolution to the Bahamian Prime Minister Hubert Minnis and Bahamian Ambassador to the U.S. Sidney S. Collie, the Miami-Dade County Board of County Commissioners, Governor Ron DeSantis on behalf of the State of Florida, and to all municipalities in Miami-Dade County, Florida.

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

PASSED AND ADOPTED this 8th day of December, 2020.

Motion By: _____

Second By: _____

FINAL VOTE ON ADOPTION:

Commissioner Charles Kesl _____

Commissioner Eliana R. Salzhauer _____

Commissioner Nelly Velasquez _____

Vice Mayor Tina Paul _____

Mayor Charles W. Burkett _____

Charles W. Burkett, Mayor

ATTEST:

Sandra Novoa, MMC
Town Clerk

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

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney



**Town of Surfside
Town Commission Meeting
November 12, 2020
7:00 pm**

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

Date: 10-5-2020
Prepared by: Commissioner Eliana Salzhauer
Subject: Discussion and Action Regarding Newly Implemented “Town Blog”, Surfside Gazette, and Social Media Guidelines

Objective: To protect Surfside’s integrity by ensuring accuracy and legitimacy in communications and by strengthening our town’s Social Media Policy.

Consideration: Social Media has become a distraction and ethically compromised forum for conducting Town Business. Open government laws and ethics make social media usage problematic. The Town should avoid the expense and oversight of creating any additional social media platforms or “blogs.” There are ample existing avenues for communication. The taxpayer-funded Gazette should abide by the Truth in Government standard that residents deserve and legally expect. A “disclaimer” does not absolve that requirement. The Surfside Town Seal is prohibited for personal use.

The current Surfside Social Media Policy holds employees to a higher standard than the Town Commission.

***please review the Surfside Social Media Policy (enacted in 2019) attached to this Memo

Recommendation:

The Social Media Policy should be strengthened to include the above considerations, and updated to create equitable expectations of all town representatives (employees, consultants, & elected officials), and include consequences for violation.

Miami - Dade County, Florida, Code of Ordinances >> PART I - CONSTITUTIONAL AMENDMENT AND CHARTER >> **CITIZENS' BILL OF RIGHTS >>**

CITIZENS' BILL OF RIGHTS

- (A). This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administrative management, to make government more accountable, and to insure to all persons fair and equitable treatment, the following rights are guaranteed:
1. *Convenient Access.* Every person has the right to transact business with the County and the municipalities with a minimum of personal inconvenience. It shall be the duty of the Mayor and the Commission to provide, within the County's budget limitations, reasonably convenient times and places for registration and voting, for required inspections, and for transacting business with the County.
 2. *Truth in Government.* No County or municipal official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.
 3. *Public Records.* All audits, reports, minutes, documents and other public records of the County and the municipalities and their boards, agencies, departments and authorities shall be open for inspection at reasonable times and places convenient to the public.
 4. *Minutes and Ordinance Register.* The Clerk of the Commission and of each municipal council shall maintain and make available for public inspection an ordinance register separate from the minutes showing the votes of each member on all ordinances and resolutions listed by descriptive title. Written minutes of all meetings and the ordinance register shall be available for public inspection not later than 30 days after the conclusion of the meeting.
 5. *Right to be Heard.* So far as the orderly conduct of public business permits, any interested person has the right to appear before the Commission or any municipal council or any County or municipal agency, board or department for the presentation, adjustment or determination of an issue, request or controversy within the jurisdiction of the governmental entity involved; provided, nothing herein shall prohibit the Commission or any municipal council from referring a matter to a committee of each of their respective bodies to conduct a public hearing, unless prohibited by law. Matters shall be scheduled for the convenience of the public, and the agenda shall be divided into approximate time periods so that the public may know approximately when a matter will be heard. Nothing herein shall prohibit any governmental entity or agency from imposing reasonable time limits for the presentation of a matter.
 6. *Right to Notice.* Persons entitled to notice of a County or municipal hearing shall be timely informed as to the time, place and nature of the hearing and the legal authority pursuant to which the hearing is to be held. Failure by an individual to receive such notice shall not constitute mandatory grounds for cancelling the hearing or rendering invalid any determination made at such hearing. Copies of proposed ordinances or resolutions shall be made available at a reasonable time prior to the hearing, unless the matter involves an emergency ordinance or resolution.

4 THE MIAMI HERALD | SUNDAY, FEBRUARY 22, 2009 | MiamiHerald.com/Neighbors | MB

SURFSIDE

Officials fed up with 'Mayor's View'

■ Surfside's mayor Charles Burkett and town commissioners squabble over the mayor's criticisms in the town's newsletter.

BY ANGEL L. DOVAL
adoval@MiamiHerald.com

Surfside Mayor Charles Burkett will no longer get to publish his monthly column in the town newsletter after several commissioners criticized the column as overly political.

At a Feb. 10 meeting, the attempt to create guidelines for the Surfside Town Gazette — and eliminate Burkett's "Mayor's View" column — sparked fireworks.

After a heated argument pitting Burkett against Commissioner Steven Levine, the commission voted 4-1 to eliminate the column from the newsletter among other changes to the town publica-

tion. Burkett was the dissenting vote.

Levine said the mayor was "politicizing the Gazette" and called him "an assassinator" for his strong opinions and sharp chastisements of commissioners in print. At one point, Levine pounded his left fist on the dais.

In February's newsletter, Burkett wrote that he asked the commission to think carefully about calls to eliminate his or any elected official's ability to reach out to residents through the Gazette.

"I know I'm not the most popular person with my friends on the Commission right now . . . but I also know that silencing any voice on this commission would probably not be a great idea for any elected official to undertake," he wrote.

Levine and Commissioner Elizabeth Calderon also



BURKETT



LEVINE

'They're not happy about what I'm writing. I'm informing the electorate about what is going on at these meetings.'

— CHARLES BURKETT, mayor of Surfside

ings," Burkett said.

The debate began when commissioners Levine and Calderon opened discussion on Gazette policies and guidelines. "These views just don't belong in the newsletter," Levine said at the meeting. "You are making the commissioners and the town look bad in the eyes of the residents and our visitors."

Burkett responded by saying that he has the right to write what he wants and that the commissioners have always been allowed to have their say in the newsletter.

Calderon suggested trimming the Gazette. "We can

save some money if we reduce the size of the newsletter by two pages," she said.

Levine responded: "The mayor is using up two pages so we can eliminate those."

He also told the mayor that his column could continue — online. "And you know what? It's free."

Burkett isn't happy about being relegated to the town website.

"And all the talk about using the website is garbage," he said. "The newsletter is already on the Web. And when they describe what I write as 'political,' well everything we do is political."

**SURFSIDE
BURKETT IS NOT FIT
TO HOLD PUBLIC OFFICE**

**In his May 29 letter,
Charles Burkett lists projects**

•TURN TO OPINION, 29

OPINION

opponents of the current Surfside administration have pushed for and then implies he is the mastermind, writing, "I will continue to press forward with these resident initiatives and requests."

Later in the letter, he virtually crowns himself king as he thanks "all of you who continue to come to our monthly meetings. Together we are making a difference."

In his book *On Bulls**t*, Harry G. Frankfurt distinguishes between lying and bulls****ing as follows: "The bulls****er does not reject the authority of the truth, as the liar does, and oppose himself

to it. He pays no attention to it at all. By virtue of this, bulls*** is a greater enemy of the truth than lies are."

Charles Burkett raises bulls*** to a high art.

This is the same man who was found guilty of multiple counts of breaking Florida campaign finance law in his recent losing bid for office.

Burkett not only suffers from the illusion that he has power but is now acting on his fantasy: Residents learned at the last commission meeting that he had the gall to falsely represent himself as acting on behalf of Surfside in an official capacity in the

town's negotiations with a cable provider to begin televising commission meetings. Mr. Burkett's unethical meddling in this case set the entire process, the goal of which he so incessantly cries for, back several weeks.

Since he hasn't accomplished anything on his own, Burkett hogs the credit for work done by others and tries to push himself into town business that is none of his affair. Is someone with such a seemingly feeble grip not only on the truth but on reality itself fit to hold elected office?

PETER A. SAHWELL
Surfside

Meyers, Robert (COE)

INQ 07-16

From: Meyers, Robert (COE)
Sent: Wednesday, January 31, 2007 5:58 PM
To: 'Charles Burkett'
Subject: RE:

Mayor Burkett,

I understand your question and I'm curious whether you discussed it with your city attorney. My take on this is you must be very careful if you choose to participate. It's perfectly reasonable for you to comment on matters mentioned in blogs concerning Surfside. It can be viewed as another way to reach your constituents and residents of Surfside. However, if other elected officials are responding to the same blogs and you can read each other's comments, you could be in violation of the Sunshine Law if the comments by you and the commissioners involve subjects that are in front of the Commission or likely to be on your agenda in the future.

If you wish to discuss this with me in more detail, feel free to contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director
Miami-Dade Commission on Ethics and Public Trust
(305) 350-0613

From: Charles Burkett [mailto:Charles@burkettcompanies.com]
Sent: Tuesday, January 30, 2007 5:48 PM
To: Meyers, Robert (COE)
Subject:

Hi Robert,

One question. There is a blog in Surfside and there may be others soon.

Can I participate? Can other elected officials also participate?

Thanks,

Charles

Charles W. Burkett, IV
President
The Burkett Companies
801 Alton Road, Suite 2
Miami Beach, FL 33139

305-534-0102 Main
305-534-8711 Private
305-673-2075 Fax

www.burkettcompanies.com

1/31/2007

Public Records – Social Networking

Social networking sites such as Facebook are becoming increasingly popular in business as well as social contexts. Many elected officials use Facebook as a method to keep in touch with their constituents. If a government entity, such as a city, were to choose to maintain a Facebook page, there would be several factors to consider under Florida's public records and open meetings laws.

First, all contents of the city's page, including information about the city's friend list, would be subject to disclosure under Florida's Public Records Act.

Second, the city will be obligated to follow a public records retention schedule as set forth in the State of Florida General Records Schedule for State and Local Government Agencies.

Third, communications on the city's Facebook page regarding city business would be subject to Florida's Government in the Sunshine Law.

Since the city is authorized to exercise powers for a municipal purpose, any material placed on the city's page would presumably be in furtherance of municipal business. Section 119 of the Florida Statutes defines "public records" to include"

"all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency."

The Florida Supreme Court has interpreted this definition to include all materials made or received by an agency in connection with official business which are used to perpetuate, communicate, or formalize knowledge. It is the content of the record created which determines whether it is a public record. The placement of information on the city's Facebook page would communicate knowledge, and would presumably be in connection with the transaction of official business. This would subject the contents of the Facebook page to the provisions of Chapter 119 of the Florida Statutes.

Individual Facebook users can set privacy settings for their personal pages. A Facebook page created by a government entity, however, would have to be open to the public. While the personal pages of the government entity's "friends" may or may not be public, the names on that government entity's friend list would be subject to disclosure.

In light of this, a government entity may wish to post a warning regarding the implications of the Public Records Law.

Communications on a city's Facebook page regarding city business by city commissioners may be subject to Florida's Government in the Sunshine Law, section 286.011 of the Florida Statutes. Members of a city board or commission must not engage on the city's Facebook page in an

exchange or discussion of matters that foreseeably will come before the board or commission for official action.

Section 286.011, Florida Statutes, the Government in the Sunshine Law, has three basic requirements:

- (1) meetings of public boards or commissions must be open to the public;
- (2) reasonable notice of such meetings must be given; and
- (3) minutes of the meetings must be taken and promptly recorded.

The law applies to any gathering, whether formal or casual, of two or more members of the same board or commission to discuss some matter on which foreseeable action will be taken by the public board or commission. The law extends to the discussions and deliberations as well as the formal action taken by a public board or commission, with no requirement that a quorum be present.

While the Sunshine Law generally applies to meetings of "two or more" members of the same board or commission, the Florida Supreme Court has stated that the Sunshine Law is to be construed "so as to frustrate all evasive devices." The courts and this office have found that there are instances where the physical presence of two or more members is not necessary in order to find the Sunshine Law applicable. This office has stated that members of a public board may not use computers to conduct a private discussion about board business.

In Attorney General Opinion 08-07, this office concluded that the use of a website, blog or message board to solicit comment from other members of the board or commission by their response on matters that would come before the board would trigger the requirements of the Sunshine Law.

While there is no statutory prohibition against a city council member posting comments on a privately maintained website or blog, members of government boards or commissions must not discuss matters that foreseeably will come before the boards or commission. It would be incumbent upon the board or commission members to avoid any action that could be construed as an attempt to evade the requirements of the law.

While there is not a prohibition against a board or commission member posting comments on a city's Facebook page, members of the board or commission must not engage in an exchange or discussion of matters that foreseeably will come before the board or commission for official action.

New technology presents exciting and effective communication tools as well as some challenges maintaining transparency in government. While these small challenges should not deter public officials from using technology for the benefit of the people they serve, technology can't be an excuse for lack of transparency. At the Attorney General's office, we use the social network Twitter to alert consumers of scams and fraudulent business practices.

We find that this is an effective way to reach people quickly and effectively. Just like our e-mails and BlackBerry PINs, our agency maintains a record of all our Tweets.

Finally, let's talk about records retention. Chapter 119 of the Florida Statutes requires the Division of Library and Information Services of the Department of State to adopt rules establishing retention schedules and a disposal process for public records. Each agency must comply with these rules.

To the extent that the information on the city's Facebook page constitutes a public record, the city is under an obligation to follow the public records retention schedules established by law.

Questions relating to the applicability of a retention schedule or retention of a specific record, however, should be referred to the Division of Library and Information Services in the Department of State.

Florida Attorney General
Advisory Legal Opinion

Number: AGO 2009-19

Date: April 23, 2009

Subject: Records, municipal facebook page

Mr. Samuel S. Goren
Coral Springs City Attorney
9551 West Sample Road
Coral Springs, Florida 33065

RE: MUNICIPALITIES–RECORDS–GOVERNMENT IN THE SUNSHINE LAW–INTERNET–
public record implications for city's Facebook page. s. 119.011(12), Fla. Stat.; Art. I, s. 23, Fla.
Const.

Dear Mr. Goren:

On behalf of the Coral Springs City Commission, you ask the following questions:

1. If the city chooses to maintain a Facebook page, would all contents of the city's page, including information about the city's "friends" and their pictures, and the friend's respective Facebook pages, be subject to the Public Records Law, Chapter 119, Florida Statutes?
2. If Question One is answered in the affirmative, is the city obligated to follow a public records retention schedule as set forth in the State of Florida General Records Schedule GSI for State and Local Government Agencies?
3. If Question One is answered in the affirmative, is Florida's Right of Privacy, as guaranteed in Article I, section 23, Florida Constitution implicated by the inclusion of information about the city's "friends" and the respective link to the friends' Facebook pages linked to the city's page?
4. Would communications on the city's Facebook page regarding city business be subject to Florida's Government in the Sunshine Law, section 286.011, Florida Statutes?

In sum:

1. Since the city is authorized to exercise powers for a municipal purpose, the creation of a Facebook page must be for a municipal, not private purpose. The placement of material on the city's page would presumably be in furtherance of such purpose and in connection with the transaction of official business and thus subject to the provisions of Chapter 119, Florida Statutes. In any given instance, however, the determination would have to be made based upon the definition of "public record" contained in section 119.11, Florida Statutes. Similarly, whether the Facebook page of the friends would also be subject to the Public Records Law, Chapter 119, Florida Statutes, would depend on whether the page and information contained therein was made or received in connection of the transaction of official business by or on behalf of a public agency.

2. The city is under an obligation to follow the public records retention schedules established by law.

3. While Article I, section 23, Florida Constitution, may be implicated in determining what information may be collected by the city, the constitutional provision expressly states that "[t]his section shall not be construed to limit the public's right of access to public records and meetings as provided by law." Thus, to the extent that information on the city's Facebook page constitutes a public record within the meaning of Chapter 119, Florida Statutes, Article I, section 23, Florida Constitution, is not implicated.

4. Communications on the city's Facebook page regarding city business by city commissioners may be subject to Florida's Government in the Sunshine Law, section 286.011, Florida Statutes.

Thus, members of a city board or commission must not engage on the city's Facebook page in an exchange or discussion of matters that foreseeably will come before the board or commission for official action.

You state that Facebook is a social networking website maintained by privately-owned Facebook, Inc., which allows users to create profiles that include personal interests and pictures. According to your letter, Facebook allows users to build networks of "friends" which allows such friends, once they have been added to the user's profile, to appear on the user's profile. Facebook also contains interactive features, including instant messaging and a "Wall" which allows friends to post messages and attachments which may be viewed by anyone who may view the user's profile.

As you have not provided this office with a specific fact situation, my comments must be general in nature.

Question One

Section 166.021(1), Florida Statutes, sets forth the authority of municipalities, stating:

"As provided in s. 2(b), Art. VIII of the State Constitution, municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law." (e.s.)

The Florida Supreme Court has stated that this constitutional provision "expressly grants to every municipality in this state authority to conduct municipal government, perform municipal functions, and render municipal services." [1] The only limitation on the power of municipalities under this constitutional section is that such power must be exercised for a valid municipal purpose. [2] The determination of what constitutes a valid municipal purpose for the expenditure of public funds is one that must be made by the city commission and cannot be delegated to this office. [3] In making this determination, the commission must make appropriate legislative findings.

Accordingly, the city would appear to have the authority to establish a Facebook page under its home rule powers provided the establishment of such a page is for a valid municipal purpose and the city commission has made the appropriate legislative findings. You have not advised this office as to the nature of the information that will be contained on the city's page. Section 119.011(12), Florida Statutes, however, defines "Public records" for purposes of Chapter 119, Florida Statutes, to include

"all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency."

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to perpetuate, communicate, or formalize knowledge. [4] It is the nature of the record created rather than the means by which it is created which determines whether it is a public record. [5] The placement of information on the city's Facebook page would appear to communicate knowledge. Thus, the determination in any given instance as to whether information constitutes a public record will depend on whether such information was made or received in connection with the transaction of official business by the city.

As noted above, you have not advised this office as to what will be placed on the Facebook page. Inasmuch as the page must be established for a municipal purpose and in the absence of specific information as to the material placed on the city's Facebook page, this office presumes that the information contained on the page would be made or received in connection with the official business of the city. I recognize that the Florida Supreme Court ruled that private e-mail stored in government computers does not automatically become a public record by virtue of that storage:

"Just as an agency cannot circumvent the Public Records Act by allowing a private entity to maintain physical custody of documents that fall within the definition of "public records," . . . private documents cannot be deemed public records solely by virtue of their placement on an agency-owned computer." [6]

Therefore, there may be material placed on the city's Facebook page that is personal and does not relate to the transaction of official business. However, as noted above, the creation of a Facebook page must be for a municipal, not private, purpose. Accordingly, the placement of material on the city's page would presumably be in furtherance of such purpose and in connection with the transaction of official business and thus subject to the provisions of Chapter 119, Florida Statutes. In any given instance, however, the determination would have to be made based upon the definition of "public record" contained in section 119.11, Florida Statutes, as defined by the courts.

You also inquire whether the Facebook page of the friends would also be subject to the Public Records Law, Chapter 119, Florida Statutes. You do not indicate who these "friends" of the city may be. In the absence of more information, this office cannot categorically conclude that the Facebook pages of such "friends" would be subject to Chapter 119; rather such a determination would depend on whether the information contained on such pages was made or received in connection of the transaction of official business by or on behalf of a public agency such as the city. In light of the above, the city, should it establish a Facebook page, may wish to post a warning regarding the application and implications of the Public Records Law. [7]

Question Two

Section 119.021(2)(a), Florida Statutes, requires the Division of Library and Information Services (division) of the Department of State to adopt rules establishing retention schedules and a disposal process for public records. Each agency must comply with these rules. [8] The division shall establish a time period for the retention or disposal of each series of records. [9]

Section 257.36(6), Florida Statutes, provides that a "public record may be destroyed or otherwise disposed of only in accordance with retention schedules established by the division." This office in Attorney General Opinion 96-34, recognizing that the definition of "public records" is comprehensive and encompasses all such material regardless of its physical form or characteristics, stated that electronic public records such as e-mail messages are subject to the statutory limitations on destruction of public records. More recently, this office stated in Attorney General 08-07 that the public records on a website maintained by a city council member that related to the transaction of city business would appear to be subject to the city's policies and retention schedule regarding city records.

The General Records Schedule GS1-SL for State and Local Government Agencies states that "[a]ll Florida public agencies are eligible to use the GS1-SL, which provides retention periods for the most common administrative records such as routine correspondence and personnel, payroll, financial, and legal records." [10] Thus, to the extent that the information on the city's Facebook page constitutes a public record, the city is under an obligation to follow the public records retention schedules established by law.

Questions relating to the applicability of a retention schedule or retention of a specific record, however, should be referred to the Division of Library and Information Services in the Department of State.

Question Three

Article I, section 23, Florida Constitution, provides:

"Every natural person has the right to be let alone and free from governmental intrusion into the person's private life except as otherwise provided herein. This section shall not be construed to limit the public's right of access to public records and meetings as provided by law."

Therefore, while the Florida Constitution recognizes a right of privacy for Florida citizens in Article I, section 23, Florida Constitution, it also states that "[t]his section shall not be construed to limit the public's right of access to public records and meetings as provided by law." The Florida courts have determined that no federal or state right of privacy prevents access to public records.[11] It is the Legislature that has balanced the private versus public rights by creating the various exemptions from public disclosure.[12] Thus, in Florida, "neither a custodian of records nor a person who is the subject of a record can claim a constitutional right of privacy as a bar to requested inspection of a public record which is in the hands of a government agency." [13]

While Article I, section 23, Florida Constitution, may be implicated in determining what information may be collected by the city,[14] to the extent that information on the city's Facebook page constitutes a public record within the meaning of Chapter 119, Florida Statutes, Article I, section 23, Florida Constitution, is not implicated. As noted supra, the city may wish to post a notice on its Facebook page regarding the Public Records Law.

Question Four

Section 286.011, Florida Statutes, the Government in the Sunshine Law, has three basic requirements:

"(1) meetings of public boards or commissions must be open to the public;
(2) reasonable notice of such meetings must be given; and
(3) minutes of the meetings must be taken and promptly recorded."

The law applies to any gathering, whether formal or casual, of two or more members of the same board or commission to discuss some matter on which foreseeable action will be taken by the public board or commission.[15] The law extends to the discussions and deliberations as well as the formal action taken by a public board or commission, with no requirement that a quorum be present for a meeting of members of a public board or commission to be subject to section 286.011, Florida Statutes.

While the Sunshine Law generally applies to meetings of "two or more" members of the same board or commission,[16] the Florida Supreme Court has stated that the Sunshine Law is to be construed "so as to frustrate all evasive devices." [17] Thus, the courts and this office have found that there are instances where the physical presence of two or more members is not necessary in order to find the Sunshine Law applicable. Thus, this office has stated that members of a public board may not use computers to conduct a private discussion among themselves about board business.[18]

In Attorney General Opinion 08-07, this office concluded that the use of a website blog or message board to solicit comment from other members of the board or commission by their response on matters that would come before the board would trigger the requirements of the Sunshine Law. As stated therein:

"While there is no statutory prohibition against a city council member posting comments on a privately maintained electronic bulletin board or blog, . . . members of the board or commission must not engage in an exchange or discussion of matters that foreseeably will come before the board or commission for official action. The use of such an electronic means of posting one's comments and the inherent availability of other participants or contributors to act as liaisons would create an environment that could easily become a forum for members of a board or commission to discuss official issues which should most appropriately be conducted at a public meeting in compliance with the Government in the Sunshine Law. It would be incumbent upon the commission members to avoid any action that could be construed as an attempt to evade the requirements of the law."

Such concerns would appear to be equally applicable to the issue at hand. While there would not appear to be a prohibition against a board or commission member posting comments on the city's Facebook page,[19] members of the board or commission must not engage in an exchange or

discussion of matters that foreseeably will come before the board or commission for official action.

Accordingly, communications on the city's Facebook page regarding city business may be subject to Florida's Government in the Sunshine Law, section 286.011, Florida Statutes.

Sincerely,

Bill McCollum
Attorney General

BM/tjw

[1] State v. City of Sunrise, 354 So. 2d 1206, 1209 (Fla. 1978).

[2] Id. And see Ops. Att'y Gen. Fla. 83-06 (1983) and 72-198(1972) for the proposition that a municipality's home rule power is tempered by the basic proposition that municipal funds may be used only for a municipal purpose. See also Art. VII, s. 10, Fla. Const. (municipality prohibited from lending or using its taxing power or credit to aid private parties).

[3] See, e.g., Ops. Att'y Gen. Fla. 88-52 (1988), 86-87 (1986), 84-76 (1984), and 83-05 (1983) (legislative determination and findings as to the purpose and the benefits accruing to the county from the program could not be delegated to the Attorney General, nor could the Attorney General undertake to make such legislative findings on behalf of the county).

[4] Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc., 379 So. 2d 633, 640 (Fla. 1980).

[5] See Op. Att'y Gen. Fla. 08-07 stating that an email created by a public official in connection with the transaction of official business is a public record whether it is created on a publicly or privately owned computer and concluding that the posting of comments relating to city business by a city commissioner on a web page which he maintains would be subject to the Public Records Law.

[6] State v. City of Clearwater, 863 So. 2d 149, 154 (Fla. 2003).

[7] Cf. s. 668.6076, Fla. Stat., requiring any agency as defined in s. 119.011, Fla. Stat., or legislative entity that operates a website and uses electronic mail to post the following statement in a conspicuous location on its website:

"Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

[8] Section 119.021(2)(b), Fla. Stat. And see s. 119.021(2)(c), Fla. Stat., providing that public officials must "systematically dispose" of records no longer needed, subject to the consent of the division in accordance with s. 257.36, Fla. Stat.

[9] Id.

[10] The general retention schedules, including GS1-SL, are available at:
http://dlis.dos.state.fl.us/recordsmgmt/gen_records_schedules.cfm.

[11] See, e.g., Michel v. Douglas, 464 So. 2d 545 (Fla. 1985) (no federal or state right of privacy prevents access to public records); Forsberg v. Housing Authority of Miami Beach, 455 So. 2d 373 (Fla. 1984); Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc., 379 So. 2d 633 (Fla. 1980) (no federal or state disclosural right of privacy prevents a member of the public from seeing public records); Mills v. Doyle, 407 So. 2d 348 (Fla. 4th DCA 1981).

[12] *Wallace v. Guzman*, 687 So. 2d 1351 (Fla. 3d DCA 1997). Cf. *Berkeley v. Eisen*, 699 So. 2d 789 (Fla. 4th DCA 1997) (although Art. I, s. 23, Fla. Const., recognizes that the right of privacy shall not be construed to limit the public's right of access to public records, there is a statutory exemption from Florida's public records disclosure where the Department of Banking and Financing is investigating or has concluded its investigation of a securities customer's complaint).

[13] *Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991), review denied, 589 So. 2d 289 (Fla. 1991), appeal after remand, 619 So. 2d 983 (Fla. 5th DCA 1993).

[14] Cf. *Thomas v. Smith*, 882 So. 2d 1037 (Fla. 2d DCA 2004), in which the appellant taxpayers had filed a timely application for ad valorem tax exemption, but refused to make the required disclosure of their social security numbers. Their application was denied based on their refusal to make the required disclosure. Appellants argued that the required disclosure of their social security number in order to claim the exemption violated, among others, Art. I, s. 23, Fla. Const. The district court concluded that the lower court erred in concluding that the taxpayers had no legitimate expectation of privacy in their social security numbers; rather the court should first have determined whether the taxpayers had a legitimate expectation of privacy in their social security numbers without regard to other considerations such as the necessity to submit an application in order to obtain the benefit of the homestead tax exemption. The district court therefore remanded the case for further proceedings on this claim.

[15] See, e.g., *Hough v. Stembridge*, 278 So. 2d 288 (Fla. 3d DCA 1973). And see *City of Miami Beach v. Berns*, 245 So. 2d 38 (Fla. 1971); *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693 (Fla. 1969); and *Wolfson v. State*, 344 So. 2d 611 (Fla. 2d DCA 1977).

[16] *Hough v. Stembridge*, supra. And see *City of Sunrise v. News and Sun-Sentinel Company*, 542 So. 2d 1354 (Fla. 4th DCA 1989); *Deerfield Beach Publishing, Inc. v. Robb*, 530 So. 2d 510 (Fla. 4th DCA 1988) (requisite to application of the Sunshine Law is a meeting between two or more public officials); and *Mitchell v. School Board of Leon County*, 335 So. 2d 354 (Fla. 1st DCA 1976).

[17] See, e.g., *Town of Palm Beach v. Gradison*, 296 So. 2d 473, 477 (Fla. 1974); *Blackford v. School Board of Orange County*, 375 So. 2d 578 (Fla. 5th DCA 1979).

[18] Op. Att'y Gen. Fla. 89-39 (1989). Compare 01-20 (2001) (a one-way e-mail communication from one city council member to another, when it does not result in the exchange of council members' comments or responses on subjects requiring council action, does not constitute a meeting subject to the Sunshine Law; however, such e-mail communications are public records and must be maintained by the records custodian for public inspection and copying).

[19] Cf. Op. Att'y Gen. Fla. 07-35 (2007), concluding that members of a commission may exchange documents that they wish other members of the commission to consider on matters coming before the commission for official action, provided there is no response from, or interaction related to such documents among, the commissioners prior to the public meeting. It was noted, however, that if the commissioners intended to exchange individual position papers on the same subject, this office would express the same concerns as discussed in Attorney General Opinion 01-21. In that opinion, this office was asked whether the preparation and distribution of individual position statements on the same subject by several city council members to all other council members would constitute an interaction or exchange by the council that would be subject to the requirements of the Government in the Sunshine Law. This office determined that such a practice would violate the Sunshine Law to the extent that any such communication is a response to another council member's statement.

Memorandum

City Attorney's Office

No. 09-0524

To: Mayor John P. "Jack" Seiler
Vice-Mayor Bruce G. Roberts
Commissioner Charlotte E. Rodstrom
Commissioner Bobby B. DuBose
Commissioner Romney Rogers

From: Harry A. Stewart, City Attorney

Date: May 14, 2009

Re: Update on the Law – Facebook Pages and Websites

The Florida Attorney General's Office recently released Attorney General's Opinion (AGO) 09-19 dealing with the creation of municipal Facebook pages and the implications this would have under Florida's Public Records and Sunshine laws. Facebook is a social networking website on which users create profiles, interact with one another in real-time and are able to build networks of "friends". The analysis contained below is also applicable to participation by the City or individual public officers in websites and blogs generally. We felt it important to share this with you as the advent of new technologies, and the desire to participate in them, bring about new issues relative to our duties under Florida law.

Public Records Law

Section 119.011(12), Florida Statutes, defines "public records" to include:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The AG opined that a municipality may create a Facebook page if it finds there is a valid municipal purpose. The Opinion, relying on the Florida Supreme Court's interpretation of a public record encompassing all material made or received by an agency in connection with official business and used to perpetuate, communicate, or formalize knowledge, went on to say that indeed information on a municipality's Facebook page would most likely constitute a public record under the law – but such determination would need to be made based on the information posted on the site.

May 14, 2009
Page 2

As for the “friends” that are part of this site, whether or not the content of their postings and their pages are deemed public records would also be a determination based upon whether or not the information contained therein was made or received by an agency in connection with official business. Because of the likelihood that such information would be deemed public record, the AG suggests posting a warning on a municipality’s Facebook page regarding the implication of public records law on the material posted and shared by “friends”.

Public records law also imposes a duty of disclosure and retention upon every person who has custody of a public record. Custody has been described as having “supervision and control over the document or hav[ing] legal responsibility for its care, keeping or guardianship.” (AGO 08-07).

Maintaining such a Facebook site, indicating that the City is aware of and has approved the content, places responsibility on the City to ensure the records are maintained in accordance with public records law as well as the General Retention Schedule GS1-SL for State and Local Government (providing retention periods for administrative records).

Though the AG’s Opinion asserts information contained on the Facebook site and deemed a public record would have to be retained in accordance with the GS1-SL schedule, as this is a new technology in the eyes of the law, it is wholly unclear what the applicable time period for retention would be as the GS1-SL does not specifically address website content. Indeed, the recommended retention periods could vary based on the content.

There exists an ancillary, though important issue, of whether or not the City even has the technological capability to retain the content of the Facebook site. The City does not have ownership, control or affiliation with this site and research would need to be done to determine if City retention is even possible technologically and financially. See also: AGO 08-07, in which the AG opined that an individual council member who created posted comments and emails on a website for which the council member served as webmaster was responsible for ensuring that the information was maintained in accordance with both public records law and the policies and retention schedule of the City where the City had no ownership, control or affiliation with the website.

Sunshine Law

Florida’s Sunshine Law applies to a formal or informal gathering of two or more members of a public board or commission to discuss some matter on which foreseeable action will be taken by the board or commission. The three basic requirements set forth in Section 286.011, F.S. are (1) meetings of public boards or commissions must be open to the public, (2) reasonable notice of such meetings must

be given and (3) minutes of the meeting must be taken promptly and recorded. The AG notes that though the Sunshine Law does ordinarily apply to meetings of two or more members, because the Florida Supreme Court has stated the law is to be construed “so as to frustrate all evasive devices”, the physical presence of two persons is not always necessary. See also: AGO 89-39, in which the AG opined that private discussions via email between board members about board business is prohibited under the Sunshine Law. That Opinion analogized the use of such private email discussions to private telephone conversations or the exchange of written memoranda between two or more members on topics to come before the board– all of which conduct is regulated and prohibited by the Sunshine Law. See also: AGO 08-07, in which the AG’s office concluded that use of a website blog or message board to solicit comments from other members of the board or commission by their responses on issues that would come before the board triggers the Sunshine Law.

The AG warns that “while there would not appear to be a prohibition against a board or commission member posting comments on the city’s Facebook page, members of the board or commission must not engage in an exchange or discussion of matters that foreseeably will come before the board or commission for official action.” (AGO 09-19). Engaging in an exchange of ideas or discussion on such matters is a slippery slope – and comments made on the site by one member in reaction to the letters, emails or personal postings of another member may be broadly construed as such an exchange or discussion and thus constitute a violation of the Sunshine Law. See also: AGO 01-21, in which the AG noted that although the preparation and distribution of individual city council members’ “position statements” is technically in and of itself not a violation of the Sunshine Law, to the extent the position statement is a response (or construed as a response) to another members’ statement, it violates the Sunshine Law and thus is problematic and strongly discouraged. The AG concluded that the best practice is for each member to discuss his or her position in the context of an open meeting.

Similar concerns regarding record retention and Sunshine Law violations would abound in the undertaking of a personal website by a Commissioner if information on the site fell within the definition of “public records” as defined in Florida Statutes and caselaw.

Conclusions

It is a simple fact that the state of the law is lagging woefully behind the state of the art in communications technology. This presents unique challenges in following the intent and the letter of these laws regulating public meetings and communications of local government.

For this reason, this office discourages the City’s participation in a Facebook page or any similar interactive communication technology. The current City website is not

May 14, 2009

Page 4

interactive and offers the ability to post information for the public. Facebook pages or websites for individual Commissioners are also discouraged. If individual Commissioners wish to have their own website, they should be used for informational purposes only or to solicit constituent opinions, however care should be taken to avoid posting position statements held by Commissioners on issues that may come before the Commission. It should also be noted that even on personal websites, retention schedules for public records must be followed.

It is also crucial to note that the exchange of opinions and discussions between Commissioners on material that may foreseeably come before the Commission via email (as well as via telephone or written memoranda) is to be avoided at all costs because such conduct is a clear violation of the Sunshine law carrying serious penalties.

HAS/NCS/kcb

cc: George Gretsas, City Manager
John Herbst, City Auditor
Jonda K. Joseph, City Clerk

L:\HAS\MEMOS\2009\COMM\0524comm.v2.rtf

RESOLUTION NO. 19-2564

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING A SOCIAL MEDIA AND MEDIA INQUIRY POLICY FOR THE TOWN; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (“Town”) finds it necessary and important to establish an official Town Social Media and Media Inquiry Policy to provide guidance to all contracted agencies, administration and employees, the Town Commission, and Town residents when interacting with the Town's official social media networks and/or sharing Town information on personal social media channels and websites. This includes all platforms used to communicate information on the Internet, such as personal websites (including blogs), Facebook, Twitter, Instagram, Yelp, LinkedIn, Pinterest, YouTube, NextDoor and SeeClickFix; and

WHEREAS, it is vital that the Town implement and abide by a professional, modern and efficient code of conduct on digital social platforms, and provide guidance on working with and handling media requests and inquiries, as well as providing residents with accurate and objective information as it pertains to the Town; and

WHEREAS, the Town Commission wishes to adopt a uniform Social Media and Media Inquiry Policy for the Town, substantially in the form attached hereto as Exhibit “A” (“Social Media Policy”); and

WHEREAS, the Town Commission desires to adopt the Social Media Policy and finds that it is in the best interests of the Town and necessary for the proper conduct of the Town and dissemination of information.

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

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

Section 2. Adoption and Approval of Social Media and Media Inquiry Policy. The Policy, in substantially the form attached hereto as Exhibit "A", is hereby adopted and approved, subject to any non-substantive changes as may be directed and approved by the Town Manager and Town Attorney.

Section 3. Implementation. The Town Manager and Town Officials are hereby authorized to take all action necessary to implement and enforce the Policy and the purposes of this Resolution.

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

PASSED AND ADOPTED this 12th day of February, 2019.

Motion By: Commissioner Paul
Second By: Commissioner Karukin.

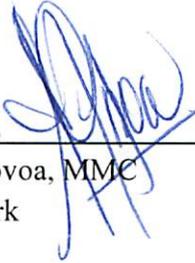
FINAL VOTE ON ADOPTION:

Commissioner Barry Cohen	<u>Absent</u>
Commissioner Michael Karukin	<u>yes</u>
Commissioner Tina Paul	<u>yes</u>
Vice Mayor Daniel Gielchinsky	<u>Absent</u>
Mayor Daniel Dietch	<u>yes</u>



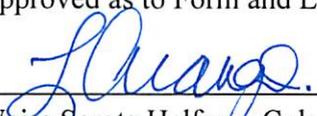
Daniel Dietch, Mayor

Attest:



Sandra Novoa, MMC
Town Clerk

Approved as to Form and Legal Sufficiency:



Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney



Social Media and Media Inquiry Policy for the Town of Surfside

Purpose and Scope

Social media has drastically changed the world of media, news and communications. When it comes to government and civic engagement, digital outlets such as Facebook, Twitter, Instagram, NextDoor and YouTube, make it possible for councils, commissions and public servants to communicate directly with their constituents and vice-versa. To expand on the importance of the medium, a Pew Research Center Study found that **69%** of the public uses some form of social media. Meanwhile, **62%** of adults receive the majority of their news from social media.

The Social Media Policy for the Town of Surfside establishes the official Town policy to provide guidance to all contracted agencies, administration and employees, and the Town Commission on the use of social media networks and personal websites. Social media includes all platforms used to communicate information on the Internet, including personal websites (including blogs), Facebook, Twitter, Instagram, Yelp, LinkedIn, Pinterest, YouTube, NextDoor and SeeClickFix. Employees have the right to maintain personal social media. However, the use of social media also represents certain risks and therefore carries with it certain responsibilities. It is not permissible to state or imply that personal social media in any way officially represents the Town of Surfside.

It's important the Town of Surfside abide by a professional, modern and efficient code of conduct on digital social platforms. This Social Media Policy also establishes the Communications Policy to provide guidance on working with and handling media requests and inquiries, as well as providing residents with accurate and objective information as it pertains to the Town.

The Social Media Policy for the Town of Surfside is to be made public on the Town's official website, following approval by Town Commission. A URL link also will be added to all social media channels.

Social Media Accounts

The Town of Surfside's social media presence should be limited to one account per specific platform. For example, the Parks & Recreation Department for Surfside should not have a Facebook page that is separate from the Town. Instead, the Town's Facebook

page should, when appropriate, incorporate information pertaining to Parks & Recreation. By doing so, important public information becomes more organized and residents know where to find such information, thus eliminating any layer of confusion or public misinformation.

As of 2019, the Town website serves as the primary communication tool for the Town of Surfside. The Town also uses two social media platforms: NextDoor and SeeClickFix.

Best Practice and Standards for Use of Social Media

The official use of social media by the Town of Surfside is to adhere to the below standards and practices:

Users, Posting and Account Activations

- No Department or individual may establish, use, or terminate a social media identity or page without the approval of the Town Manager or designee.
- The Town of Surfside has authorized the Public Information Representative (PIR) to oversee and manage all social media administration, including, but not limited to, blogs, video sharing, business pages and social networking sites. The Town reserves the right to delegate to other individual(s) the authority to upload approved material to the Town's social media.
- To meet its purpose, the Town of Surfside's social media may contain links to other social networking sites or websites that are not owned, regularly reviewed or controlled by the Town. The Town of Surfside is not responsible for the content, photos and videos placed on these external social networking sites or websites. The Town's social media may not provide links to external sites that are political or religious in nature. The provision of direct links should not be construed as an endorsement or sponsorship of these external sites, their content or hosts.
- Social media sites must prominently display links to the Town's official website (<https://www.townofsurfsidefl.gov/>) or appropriate landing pages whenever possible.

Ownership

All social media communications messages that are composed, sent or received on the Town's IT equipment or used in official Town business or representing the Town of Surfside are the property of the Town of Surfside and subject to public records laws. The Town of Surfside reserves the right not to publish any posting or to later remove it.

Town Administration / Employee Conduct (refer to HR policy)

- Social media accounts established by the Town of Surfside are to be used solely for the Town of Surfside and business pertaining to the Town. Any other content pertaining to other topics or promotions is not permitted.
- Employees, or the contracted agency managing the Town of Surfside's social media, are prohibited from using the Town's social media outlets for personal use, including posting personal content and/or opinions.
- Personal use of social media by Town employees is never permitted on working time by means of the company's computers, networks, and other IT resources and communications systems.
- Employees are expected to be attentive and careful in their use of social media. Employees should be aware that their use of social media may be perceived as representing the Town and Town government, and should tailor their use accordingly.
- Employees may not post anything on their personal blog or social media site/page, or on the blog or social media site/page of another individual or entity (other than the Town), in the name of the Town or in a manner that could reasonably be attributed as the official position of the Town without authorization from the Town Manager or designee.
- Employees are prohibited from engaging in inappropriate use of social media accounts established by the Town or a Town department. It is unacceptable for social media to be used in a manner that does not comply with federal, state and local laws and regulations, and Town policy. Employees are expected to abide by the following guidelines:
 - Respect copyright, trademark, or other intellectual property rights of any person or entity, or otherwise violates their legal ownership interest. Employees may not use the Town's logo, seal, slogan or trademarks on their personal blog or social media site or page in a manner that suggests that the posts express the opinions of the Town.
 - Refrain from the use of ethnic slurs, profanity, threats of violence, material that is harassing, defamatory, fraudulent or discriminatory.
 - Refrain from the use of sexually explicit images, cartoons, jokes, messages, or other material that violates the Town's policy or any federal, state, or local law prohibiting sexual harassment.
 - Refrain from posting material which contains confidential information that compromises the security of Town networks or information systems. Such

confidential information includes, but is not limited to, information that is protected under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) or other federal, state, or local laws and regulations (except as permitted under such laws and regulations), as well as social security numbers and other personally identifiable information.

- Refrain from circulating or posting commercial, personal, religious or political solicitations, chain letters, spam, or promotion of outside organizations unrelated to Town operations are also prohibited [unless otherwise protected or required by law].

The policy, however, does not prohibit or discourage employees from engaging in speech as independent citizens on matters of public concern, or to prohibit or discourage employees from engaging in any protected activities under the State of Florida's Public Employee Relations Act (Chapter 447, F.S.)

All employees are required to sign a written acknowledgement that they have received, read, understand and agree to comply with the Town's social media policy.

Town Commission Conduct

It is advisable that Town Commission strictly follow the code of ethics set forth by the Miami-Dade County – Commission on Ethics and Public Trust, as well as compliance with the Florida Sunshine Law.

- Commission members must not communicate amongst themselves in a social media exchange or discussion regarding any matter that is before the board/commission for action.
- Commission members may not utilize the Town's social media outlets for personal use, including posting personal content and/or opinions.
- Without prior authorization from the Town, Commission members should refrain from positing on social media in a manner that would suggest that they are representing the official position of the Town and Town government.
- In the event of an emergency, Town Commission is encouraged to "share" posts created by Town's PIR. It is not advisable to copy & paste a post or paraphrase content to ensure accuracy of information to public.

Resident Conduct on Town Social Media Pages

While social media sites promote an open forum, the Town requests that residents endeavor to make their comments respectful and appropriate. Inappropriate comments, comments not related to the purpose of the page or comments not related to the specific

post are subject to deletion by the PIR or Town designee. The PIR will not engage in a negative conversation on social media. If residents fail to comply with the posting guidelines, the PIR or Town designee may contact the resident and their message may be removed. If the resident posts inappropriate content a second time, the PIR or Town designee will contact the resident and he/she will be blocked from posting to the site.

This forum is monitored on a regular basis. However, residents should NOT use this forum to report emergency situations or time-sensitive issues.

Residents are encouraged to keep the following guidelines in mind when posting:

- Graphic, obscene or explicit comments or submissions are prohibited, as well as comments that are abusive, threatening, hateful or intended to defame anyone or any organization, or comments that suggest or encourage illegal activity.
- Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, gender identity or sexual orientation will not be tolerated.
- Content posted by persons whose profile picture or avatar, username or e-mail address contains any of the aforementioned prohibited content will not be tolerated.
- Content should be related to the subject matter of the social media site where it is posted.
- Solicitations or advertisements are prohibited. This includes promotion or endorsement of any financial, commercial or non-governmental agency. Similarly, attempts to defame or defraud any person or financial, commercial or governmental agency are not permitted. Information intended to compromise the safety or security of the public or public systems is prohibited.
- Residents' participation is voluntary and taken at residents' own risk. Residents maintain personal responsibility for their comments, their username and/or any information provided.
- All comments are subject to Florida's public records law.
- The appearance of external links on this site does not constitute official endorsement on behalf of the Town of Surfside.

Management of Social Media Applications

Using the established Public Information Program as a guide, the Town of Surfside's PIR is responsible for overall social media administration and management of Nextdoor's

public agency page and social media channels, as well as the oversight of SeeClickFix to ensure directors are responding on a timely basis to resident submissions and receive the tools needed in order to form an appropriate response.

The PIR is responsible for the following:

- Maintain social media pages, including the look and feel of the pages and descriptions;
- Draft and review content for posts on social media platforms;
- Draft content calendars and receive approvals of scheduled content;
- Regularly respond to, and follow-up on, resident questions that abide by Town's social media policy;
- Coordinate the review of any legal matters with the Town's attorney.

Content, Tone and Interactions

- A content calendar for the month is to be drafted by the person responsible for the Town's social media and turned in to the Assistant Town Manager for approval before posting. If more than one person is in charge of social media management, the PIR is required to ensure that the team is on the same page and in-line with the Social Media Policy. The Town's goal is to maintain "one voice" when managing the social media for The Town of Surfside.
- Content must be relevant to the Town of Surfside's mission. It can reflect current news, feature polls or open ended questions to measure resident consensus on community issues, explain future or current Town projects, or highlight Town achievements. It can also include photos, graphics and/or videos associated with the content.
- Responses to residents on social media must always be professional, respectful and diplomatic. Residents should be thanked for taking the time to provide their feedback or ask a question, and also thanked for any positive acknowledgements in their comments. Residents' concerns should be addressed, and/or the residents should be advised that the Town is working on finding a solution to their problems (if applicable). The following provides an outline for recommended steps to respond to residents on social media:
 - Inform the resident that the Town of Surfside is more than happy to address the problem. Identify the steps taken to fix the problem and (if applicable) clearly and professionally explain why a specific problem cannot be fixed and/or refer the resident to a Town administrator who may be able to help.

- The tone on the Town’s social media should never be dramatic, sarcastic, condescending or defensive.
- Interactions with residents on social media should be as transparent as possible. Provide residents with honest feedback and a realistic timeline of when a specific problem or issue may be addressed.
- Follow-up is essential, especially in government-civic affairs. Once a specific matter has been resolved, provide the resident with an update. In the case of SeeClickFix, mark the conversation “closed.”

Emergency Communications on Social Media

Surfside’s Police Department and acting PIO are to immediately communicate with the PIR in writing or via a phone call whenever major incidents occur that could potentially impact residents or local businesses. Examples include:

- Major incidents that involve fatalities or shootings;
- Serious felony crimes (murder or rape);
- Major damage to infrastructure;
- Extensive traffic congestion, road closures due to an accident or construction;
- Incidents at Town facilities;
- Any other incident that using reasonable judgement may be newsworthy;
- Conversely, if a violent threat is made on our social media channels, it must be recorded and reported to the appropriate Town personnel.

The PIR will use this information to share with residents on social media. This is in addition to various other communication channels used by the Town including CodeRed alerts, website, Town notifications, etc.

Media Inquiries

Town Spokespeople:

Only authorized spokespeople are permitted to speak to the press. The spokespeople for the Town of Surfside are as follows:

- Primary Spokesperson* – Town Manager
- Secondary Spokesperson* – Mayor
- Town Matters* - Public Information Representative

Police Matters – Public information Officer

The Town Manager reserves the right to delegate his/her authority as authorized spokesperson for the Town.

Elected Officials:

Elected officials are encouraged to share interview requests with the Town Manager/PIR in order to create consistency in messaging

Media Inquiries via Town Employees:

When a member of the press contacts the Town of Surfside, please follow these steps:

1. Ask the journalist for the *purpose* of his or her call.
2. Record the journalist's *name, media outlet, phone number and email address*.
3. Inform the journalist that someone will follow-up with him or her as soon as possible.
4. Contact the Town's Public Information Officer –or- Public Information Representative within one hour of receiving request via email, text message or phone call. Do not send journalists directly to the Town Manager or Mayor for comment.
 - If it's a police-related matter, reach out to Public Information Officer Marian Cruz at 305-861-4862 Ext. 224 or macruz@townofsurfsidefl.gov
 - *Examples include:* Pending investigation, arrests, murder, crimes such as a burglary or unlicensed practice.
 - If it's a Town matter, reach out to Public Information Representative Rachel Pinzur at 305-725-2875 or Rachel@pinzurpr.com. *Examples include:* Town development stories, events, ordinances, resolutions, new businesses in Surfside, etc.
5. Please do not attempt to answer the journalist's questions. Simply tell the journalist that the PIO or PIR will follow-up with him or her.

Press Policy for Employees

Employees are not authorized to provide any information to the press – with the exception of the name and telephone number and/or email address for the PIR or PIO.

It is every employee's responsibility to inform his/her supervisor or the designated spokesperson if he/she observes members of the press asking questions or taking pictures or if they are contacted by the press.

Employees are not permitted to share sensitive/confidential information pertaining to the Town, an investigation, etc. on their own personal social media pages. Employees who violate the Town's social media policy (refer to Personnel Policies and Procedures Manual) may be subject to disciplinary action, up to and including termination.

PIR and PIO Policy for Media Responses:

In order to create seamless communication and consistent messaging, it's important that the PIR and acting PIO's efforts are aligned. It is the responsibility of both parties to keep

each other copied and informed of media requests and anything of sensitive nature. When working with the press, the PIR and the acting PIO are to follow these steps:

1. Respond to journalist in timely manner, within one to two hours.
2. Confirm journalist's purpose for call and ask journalist for his or her deadline and anticipated questions.
3. Research answers to questions and draft media talking points or press statement.
4. Prepare spokesperson(s) in advance of media interview.
5. If sensitive issues arise, such as a pending legal investigation, run draft media response and statements by Town attorney for approval first. (Refer to crisis communications plan on how to address press in the event of a crisis.)
6. Alert mayor and elected officials and keep them abreast of the situation, along with messaging in case they receive questions from residents and/or businesses.
7. Tailor messaging and provide to Town's human resources director, to be shared with dispatch for example in the event they receive questions from the public.



**Town of Surfside
Town Commission Meeting
November 12, 2020
7:00 pm**

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

Date: September 19, 2020
Prepared by: Mayor
Subject: Amending Town Code, Conduct of meetings

Objective: Reduce codified restrictions on speech by residents and add procedures for elected officials.

Consideration: Commission to discuss

Recommendation: Adoption

ORDINANCE NO. 17 - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VI. - “RULES OF PROCEDURE FOR TOWN MEETINGS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

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

3 **WHEREAS**, the Town Commission adopted rules of procedure which have been
4 incorporated into Article, VI, Chapter 2 of the Town Code of Ordinances; and

5 **WHEREAS**, the Town Commission desires to amend Article VI. – “Rules of Procedure for
6 Town Meetings;” and

7 **WHEREAS**, the amendments to the ordinance do not conflict with the provisions in Section
8 2-151 Personnel Appeals Board Section, 2-185 Pension Board, Section 70-124 Resort Tax Board
9 or Sections 90-15, 90-16, 90-17, 90-18 of the Zoning Code for Planning and Zoning and Design
10 Review Board members; and

11 **WHEREAS**, the Town Commission held its first public reading on September 18, 2017 and
12 recommended approval of the proposed amendments to the Code of Ordinances having complied
13 with the notice requirements by the Florida Statutes; and
14

15 **WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on
16 these regulations as required by law on October 10, 2017 and further finds the proposed change to
17 the Code necessary and in the best interest of the community.
18

19 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
20 **TOWN OF SURFSIDE, FLORIDA:**
21

22 **Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by
23 this reference:
24

25 **Section 2. Town Code Amended.** Article VI. – “Rules of Procedure for Town Meetings”
26 of the Surfside Town Code of Ordinances are hereby amended and shall read as follows¹:

27 **ARTICLE VI. - RULES OF PROCEDURE FOR TOWN MEETINGS**
28

¹Additions to the text are shown in underline. Deletions are shown in ~~striketrough~~. Additions made after first reading are shown in double underline. Deletions made after first reading are shown in ~~double striketrough~~.

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

30 *Rule 2.01 Governing rules; amendment.* Except as may be provided in the Charter, the
31 Town of Surfside Code, Florida laws or by these rules as set forth in this Article^{ordinance},
32 questions of order, the methods of organization and the conduct of business of the town
33 commission and town boards and committees and to the extent there is no conflict, the town
34 commission, and town boards and committees shall be governed by Robert's Rules of Order
35 ~~Mason's Manual of Legislative Procedure (2010 Edition)~~. Once enacted, and except as already
36 amended by the provisions contained herein, these rules may be amended by ~~two-thirds~~ majority
37 vote of the entire town commission.

38 Sec. 2-202. - Officers.

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

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

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

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

62 Sec. 2-203. - Meetings.

63 *Rule 4.01 Regular Meetings.*

64 (a) The commission shall hold regular meetings in accordance with its Charter or, if the Charter
65 provision is amended, in accordance with an ordinance duly adopted by the commission, as
66 may be amended from time to time.

- 67 (1) All regular and zoning meetings shall be held irrespective of whether or not any particular
 68 commission member (including the ~~Mayor~~Mayor) may be able to attend unless otherwise
 69 agreed by a majority of the commission. Such meetings shall be held in the commission
 70 chambers at 9293 Harding Avenue, Surfside, Florida 33154, or such location as may be
 71 approved by a majority of the commission members present and shall be open to the public
 72 and all news media.
- 73 (2) Regular meetings may be otherwise postponed or canceled by resolution or motion
 74 adopted at a regular meeting by a majority of the commission members present.
- 75 (3) No meeting shall continue beyond 11:00 p.m. unless there is an emergency, which is
 76 presented to the Commission, which is then followed with by a vote of the majority of the
 77 members of the commission present, the commission agrees to extend the meeting beyond
 78 this time.
- 79 (4) Workshops may be scheduled at the request of the Mayor, town manager, the town
 80 attorney or a majority of the commission at any time, provided appropriate notice is given.
- 81 (b) Zoning matters shall be scheduled as part of regular town commission meetings unless
 82 otherwise decided by the commission.
- 83 (c) The second reading (public hearing) of the annual budget ordinance or resolution shall be
 84 considered at a meeting at which the said budget ordinance or resolution and the levy of the
 85 millage are the only items on the agenda.

86 *Rule 4.02 Special meetings; emergency meetings.*

- 87 (1a) Special meetings. A special meeting of the commission may be called by the Mayor, a
 88 majority of the members of the ~~Mayor~~, town commission or the town manager. The clerk
 89 shall forthwith serve either verbal or written notice upon each member of the commission
 90 stating the date, hour and place of the meeting and the purpose for which such meeting is
 91 called; and no other business shall be transacted at that meeting, other than that described
 92 in the aforementioned notice. At least twenty-four (24) ~~hours notice~~ hour's notice must
 93 elapse between the time the clerk receives notice in writing and the time the meeting is to
 94 be held.
- 95 (2b) Emergency meetings. An emergency meeting of the town commission may be called by
 96 the Mayor, ~~mayor~~Mayor in accordance with prescriptions of the town charter whenever
 97 in his or her; opinion an emergency exists that requires immediate action by the
 98 commission. Whenever such emergency meeting is called, the ~~M~~mayorMayor shall
 99 notify the clerk who shall forthwith serve either verbal or written notice upon each
 100 member of the commission, stating the date, hour and place of the meeting and the
 101 purpose for which it is called, and no other business shall be transacted at that meeting,
 102 other than that described in the aforementioned notice. At least 24 hours shall elapse
 103 between the time the clerk receives notice of the meeting and the time the meeting is to
 104 be held.
- 105 (3e) If after reasonable diligence, it is impossible to give notice to each commissioner, such
 106 failure shall not affect the legality of the meeting if a quorum is present. The minutes of
 107 each special or emergency meeting shall show the manner and method by which notice of

108 such special or emergency meeting was given to each member of the commission, or shall
109 show a waiver of notice. All special or emergency meetings shall be open to the public
110 and shall be held and conducted in the Commission Chambers, Town Hall, 9293 Harding
111 Avenue, Surfside, Florida 33154, or other suitable location within the Town of Surfside,
112 Florida. Minutes thereof shall be kept by the town clerk.

113 (4d) No special or emergency meeting shall be held unless notice thereof is given in compliance
114 with the provisions of this rule, or notice thereof is waived by a majority of the entire
115 membership of the commission and in accordance with the town charter.

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

119 Sec. 2-204. – Boards, cCommittees, sub-committees and ad hoc committees.

120 *Rule 5.01 Boards, ccontinuing committees, sub-committees and ad hoc committees.* There
121 may be continuing committees, sub-committees and ad hoc committees of the town commission
122 created by resolution as the town commission deems necessary to conduct the business of the
123 town appropriately and in accordance with the town charter. Such committees and all Town
124 Boards to the extent these provisions do not conflict with other governing procedures or
125 requirements specific to a particular Board, shall be governed by these rules of procedure and
126 shall be subject to the Florida sunshine and public records laws. Each member of the town
127 commission shall appoint one (1) member to each committee. All appointments are at the will of
128 the appointing member of the town commission and may be removed at any time by the
129 appointing member of the town commission. Members of committees shall be appointed to serve
130 until the expiration of the committee or to the end of the appointing member of the town
131 commission's term.

132 (a+) *Continuing committees and sub-committee committees.* Continuing committees and sub-
133 committees shall exist until abolished by the town commission or shall have a sunset provision.

134 (b2) *Ad hoc committees.* The expiration date for each ad hoc committee shall be designated at the
135 time of formation, or the ad hoc committee shall expire when the ad hoc committee reports to
136 the commission that its designated goal or goals have been accomplished.

137 (c3) All continuing committees, sub-committees and ad hoc committees shall abide by the
138 following procedures:

139 (1)a- *Mission statement.* A mission statement shall be developed by the town commission.

140 (2)b- *Public meetings.* All meetings and business of any committee, sub-committee or ad
141 hoc committee shall comply with the Florida Statutes including that all committee
142 meetings shall be open to the public at all times, noticed, and minutes of the meetings shall
143 be taken and retained in the office of the town clerk. All committee members shall be
144 subject to the State of Florida, Miami-Dade County and Town of Surfside Conflict of
145 Interest and Code of Ethics Ordinance.

146 (3)e- *Agenda.* The committee chairperson shall prepare the agenda for the committee
147 meeting with the assistance of the committee staff liaison. ~~In the chairperson's absence,~~

148 ~~the vice chairperson shall prepare the agenda.~~ Any committee member may propose
149 additional agenda items at any time. Items proposed after the agenda is distributed may
150 only be heard under "New Business" and upon an affirmative vote of the majority of the
151 committee. Each agenda shall also include a section for public comment.

152 ~~(4)d.~~ *Public appearances and requests.* Any person may appear before any committee
153 during the public comment portion of the meeting.

154 ~~(5)e.~~ *Quorum.* A majority of the appointed members of the committee shall constitute a
155 quorum, shall be 50 percent plus one of the committee members. Provided there is a
156 quorum, a majority of those present and voting shall be required to adopt any motion or
157 take any action.

158 ~~(6)~~ *Failure to obtain a quorum.*

159 a. If, 48 hours prior to a regular meeting, the clerk has not received confirmation of
160 attendance from a sufficient number of committee members to constitute a quorum,
161 the meeting shall be canceled for lack of a quorum.

162 b. Should no quorum attend any meeting within 15 minutes after the hour appointed for
163 the meeting, the presiding member or the town clerk may adjourn the meeting. The
164 names of the members present at such meeting shall be recorded in the minutes.

165 ~~(7)f.~~ *Voting.* Each committee member shall be entitled to one vote. The committee shall act as
166 a body in making its decisions. No committee member present at a meeting may abstain
167 from voting unless the committee member possesses a conflict of interest, as provided in
168 either the Florida Statutes or the Miami-Dade County Code of Ethics and submits the
169 appropriate form to the town clerk.

170 ~~(8)g.~~ *Attendance.* In the event that a committee member fails to attend three regularly
171 scheduled meetings in any one calendar year, the committee member may be removed
172 from the committee and the town commission will be notified of the vacancy.

173 ~~(9)h.~~ *Appointments, vacancies and resignations.* Each person appointed to a committee,
174 sub-committee or ad hoc committee shall be appointed by the town commission in the
175 following manner:

176 a1. The ~~mayer~~ Mayor and each member of the town commission shall appoint one
177 member to each committee.

178 b2. Should any appointee resign or be removed during the term of the committee, sub-
179 committee or ad hoc committee, the appointing commissioner may select another
180 appointee in accordance with the procedure outlined as follows:

181 Upon notification of the vacancy of an at-large member, the town clerk shall notify
182 the town commission, or in the case of an individual appointment, the town
183 commissioner responsible for the appointment with a copy to the remainder of the
184 town commission, in writing. ~~The town commission shall establish a deadline for the~~
185 ~~submission of letters of interest to serve on the committee at a commission meeting.~~

186 1. ~~(i)~~ Any person who wishes to serve on a committee and who meets the qualifications
187 of office as set forth in this code and in the resolution creating or re-authorizing

188 the committee, shall submit his or her name and committee application available
189 from the town clerk or on the town website ~~together with a letter of interest~~ to the
190 town clerk ~~by the deadline established by the town commission~~. Thereafter, the
191 town clerk shall provide the appointing town commissioner or the entire town
192 commission, as applicable, with the names and submitted material(s) ~~letters of~~
193 interest.

194 2.(ii) Nominations and appointments to fill the vacancy shall be made at a town
195 commission meeting. Appointments to fill a mid-term vacancy shall only be
196 made for the remainder of the term of the committee member being replaced.

197 (10)i- *Reappointment.* Committee, sub-committee or ad hoc committee members shall be
198 eligible for reappointment and shall hold office until their successors have been duly
199 appointed and qualified.

200 (11)j- *Residency requirement.* Committee, sub-committee or ad hoc committee members
201 shall be registered qualified electors of Miami-Dade County, Florida, whose legal
202 residence is in the Town of Surfside.

203 (12)k- *Compensation.* All committee, sub-committee or ad hoc committee members shall
204 serve without compensation and shall not otherwise obtain direct or indirect financial gain
205 from their service on a committee.

206 (13)l- *Oath requirement.* All committee, sub-committee or ad hoc committee members
207 shall be required to subscribe to an oath or affirmation to be administered by and filed with
208 the town clerk, swearing to support, protect and defend the Constitution and laws of the
209 United States and of the State of Florida, the Charter and all ordinances of the Town of
210 Surfside and Miami-Dade County, and in all respects to faithfully discharge their duties.

211 (14)m- *Financial disclosure requirement/standards of conduct.* If required by law,
212 committee members shall file appropriate annual financial disclosure forms. All
213 committee members shall be subject to the standards of conduct for public officers and
214 employees set by federal, state, county or other applicable ethics or conflicts of interest
215 laws.

216 (15)n- *Officers and elections.* Except as provided otherwise in the resolution creating or re-
217 authorizing a committee, each committee shall elect a chairperson, and vice-chairperson
218 ~~and secretary~~ at the first committee meeting.

219 (16)o- *Records.* Minutes of all committee meetings shall be prepared by the town
220 administration and shall be available for public inspection. The minutes shall be forwarded
221 to each committee member for review and shall be approved by the committee at a public
222 meeting. Once approved, the meeting minutes shall be forwarded to the town clerk for
223 filing. ~~Attendance and absences must be recorded and submitted to the town clerk along~~
224 ~~with the minutes.~~ The ~~chair~~secretary of a committee, sub-committee or ad hoc committee,
225 working with the staff liaison, shall prepare a final report summarizing the committee's
226 activities, accomplishments, challenges and recommendations during the term. Such
227 report shall be presented for review and approval by the committee no later than the last
228 meeting of the term, and to be submitted to the town clerk for transmittal to the town

229 commission which shall be presented at the first a regular town commission meeting after
230 the election.

231

232 *Rule 5.02 Town commission liaison; appointment and definition.*

233 (a1) *Appointment:* The ~~mayer~~Mayor shall designate and appoint one member of the town
234 commission as the liaison to each board, committee and subcommittee of the town commission.

235 (b2) *Definition:* The town commission liaison is defined as a nonvoting member of a board,
236 committee or sub-committee who communicates the activities of the board, committee or
237 subcommittee to the town commission. The liaison's role is limited to responding to questions
238 posed by members of the board, committee or subcommittee to which the liaison serves. All
239 remarks from the liaison shall be addressed to the chair who serves as the presiding officer.

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

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

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

254 *Rule 6.03 Participation by physically absent member of the town commission; town board*
255 *or committee. ~~shall be permitted, but a town board or committee. -shall no bet permitted.~~ A*
256 *member of the town commission shall be permitted to participate and/or vote telephonically, by*
257 *virtual video or other electric means, provided that a physical quorum of the town commission is*
258 *present. A ~~but, a~~ town board or committee shall not be ~~is not~~ permitted to participate and/or vote*
259 *telephonically, by virtual video -and/or by interactive video.*

260 *Rule 6.04 Quorum.* A majority of the members of the town commission then in office shall
261 constitute a quorum. No ordinance, resolution or motion shall be adopted by the town commission
262 without the affirmative vote of the majority of all the members present.

263 *Rule 6.05 Failure to attain a quorum.* Should no quorum attend within 15 minutes after the
264 hour appointed for the meeting of the commission, the presiding officer or the town clerk may
265 adjourn the meeting. The names of the members present ~~and their action~~ at such meeting shall be
266 recorded in the minutes by the town clerk.

267 Rule 6.06 Agenda.

268 (a) *Order of business.* There shall be an official agenda for every meeting of the commission which
269 shall determine the order of business conducted at the meeting.

270 (1) The order of business shall be as follows:

271 ~~(a1)~~ order of business

272 a. call to order,

273 b. roll call of members,

274 c. pledge of allegiance,

275 d. agenda/order of business (additions/deletions),

276 e. special presentations,

277 (b) public comment on agenda items

278 ~~(b2)~~ quasi-judicial hearings

279 ~~(c3)~~ consent agenda at the pleasure of the commission, approval of minutes, town
280 manager, town attorney reports

281 ~~(d4)~~ ordinances,

282 ~~(e5)~~ resolutions

283 ~~(f6)~~ good and welfare shall be heard at a time certain at 8:15 p.m.

284 ~~(g7)~~ unfinished business and new business

285 ~~(h8)~~ ~~mayor~~ Mayor, town commission and staff communications.

286 ~~(24)~~ Items shall be considered in the order in which they are placed on the agenda unless a
287 majority of the commissioners determines to deviate from the printed agenda.

288 ~~(3)~~ ~~The public may comment- comment on all -agenda items portion of the meeting. -shall be not be~~
289 ~~restricted to discussion on agenda items which are not scheduled for public hearing. Each speaker~~
290 ~~shall be given no more than three minutes to address the agenda speak and shall try to end on~~
291 ~~time as a courtesy to the residents and other participants wishing to also speak on the item. ,~~
292 ~~unless by vote of a majority of the members of the commission present, it is agreed to extend the~~
293 ~~time frames.~~

294 ~~(32)~~ The good and welfare portion of the agenda set for 8:15 p.m. ~~-shall provide for public~~
295 ~~comment on any items related to Town business or any matter within the scope of the~~
296 ~~jurisdiction of the town commission, whether or not included on the agenda for the~~
297 ~~meeting. shall be restricted to discussion on subjects not already specifically scheduled~~
298 ~~on the agenda. In no event shall this portion of the agenda be allotted more than 45 minutes~~
299 ~~with each speaker to be given no more than three minutes, unless by vote of a majority of~~
300 ~~the members of the commission present, it is agreed to extend the time frames. Likewise,~~
301 ~~members of the town commission shall be restricted to speaking three minutes each unless~~
302 ~~an extension is granted in the same manner as set forth in the prior sentence. The rules of~~

303 section 2-207(e) as set forth hereinbelow shall be observed during this portion of the
304 agenda.

305 (4~~3~~) The town commission shall not take action upon any matter, proposal, or item of business
306 which is not listed upon the official agenda, unless it is approved at the meeting by a
307 majority of the entire commission, which shall have first consented to the matter for
308 consideration. No ordinance, resolution or other matter listed on the agenda for public
309 hearing, or the vote thereon, may be deferred until a later time unless a majority of the
310 entire town commission shall vote in favor of such deferral.

311 (b) ~~Authority to p~~Placing items on agenda.

312 ~~(12) Ordinances, Resolutions and O~~Ordinances may be prepared and scheduled on the agenda
313 at the direction of the town commission, a town commissioner with the support of the
314 majority of the commissioners present at a town commission meeting, or by Mayor, the
315 town manager, town attorney or town clerk.

316 ~~(21) All other matters.~~ Matters, other than ~~resolutions or~~ ordinances, may be placed on the
317 agenda by any member of the town commission, the town manager, the town attorney and
318 the town clerk. ~~Members of the town commission may, at a town commission meeting,~~
319 ~~direct the town manager or the town attorney to prepare an resolution or ordinance for~~
320 ~~placement on the agenda for the following agenda.~~

321 ~~(32)Deadline.~~ In no event may any town commissioner place an item on an agenda unless all
322 materials for the item are provided to the town clerk by 12:00 noon seven working days
323 prior to the meeting date unless approved by the Town Manager. Any complete item
324 provided after 12:00 noon seven working days prior to the meeting date shall be
325 distributed to the commission with a "7-day cover memo" and shall be added to the agenda
326 only if a majority of the commissioners present consent to the addition of the item to the
327 agenda.

328 (c) *Approval of minutes.* All minutes shall be summary in nature. A copy of such completed
329 minutes shall be placed on a regular agenda and may only be approved by a majority of the
330 members of the town commission, and upon such approval shall become the official minutes.

331 *Rule 6.07 Ordinances, resolutions, motions, contracts.*

332 (a) *Preparation and enactment of ordinances.* The town attorney shall prepare ordinances and
333 resolutions. Ordinances may be introduced, listed by title and shall be read by title only before
334 consideration by the town commission on first reading. At public hearing, each ordinance shall
335 be voted on individually by a call of the roll. Only resolutions and motions may be enacted by
336 voice vote calling for "ayes" or "no" on the question.

337 (b) *Approval by town attorney.* All ordinances, resolutions and contract documents, before
338 presentation to the town commission, shall have been reduced to writing and reviewed for form
339 and legality by the town attorney. Ordinances, resolutions and contract documents, in their
340 final form as approved by the Town Commission shall be have been approved as to form and
341 legality by the town attorney prior to execution.

342 (c) *Introduction and sponsorship.* Ordinances, resolutions and other matters and subjects requiring
343 action by the town commission may be introduced and sponsored by the ~~mayor~~Mayor or any
344 member of the town commission, ~~except that either the~~ The town manager, the town attorney or
345 town clerk may present ordinances, resolutions and other matters or subjects to the town
346 commission for consideration, and any commissioner may assume sponsorship thereof by
347 moving that such ordinance, resolution, matter or subject be adopted in accordance with law;
348 otherwise they shall not be considered.

349 (d) *Sunset.* There is no requirement for any ordinance to contain a sunset provision.

350 (e) *Zoning exception.* The provisions of this Rule 6.06 shall not be applicable to zoning resolutions
351 which shall be governed exclusively by the Zoning Code.

352 ~~(f) *No commission jurisdiction.* Prior to the commission's considering any resolution over which
353 the commission does not have substantive jurisdiction, including resolutions expressing the
354 commission's intent or opinion, a preliminary vote shall be taken to determine whether it is
355 appropriate for the commission to consider such resolution. Unless the commission, by a two-
356 thirds vote of the members present, agrees to consider the resolution, the resolution shall be
357 deemed to have failed. If the commission agrees to consider the resolution, the resolution shall
358 be heard after all other resolutions sponsored by commissioners have been addressed by the
359 commission. If the commission decides to discuss such resolution, the resolution shall require
360 a two-thirds affirmative vote of the commissioners present in order to be passed. The provisions
361 of this ordinance shall not apply to resolutions relating to state or federal legislative priorities.~~

362 *Rule 6.08 Statement of fiscal impact required for ordinances; exceptions.* Prior to the second
363 reading of any ordinance, the town manager shall prepare a written statement setting forth the
364 fiscal impact, if any, of the proposed ordinance. No ordinance shall be considered on second
365 reading if the statement of fiscal impact is not submitted with the ordinance as part of the agenda.
366 The provisions of this rule shall not apply to any emergency ordinance or any budget ordinance
367 or resolution.

368 *Rule 6.09 Limitation on agenda items.* No commissioner shall sponsor or cosponsor a total
369 of more than three ordinances for first reading and three resolutions at any commission meeting.
370 This provision shall not be applied to ordinances or resolutions which are intended to correct
371 scrivener's errors.

372 Sec. 2-206. - Public participation.

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

376 *Rule 7.02. Citizens presentations; public hearings.*

377 (a) *Citizens' presentations.* Any citizen ~~may request may request shall be entitled shall be entitled~~
378 to be placed on the official agenda of a regular meeting of the town commission and be heard
379 concerning any matter within the scope of the jurisdiction of the town commission ~~outside of~~
380 Good and Welfare. Only members of the town commission and the town manager may place
381 a citizen on the official agenda.

382 (b) *Public hearings.* Any citizen shall be entitled to speak on any matter appearing on the official
383 agenda under the section "public hearings."

384 (c) *Public discussion on agenda items.* ~~No citizen shall be entitled~~ Citizens shall be permitted to
385 address the town commission on any matter listed on or added to the official agenda which is
386 not scheduled for public hearing, discussion or debate. ~~except during Public Comment on~~
387 ~~Agenda Items unless the item is opened for public comment and the speaker recognized by the~~
388 ~~Chair~~ Good and Welfare. ~~When the town commission considers an agenda item that is open for~~
389 ~~public hearing, discussion or debate that is not a public hearing and on which the public~~
390 ~~comment is either unanimously in favor or unanimously against the item's passage, input from~~
391 ~~members of the public shall be limited to no more than three minutes on any given item, unless~~
392 ~~an extension is granted by a majority of the members of the town commission.~~

393 *Rule 7.03 Registration of speakers.*

394 (a) Registration of speakers ~~shall be required~~ shall be encouraged. The town clerk shall prepare
395 appropriate registration cards. The cards shall include a place for the speaker to provide his/her
396 name, address, lobbyist registration status which may be verified by the town clerk prior to
397 speaking, and the agenda item on which he or she is speaking ~~if registration is required on a~~
398 ~~particular agenda item.~~

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

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

405 (a) Name;

406 (b) Address;

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

416 Unless further time is granted by the town commission and with the sole exception of zoning items
417 which shall not have a prescribed time limit unless imposed by the chair in accordance with the
418 advice of the town attorney, the statement shall be limited to the times prescribed herein. All
419 remarks shall be addressed to the town commission as a body and not to any member thereof. No
420 person, other than the ~~mayor~~ Mayor, members of the town commission and the person having the
421 floor shall be permitted to enter into any discussion, either directly or through a member of the

422 commission, without the permission of the presiding officer. No question shall be asked of any
423 member of the town commission except through the presiding officer.

424 *Rule 7.05 Decorum.* Any person making ~~impertinent or~~ slanderous remarks ~~or who becomes~~
425 ~~boisterous~~ while addressing the town commission shall be warned. If after the warning, the
426 behavior continues, —said person shall be barred from further appearance before the town
427 commission by the presiding officer for the duration of the meeting, unless permission to continue
428 or again address the town commission is granted by the majority vote of the town commission
429 members present. ~~No clapping, applauding, h~~Heckling or verbal outbursts in support or
430 opposition to a speaker or his or her remarks shall not be permitted. ~~Signs or placards may be~~
431 ~~disallowed in the town commission chambers by the presiding officer. Persons exiting the town~~
432 ~~commission chambers shall do so quietly.~~

433 Sec. 2-207. - Rules of debate.

434 *Rule 8.01 Rules of debate.*

435 (a) *Questions under consideration.* When a motion is presented and seconded, it is under
436 consideration and no other motion shall be received thereafter, except to adjourn, to lay on the
437 table, to postpone, or to amend until the question is decided. These motions shall have
438 preference in the order in which they are mentioned. A motion to adjourn and a motion to lay
439 on the table shall be decided without debate. Final action upon a pending motion may be
440 deferred until a date certain by a majority of the members present.

441 (b) *As to the presiding officer.* The ~~mayor~~Mayor, as presiding officer, may vote on but shall not
442 move or second an item of debate. The presiding officer, however, upon relinquishing the chair,
443 may move or second an item, ~~vote~~, subject only to such limitations as are by these rules
444 imposed upon all members.

445 (c) *Getting the floor, improper references to be avoided.* Every member desiring to speak for any
446 purpose shall address the presiding officer, ~~and~~ upon recognition, ~~shall be confined to the~~
447 ~~question under debate avoiding all personalities and indecorous language.~~

448 (d) *Interruption; call to order; appeal a ruling of the chair.* A member once recognized shall not
449 be interrupted when speaking unless it is a call to order or as herein otherwise provided. If a
450 member be called to order, the member shall cease speaking until the question of order is
451 determined by the presiding officer, and if in order, the member shall be permitted to proceed.
452 Any member may appeal to the town commission from the decision of the presiding officer
453 upon a question of order when, without debate, the presiding officer shall submit to the town
454 commission the question, "Shall the decision of the chair be sustained?" and the town
455 commission shall decide by a majority vote.

456 (e) *Time limit for Consent agenda debate.* The presiding officer shall open for public comment on
457 any items on the consent agenda, prior to commission consideration of the consent agenda.
458 There shall be no dDebate on any motion pertaining to an item on the consent agenda, however,
459 any member of the town commission may pull an item from the consent agenda for
460 consideration shall be limited to three minutes. After three minutes of debate the item shall be
461 ~~removed from the consent agenda, if any, and placed on the regular town commission agenda.~~

462 ~~The discussion by the town commission on any one item shall not exceed one half hour or~~
463 ~~unless an extension is granted by a majority of votes of the town commission.~~

464 (f) *Privilege of closing debate.* Any town commission member (including the presiding officer)
465 shall have the privilege of closing the debate by making a motion to that effect and provided it
466 is affirmed by vote of a majority of the town commission present.

467 (g) *Method of voting.* After the debate is closed, and/or the motion is restated if necessary, the
468 presiding officer shall call for a vote on the motion. Voting shall be by roll call or voice vote,
469 or paper ballot (at the decision of the majority of the commission in certain circumstances)
470 depending on whether the ballot is on an ordinance or resolution or motion. Ordinances require
471 a roll call vote by calling the names of the members of the town commission in rotating order,
472 provided that the ~~V~~ice-mayorMayor shall vote next to last and alphabetically by surname,
473 except that the names shall be rotated after each roll call vote, if requested, so that the
474 commissioner who voted first on a preceding roll call shall vote last upon the next subsequent
475 matter; provided, however, that the presiding officer, if a member of the town commission,
476 shall always cast the last vote.

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

481 (h) *Explanation of vote; conflicts of interest.* There shall be no discussion by any town
482 commissioner voting, and the town commissioner shall vote yes or no. Any town
483 commissioner, upon voting, may give a brief statement to explain his or her vote. A town
484 commissioner shall have the privilege of filing with the clerk a written explanation of his or
485 her vote. Any town commissioner with a conflict of interest on a particular matter shall refrain
486 from voting or otherwise participating in the proceedings related to that matter and must leave
487 the commission chambers until the consideration of that matter is concluded and file the proper
488 form with the town clerk.

489 (i) *Tie votes.* Whenever action cannot be taken because the vote of the town commissioners has
490 resulted in a tie, the status quo shall continue in effect and the proposed ordinance, resolution
491 or motion that produced the tie vote shall be removed from the agenda without prejudice to its
492 reintroduction on a de novo basis at a later time, ~~provided that in zoning and other quasi-~~
493 ~~judicial matters when action on a resolution results in a tie vote, such resolution matter shall~~
494 ~~be carried over to the next regularly scheduled meeting for the consideration of such quasi-~~
495 ~~judicial matters unless the town commission designates a different time for such~~
496 ~~reconsideration.~~

497 (j) *Vote change.* Any town commissioner may change his or her vote before the next item is called
498 for consideration, or before a recess or adjournment is called, whichever occurs first, but not
499 thereafter. In this case, the town clerk shall call back the vote and verify the outcome for the
500 presiding officer.

501 (k) *No motion or second.* If an agenda item fails to receive a motion or second, it shall be removed
502 from the agenda and shall be reintroduced only in accordance with the renewal provisions of
503 Rule 8.01(m).

504 (l) *Reconsideration.* An action of the town commission may be reconsidered only at the same
505 meeting at which the action was taken, or, if not, at the next meeting thereafter a motion to
506 reconsider may be made only by a town commissioner who voted on the prevailing side of the
507 question and must be concurred in by a majority of those present at the meeting. ~~A motion to~~
508 ~~reconsider shall not be considered unless at least the same number of town commissioners is~~
509 ~~present as participated in the original vote, or upon affirmative vote of two thirds of those~~
510 ~~commissioners present.~~ Adoption of a motion to reconsider shall rescind the action
511 reconsidered.

512 (m) *Renewal.* Once action is taken on a proposed ordinance or resolution neither the same matter
513 nor its repeal or rescission may be brought before the town commission again for a three-month
514 period following the said action unless application for renewal by three commissioners is first
515 submitted to the presiding officer. Should an ordinance or resolution be proposed that raises
516 the same previously resolved matter, or its repeal or rescission, in different or modified form
517 during the three-month period, the presiding officer may declare the proposal out of order.

518 (n) *Adjournment.* A motion to adjourn shall always be in order and decided without debate.

519 (o) *Suspension of the rules.* No rule of procedure adopted by the town commission shall be
520 suspended except by an affirmative vote of a majority two-thirds of the members of the town
521 commission present.

522 Sec. 2-208. - Additional ordinances prescribing town commission procedure.

523 ~~Rule 9.01 Representation of Town of Surfside. Whenever~~ The presiding officer town
524 ~~commission may, with the consent of the designee, designate a member(s) of the town~~
525 ~~commission to represent the town commission at such meetings, conferences or other occasions~~
526 ~~as deemed deems it necessary or desirable that by the town commission, shall be represented at~~
527 ~~meetings, conferences or other occasions involving other governmental entities, agencies,~~
528 ~~officials or groups, or non-governmental organizations, or departments, agencies or officials of~~
529 ~~the town government, the presiding officer may designate members of the town commission to~~
530 ~~represent the town commission at such meetings, conferences or other occasions, with the consent~~
531 ~~of the designee. A designation must be ratified by a majority of the members of the town~~
532 ~~commission then present may disapprove any such appointment.~~ Such representative(s) shall have
533 no power to act for or on behalf of the town commission, or to make any commitment or binding
534 obligation on behalf of the town commission or the town. Such representatives shall report to the
535 town commission with regard to such meeting, conference or other occasion.

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

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

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

546 Secs. 2-210—2-225. - Reserved.

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

550 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and it is hereby
551 ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside
552 Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to
553 accomplish such intentions; and the word “Ordinance” may be changed to “Section” or other
554 appropriate word.

555
556 **Section 5. Conflicts.** Any and all Ordinances and Resolutions or parts of Ordinances or
557 Resolutions in conflict herewith are hereby repealed.

558
559 **Section 6. Effective Date.** This ordinance shall become effective upon adoption.

560
561 **PASSED and ADOPTED** on first reading this 18th day of September, 2017.

562
563 **PASSED and ADOPTED** on second reading this 10th day of October, 2017.

564
565
566 On Final Reading Moved by: _____

567
568 On Final Reading Second by: _____

569
570
571 **FINAL VOTE ON ADOPTION:**

572 Commissioner Daniel Gielchinsky _____

573 Commissioner Michael Karukin _____

574 Commissioner Tina Paul _____

575 Vice ~~Mayor~~Mayor Barry Cohen _____

576 ~~Mayor~~Mayor Daniel Dietch _____

577
578
579
580 _____
Daniel Dietch, ~~Mayor~~Mayor

581
582 **ATTEST:**

583

584 _____
585 Sandra Novoa, MMC, Town Clerk

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

589 _____
590 Weiss Serota Helfman Cole and Bierman, P.A.
591 Town Attorney
592



MEMORANDUM

ITEM NO. 9D

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission
From: Jason D. Greene, interim Town Manager
Date: August 11, 2020
Subject: Topper Selection for 4 x 4 Posts on Hardpack and Walking Path

The Public Works Department is 70% complete with the changing of 4x4 posts and rope along the hardpack and walking path on the east boundary of the Town of Surfside. Per the commission meeting held on July 28, 2020, direction was given to the Town Administration to finalize the remaining 30% of the 4x4 posts and rope replacement project and to include in the scope of work the addition of toppers to the 4x4 posts in order to prolong replacement cycle.

A total of 4 topper options were reviewed. **Table A – “Topper Option Costs”** below shows the total additional cost for each option:

Option	Total Quantity (each)	Unit Price	Total Cost
1	1800	\$9.98	\$17,964.00
2		\$9.77	\$17,586.00
3		\$2.47	\$4,446.00
4		\$3.98	\$7,164.00

Table A – “Topper Option Costs”

A picture of each option can be found in **Exhibit A – “Topper Option”**. The Town Administration is requesting for the Town Commission to provide direction on which topper to proceed with. The 4x4 post and rope replacement project is budgeted and there are enough funds in the project budget to cover any of the four options.

Reviewed by: JG

Prepared by: HG



OPTION 1

COPPER AND WOOD HYBRID
\$9.98 each (1800 total posts)



OPTION 2

WOOD WITH MILLWORK TRIM
\$9.77 each (1800 total posts)

LAST
 REVISION
 08/03/2020

DESCRIPTION:
 Topper Option 1 and Topper Option 2



TOWN OF SURFSIDE

TOWN OF SURFSIDE
 4x4 Topper Options

SCALE:

SHEET
 1 of 2



OPTION 3
PLASTIC
 \$2.47 each (1800 total posts)



OPTION 4
COPPER HEAD
 \$3.98 each (1800 total posts)

LAST
 REVISION
 08/04/2020

DESCRIPTION:
 Topper Option 3 and Topper Option 4



TOWN OF SURFSIDE

TOWN OF SURFSIDE
 4x4 Topper Options

SCALE:

SHEET
 2 of 2



MEMORANDUM

ITEM NO. 9E

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission
From: Jason Greene, Interim Town Manager
Date: August 11, 2020
Subject: Building Department Document Scanning

On March 18, 2018, the Town Commission approved a contract with Blue Digital Corporation to scan all existing building plans and building department documents. It was determined that the Town of Surfside building files and plans were still of significant historic value to each property given the level of interest in the properties and the Town could lower costs by no longer having to lease offsite storage. All new building and substantial construction plans are required to be submitted electronically. Smaller scale projects plans may be provided electronically.

Scanning all existing building plans and building department documents and publishing to the Town website would create convenient public records access to end users including residents, property professionals, design professionals and government agencies. The continued use of departmental resources on public records requests and the handling of increasingly perishable plans would be eliminated. A gain in CRS points for open access of electronic documents and ease of public use would increase departmental efficiency and productivity. The Town currently pays approximately \$30,000 per year in offsite storage costs for these documents which would be eliminated when the project is completed.

Document files are prepared by staff and the selected vendor collects said documents and scans them onto digital media. The scanned documents in PDF format are returned to the Town on CD. Staff then saves all files follow an electronic document management naming convention of Property Folio and Property Address. All subfolders contain permits and plans for said property.

Reviewed by: JG

Prepared by: AG



**Town of Surfside
Town Commission Meeting
November 12, 2020
7:00 pm**

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

Date: September 19, 2020

Prepared by: Mayor

Subject: Demolition by neglect

Objective: Introduce a new ordinance to prevent property owners from allowing their properties to deteriorate.

Consideration: Commission to discuss

Recommendation: Adoption

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: May 6, 2020

TITLE: **DISCUSSION: ESTABLISHMENT OF PENALTIES FOR PROPERTY OWNERS ENGAGING IN DEMOLITION BY NEGLECT**

ACTION REQUESTED:

Conclude the item and recommend that the City Commission adopt the attached ordinance.

ADMINISTRATION RECOMMENDATION:

Discuss the item and recommend that the City Commission adopt the attached ordinance.

HISTORY:

On July 17, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred the discussion item to the Land Use and Development Committee (Item C4 O). The item was discussed at the September 18, 2019 LUDC meeting, and continued to the October 30, 2019 meeting with the following direction:

1. The administration and City Attorney's office will research and provide recommendations regarding a process for imposing proportional fines, development and use reductions, and building registrations.
2. The administration will bring a discussion item to the October 8, 2019 meeting of the Historic Preservation Board for recommendations on posting unsafe structures on the city's website.

On October 30, 2019, the item was discussed and continued to the December 2, 2019 LUDC, with the following direction:

1. The administration and the City Attorney will further evaluate the recommendations noted in the LUDC memo regarding proportional fines and building registry, as well as creating a process for as-built drawings of contributing structures.
2. Recommend that the City Commission refer the proposed amendment to chapter 118, article X, pertaining to a presumption clause, to the Planning Board.
3. The addresses of properties that have both an active unsafe structures violation and have been referred to the Miami-Dade County Unsafe Structures Board by the Building Official will be posted on the City website. This list shall be posted within the Building Department webpage, and the Planning Department webpage shall contain a direct link.

The December 2, 2019 LUDC meeting was cancelled, and the item was moved to the January 21, 2020 agenda of the newly created Land Use and Sustainability Committee. On January 21, 2020 the item was continued to the February 18, 2020 LUSC meeting. On February 18, 2020 the item was continued to March 17, 2020. The March 17, 2020 was cancelled and the item was moved to the May 6, 2020 LUSC agenda.

ANALYSIS:

PLANNING AND LEGAL ANALYSIS

On October 8, 2019, the Historic Preservation Board discussed the matter and recommended that the City begin the process of posting the addresses of properties that have an active unsafe structures violation and have been referred to the Miami-Dade County Unsafe Structures Board by the Building Official on the City website. The Board also recommended that this information be available on either the Building Department or Planning Department page.

As indicated on October 30, 2019, planning staff and the City Attorney's office have researched and discussed other options to address demolition by neglect in historic districts. The following is an update and summary of these efforts:

1. Fines. The way properties are currently fined is general and not specific to the size of the building. The administration and the City Attorney's office have researched the concept of proportional fines and it appears that it is not pre-empted under State law. The administration and the City Attorney are exploring potential amendments that would result in more proportional fines for larger buildings.
2. Building Registry. The Building Department is researching and evaluating a method to establish a building registry process.

UPDATE

The ordinance pertaining to the presumption clause, as previously recommended by the Land Use and Development Committee, is pending before the City Commission and scheduled to be adopted on May 13, 2020. Additionally, a list of unsafe buildings has been posted on the City website, with a direct link from the planning department webpage.

About as-built drawings, as indicated previously, there are a couple of different options; each, however, has a budget impact and would need to be part of a budget enhancement for FY 2021. These include hiring an architectural firm or local University to do built drawings based upon available archival plans and a field assessment. Another potential option would be laser scanning and point cloud files that are then rendered. In those instances where a contributing building is proposed to be replaced or substantially modified, the Architect of record already puts together a detailed set of as-built drawings. Given the current limited need for such drawings on an emergency basis, as well as the potential cost of computer software required, the administration recommends that such a process not move forward at this time.

The administration has reviewed a model building registry ordinance from the City of Riviera Beach, as well as an updated list of abandoned commercial properties, which is color coded based on priority. Also included in the list of properties is the number of stories and the square footage to assist with determining appropriate, proportional fees. The attached draft ordinance, which amends chapter 58 of the City Code, and creates a building registry process specific to Miami Beach. The following is a summary of the key points of the proposed ordinance:

- Terms specific to the proposed Abandoned and Vacant Properties Registry have been defined.
- Division 4 has been created within chapter 58, establishing an Abandoned and Vacant Properties Registry.
- Applicability: All properties within a locally designated historic district are subject to the Abandoned and Vacant Properties Registry. A property must register within 15 days of becoming abandoned or vacant.
- Detailed registration requirements have been developed. This includes a nonrefundable annual registration fee in the amount of two hundred dollars (\$200) per property, as well as a nonrefundable annual fee of thirty cents (\$0.30) per square foot shall be paid for any building or structure that exceed three (3) stories. This tiered approach to assessing fees will have a greater impact on larger structures, which are typically more vulnerable to demolition by neglect.
- A responsibility for compliance section is established, requiring that is the responsibility of the owner to maintain the property in accordance with the provisions in this article.

The administration believes that the proposal herein will create a fair and transparent process for tracking at risk properties within the City's local historic district. Additionally, it will allow for the City to proactively monitor the conditions of the structures, and better enforce the demolition by neglect section of the City Code.

The one section of the legislation that still needs to be worked out is the administering City department for the registry. The administration is discussing this internally, and it is anticipated that this piece of the legislation will be ready for first reading.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Departments

Planning

ATTACHMENTS:

Description	Type
□ Draft ORD - Building Registry	Memo



**Town of Surfside
Town Commission Meeting
November 12, 2020
7:00 pm**

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

Date: September 19, 2020

Prepared by: Mayor

Subject: Excessive Homeless contribution made by the former Commission

Objective: Report on an excessive contribution made by the former Commission and request that the Commission authorize a letter to request a refund of at least 50%.

Consideration: Commission to discuss

Recommendation: Adoption



**Town of Surfside
Town Commission Meeting
November 12, 2020
7:00 pm**

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

Date: September 19, 2020

Prepared by: Mayor

Subject: Free (hassle-free) downtown parking for residents

Objective: Enhance parking for residents in Town / Introduce electric vehicles.

Consideration: Commission to discuss

Recommendation: Adoption



**Town of Surfside
Town Commission Meeting
November 12, 2020
7:00 pm**

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

Date: September 19, 2020

Prepared by: Mayor

Subject: Short term rentals

Objective: To clarify the laws associated with same

Consideration: Discuss with Commission

Recommendation: TBA



**Town of Surfside
Town Commission Meeting
November 12, 2020
7:00 pm**

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

Date: October 5, 2020
Prepared by: Charles Kesl
Subject: Quality Control, Quality Assurance

Objective: Make assessments for Proposals to gain a full understanding of its impacts over time and define measurable goals to track over time for success. This ensures projects are well thought out with clearly defined goals. It shows value, and in turn encourages better investments with future proposals. A business and operational standard in setting goals is to make sure they are specific, measurable, achievable, relevant and time-based (“S.M.A.R.T”).

Consideration: Proposal assessments include or may include:

COSTS: Short term, long term. Direct, indirect.

IMPACTS: Budget, environmental, staff and support

FEASIBILITY: Does this fit and can it work.

RISK: What could happen negatively, how impactful and what will be response

ORGANIZATION: changes, areas to improve

RESOURCES: Map out all resources internal and external

Any project proposal will also define its goals through defining what will be tracked on a “dashboard” and assessed and reported on over time. The Value Proposition, if adopted, will hold the project and its leaders accountable to value.

This may sound overwhelming, but once adopted it becomes quite clear that it is helpful and brings a common set of principles for everyone to work with. It means assessments are less subjective and open to interpretation and criticism which can change over time as circumstances change.

Recommendation: Using S.M.A.R.T goals is critical to show objective value to everyone, from Town Manager to members of the Commission, to Town staff members, to most importantly taxpaying residents. SMART is an acronym that stands for **Specific, Measurable, Achievable, Relevant and Time-based**. Each element of the SMART framework works together to create a goal that is carefully planned, clear and trackable. Work with the Town Manager and staff to develop a recommendation for implementation of S.M.A.R.T goals. Assessments and requirements can be rolled out so as to not overwhelm the systems and workflow of Town governance. The team will actually set SMART goals for defining success for the project and rollout itself. It will speak for itself, while practicing what it preaches.

Commissioner Kesl is looking for two or more co-sponsors to get support and traction for the Objective. Inform the Town Manager if you are interested.



MEMORANDUM

ITEM NO. 9K

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Guillermo Olmedillo, Town Manager

Date: June 23, 2020

Subject: Increase Lighting Plan

At the March 24, 2020 Special Commission Meeting, Town Administration was directed to provide a plan for the increase of residential street lighting.

Please find attached requested report being provided with this communication.

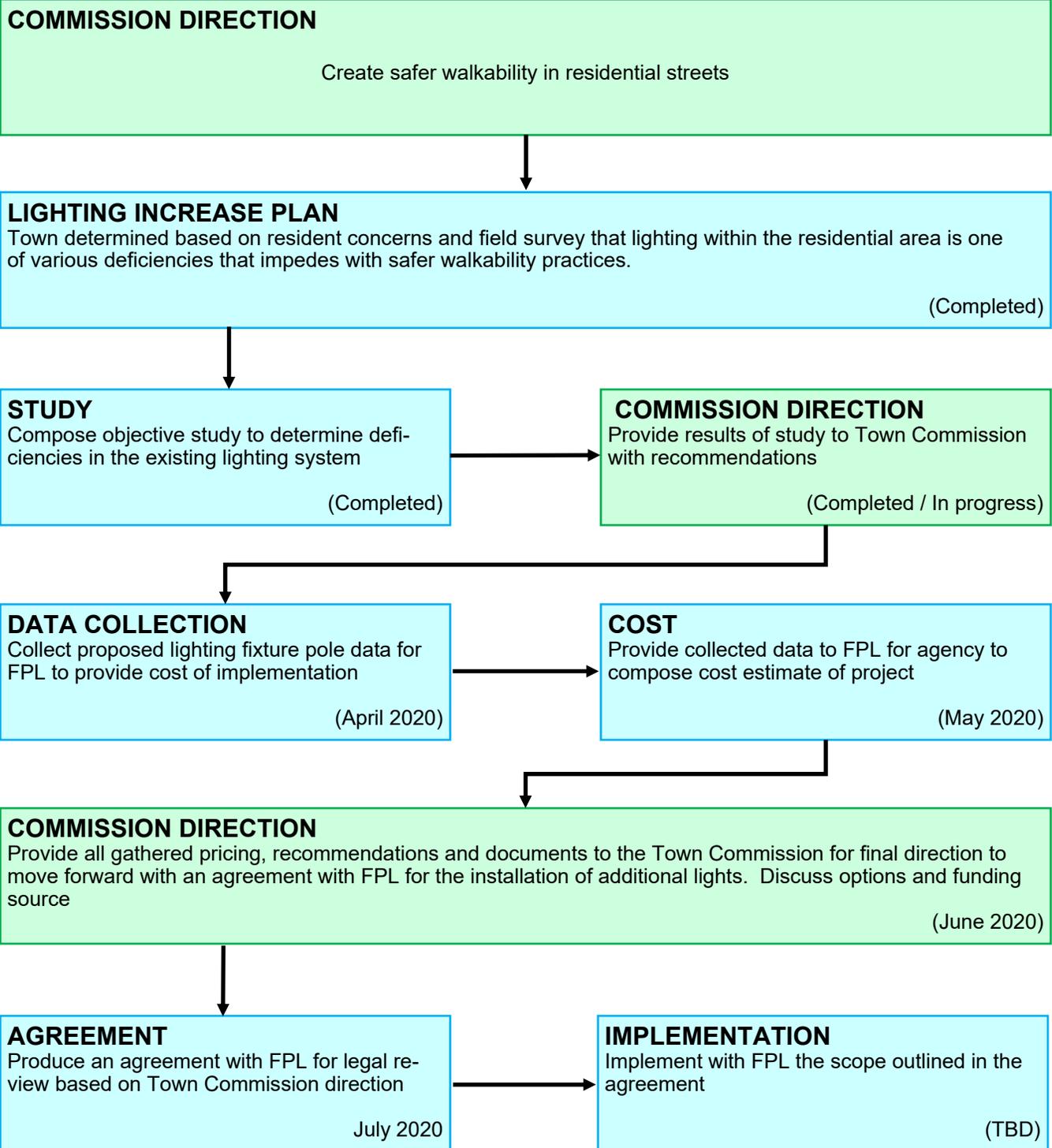
Reviewed by: HG/RS

Prepared by: HG



Town of Surfside Public Works Department Safer Walkability- Increased Lighting Plan

Update as of March 30th, 2020





MEMORANDUM

ITEM NO.

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Guillermo Olmedillo, Town Manager

Date: February 28th, 2020

Subject: Analysis for Determination of Additional Lighting Locations in Residential Areas within the Town of Surfside

The Town of Surfside, in an effort to address pedestrian safety and promote walkability within the Town, recently partnered with Florida Power and Light (FPL) to upgrade all residential street lighting from high pressure sodium bulbs to Light Emitting Diodes (LED). The lighting upgrade project was completed in January 2020 with a total of 236 fixtures changed. After the conversion, the Public Works Department performed various nightly walkthroughs to evaluate the outcome of the conversion. As a result, a 33% increase in illumination per fixture was obtained. This determination was made by comparison of photometrics of both the new LED lighting and high-pressure sodium bulbs. Photometrics is the measurement of lighting. For the comparisons made, photometric data used was the surface coverage of lighting onto asphalt surface from both fixtures, before and after conversion.

Illumination is not uniform throughout the Town. Even after the FPL conversion project, various “dark” areas exist that continue to remain a hazard. The Town administration will proceed to perform an analysis on illumination deficiencies still present. In order to eliminate subjectivity in the determination of the location and number of new light fixtures and or poles to have uniform illumination at the pedestrian level, the Town administration will prepare an analysis that incorporates the following:

1. Use the technical specifications of the equipment in place already obtained from FPL.
2. Use the information that the Town has already collected on the location of light fixtures including previous lighting data.
3. Draw the area illuminated from each lighting fixture, using the technical specifications already obtained.
4. Produce a map (GIS or similar) with the proposed locations of new lights and or poles.

5. Propose a plan to add lights where pedestrian level lighting does not have uniform illumination and deficiencies determined

The proposed plan allows for a non-subjective determination of areas in need of additional lighting. The proposed plan will provide hazard areas based on existing and collected data. An alternative plan to have individuals estimate where additional illumination should go based on visual interpretation can lead to subjective results. The Town administration will move forward with the presented plan of analysis as per Town Commission direction. The results will be reported to the Town Commission through an update.

Reviewed by

Prepared by

TOWN OF SURFSIDE

Public Works Department

“Residential Street Lighting Photometric Analysis and Recommendations”

February 26, 2020

9293 HARDING AVENUE,
SURFSIDE, FL 33154
PHONE: (305) 861-4863

Prepared By:



Public Works Department



TABLE OF CONTENTS

INTRODUCTION	3
OBJECTIVE	4
METHODOLOY	5
ANALYSIS	6
RECOMMENDATION AND CONCLUSION	15

ATTACHMENTS

- Appendix A – *“Town of Surfside Street Light Inventory”*- 1 Page
- Appendix B – *“Product Specification Photometrics”*- 3 Pages
- Appendix C – *“Street Light Photometric”* - 2 Pages
- Appendix D – *“Proposed Street Lights Map”*. - 1 Page



INTRODUCTION

The Town of Surfside is a coastal community within Miami-Dade County with approximately 5,844 residents based on 2017 population figures. The Town has various districts which include commercial high-rise, commercial retail and residential single family. Each of these districts has lighting infrastructure provided by different agencies. **Table A – “Lighting Inventory by Responsible Authority”** below outlines the total quantity of light fixtures per district and the responsible party for lighting maintenance:

Item Number	District	Responsible Party	Total # of Fixtures	Type of Fixture
1	Residential	FP&L	243	LED
2	Downtown Surfside	Town of Surfside	24	LED
3	A1A & Harding Ave	Miami-Dade County	62	High Pressure Sodium
4	Beach Ends	FP&L / Town of Surfside	11	HPS and LED

Table A – “Lighting Inventory by Responsible Authority”

Table A – “Lighting Inventory by Responsible Authority” is composed based on a Geographical Information System (GIS) mapping composed in 2018 by Town Engineer of Record (EOR), Calvin Giordano and Associates (CGA) and confirmed by the Town’s Public Works Department. The GIS map titled “Town of Surfside Street Light Inventory” can be found in **Appendix A – “Town of Surfside Street Light Inventory”**.

In late 2019, the Town of Surfside Commission approved the conversion of High-Pressure Sodium lights (HSP) throughout the residential area to Light Emitting Diode (LED) with the objective of minimizing operating costs for night-time illumination of public right of way and increase effectiveness of illumination. The lighting upgrade project was completed in January 2020 with a total of 236 fixtures changed. After the conversion, the Public Works Department performed various nightly walkthroughs to evaluate the outcome of the conversion. As a result, a 33% increase in illumination per fixture was obtained. This determination was made by comparison of photometrics of both the new LED lighting and high-pressure sodium bulbs. Photometrics is the measurement of lighting. For the comparisons made, photometric data used was the surface coverage of lighting onto asphalt surface from both fixtures, before and after conversion. The photometrics of the previous high sodium pressure bulbs (HPS) and recently installed LED fixtures can be found in **Appendix B – “Product Specification Photometrics”**.

Currently, Florida Department of Transportation (FDOT) is working with Miami-Dade County (MDC) and is scheduled to convert a portion of street lights on A1A and Harding Avenue for fiscal year 2021-2022 to LED. Additionally, the Town of Surfside converted all Town maintained street lights to LED already. During the February 2020 Town Commission meeting, the Town Commission gave direction to the Town Manager to proceed with performing a street lighting analysis in order to determine where additional lights are needed.



OBJECTIVE

Increase the quantity of residential street lighting fixtures with locations non-subjectively selected with the purpose to create safer walkability by increasing illumination during evening hours.

Illumination is not uniform throughout the Town. Even after the conversion project within the residential area, various “dark” areas exist that continue to remain a hazard for walkability during night-time hours. **Picture A** – “*Photograph of Dickens Avenue and 92nd street*” below shows the composition of dark areas and light areas as they pertain to a residential street block within the Town.



Picture A – “*Photograph of Dickens Avenue and 92nd street*”

The Town Administration performed an analysis based on information gathered and field visits in order to increase the quantity of residential street lighting fixtures with locations non-subjectively selected with the purpose of creating safer walkability by increasing illumination



during evening hours. Furthermore, a **Recommendation and Conclusion** section is provided in this analysis report to assist with Town Commission direction decision.

METHODOLOGY

In order to eliminate subjectivity in the determination of the location and number of new light fixtures to have uniform illumination at the pedestrian level, the analysis by Town administration incorporated the following items:

- Use the technical specifications of the equipment in place already obtained from FPL. This involved the comparison of photometric charts of both HPS bulbs and LED fixtures which are included in **Appendix B** – *“Product Specification Photometric”*.
- Use the information that the Town has already collected on the location of light fixtures including previous lighting data in order to overlay photometric chart data onto existing GIS maps provided in **Appendix A** – *“Town of Surfside Street Light Inventory”*.
- Draw the area illuminated from each lighting fixture, using the technical specifications already obtained onto in **Appendix A** – *“Town of Surfside Street Light Inventory”* in order to create **Appendix C** – *“Street Light Photometric”*.
- Produce a map (GIS or similar) with the proposed locations of new lights and or poles after item number 1, item number 2 and item number 3 have been evaluated. **Appendix D** – *“Proposed Street Lights Map”*.

Based on the findings, **Table C** – *“Recommendation Table”* was composed which incorporates the findings of the analysis and makes various illumination goals depending on the number of lighting fixtures proposed. This analysis does not include cost figures or cost estimates.



ANALYSIS

The analysis for residential street light photometric is provided in this section. The analysis is based on the proposed methodology that was presented to the Town Commission during the February 2020 Town Commission General Meeting.

Use the technical specifications of the equipment in place already obtained from FPL. This involved the comparison of photometric charts of both HPS bulbs and LED fixtures which are included in **Appendix B – “Product Specification Photometrics”**.

Both photometric data for high pressure sodium bulbs and LED fixtures were compared side by side. Two distances were obtained for each lighting system; these are the longitudinal distance and width distance. Longitudinal distance is referring to the distance on each side of the fixture and width distance is the distance in front of the fixture. Both distances vary depending on the height of the fixture installation. Based on the information gathered from product specification photometrics, **Table B – “Lighting Coverage by Fixture”** below was composed to present findings.

Item Number	Type of Fixture	Longitudinal Distance (Feet)	Width Distance (Feet)	Finding Source
1	High Pressure Sodium	50	40	Field Measurement
2	High Pressure Sodium	70	50	Specification Sheet
3	LED	85	40	Field Measurement
4	LED	75	20	Specification Sheet

Table B – “Lighting Coverage by Fixture”

Table B – “Lighting Coverage by Fixture” also presents field measurements of each fixture as there was a difference in field conditions to product specification conditions. The difference was the height of installation. The Town of Surfside has fixtures installed higher than presented in product specification by a total of 5 feet with a margin of error of 3 feet. Based on findings, an average of both measurements was taken and presented in **Table C – “Lighting Coverage by Fixture Average”** as shown below:

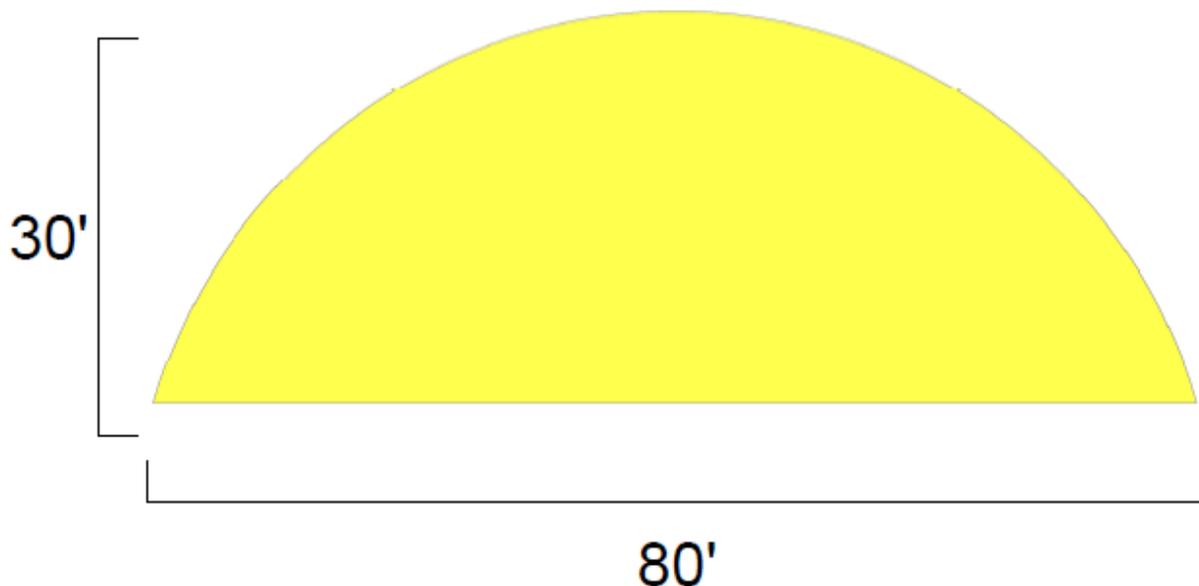
Item Number	Type of Fixture	Longitudinal Distance (Feet)	Width Distance (Feet)	Finding Source
1	High Pressure Sodium	60	45	Average
2	LED	80	30	Average

Table C – “Lighting Coverage by Fixture Average”



It is worth noting that the figures present are the effective lighting of each light based on their design intent. Each fixture covers areas greater than shown in **Table B** – “*Lighting Coverage by Fixture*” but these areas are dimmer and not effective lighting areas. Secondly, **Appendix B** – “*Product Specification Photometrics*” provides photometrics in a disformed shape which resembles a dis-figured circle. For the purpose of this analysis, the photometric impact area was averaged and converted to a defined semi-circle. **Picture B** – “*Photometric Impact Area*” below presents the averaged fixture coverage area that was used for the analysis.

DIMENSIONS



Picture B – “*Photometric Impact Area*”

Picture B – “*Photometric Impact Area*” will be referred to as the illumination zone for the remainder of the analysis. It was used as an overlay onto residential street maps in order to determine areas that are not receiving effective illumination coverage. Furthermore, there is a 6-foot to 8-foot offset from above ground utility poles to light fixture (light source) which is due to the arm length of each lighting fixture. This distance was taken into consideration. Lastly, non-effective lighting behind each lighting fixture was not taken into account. This is because these areas are not considered walkable areas and are of private property majority. Additionally, measurements of these areas illumination by LED lighting fixtures is difficult due to private property lighting distortion.



Use the information that the Town has already collected on the location of light fixtures including previous lighting data in order to overlay photometric chart data onto existing GIS maps provided in **Appendix A** – “Town of Surfside Street Light Inventory”. Draw the area illuminated from each lighting fixture, using the technical specifications already obtained onto in **Appendix A** – “Town of Surfside Street Light Inventory” in order to create **Appendix C** – “Street Light Photometric”.

Appendix A – “Town of Surfside Street Light Inventory” was used to assess the areas currently obtaining illumination and compared to the areas not receiving. Based on findings, there are currently an average of 3.00 lighting fixtures per block. Page 2 of **Appendix A** – “Town of Surfside Street Light Inventory”, lays out a typical section of a Town block. A Town block from street to street along the same avenue in the residential area is approximately 525 linear feet. Based on the average amount of lights, a total of 240 linear feet out of the entire 525 linear feet of a typical block has illumination. Therefore, it was determined that the average lighting per typical block is approximately 45%. **Diagram A** – “Typical Lighting Per Block Diagram”, below creates a visual representation of the 45% illumination of an average typical roadway.



Diagram A – “Typical Lighting Per Block Diagram”

In **Diagram A** – “Typical Lighting Per Block Diagram”, the entire strip represents a typical block along an avenue from street to street. For example, Garland Ave from 89th Street to 90th Street. The yellow sections represent the illumination zone. The black sections represent the areas where minimal to no illumination is present. Since this is an average representation of actual field conditions, it has been simplified for analysis purposes. As previously stated, even though the average coverage per existing LED fixture is 40 feet each way (80 feet total), the fading effect of each fixture may add additional coverage. The fading effect is the dimming of the illumination as the distance from the point of origin increases. The fading effect distance was not used in the analysis because it is not considered optimal illumination. The following pictures provide a reality perspective to **Diagram A** – “Typical Lighting Per Block Diagram”.



Picture C – *“Town of Surfside Night-time Aerial on 02-21-2020”*



Picture D – *“Town of Surfside Night-time Aerial on 02-21-2020 “*



Produce a map (GIS or similar) with the proposed locations of new lights and or poles after item number 1, item number 2 and item number 3 have been evaluated. **Appendix D** – “Proposed Street Lights Map”.

Propose a plan to add lights where pedestrian level lighting does not have uniform illumination and deficiencies determined.

During the evaluation of all information, it was determined that 45% of the single-family residential areas right of way within the Town are illuminated. This is based on the lighting illumination per street as an average. Prior to determining locations of additional lights, various variables needed to be considered. The considerations are as follows:

- Number of existing above ground utility poles existing
- Number of existing above ground utility poles with transformers
 - a. Accessibility to transformers if a proposed pole does not have one
 - b. Capacity of transformer
- Location of street where poles are located and if cross alternation can take place (each side of the street)
- Illumination percentage goal

45% existing illumination was based on 3 lighting fixtures per block average. In order to increase illumination, new lighting fixtures need to be added. The current infrastructure allows for additional lighting fixtures since poles either have a transformer or, are within the proximity of a pole with a transformer. To be within the proximity, the nearest pole with transformer needs to be within 2 poles distance. The current lighting fixture spread alternates with every other pole having a fixture. On average, a residential block has 6 poles and 2 transformers.

Based on two neighborhoods surveyed with optimal lighting, 90% illumination was the targeted percentage goal. 90% allows for illumination visibility throughout as lighting transition from one lighting fixture to the next. The 2 neighborhoods surveyed had the same single-family residential style as Town of Surfside. The neighborhoods were as follows:

- North Bay Village – Single Family Residential Area
- Normandy Isle, Miami Beach Single Family Residential Area

Appendix D – “Proposed Street Lights Map” proposes a total of 133 new fixtures along street blocks in the residential area in order to achieve 90% illumination. This figure breaks



down to an additional 3 fixtures per Town block. In the creation of **Appendix D** – “Proposed Street Lights Map”, some Town blocks have proposed 2 additional lighting fixtures and other more than 3 additional lighting fixtures. Even though the average is 3 additional light fixtures per block, some have proposed less since there is an intersection pole that provides block illumination. All proposed locations have an existing pole so only fixture and connection to a transformer are needed. For the most part, all transformers have the capacity for additional lighting fixture. Transformer capacities need to be confirmed with FP&L. The following pictures show areas within Miami-Dade County (MDC) with 90% illumination. The same logic for determination of light percentage in Town of Surfside as used to determine illumination percentages in these areas.



Picture E – “North Bay Village Night-time Aerial on 02-21-2020”



Picture F – *“Normandy Isles Night-time Aerial on 02-21-2020”*



Picture G – *“Normandy Isles Night-time Aerial on 02-21-2020”*



RECOMMENDATION AND CONCLUSION

The analysis was based on 90% illumination which is the maximum number of lighting fixtures to existing poles. **Table C** – “*Recommendation Table*” presents the number of additional fixtures with respective illumination percentage for various options. Refer to table below:

Item number	Number of Additional Lights (Overall)	Average Additional Lights per Block	Illumination Percentage	Comments
1	0	3	45%	No Change
2	89	4	60%	N/A
3	112	5	76%	N/A
4	133	6	90%	Appendix D

Table C – “*Recommendation Table*”

At this time, there is no cost estimate for each of the recommendations of **Table C** – “*Recommendation Table*”. Cost estimate will involve coordination with Florida Power and Light (FP&L). Currently, the provided recommendations are based on using existing pole infrastructure. Based on Town Commission direction, a cost estimate can be composed for proposed recommendation options. Any cost estimates pertaining to light fixtures operated by another agency need to be coordinated. In this case, cost estimate needs to be coordinated with Florida Power and Light (FPL).

Some additional considerations include:

- How will additional lighting fixtures in the Right of Way impact the quality of life of residents.
 - Light infiltration into private property
- Other options for increase walkability safety
 - Mid-level pedestrian lighting options
 - Alternative walking options such as sidewalks
 - Enhancing other infrastructure options such as;
 - Thermoplastic striping of roadway markings
 - Roadway Lighting options which include ground and signage lighting

This report was composed using the existing infrastructure present to add additional lighting fixtures to gain an increase in illumination percentage. The proposed locations of the lighting fixtures were based on existing locations of above ground utility poles.



Appendix A

“Town of Surfside Street Light Inventory”

1 Page

Legend

 City Boundary

 Parcels

Owner

 Surfside

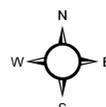
 FPL

 Miami-Dade County



Town of Surfside Street Light Inventory

Print Date: 11/7/2018



0 400 Feet



Produced and maintained by the CGA
Geographic Information Systems Services



Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS™



Appendix B

“Product Specification Photometric”

3 Pages

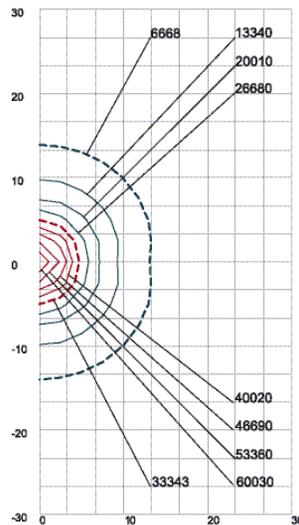
Photometric Data

E-17 High Pressure Sodium

BK No.	Lamp Watts	Description	Rated Life	Initial Lumens	Mean Lumens	CRI	CCT(K)
112	35	35W/E-17/HPS/MED/Clear	24,000	2,250	2,025	20	2,100
113	35	35W/E-17/HPS/MED/Diffuse	24,000	2,150	1,935	20	2,100
104	50	50W/E-17/HPS/MED/Clear	24,000	4,000	3,600	21	2,100
105	50	50W/E-17/HPS/MED/Diffuse	24,000	3,800	3,420	21	2,100
108	70	70W/E-17/HPS/MED/Clear	24,000	6,300	5,670	21	2,100
109	70	70W/E-17/HPS/MED/Diffuse	24,000	5,860	5,270	21	2,100
120	100	100W/E-17/HPS/MED/Clear	24,000	9,500	8,550	21	2,100
121	100	100W/E-17/HPS/MED/Diffuse	24,000	8,800	7,920	21	2,100
122	150	150W/E-17/HPS/MED/Clear	24,000	16,000	14,400	21	2,100
123	150	150W/E-17/HPS/MED/Diffuse	24,000	15,000	13,500	21	2,100

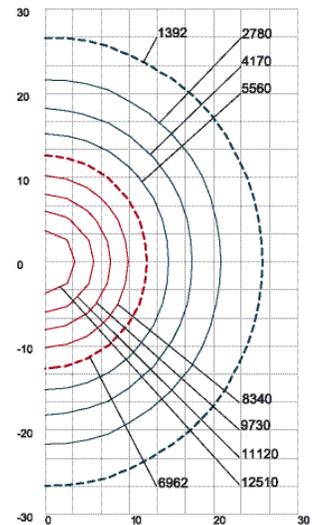
Lumen & Candela Conversion Multipliers	
100W	.60
70W	.40
50W	.25
35W	.14

NARROW SPOT



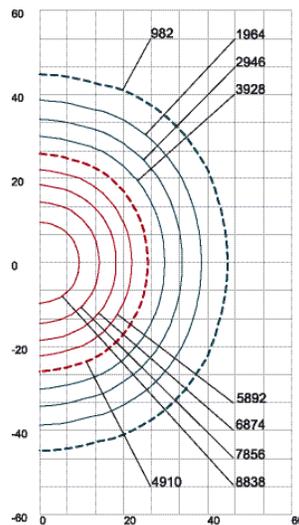
B-K FILENAME : TY11-150-NS-HPS CLEAR-ITLIES
 Lamp: 150W Clear B-17 High Pressure Sodium
 IES Beam Type: 21 x 2V
 Max. Candela: 6668 at 0°H 0°V
 Beam Spread (at 50% Max CD): 33343 at 10°H 10°V
 Field Spread (at 10% Max CD): 6668 at 28°H 28°V
 Total Lumens: 3237

SPOT



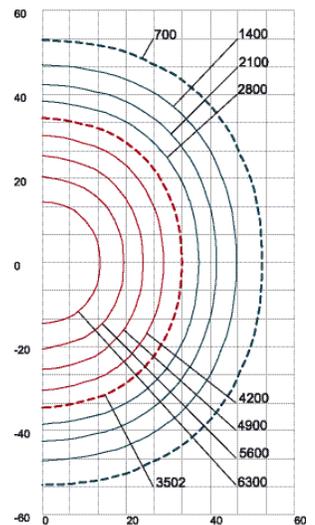
B-K FILENAME : TY11-150-SP SPECULAR-HPS CLEAR-ITLIES
 Lamp: 150W Diffuse B-17 High Pressure Sodium
 IES Beam Type: 41 x 4V
 Max. Candela: 1392 at 0°H 0°V
 Beam Spread (at 50% Max CD): 6962 at 24°H 25°V
 Field Spread (at 10% Max CD): 1392 at 51°H 53°V
 Total Lumens: 3859

FLOOD



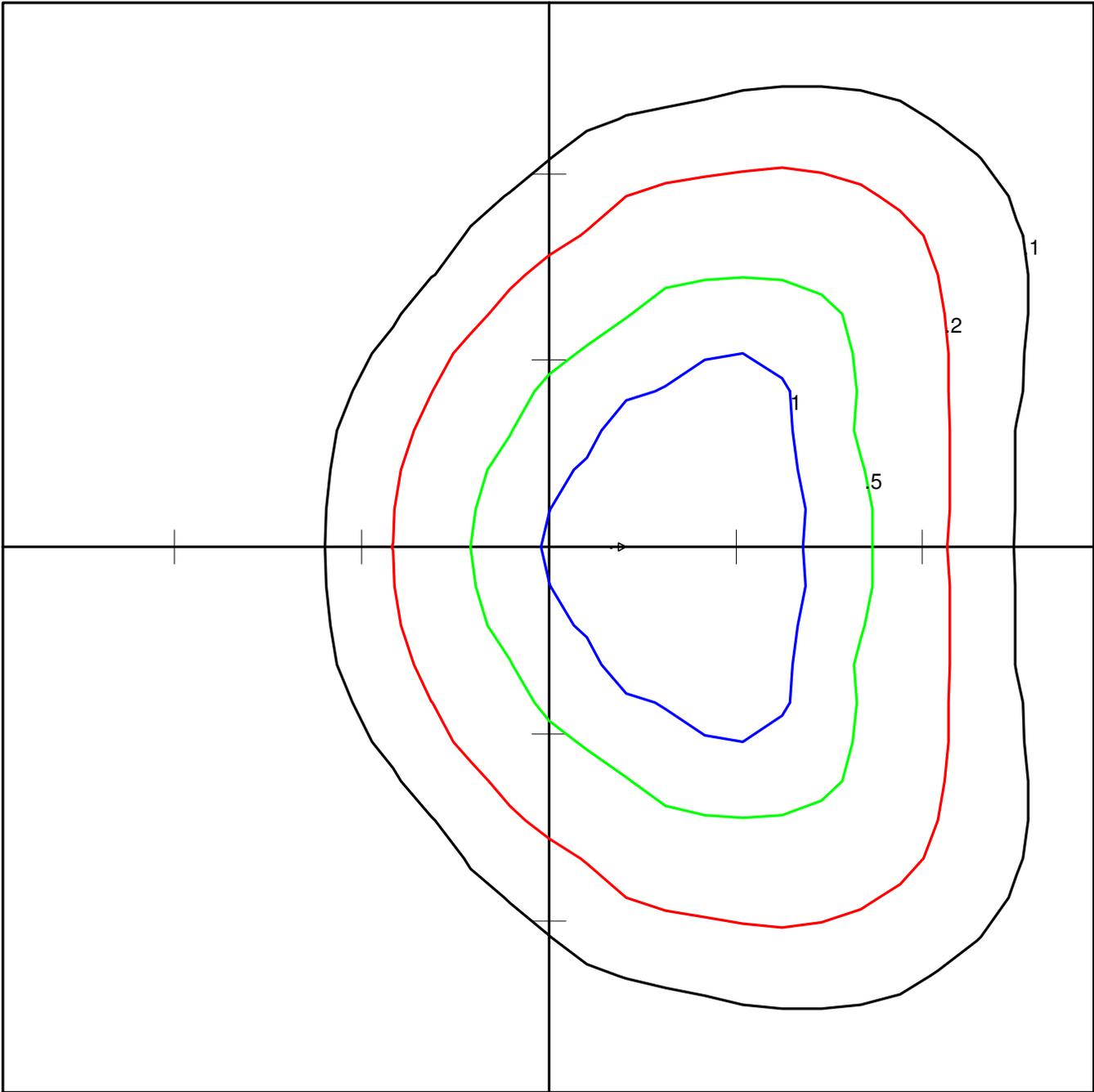
B-K FILENAME : TY11-150-FL-HPS COATED-ITLIES
 Lamp: 150W Diffuse B-17 High Pressure Sodium
 IES Beam Type: 51 x 5V
 Max. Candela: 982 at 0°H 0°V
 Beam Spread (at 50% Max CD): 4910 at 52°H 52°V
 Field Spread (at 10% Max CD): 982 at 90°H 90°V
 Total Lumens: 3237

WIDE FLOOD



B-K FILENAME : TY11-150-WF-HPS COATED-ITLIES
 Lamp: 150W Diffuse B-17 High Pressure Sodium
 IES Beam Type: 81 x 6V
 Max. Candela: 700 at 0°H 0°V
 Beam Spread (at 50% Max CD): 3502 at 67°H 66°V
 Field Spread (at 10% Max CD): 700 at 105°H 106°V
 Total Lumens: 5559

Photometric Toolbox



Cree, Inc
RSWS-A-HT-3ME-5L-30K7-UL-xxxx
Formed BMC housing, prismatic plastic lens, white inner
reflector
24 white LEDs

Horizontal Footcandles
Scale: 1 Inch = 20 Ft.
Light Loss Factor = 1.00
Lumens Per Lamp = N.A. (absolute photometry)
Luminaire Lumens = 5000
Mounting Height = 24.00 Ft
Maximum Calculated Value = 1.74 Fc
Arrangement: Single
Arm Length = 8 Ft



Appendix C

“Street Light Photometric”

2 Pages

Legend

-  City Boundary
-  Parcels
-  Illumination Zones

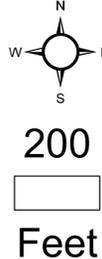
Owner (Count)

-  Surfside (83)
-  FPL (243)
-  Miami-Dade County (68)



Town of Surfside Street Light Inventory

Print Date: 2/3/2020



GIS Produced and maintained by the CGA
Geographic Information Systems Services

Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS™



Appendix D

“Proposed Street Lights Map”

1 Page

Legend

-  City Boundary
-  Parcels
-  FPL Illumination Zones
-  Proposed Illumination Zones

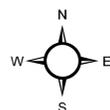
Owner (Count)

-  Proposed (133)
-  Surfside (83)
-  FPL (243)
-  Miami-Dade County (68)



Town of Surfside Street Light Inventory

Print Date: 2/18/2020



400



Feet

1 inch = 200 feet



Produced and maintained by the CGA
Geographic Information Systems Services



Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONSSM



MEMORANDUM

ITEM NO. 9L

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission
From: Guillermo Olmedillo, Town Manager
Date: April 21, 2020
Subject: Lowering of Property taxes and Water Bills

At the March 24, 2020 Special Commission Meeting, Town Administration was directed to provide information on lowering property taxes and water bills.

April 14 through April 21, the Town's Finance Director has meet with the Commissioners to discuss the state of the Town's finances including the financial position of the Town's General Fund and Water & Sewer Fund. With the budget season starting, the Commission will have the opportunity to provide policy direction which forms the basis of the Town's Budget. On June 1, 2020, the Town will receive the Miami-Dade Property Appraiser Assessment Roll Estimate which will help guide the Town's Administration toward the goal of lowering the financial impact to Town residents.

Attached is the Town's financial position presentation given to the Commissioners.

Reviewed by: GO

Prepared by: JDG

FINANCE ORIENTATION

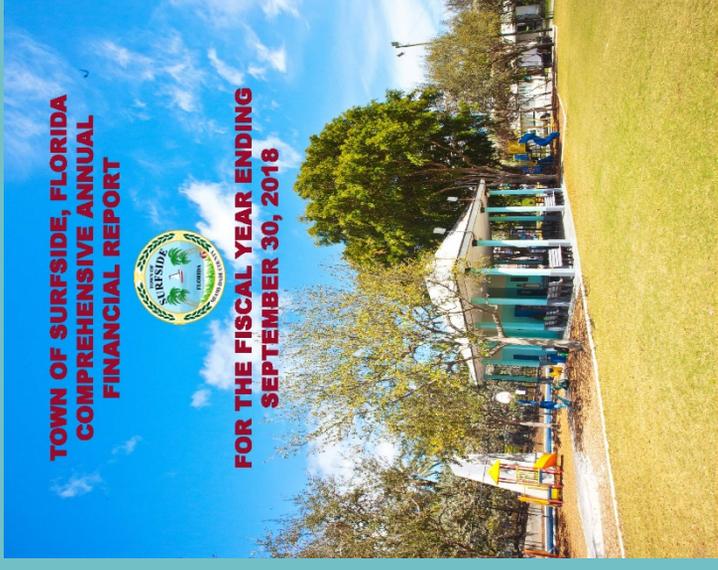
April 2020



Surfside Finance
Department

Financial Reporting

- Fiscal Year = October 1st thru September 30th
- Comprehensive Annual Financial Report (CAFR)
- Government Finance Officers Association (GFOA)
 - Certificate of Achievement for Excellence in Financial Reporting Program
 - <https://www.gfoa.org/best-practices>



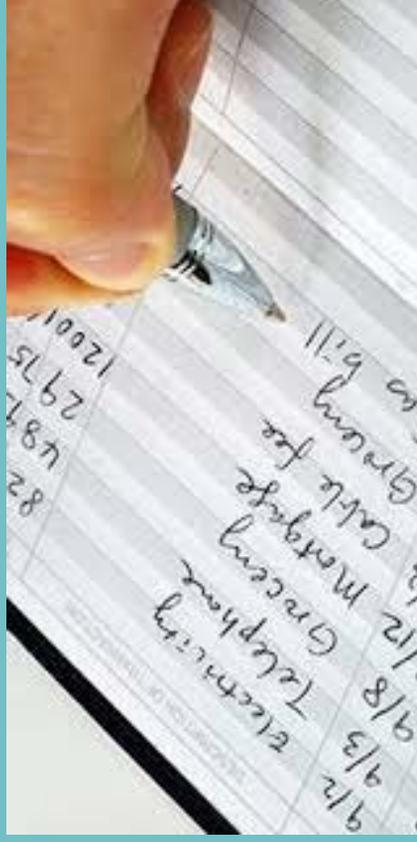
Other Reports

- **Florida Department of Finance**
 - Annual Financial Report (AFR)
- **Florida Auditor General**
 - Local Government Audit Report
- **State and/or Federal Single Audit Report**
- **Office of the Citizens' Independent Transportation Trust**
 - Audit every 5 years
 - Reporting quarterly and annually
- **Federal and State Law Enforcement**
 - Police Forfeiture funds
- **Local Highway Finance Report**
 - State revenue sharing

Fund Accounting

What is a Fund?

- A fund is like having a different checking account for different purposes



Types of Funds



Governmental



Proprietary



Fiduciary



Internal
Service

Governmental Funds



General Fund

Accounts for revenues including property taxes, sales taxes, and fines, as well as expenditures like Police and General Government

Special Revenue Funds

Used for revenue sources that can only be used for a specific purpose (ex. Building, Resort Taxes)

Capital Project Fund

Accounts for major capital construction or acquisition of major assets

Other Funds

Proprietary Funds

- Government services that are financed in whole or in part by fees paid by those who benefit from the services



Fiduciary Fund

- Used when a government unit acts as a trustee or agent



Internal Service Fund

- Accounts for cost of maintaining Town's fleet



Balance Sheet - Reserves

- The Town is in good financial position
- General Fund (2019 UNAUDITED)
 - \$2.0M assigned fund balance (Hurricane Reserve)
 - New Resiliency Reserve created in FY 2020
 - \$13.0M unrestricted fund balance
- Other governmental funds (Restricted or Assigned)
 - Building Fund \$2.6M
 - Capital Projects Fund \$3.0M
 - Tourist Resort \$1.6M
 - Other (Trans./Police) \$435k
- Enterprise funds (Restricted)
 - Water & Sewer (\$1.5M)
 - Stormwater \$3.2M
 - Parking \$1.2k
 - Solid Waste \$655k

Unassigned General Fund Reserves

Fiscal Year	Amount	Increase	Increase
2009	\$ 7,178,552		
2010	\$ 867,867	\$ (6,310,685)	-87.9%
2011	\$ 1,958,783	\$ 1,090,916	125.7%
2012	\$ 3,121,636	\$ 1,162,853	59.4%
2013	\$ 3,151,275	\$ 29,639	0.9%
2014	\$ 4,204,273	\$ 1,052,998	33.4%
2015	\$ 3,722,284	\$ (481,989)	-11.5%
2016	\$ 5,170,003	\$ 1,447,719	38.9%
2017	\$ 6,460,802	\$ 1,290,799	25.0%
2018	\$ 8,902,050	\$ 2,441,248	37.8%
2019	\$ 12,983,069	\$ 4,081,019	45.8%

General Fund Reserves compared to Property Tax Revenues

Fiscal Year	Reserves	Revenues	% Ratio
2009	\$ 7,178,552	\$ 6,325,721	113.5%
2010	\$ 867,867	\$ 5,323,728	16.3%
2011	\$ 1,958,783	\$ 5,619,494	34.9%
2012	\$ 3,121,636	\$ 5,264,387	59.3%
2013	\$ 3,151,275	\$ 5,257,726	59.9%
2014	\$ 4,204,273	\$ 5,660,551	74.3%
2015	\$ 3,722,284	\$ 6,526,267	57.0%
2016	\$ 5,170,003	\$ 7,276,466	71.1%
2017	\$ 6,460,802	\$ 8,167,329	79.1%
2018	\$ 8,902,050	\$ 9,626,611	92.5%
2019	\$ 12,983,069	\$ 12,835,787	101.1%

Enterprise Funds Unrestricted Reserves

Fiscal Year	Water & Sewer	Stormwater	Solid Waste	Parking
2009	\$ 448,793	\$ (77,137)	\$ (128,427)	\$ 2,526,724
2010	\$ 440,000	\$ 40,626	\$ 82,210	\$ 2,043,034
2011	\$ 1,674,603	\$ 188,302	\$ 207,462	\$ 1,385,581
2012	\$ (2,949,483)	\$ (161,489)	\$ 228,437	\$ 1,258,325
2013	\$ (5,261,333)	\$ 2,520,512	\$ 227,274	\$ 1,066,574
2014	\$ (3,501,884)	\$ 3,838,412	\$ 116,662	\$ 1,000,355
2015	\$ (2,705,871)	\$ 4,051,768	\$ 340,391	\$ 1,089,165
2016	\$ (1,489,769)	\$ 3,626,325	\$ 245,941	\$ 1,111,941
2017	\$ (3,048,579)	\$ 1,456,556	\$ 429,743	\$ 811,013
2018	\$ (2,546,398)	\$ 3,203,878	\$ 601,201	\$ 943,315
2019	\$ (1,477,313)	\$ 3,200,646	\$ 655,448	\$ 1,185,311
2020	\$ (1,136,724)	\$ 3,034,923	\$ 432,957	\$ 1,108,943

Debt

- **No General Obligation, Capital Leases, or Pension Obligation debt**
- **Utility System Revenue Bond Series 2011**
 - Improvements to facilities for the water, sewer, and stormwater systems
 - \$16M issued
 - \$7.3M outstanding as of September 30, 2019
 - Final payment – 2026
- **Clean Water State Revolving Loan**
 - Improvements to facilities for the sewer and stormwater systems
 - \$9.31M issued
 - \$6.86M outstanding as of September 30, 2019
 - Final payment – 2033

***all debt serviced with water, sewer, & stormwater funds**

Budgeting

FISCAL YEAR 2020



Budget Glossary

- **Budget:** A plan of financial activity for a specified period of time (fiscal year) indicating all planned revenues and expenses for the budget period.
- **Millage:** Derived from a Latin word "millesimum" meaning "thousandth," with 1 mill being equal to 1/1,000th of a currency unit. As used in relation to property tax, 1 mill is equal to \$1 in property tax, which is levied per every \$1,000 of a property's determined taxable value.
- **Taxable Valuation:** This is the amount determined by the Property Appraiser after any discounts and/or exemptions have been applied to the assessed valuation. This reduced figure is the one against which governments may levy a tax.

Budget Process

- Budget development and management is a year-round process.
- Budget preparation begins in February-March and is designed to assist the Town's management in the development of short-term and long-term strategies to meet legal and policy directives as well as perceived wishes of the community including the various advisory boards and committees.
- The policy directives of the Town of Surfside's Town Commission are the principal focus of each budget process.
- Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award



Budget Timeline

- **March** Initiate Budget Development Process
- **April** Distribute budget package to Department Directors
- **April** Budget Goals and Objectives Workshop with Town Commission to set budget priorities
- **April-May** Budget Retreat – Town Manager and Department Directors
- **May** Departments submit budget requests. Meetings with Town Manager to review all requests
- **June 1st** Miami-Dade Property Appraiser Assessment Roll Estimate
- **June** Town Commission Budget Workshop

Budget Timeline

- **July 1st** “Certification of Taxable Value” received from the Property Appraiser
- **Early July** Proposed Budget submitted to Town Commission
- **Mid-July** Town Commission meets to set tentative property millage rates
- **Early Aug** Notify Property Appraiser - proposed millage rate, etc.
- **July-Aug** Proposed Budget finalized based on Town Commission budget discussion and final taxable value
- **Sept** First and second public hearings
 - Adopt millage rates
 - Adopt operating and capital budgets

*Florida Statute precludes local governments from conducting its budget hearings on the same date as Miami-Dade County and the Miami-Dade County School Board

Budget Components

General Fund

- General Government
- Public Safety
- Physical Environment
- Streets
- Non-Community Center Parks & Recreation

Special Revenue Funds

- Building Services
- Tourist
- Transportation
- Police Forfeiture

Capital Projects Fund

- Physical Environment

Enterprise Funds

- Water & Sewer
- Stormwater
- Solid Waste
- Parking

Internal Service Fund

- Fleet Management

Special Revenue Funds – What do you get?

- **Transportation Fund**
 - Generated through the Miami-Dade County half-penny sales surtax
 - Use of the funds include a Community Bus Service as well as sidewalk replacements, bus stop maintenance, etc.
- **Police Forfeiture**
 - Funded through forfeitures, seizures, and confiscations related to criminal activity
 - Use of the funds is restricted to crime prevention initiatives
- **Building Fund**
 - Account for the building department activities
 - Revenues are collected from development activity to fund building department operations

Special Revenue Funds – What do you get?

- **Tourist Resort Fund**
 - Generated from taxes placed on certain types of private enterprise – food and beverage sales and accommodations
 - Sixty-six percent (66%) of total revenues allocated for the cost of operating the Community Center and collection of resort tax
 - Pursuant to Chapter 67-930 of State of Florida law, and further defined in the Town’s Ordinance No. 11-1574, a minimum of 34% of the resort tax revenue must be used to promote the Town as a tourist destination
 - The expenditure of these funds is governed by the Tourist Bureau Board
 - Used to fund the other initiatives, also enjoyed by residents:
 - Annual holidays lights on Harding Avenue
 - Popular events, including Third Thursdays, First Fridays, Paddletopia, Bootcamp & Brews, History Tours, and more

Community Center Budget is ~\$2.2M in Fiscal Year 2020

This funding provides property tax relief as these operations are no longer supported by the General Fund

Property Values

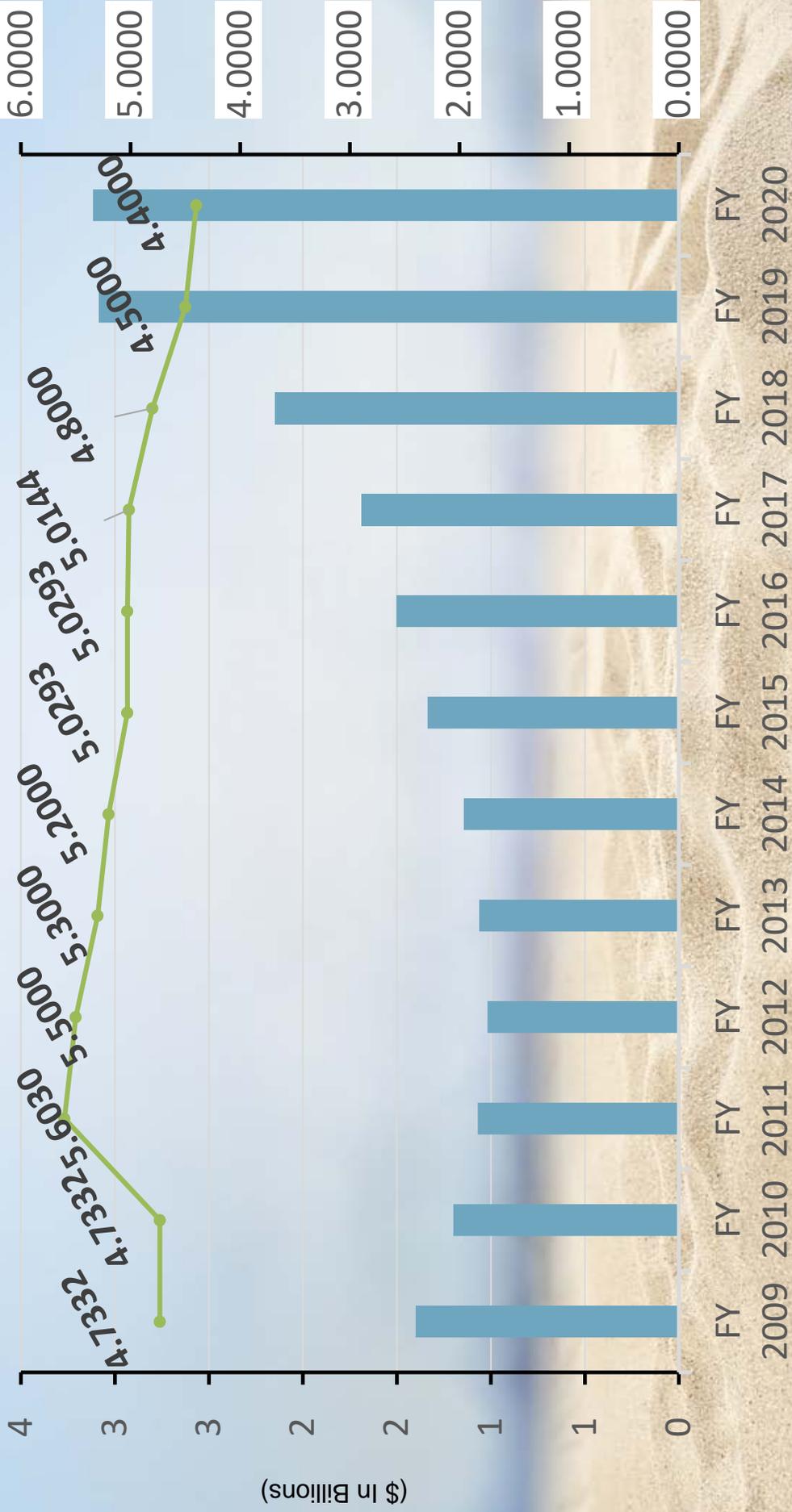
Taxable Property

Fiscal Year	Millage Rate	Value	Value Increase	% Increase
2009	4.7332	\$ 1,531,669,419		
2010	4.7332	\$ 1,283,401,231	\$ (248,268,188)	-16.2%
2011	5.6030	\$ 1,062,959,623	\$ (220,441,608)	-17.2%
2012	5.5000	\$ 1,017,658,274	\$ (45,301,349)	-4.3%
2013	5.3000	\$ 1,062,214,226	\$ 44,555,952	4.4%
2014	5.2000	\$ 1,144,071,250	\$ 81,857,024	7.7%
2015	5.0293	\$ 1,336,876,007	\$ 192,804,757	16.9%
2016	5.0293	\$ 1,502,755,220	\$ 165,879,213	12.4%
2017	5.0144	\$ 1,689,439,338	\$ 186,684,118	12.4%
2018	4.8000	\$ 2,150,458,492	\$ 461,019,154	27.3%
2019	4.5000	\$ 3,086,020,534	\$ 935,562,042	43.5%
2020	4.4000	\$ 3,116,633,395	\$ 30,612,861	1.0%

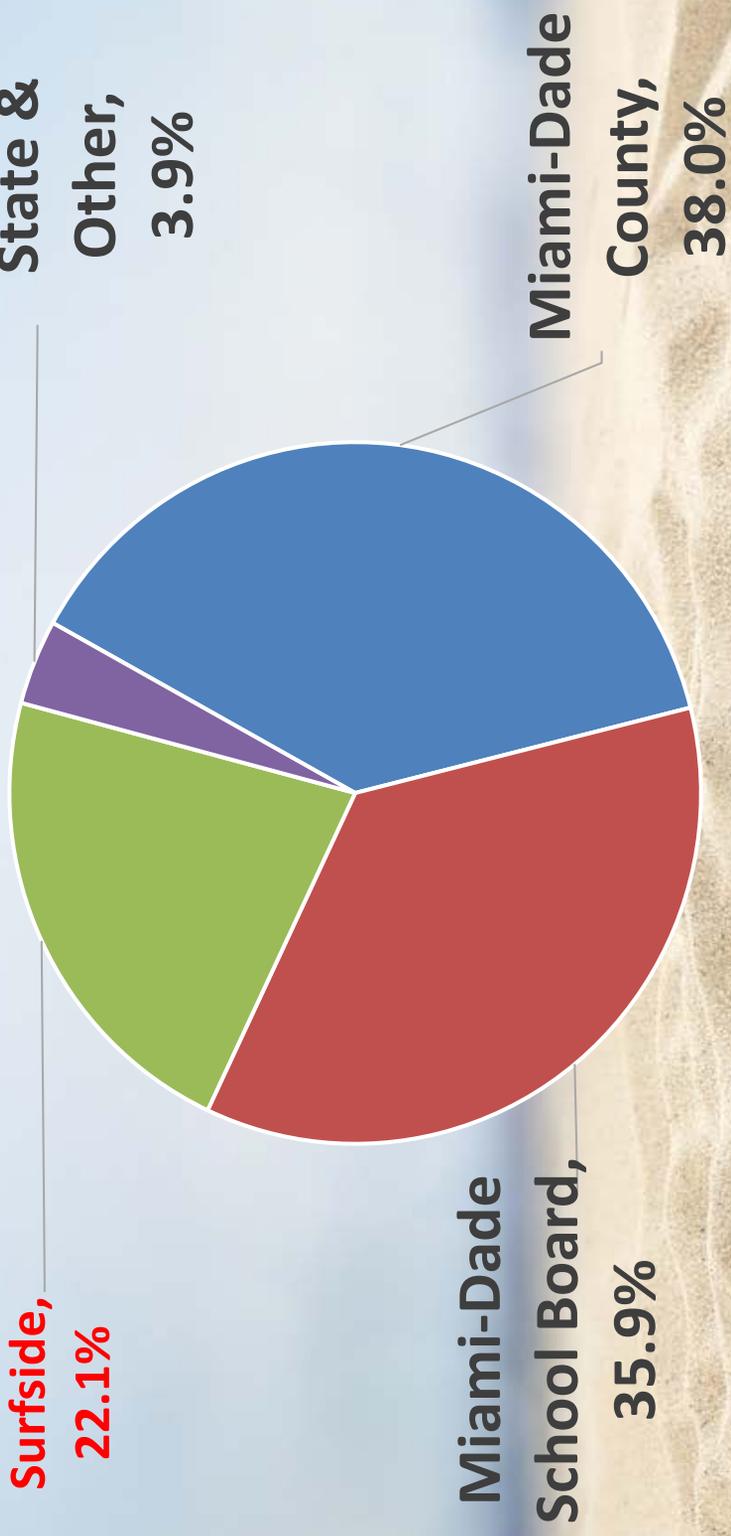
Property Taxes

Fiscal Year	Millage Rate	Taxable Property Value	Property Taxes Collected	% Increase
2009	4.7332	\$ 1,531,669,419	\$ 6,325,721	
2010	4.7332	\$ 1,283,401,231	\$ 5,323,728	-15.8%
2011	5.6030	\$ 1,062,959,623	\$ 5,619,494	5.6%
2012	5.5000	\$ 1,017,658,274	\$ 5,264,387	-6.3%
2013	5.3000	\$ 1,062,214,226	\$ 5,257,726	-0.1%
2014	5.2000	\$ 1,144,071,250	\$ 5,660,551	7.7%
2015	5.0293	\$ 1,336,876,007	\$ 6,526,267	15.3%
2016	5.0293	\$ 1,502,755,220	\$ 7,276,466	11.5%
2017	5.0144	\$ 1,689,439,338	\$ 8,167,329	12.2%
2018	4.8000	\$ 2,150,458,492	\$ 9,626,611	17.9%
2019	4.5000	\$ 3,086,020,534	\$ 12,835,787	33.3%
2020	4.4000	\$ 3,116,633,395	\$ 13,027,528	1.5%

TAXABLE VALUES & MILLAGE RATES 10 YEARS

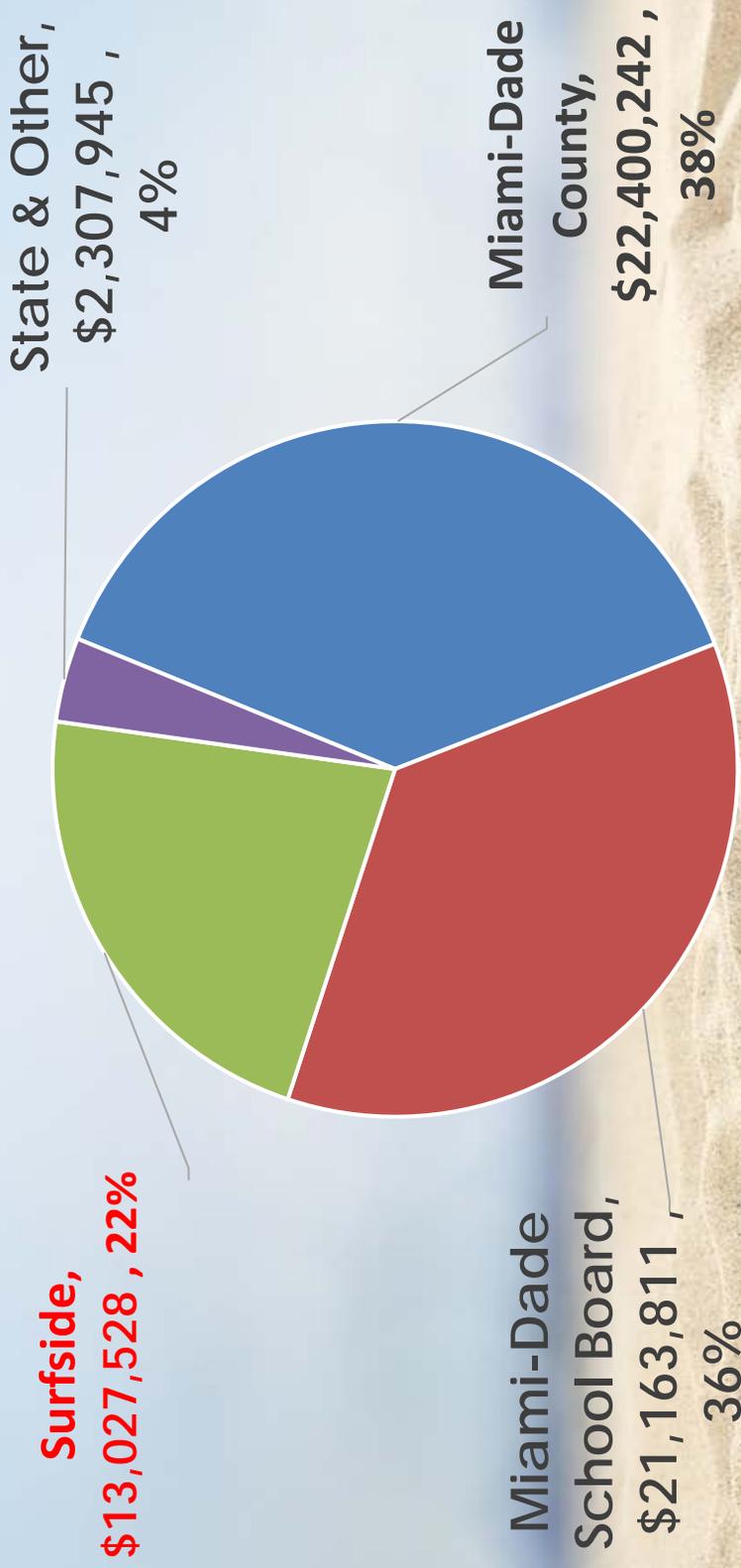


HOW MUCH OF YOUR TAX BILL GOES TO THE TOWN?



77.9% of Surfside property taxes go to other entities

Property Tax Distribution 2019 Millage Rates



\$45.9M of the \$58.9M in Surfside property taxes go to other entities

Property Taxes Millage Rates

Fiscal Year Surfside County Miami-Dade School Board

2009 4.7332 5.1229 7.7970

2010 4.7332 5.1229 7.9950

2011 5.6030 5.8725 8.2490

2012 5.5000 5.0900 8.0050

2013 5.3000 4.9885 7.9980

2014 5.2000 5.1255 7.9770

2015 5.0293 5.1169 7.9740

2016 5.0293 5.1169 7.6120

2017 5.0144 5.0669 7.3220

2018 4.8000 5.0669 6.9940

2019 4.5000 5.1313 6.7330

2020 4.4000 5.1449 7.1480

Fiscal Year 2020 General Fund Revenues & Expenditures

\$16.5M Projected Revenues

78.7% Ad Valorem

9.0% Franchise / Utility
 6.7% Intergov/ Charges for Services
 5.6% Other



44.2% Public Safety

36.9% General Government

10.4% Physical Environment
 8.5% Other

\$14.4M Projected Expenditures

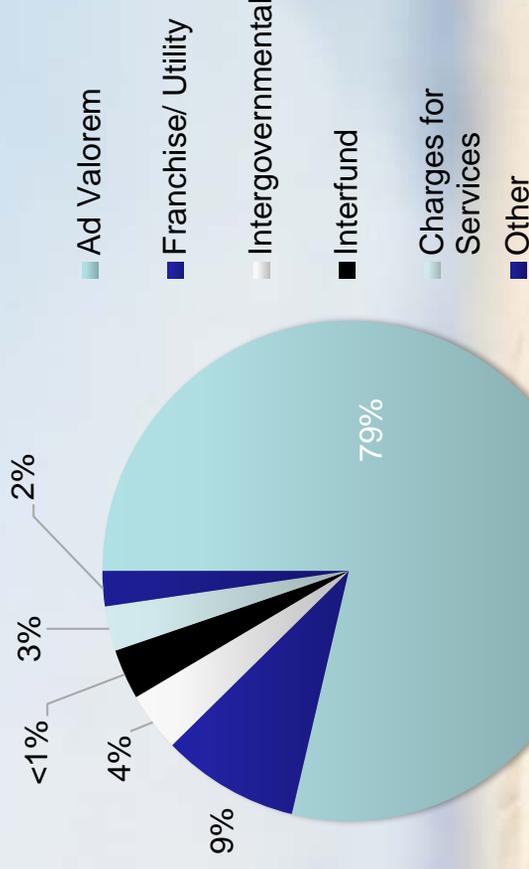
\$2.1M added to General Fund Reserves

Revenues Forecast General Fund

\$16.5 Million

- Ad Valorem \$13.0 Million
- Franchise/Utility \$1.5 Million
- Intergovernmental \$637,500
- Interfund \$539,000
- Charges for Services \$478,700
- Other \$376,500

FY 2020 General Fund Revenues

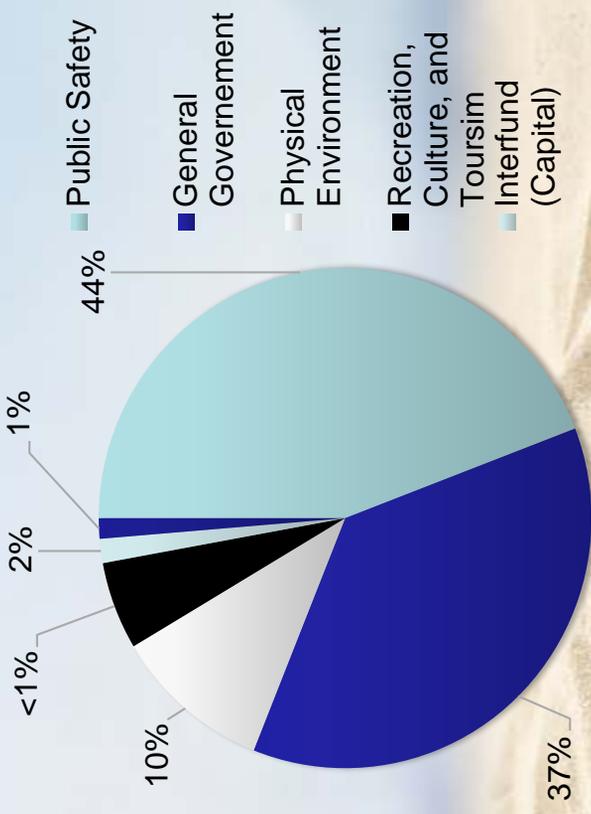


General Fund Expenditures

\$14.4 Million

- Public Safety \$6.4 Million
- General Government \$5.3 Million
- Physical Environment \$1.5 Million
- Recreation/Community \$819,932
- Interfund (Capital) \$225,000
- Streets \$190,331

FY 2020 General Fund Expenditures



Enterprise Funds – Water & Sewer

- The Town operates its Water and Sewer System and funds the operations, maintenance, administration, debt service, and infrastructure renewal and replacement needs through user fees and available reserves.
- The Town has issued bonds to pay for a portion of its water and sewer capital project and the debt service is repaid through the system's net revenues.
- Town water is purchased from Miami-Dade County at wholesale rates and transmitted through Town owned water lines.
- Wastewater (sewer) runs through the Town's collection system and is discharged under an agreement with the City of Miami Beach.
- The Water and Sewer division also performs functions related to billing and collection for the services provided.
- General Town administrative support provides services for Water and Sewer operations such as: oversight, finance, payroll, human resources, benefits and pension management, and the provision of office space.

Fiscal Year 2020 Water & Sewer Fund Revenues & Expenditures



*81% of the Operating Costs are direct past throughs
 *75% of the all expenses are debt service and pass throughs

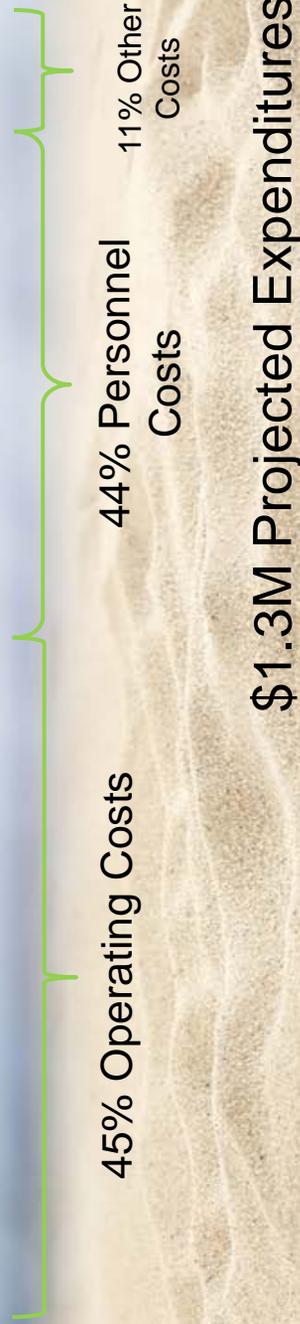
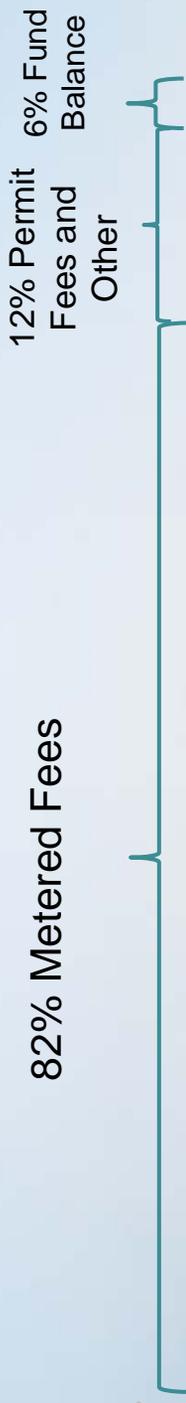
\$340,000 added to Reserves – FY 19 FY end balance = (\$1.4M)

Enterprise Funds – Parking

- The Town operates its own municipal parking enterprise fund. The Town currently operates several parking lots and on-street parking spaces to provide parking throughout Town and convenient access to the Harding Avenue business district.
- Municipal Parking operations are under the supervision of the Public Safety Department.
- The Town provides these services with Parking Division in-house staff and contracts with a private company for collection from parking meters.
- Parking citation revenue is allocated to the General Fund.
- General Town administrative support provides services for Municipal Parking operations such as: oversight, finance, payroll, human resources, benefits and pension management, and the provision of office space.

Fiscal Year 2020 Parking Fund Revenues & Expenditures

\$1.3M Projected Revenues



\$1.3M Projected Expenditures

\$76,000 reduction in Reserves – FY 19 FY end balance = \$1.2M

Enterprise Funds – Solid Waste

- The Solid Waste Fund accounts for the cost of operating and maintaining collection and disposal services for Town residents and commercial businesses/properties.
- Solid waste collection and disposal services are provided by the Town for garbage, bulk trash, and vegetation.
- The Town provides in-house collection and disposal of recyclable materials for residential properties.
- Solid waste collection charges for residential property are billed by Miami- Dade County on the real property tax notice as a non-ad valorem assessment. The residential property assessment of \$318.67 for garbage/recycle is assessed for FY 2020. Variable rates are charged for multi-family units and commercial properties. The Town is in the process of evaluating commercial rates.
- General Town administrative support provides services for Solid Waste operations such as: oversight, finance, payroll, human resources, benefits and pension management, and the provision of office space.

Fiscal Year 2020 Solid Waste Fund Revenues & Expenditures



\$222,000 reduction in Reserves – FY 19 FY end balance = \$655,000

Enterprise Funds – Stormwater

- The Stormwater Utility Fund accounts for the cost of operating and maintaining the Town's stormwater drainage system in accordance with the Environmental Protection Agency National Pollutant Discharge Elimination System (NPDES) permit.
- The Town is in the process of developing a Stormwater Master Plan which should be updated at 5 year to properly document new projects and to adapt with future conditions. (On Hold)
- The Town contracts out many of the stormwater related functions.
 - Include planning, developing, testing, maintaining, and improving the management of waters resulting from storm events.
 - Vacuum truck services as well as a street sweeping program to maintain the stormwater infrastructure are funded.
- General Town administrative support provides services for stormwater operations such as: oversight, finance, payroll, human resources, benefits and pension management, and the provision of office space.

Fiscal Year 2020 Stormwater Fund Revenues & Expenditures



\$166,000 reduction in Reserves – FY 19 FY end balance = \$3.2M

Contact Info

- Website: <https://townofsursidefl.gov/departments-services/finance>
- Jason D. Greene, CGFO, CFE, CPFIM, CICA
jgreene@townofsursidefl.gov





**Town of Surfside
Town Commission Meeting
November 12, 2020**

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

DISCUSSION ITEM MEMORANDUM

Agenda #: 9M

Date: April 24, 2020

From: Vice Mayor Tina Paul

Subject: FPL Solar Together Program

Objective – Enroll all Town of Surfside municipal properties in the FPL SolarTogether program.

Consideration – In March 2020, the Florida Public Service Commission approved the FPL SolarTogether program. As the largest community solar program in the United States, SolarTogether removes traditional barriers such as large upfront costs, long-term commitments and has no penalties for unsubscribing. It allows for all FPL customers to go 100% solar with no rooftop installation, maintenance or required insurance.

At the April 21, 2020 Special Commission Meeting, the Commission voted to end CGA Work Authorization No. 117, from July 2019 for Engineering Services for Design-Build Photovoltaic System at the Surfside Community Center.

Surfside has always actively pursued clean energy and environmental initiatives therefore; participating in the FPL SolarTogether program at all Town Facilities will continue these efforts while affording the Town long-term savings.

The FPL SolarTogether program is currently fully subscribed and the waitlist has also been filled.

Recommendation – Direct the Town Manager or designee to contact our Customer Advisor Jose Triana for information on enrolling in the next sign-up for FPL's SolarTogether program.



Thank you for your interest FPL SolarTogetherSM
 The program is fully subscribed and the waitlist is closed.

The SolarTogetherSM program is an easy and affordable option for customers to share in the economic and environmental benefits of Florida based large-scale solar while receiving monthly bill credits on their FPL bill.

At this time, the Commercial, Industrial and Governmental portion of the program is fully subscribed. And, due to overwhelming interest, the waitlist has reached maximum subscription and is closed. We will continue to find new and innovative ways to bring even more solar to Florida and will announce future program opportunities.

Reduce your energy costs while achieving your sustainability goals



Benefits

- Offset up to 100 percent of your energy usage (subject to availability)
- Renewable Energy Credits (RECs) are retired on your behalf
- Receive bill credits immediately



Economics

- Simple payback between 5-7 years
- Fixed monthly subscription rate
- Escalating bill credits
- No maintenance, operational or insurance costs



Terms

- No upfront cost
- No long term contract
- Subscription is transferable to another store or location
- Subscription cannot be sold or transferred to another customer

How the program works

1. Determine your subscription share by selecting the amount of energy you wish to offset – up to 100% of your energy usage can come from solar
2. Calculate your monthly subscription cost based on the fixed subscription rate of \$6.76/kW multiplied by your subscription share
3. Estimate your monthly subscription credit based on your subscription share multiplied by the amount of solar energy produced multiplied by the subscription credit rate

100 kW subscription example



FPL SolarTogether Subscription

100 kW subscription share
 x \$6.76/kW fixed subscription rate

Your Monthly Subscription Cost

\$676



Solar Energy Produced

190 hrs per month
 x 100 kW subscription share

19,000 kWh solar energy



Subscription Credit

19,000 kWh solar energy produced
 x \$0.03405/kWh subscription credit rate/kWh

Your Monthly Bill Credit

\$647

That means you get solar energy for just \$29 for the month!*

* Illustrative examples presented here for discussion purposes only, program charges and credits will be established per the Florida PSC approved tariff.

And over time, the annual benefits are forecasted to exceed the costs.



The graph above shows the estimated bill impact over a ten-year period for a 100 kW subscription example. While the annual subscription cost remains the same year after year, due to the fixed nature of the subscription rate, the annual subscription credit grows annually. In the first year of a 100 kW subscription, program participation would cost approximately \$296, which is the difference between the subscription cost of \$8,112 and the credit of \$7,816. By year five, the annual subscription remains \$8,112 and the credit grows to \$8,261, so the credit exceeds subscription cost by \$149. By year ten, the cost of the subscription is still \$8,112 and the credit is now \$8,854 for the year, increasing the credit difference by \$742.

Have Questions?

View our frequently asked questions (<https://www.fpl.com/energy-my-way/solar/solartogether-res/faq.html>).



**Town of Surfside
Town Commission Meeting
November 12, 2020**

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

DISCUSSION ITEM MEMORANDUM

Agenda #: 9N

Date: May 5, 2020

From: Vice Mayor Tina Paul

Subject: Climate Environmental Collective - revised

Objective – Establish a Climate Environmental Collective to deal with climate change as it relates to health, economics, new technologies, and infrastructure innovations for coastal Issues and develop communication campaigns that keep the public informed and promote a strong and healthy town.

Consideration – At the April 14, 2020 Special Town Commission meeting, a decision to abolish the Sustainability and Resiliency Committee was made by the Commission with the decision to include a Sustainability and Resiliency board member on all Town Boards and Committees. While this approach is progressive, the concern of many residents for issues facing a coastal community as a result of Climate Change remains a priority.

The question is, do we want to be progressive or become more radical in our approach?

We've witnessed the triumph of environmental activist Greta Thunberg, who has gained international recognition as a teenager promoting awareness of the reality that humanity is facing an existential crisis arising from climate change. Instead of forming a Task Force or Board or Committee, the Climate Environmental Collective will consist of individuals who work together on ideas and solutions without relying on internal hierarchies.

We can benefit from persons with experience that may include: an Environmental Engineer or Specialist, Water Researcher, Health Practitioner, Marine or Atmospheric Scientist, Oceanographer, Biologist, Economist, Information Technology or Coder, and Graphic Artist. Membership will be diverse and inclusive of residents with all levels of expertise or enthusiasm for Surfside's environment.

The Town Manager recently hired a Resiliency Officer who has been working on specific projects from the previous commission. The new Sustainability members on Town Boards and Committees will work on issues with each Board and Committee; the Climate Environmental Collective can compliment their work. Environmental issues need to be approached as a whole, to assure genuine consideration of climate change, sea-level rise, carbon footprint, renewable energy and green infrastructure strategies with an additional focus on public health. The Collective's meetings do not need paid Consultant experts, or to be televised, and only require a meeting place and minimum staff assistance. It is essential for this Collective to be recognized as an integral part of the Town.

Recommendation – Approve the Climate Environmental Collective because Climate Change and Sea Level Rise is today and if we wait, it will be too late. We are living through Covid-19 now and as a Zoonotic disease it is a direct result of Climate Change and deforestation. The actions needed to combat this pandemic are the same actions we need to confront Climate change. This issue has never been more important, adding a Collective to present ideas and solutions at a minimal cost can actually be invaluable.

LOGO - *Climate Enviromental Collective*



Surfside
FLORIDA



**Town of Surfside
Town Commission Meeting
November 12, 2020
7:00 pm**

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

Date: September 19, 2020

Prepared by: Mayor

Subject: Interest Free Loans to Surfside Builders Granted by Former Mayor and Commission

Objective: To provide a presentation on the apparently corrupt arrangement between the former Commission and builders in Town related to interest free, multi-decade loans at the expense of Surfside taxpayers.

Consideration: Discuss with Commission

Recommendation: TBD

MIAMI BEACH

Miami Beach failed to collect \$19 million in developer fees for parking

By Joey Flechas

jflechas@MiamiHerald.com

SEPTEMBER 16, 2014 07:06 PM, UPDATED SEPTEMBER 18, 2014 03:21 PM



Officials at Miami Beach City Hall have uncovered past mismanagement of a program that allows developers who can't provide on-site parking to pay the city a fee for every space they can't provide. The city could have collected nearly \$19 million. JOEY FLECHAS MIAMI HERALD STAFF



Listen to this article now

04:14 Powered by Trinity Audio

In Miami Beach, a town known for its scarcity of parking, city staffers have failed to collect nearly \$19 million in fees from developers — fees that were supposed to be used to improve the city's parking facilities.

City administrators uncovered the problem, which stretches back 25 years, through an eight-month internal review, the results of which were released Tuesday. Administrators will present the findings of the internal investigation to the City Commission Wednesday evening.

Since January, the city's planning department has reviewed processes and procedures in the "fee in

We may use cookies, beacons (also known as pixels), and other similar technologies (together "cookies") to offer you a better experience, serve you more relevant ads, and analyze usage. By continuing to use this application, you consent to the use of cookies in accordance with our Privacy Policy.

ACCEPT COOKIES



Pharrell just dropped \$30 million on sweet ‘quarantine’ digs in Coral Gables: report

That fee, currently set at \$35,000 per space, is supposed to go toward improving the city’s parking facilities. An annual fee is also charged if a change to an existing property requires more parking, like if a restaurant adds more tables. That fee is set at \$700 per year for as long as that use remains.

Local news has never been more important

Subscribe for unlimited digital access to the news that matters to your community.

#READLOCAL

According to a memo sent Tuesday afternoon to the City Commission, the review uncovered issues with billing, accounting and inspection of properties in the program, which led to the city leaving \$18.9 million on the table over the course of the past 20 years. It started with reviewing a sample of 25 accounts in the program at the beginning of this year. The pool ballooned to about 180 accounts after staffers kept finding problems.

The news comes about a week after the Miami Herald reported that [past Miami Beach administrators failed to collect \\$2.7 million in water and sewer connection fees from several hotels and condos](#). It does not appear there is any connection between the two instances of mismanagement.

Officials reviewing the parking fee program also found that the city did little or nothing after three previous internal audits revealed some of the management issues in 1997, 2003 and 2010.

“Management responses for corrective action did not have completion dates and there is no evidence that significant and deliberate steps were taken by any of the departments involved to establish the appropriate checks and balances to prevent recurrence or initiate invoicing of recurring fees to prevent further loss,” reads the memo, prepared by Deputy Planning Director Carmen Sanchez and Assistant City Manager Joe Jimenez.

The one-time fee has increased incrementally over the years. In many cases, records show past planning officials agreed to bill property owners at previous lower rates without explanation. In

We may use cookies, beacons (also known as pixels), and other similar technologies (together "cookies") to offer you a better experience, serve you more relevant ads, and analyze usage. By continuing to use this application, you consent to the use of cookies in accordance with our Privacy Policy.

ACCEPT COOKIES

financial system.

The review is ongoing.

“Staff has conducted extensive research and has had to reconstruct the history for most of the accounts evaluated,” reads the memo. “As new details come to light and additional information is received the estimated receivable amount may change to include other projects identified at a future date.”

The history of poor management came to light to city officials earlier this year, when Sanchez, hired in late 2013, and Jimenez, who joined the city in May 2013, initiated a review of the program. The current administration has already put some checks and balances in place to fix the problems.

According to the memo, the planning department has invoiced 34 recurring accounts for the current fiscal year, and will start invoicing all active accounts for the upcoming fiscal year, starting Oct. 1. The city has updated its permitting software to keep records of what is charged and owed, hired staff to manage special revenue accounts like the parking impact fee program and, from now on, building permits or certificates of use will not be issued until the fee has been paid.

City administrators did not want to comment for this story before presenting their findings to the City Commission. Administrators will ask the City Commission for direction on how to proceed with uncollected money from current businesses and ones that have closed but still have outstanding balances.

Follow [@joeflech](#) on Twitter.

RELATED STORIES FROM MIAMI HERALD

MIAMI-BEACH

Miami Beach to develop plan to recover unpaid developer fees

SEPTEMBER 17, 2014 8:21 PM

MIAMI-BEACH

Miami Beach failed to collect millions in water and sewer fees from new hotels and condos

SEPTEMBER 07, 2014 2:59 PM

MIAMI-BEACH

Miami Beach agrees to increase storm-drainage fees

SEPTEMBER 10, 2014 3:42 PM

MIAMI-BEACH

City commission approves body cameras for employees

SEPTEMBER 10, 2014 7:12 PM

FROM OUR ADVERTISING PARTNERS



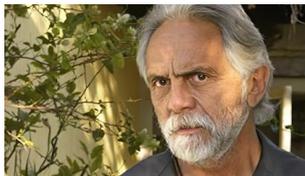
How Dogs Cry for Help: 3 Warning Signs Your Dog is Crying for Help
DR. MARTY



Americas #1 Futurist 2020 Prediction Will Stun You
INTERNET REBOOT 2020



MD: If You Have Toenail Fungus, Do This Immediately (Watch)
CLEAR NAIL PLUS



ACCEPT COOKIES

We may use cookies, beacons (also known as pixels), and other similar technologies (together "cookies") to offer you a better experience, serve you more relevant ads, and analyze usage. By continuing to use this application, you consent to the use of cookies in accordance with our Privacy Policy.

COMMENTS ▾



Big crowds at Miami Beach parks, marinas on first weekend of reopening



Food distributions help Miami Beach families

[VIEW MORE VIDEO →](#)

TRENDING STORIES

After six weeks of lockdown, Miamians enjoy first weekend of reopened parks, marinas

UPDATED 9 HOURS 35 MINUTES AGO

Pieces of Halley's Comet will streak across the night sky this week. Here's what to know

UPDATED MAY 02, 2020 02:06 PM

Biden, Warren: There's no oversight of coronavirus relief — because that's what

We may use cookies, beacons (also known as pixels), and other similar technologies (together "cookies") to offer you a better experience, serve you more relevant ads, and analyze usage. By continuing to use this application, you consent to the use of cookies in accordance with our Privacy Policy.

ACCEPT COOKIES

THIS DAY IN HISTORY

1990

Brooks Koepka, the American golfer, is born.

3 MAY

THIS DAY IN HISTORY

Royal Caribbean falsely blames CDC for keeping crew trapped on its ships, agency says

UPDATED MAY 01, 2020 10:22 PM

After refusing for weeks, Florida releases nursing home records, showing flurry of deaths

UPDATED MAY 02, 2020 06:29 PM

READ NEXT



MIAMI-DADE COUNTY

After six weeks of lockdown, Miamians enjoy first

We may use cookies, beacons (also known as pixels), and other similar technologies (together "cookies") to offer you a better experience, serve you more relevant ads, and analyze usage. By continuing to use this application, you consent to the use of cookies in accordance with our Privacy Policy.

ACCEPT COOKIES



Saturday brought crowds at Miami-Dade County marinas and parks, which opened Wednesday after weeks of being closed due to coronavirus. At Blackpoint Marina, hundreds of cars lined up to go boating and fishing.

KEEP READING →

Local news has never been more important

#ReadLocal

Subscribe for unlimited digital access to the news that matters to your community.

#READLOCAL

MORE MIAMI BEACH



MIAMI BEACH

Miami Beach rejects beach-opening plan, but new COVID testing site gives leaders hope

UPDATED MAY 01, 2020 09:00 PM



MIAMI BEACH

After Facebook fight draws criticism, Miami Beach commissioner announces \$17K donation

UPDATED MAY 01, 2020 05:05 PM



REAL ESTATE NEWS

Instagram sensation Gianluca Vacchi lists his Miami Beach home for \$10.9M

UPDATED MAY 01, 2020 03:30 PM



MIAMI BEACH

More than 1,550 face-mask warnings issued in Miami Beach parks after reopenings

UPDATED MAY 01, 2020 04:41 PM



MIAMI BEACH

Miami Beach man accused of raping a 16-year-old girl in apartment stairwell

UPDATED MAY 01, 2020 04:31 AM



SPONSORED CONTENT

8 Things You Didn't Realize You Could Do to Pay off Debt

BY THE PENNY HOARDER

Take Us With You

Real-time updates and all local stories you want right in the palm of your hand.



MIAMI HERALD APP →

We may use cookies, beacons (also known as pixels), and other similar technologies (together "cookies") to offer you a better experience, serve you more relevant ads, and analyze usage. By continuing to use this application, you consent to the use of cookies in accordance with our Privacy Policy.

ACCEPT COOKIES

SUBSCRIPTIONS

- [Start a Subscription](#)
- [Customer Service](#)
- [eEdition](#)
- [Vacation Hold](#)
- [Pay Your Bill](#)

LEARN MORE

- [About Us](#)
- [Contact Us](#)
- [Newsletters](#)
- [News in Education](#)
- [Public Insight Network](#)
- [Reader Panel](#)
- [Archives](#)

ADVERTISING

- [Place a Classified](#)
- [Media Kit](#)
- [Public Notices](#)

COPYRIGHT

COMMENTING POLICY

PRIVACY POLICY

TERMS OF SERVICE

We may use cookies, beacons (also known as pixels), and other similar technologies (together "cookies") to offer you a better experience, serve you more relevant ads, and analyze usage. By continuing to use this application, you consent to the use of cookies in accordance with our Privacy Policy.

ACCEPT COOKIES

TOWN OF SURFSIDE
 BUILDING & ZONING DEPARTMENT/ HOURS 9:00AM - 4:00PM
 9293 HARDING AVENUE
 SURFSIDE, FL 33154
 (305) 361-4863

Permit Number 14-00000509 Date 11/12/15
 Property Address 9540 GB COLLINS AVE
 PARCEL NUMBER: 2 -3-6-0 -0 /3 /ADM6
 FOLIO NUMBER: 1422350070200
 Permit description NEW BUILDINGS-COMMERCIAL
 Property Zoning MULTI-FAMILY
 Permit valuation 13687447

Owner

SHUL OF BAL HARBOUR
 9540 COLLINS AVENUE
 SURFSIDE FL 33154

Contractor

A.V.I CONTRACTORS, INC.
 1442 BLUE JAY CIRCLE
 ATT: VINCENT MISH
 FT. LAUDERDALE FL 33327
 (954) 557-6249

--- Structure Information 000 000 SOCIAL HALL AND LEARNING CENTER
 Construction Type CONCRETE BLOCK
 Occupancy Type COMMERCIAL
 Roof Type BUILT-UP
 Flood Zone AE AT 9 FEET
 Sign Type CONSTRUCTION SIGN
 Fence Type CONSTRUCTION FENCE

Permit NEW COMMERCIAL BLDG/ADDT, ETC
 Additional desc 1&3 STORIES/SOCIAL HALL/CENTER
 Permit Fee 195766.77 Plan Check Fee00
 Issue Date 11/12/15 Valuation 0
 Expiration Date 5/10/16

Qty	Unit Charge	Per	Extension
		BASE FEE	195766.77

Special Notes and Comments
 SEPARATE PERMITS MUST BE PULLED FOR THE
 FOR WINDOWS; ROOF; PAVING & CURB CUTS;
 ELECTRICAL; MECHANICAL; PLUMBING; POOL
 FENCE; SIGNS; FIRE & LAWN SPRINKLER
 SYSTEMS; NO CERTIFICATE OF OCCUPANCY
 WILL BE ISSUED UNTIL TEMPORARY STRUCTURE
 USED INCIDENTAL TO THE CONSTRUCTION OF
 THE PRIMARY STRUCTURE HAVE BEEN REMOVED

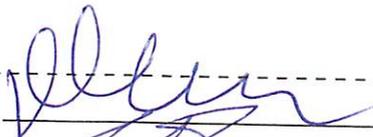
0094G/1-20-93/AE-8

Other Fees	COUNTY PERMIT FEE	8212.80
	STRUCTURAL ENGINEER FEES	1000.00

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	195766.77	195766.77	.00	.00
Plan Check Total	.00	.00	.00	.00

TOWN OF SURFSIDE
BUILDING & ZONING DEPARTMENT/ HOURS 9:00AM - 4:00PM
9293 HARDING AVENUE
SURFSIDE, FL 33154
(305)861-4863

Permit Number	14-00000509		Page	2
Other Fee Total	9212.80	9212.80	Date	11/12/15
Grand Total	204979.57	204979.57		.00
				.00

BUILDING DEPARTMENT CLERK: 

AUTHORIZED SIGNATURE: _____



TOWN OF SURFSIDE

03/23/14 02:10PM

14-509

PERMIT NO.

APPLICATION NO.

AMOUNT DUE

BUILDING PERMIT APPLICATION

2010 FLORIDA BUILDING CODE IN EFFECT

PERMIT TYPE: (Check one)

- Structural
 Mechanical
 Electrical
 Plumbing
 Other
 Roof

JOB ADDRESS: 9540 COLLINS AVE			
OWNER'S NAME: THE SHUL OF BAY HARBOUR INC.			
OWNER'S ADDRESS: 9540 COLLINS AVE.			
CITY: SURFSIDE FL.		PHONE# 305.868.1411	FAX #
FEE SIMPLE TITLE HOLDER'S NAME:		ADDRESS:	
CONTACT PERSON: YANKIE ANDRUSIER PHONE# 347.723.2731			
EMAIL ADDRESS: YANKIE@ownersrepofmiami.com			
CONTRACTOR: A.V.I. Contractors, Inc. (11/10/15)			
MAIL ADDRESS: 2771 Executive Park Drive Suite 2			
CITY: Weston		STATE FL.	ZIP CODE: 33331
PHONE # 954-557-6249		FAX # 954-217-1818	EMAIL: Vincent@AviContractorsInc.com
CERT COMPETENCY: CGC 1508145		STATE REGISTRATION:	
LOT	BLOCK	PRESENT USE:	PROPOSED USE: Synagogue
FOLIO NUMBER:		SUBDIVISION:	
NO. OF STORIES: 3	OFFICES:	FAMILIES:	BEDROOMS: BATHS:
TYPE OF WORK:	ADD <input type="checkbox"/>	NEW <input type="checkbox"/>	ALTER <input type="checkbox"/>
	REPAIR <input type="checkbox"/>	REPLACE <input type="checkbox"/>	OTHER <input type="checkbox"/>
VALUE OF WORK: (Total all Trades): \$13,687,447.00		SQ. FT. (TOTAL)	LINEAR FEET
DESCRIBE WORK: ONE AND THREE STORIES SOCIAL HALL AND LEARNING CENTER			
ARCHITECT/ENGINEER'S NAME: SETHAPIRO ASSOCIATES			
ADDRESS: 1150 KANE CONCOURSE, BAY HARBOUR, FL 33154			
PHONE# 305.866.7324		FAX# 305.866.7474	EMAIL: jaimie@schapiroassociates.com
MORTGAGE LENDER NAME:			

Ext. 212

RESOLUTION NO. 14 - 2251

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE FEES TO BE ASSESSED PER PARKING SPACE PROVIDED IN SECTION 90-77 OF THE TOWN CODE WHICH ESTABLISHED A TRUST FUND TO BE ENTITLED THE "TOWN OF SURFSIDE DOWNTOWN PARKING TRUST FUND; REPEALING ALL OTHERS; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 90-77 of the Town of Surfside Code of Ordinances established a trust fund to be entitled the "Town of Surfside Downtown Parking Trust Fund" to be maintained and administered by the Town Manager; and

WHEREAS, Resolution No. 10-1991 adopted on December 14, 2010, approved a per parking space fee; and

WHEREAS, the Town has caused to be completed a study of the costs to the Town of providing parking spaces, and has determined that the prior established per space fee is outdated and no longer reflects the actual costs of providing for a single structured off-street parking space; and

WHEREAS, the Town Commission of the Town of Surfside finds it is in the public interest to adopt a Downtown Parking Trust Fund per parking space fee of thirty-eight thousand dollars (\$38,000).

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

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

Section 2. Approval and Adoption. The Town Commission approves and adopts the Downtown Parking Trust Fund per parking space fee of thirty-eight thousand dollars (\$38,000) for the Town of Surfside that may be payable in accordance with the terms set forth in Sec. 90-77 of the Town of Surfside Code of Ordinances.

Section 3. Repeal of Prior Fees. All other per space parking fees established under Section 90-77 of the Surfside Code of Ordinances are hereby repealed.

Section 4. Authorization. The Town Commission authorizes the Town Manager and Town Attorney to do whatever is necessary to effectuate the terms of this Resolution.

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

PASSED and **ADOPTED** on this 12th day of August, 2014.

Motion by Commissioner Olchyk, Second by Vice Mayor Tourgeman.

FINAL VOTE ON ADOPTION

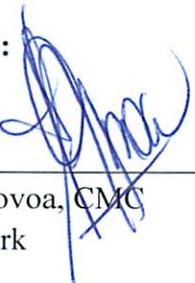
Commissioner Barry R. Cohen
Commissioner Michael Karukin
Commissioner Marta Olchyk
Vice Mayor Eli Tourgeman
Mayor Daniel Dietch

Yes
Absent
Yes
Yes
Yes



Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney



**Town of Surfside
Town Commission Meeting
November 12, 2020
7:00 pm**

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

Date: 10-5-2020
Prepared by: Commissioner Eliana Salzhauer
Subject: Amending Town Code Sec. 2-233 & 2-237

Objective: The Current Town Code contains loopholes in **Sec. 2-233. - Conflict of interest** and **Sec. 2-237. - Disclosure of business relationships**

The goal of amending this section is to ensure that all Town Business is conducted with full transparency and integrity. Two (2) recommended changes are outlined below.

Consideration: Relationships that influence decisions can be based on more than a financial stake. Leadership roles and relationships in the nonprofit world can similarly influence outcomes. It is important for Elected Officials and Board Members to disclose ALL relationships to persons and issues coming before them, including those based on unpaid service at a nonprofit.

Please review Surfside Town Code Sections 2-233 & 2-237 at the following links for background***

Sec. 2-233. - Conflict of interest.

https://library.municode.com/fl/surfside/codes/code_of_ordinances?nodeId=PTIICO_CH2A_D_ARTVIICOET_S2-233COIN

Sec. 2-237. - Disclosure of business relationships.

https://library.municode.com/fl/surfside/codes/code_of_ordinances?nodeId=PTIICO_CH2A_D_ARTVIICOET_S2-237DIBURE

Recommendations:

1) To amend Section 2-233 (6) as follows, to include the disclosure of employees and officers their direct or indirect interest in any NONPROFIT business relationship.

(6) Employees and officers shall disclose to the town clerk, upon a form created by the town clerk, any direct or indirect interest in any for profit **(or non-profit)** business relationship and any interest in real property which the employees and officers hold with any other employee or officer;

2) To amend Section 2-237 (a) (1) to include (g) an additional definition of the term “Business Relationship” that recognizes the unique and material influence of serving together in a leadership role at a nonprofit.

(g) The member of the town commission, town board or committee serves in a nonprofit or volunteer capacity on another Board or Committee with the interested person.

*****The relevant sections of the Town Code are excerpted below to facilitate discussion:**

Sec. 2-233. - Conflict of interest.

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONEMAIL SECTIONCOMPARE VERSIONS](#)

To avoid misunderstandings and conflict of interests, which could arise, the following policy will be adhered to by employees and officers of the town. This policy is in accordance with F.S. § 112.311 et seq., code of ethics for public officers and employees.

(1)

Employees and officers shall not accept any gifts, favors, or services that may reasonably tend to improperly influence them in the discharge of their official duties;

(2)

Employees and officers shall not use or attempt to use their position to secure special privileges or exemptions for themselves or others;

(3)

Employees and officers shall not accept employment or engage in any business or professional activity, which they may reasonably expect, would require or induce them to disclose confidential information acquired by them by reason of their official position;

(4)

Employees and officers shall not disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit;

(5)

Employees and officers shall not have personal investment in any enterprise, which will create a conflict between their private interest and the public interest;

(6)

Employees and officers shall disclose to the town clerk, upon a form created by the town clerk, any direct or indirect interest in any for profit business relationship and any interest in real property which the employees and officers hold with any other employee or officer;

(7)

In addition to the foregoing, town commissioners shall disclose to the town clerk, upon a form created by the town clerk, any direct or indirect interest in non-homesteaded real property located within the town within 30 days upon purchasing said property. (Upon the passage of this article, the town commissioners shall have 30 days from the effective date, to file disclosure.) Thereafter, the town commissioners will be required to file the real property disclosure in accordance with this sub-paragraph (7) on a yearly basis along with

his/her Form 1. However, if for any reason the town clerk does not receive same, s/he shall, in writing and via certified mail, request such official who has failed to file the required disclosure to do so. Thereafter, failure to make this filing, within ten days from receipt of the clerk's notice, shall result in the same penalties as failure to file a Form 1 disclosure as required by the county and state.

(Ord. No. 1474, § 2, 4-10-07)

Sec. 2-237. - Disclosure of business relationships.

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONEMAIL SECTIONCOMPARE VERSIONS](#)

(a)

Definitions. For purposes of this section, the following words, terms and phrases shall have the meanings as indicated below:

(1)

Business relationship. A member of the town commission or a town board has a business relationship with an applicant, Interested Person or entity if any of the following exist:

a.

The member of the town commission or town board or committee has any ownership interest, directly or indirectly, in excess of one percent in the entity.

b.

The member of the town commission, town board or committee is a partner, co-shareholder or joint venturer with the interested person in any business venture.

c.

The entity or interested person is a client of the member of the town commission, town board or committee, or a client of another professional working for the same employer as the member of the town commission, town board or committee.

d.

The member of the town commission, town board or committee is a client of the entity or the interested person.

e.

The entity or interested person is a customer of the member of the town commission, town board or committee (or his or her employer) and transacts more than five percent of the business in a given calendar year of the member of the town commission, town board or committee (or his or her employer) or more than \$25,000.00 of business in a given calendar year; or

f.

The member of the town commission, town board or committee is a customer of the entity or the interested person and transacts more than five percent of the business in a given calendar year of the entity or interested person or more than \$25,000.00 of business in a given calendar year.

(2)

Applicant. Any individual or entity requesting action of the town and all persons representing such individual or entity (including, but not limited to, all attorneys, architects,

engineers and lobbyists), and any individual who, directly or indirectly, owns or controls more than five percent of any such entity requesting action of the town.

(3)

Interested person. Any person who speaks for or against any resolution or ordinance before the town commission or for or against any matter before any town board or committee who has a direct financial interest in the action (including, but not limited to, vendors, bidders and proposers), except that owner-occupied residential property owners shall not be deemed to have a direct financial interest in zoning and/or land use decisions that may affect their property or the value thereof.

(b)

Disclosure of business relationships.

(1)

Time of disclosure. Except as prohibited by law, each member of the town commission or any town board or committee shall disclose the existence of any business relationship of which he or she is aware that he or she has, or has had within the prior 24-month period, with any applicant or interested person, at the time that the applicant or interested person appears before the town commission, town board or committee.

(2)

Disclosure subsequent to action taken. Except as prohibited by law, if a member of the town commission or any town board or committee learns, within 30 days after action is taken in connection with any applicant or interested person appearing before the town commission or town board or committee, that he or she had a business relationship with any applicant or interested person who appeared before the town commission or town board or committee, he or she shall disclose such business relationship in writing to the town clerk that was not disclosed at the initial meeting.

(3)

Establishment of business relationship after appearance. Except as prohibited by law, if a member of the town commission or any town board or committee establishes a business relationship with any applicant or interested person within 12 months after the applicant or interested person appeared before the town commission or town board or committee, the member of the town commission or town board or committee shall disclose such business relationship in writing to the town clerk.

(4)

Abstention. In any situation where a member of the town commission or town board or committee discloses a business relationship under this section, the member may abstain from voting or acting on an item because of the appearance of a possible conflict of interest.

(5)

Failure to disclose. If any member of the town commission or town board or committee believes that another member has willfully failed to make a disclosure required under this section, he or she may submit evidence supporting the alleged failure to disclose to the town manager, who shall place the item on the next available regular town commission agenda. If three or more members of the town commission determine that an accused town commissioner willfully failed to make the require disclosure, the accused town

commissioner shall be deemed to be censured. If three or more members of the town commission determine that an accused member of a town board or committee has willfully failed to make a required disclosure, the accused board or committee member shall be removed from the board or committee. The town commission has primary jurisdiction to enforce this section and no such authority is conferred on the Miami-Dade Commission on Ethics and Public Trust to investigate alleged failures to disclose business relationships under this section.

([Ord. No. 19-1695](#), ;s 2, 3-12-19)



MEMORANDUM

ITEM NO. 9Q

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission
From: Guillermo Olmedillo, Town Manager
Date: August 11, 2020
Subject: Beachwalk Trimming

At the April 7th 2020 Special Commission Meeting, Town Administration was directed to provide a plan for the trimming of sea grapes (*COCCOLOBA UVIFERA*) located along the dune preserve areas within the Town of Surfside extents. Currently, the service is performed by Town Landscape Contractor as an additional service not included in maintenance contract. In order to obtain the best possible pricing, the Public Works Department contacted various contractors in order to obtain proposals for services.

After confirming with the Florida Department of Environmental Protection (FDEP), no permit is required for the trimming of sea grapes as long as certain maintenance requirements are met. The Department (FDEP) will exempt maintenance of sea grapes seaward of the Coastal Construction Control Line from the permitting requirements of Chapter 161, Florida Statutes, when the maintenance will not damage or destroy the plant. The Department (FDEP) has determined that the maintenance will not destroy the plant when following the guidelines listed below:

Shrub(s):

- Less than 72" in height.
 - No more than one third of the leaf mass of each plant may be removed in a single pruning event or in a single year

Trees(s):

- 6' in height, or more.
 - No more than one third reduction in the height of each tree annually,
 - Provided there is no more than one third of the leaf mass removed, annually.
 - Pruning shall not result in plant being reduced to less than six feet in height.

A total of three landscape contractors provided proposals for the trimming of all dune area sea grapes as per provided FDEP guidelines. The companies and their respective proposals were as follows:

1. Brightview Landscaping, \$10,452.00
2. Green Republic, LLC., \$35,200.00
3. Superior Landscaping, \$15,644.05

After reviewing all proposals submitted, Town Administration recommends contracting services with Brightview Landscaping for a total amount of \$10,452.00 for the trimming of existing sea grapes along dune area within Town of Surfside extents as per FDEP guidelines. Funding source for project is Ground Maintenance Account # 001-5000-539-5404. The account has \$16,250.00 allocated for sea grape maintenance.

Reviewed by: RS/HG

Prepared by: HG

Green Republic, LLC

15495 Sw 117th St
Miami, FL 33196 US
7865537381

raul@greenrepubliclandscaping.com
www.greenrepubliclandscaping.com

Estimate

ADDRESS
Town of Surfside FL 9293 HARDING AVENUE SURFSIDE, FL 33154

SHIP TO
Town of Surfside FL 9293 HARDING AVENUE SURFSIDE, FL 33154

ESTIMATE #	DATE	
1207	05/07/2020	

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
	MISCELLANEOUS	86 to 96 and Collins trimming of 33% of seagrapes	80	440.00	35,200.00

Price includes trimming of Seagrapes no more than 33%.
No more than 1/3 reduction in the height
Pruning.
No more than 1/3 leaf mass removal.

TOTAL

\$35,200.00

Accepted By

Accepted Date

Proposal for Extra Work at Surfside

Property Name	Surfside	Contact	Hector Gomez
Property Address	9293 Harding Ave Surfside, FL 33154	To	Town of Surfside
		Billing Address	9293 Harding Ave Surfside, FL 33154
		Customer PO#	FY2000232
Project Name	Sea grape trimming along Hard Pack MAY AND SEPTEMBER		
Project Description	Trim all lower branches to allow visibility under Sea Grape trees for Surfside Police Department		

Scope of Work

QTY	UoM/Size	Material/Description	Unit Price	Total
52.00	HOUR	Arbor Crew- 3 Man Crew	\$201.00	\$10,452.00
1.00	EACH	ALL SEA GRAPE TREES TO BE TRIMMED IN MAY AND SEPTEMBER TO ALLOW FOR VISIBILITY UNDER TREE CANOPY	\$0.00	\$0.00

For internal use only

SO# 7208552
JOB# 353900077
Service Line 300

Total Price \$10,452.00

THIS IS NOT AN INVOICE

This proposal is valid for 60 days unless otherwise approved by BrightView Landscape Services, Inc.
2711 SW 36 St, Dania Beach, FL 33312 ph. (954) 431-1111 fax

TERMS & CONDITIONS

1. The Contractor shall recognize and perform in accordance with written terms, written specifications and drawings only, contained or referred to herein. All materials shall conform to bid specifications.
2. **Work Force:** Contractor shall designate a qualified representative with experience in landscape maintenance/construction upgrades or when applicable in tree management. The workforce shall be competent and qualified, and shall be legally authorized to work in the U.S.
3. **License and Permits:** Contractor shall maintain a Landscape Contractor's license, if required by State or local law, and will comply with all other license and permit requirements of the City, State and Federal Governments, as well as all other requirements of law.
4. **Taxes:** Contractor agrees to pay all applicable taxes, including sales tax where applicable on material supplied.
5. **Insurance:** Contractor agrees to provide General Liability Insurance, Automotive Liability Insurance, Worker's Compensation Insurance, and any other insurance required by law or Client/Owner, as specified in writing prior to commencement of work. If not specified, Contractor will furnish insurance with \$1,000,000 limit of liability.
6. **Liability:** Contractor shall indemnify the Client/Owner and its agents and employees from and against any third party liabilities that arise out of Contractor's work to the extent such liabilities are adjudicated to have been caused by Contractor's negligence or willful misconduct. Contractor shall not be liable for any damage that occurs from Acts of God are defined as those caused by windstorm, hail, fire, flood, earthquake, hurricane and freezing, etc. Under these circumstances, Contractor shall have the right to renegotiate the terms and prices of this agreement within sixty (60) days. Any illegal trespass, claims and/or damages resulting from work requested that is not on property owned by Client/Owner or not under Client/Owner management and control shall be the sole responsibility of the Client/Owner.
7. **Subcontractors:** Contractor reserves the right to hire qualified subcontractors to perform specialized functions or work requiring specialized equipment.
8. **Additional Services:** Any additional work not shown in the above specifications involving extra costs will be executed only upon signed written orders, and will become an extra charge over and above the estimate.
9. **Access to Jobsite:** Client/Owner shall provide all utilities to perform the work. Client/Owner shall furnish access to all parts of jobsite where Contractor is to perform work as required by the Contract or other functions related thereto, during normal business hours and other reasonable periods of time. Contractor will perform the work as reasonably practical after the owner makes the site available for performance of the work.
10. **Invoicing:** Client/Owner shall make payment to Contractor within fifteen (15) days upon receipt of invoice. In the event the schedule for the completion of the work shall require more than thirty (30) days, a progress bill will be presented by month end and shall be paid within fifteen (15) days upon receipt of invoice.
11. **Termination:** This Work Order may be terminated by the either party with or without cause, upon seven (7) work days advance written notice. Client/Owner will be required to pay for all materials purchased and work completed to the date of termination and reasonable charges incurred in demobilizing.
12. **Assignment:** The Owner/Client and the Contractor respectively, bind themselves, their partners, successors, assignees and legal representative to the other party with respect to all covenants of this Agreement. Neither the Owner/Client nor the Contractor shall assign or transfer any interest in this Agreement without the written consent of the other provided, however, that consent shall not be required to assign this Agreement to any company which controls, is controlled by, or is under common control with Contractor or in connection with assignment to an affiliate or pursuant to a merger, sale of all or substantially all of its assets or equity securities, consolidation, change of control or corporate reorganization.
13. **Disclaimer:** This proposal was estimated and priced based upon a site visit and visual inspection from ground level using ordinary means, at or about the time this proposal was prepared. The price quoted in this proposal for the work described, is the result of that ground level visual inspection and therefore our company will not be liable for any additional costs or damages for additional work not described herein, or liable for any incidents/accidents resulting from conditions, that were not ascertainable by said ground level visual inspection by ordinary means at the time said inspection was performed. Contractor cannot be held responsible for unknown or otherwise hidden defects. Any corrective work proposed herein cannot guarantee exact results. Professional engineering, architectural, and/or landscape design services ("Design Services") are not included in this Agreement and shall not be provided by the Contractor. Any design defects in the Contract Documents are the sole responsibility of the Owner. If the Client/Owner must engage a licensed engineer, architect and/or landscape design professional, any costs concerning these Design Services are to be paid by the Client/Owner directly to the designer involved.

14. **Cancellation:** Notice of Cancellation of work must be received in writing before the crew is dispatched to their location or Client/Owner will be liable for a minimum travel charge of \$150.00 and billed to Client/Owner.

The following sections shall apply where Contractor provides Customer with tree care services:

15. **Tree & Stump Removal:** Trees removed will be cut as close to the ground as possible based on conditions to or next to the bottom of the tree trunk. Additional charges will be levied for unseen hazards such as, but not limited to concrete brick filled trunks, metal rods, etc. If requested mechanical grinding of visible tree stump will be done to a defined width and depth below ground level at an additional charge to the Client/Owner. Defined backfill and landscape material may be specified. Client/Owner shall be responsible for contacting Underground Service Alert to locate underground utility lines prior to start of work. Contractor is not responsible damage done to underground utilities such as but not limited to, cables, wires, pipes, and irrigation parts. Contractor will repair damaged irrigation lines at the Client/Owner's expense.
16. **Waiver of Liability:** Requests for crown thinning in excess of twenty-five percent (25%) or work not in accordance with ISA (international Society of Arboricultural) standards will require a signed waiver of liability.

Acceptance of this Contract

Contractor is authorized to perform the work stated on the face of this Contract. Payment will be 100% due at time of billing. If payment has not been received by BrightView within fifteen (15) days after billing, BrightView shall be entitled to all costs of collection, including reasonable attorneys' fees and it shall be relieved of any obligation to continue performance under this or any other Contract with Client/Owner. Interest at a per annum rate of 1.5% per month (18% per year), or the highest rate permitted by law, may be charged on unpaid balance 30 days after billing.

NOTICE: FAILURE TO MAKE PAYMENT WHEN DUE FOR COMPLETED WORK ON CONSTRUCTION JOBS, MAY RESULT IN A MECHANIC'S LIEN ON THE TITLE TO YOUR PROPERTY

Customer

Property Manager

Signature	Title
Hector Gomez	May 06, 2020
Printed Name	Date

BrightView Landscape Services, Inc. "BrightView"

Account Manager, Senior

Signature	Title
Victor Perez	May 06, 2020
Printed Name	Date

Job #: 353900077 Proposed Price: **\$10,452.00**
SO # 7208552

SUPERIOR

LANDSCAPING & LAWN SERVICE, INC.

P.O. Box 35-0095 · Miami · FL · 33135-0095
Office (305) 634-0717 · Fax (305) 634-0744
www.superiorlandscaping.com

Proposal
Date

25194
5/12/2020

Customer/Billing Information

Town of Surfside Public Work Dept.
9293 Harding Ave
Surfside FL 33154
305-209-2270
Hector Gomez

Job Site Information

Surfside Sea Grapes

33154

Job Description

This proposal consist of the following services:

The Town of Surfside to trim all the Sea Grapes in the Dune area as per FDEP guidelines below:

- * (80) Trees
- * 6' in height, or more
- * No more than one third reduction in the height of each tree annually
- * Provided there is no more than one third of the leaf mass removed, annually
- * Pruning shall not result in plant being reduced to less than six feet in height
- * The Sea Grapes are located on the walking path behind the Surf Club project from 88th Street to 96th Street. On Average, trees are approximately 8'-12' in height.

- * Clean up and removal of all debris generated by this work

Total Price \$ 15,644.05

If an item or service is not specifically detailed or included in the proposal provided then it is excluded and has not been not considered for pricing

Thank you for your consideration of this proposal. If you have any questions, please contact Julio Lumbi at (305) 634-0717

Guarantee: Superior Landscaping & Lawn Service, Inc. is not liable or responsible for any loss, repair or replacement of any of the above mentioned due to high winds, hail, lightning storms, heavy rains, vandalism, floods, heat, construction, insect plagues or infestation, inadequate irrigation, tornadoes, hurricanes or other Acts of God.

ACCEPTANCE OF PROPOSAL

WHEREFORE, Contractor and Owner, or Owner's Agent, have accepted the scope and terms of this proposal. Owner or Owner's Agent gives express permission to Contractor to enter said property and confirms that it is clear from any hidden danger or defects.

Owner or Owner's Agent

By: _____

Name: _____

Title: _____

Date: _____

Contractor:

Superior Landscaping & Lawn Service, Inc.

By: _____

Name: _____

Title: _____

Date: _____

Thank you for your business!



MEMORANDUM

ITEM NO. 9R

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission
From: Jason Greene, Interim Town Manager
Date: September 10, 2020
Subject: Community Center Pool Deck Lighting

As requested at a prior Commission meeting, the Parks and Recreation Department has looked into an engineering firm to assist in the feasibility and basic design criteria to purchase portable or permanent pool deck lighting. This analysis would include a review of all Florida Building Code (FBC) and Town of Surfside Code of Ordinances covering turtle protection, and the Florida Department of Environmental Protection (DEP) and Florida Fish and Wildlife Commission (FWC) guidelines. Please note that a recommendation by RC Engineering, Inc. was that feasibility study would have a very low possibility of a positive outcome. Please see attached (Item A).

Additional annual operational costs would include additional staff, utilities, and pool chemicals. The estimated cost for temporary LED lights would be approximately \$60,000. The estimated cost for permanent pool deck lighting to include LED lights would be approximately \$255,000. This cost does not include engineering fees, feasibility fees, or permitting cost.

Pool deck lighting has been an agenda item numerous times for review and recommendation by the Parks and Recreation Committee. Based on the cost along with minimum public demand for lights/night swim for the months of November through March, the Committee's recommendation was to not move forward. Also included in the committee's recommendation was the storage, setup and breakdown issues with portable lighting.

The staff is requesting direction from the Town Commission to move forward with the process.

Reviewed by: JG

Prepared by: TM

Pool Lighting

Surfside, Florida

2020-05-06

RC Engineering Inc.

David Rice PE

Requirements:

Florida Building Code (FBC)

454.1.4.2 Lighting

454.1.4.2.1 Outdoor Pool Lighting

3 footcandles at pool water surface and pool wet deck and underwater lighting ½ watt per sq. ft.

454.1.4.2.3 Underwater Lighting

Underwater lighting can be waived if 15 footcandles At pool water surface and pool wet deck.

Surfside Code of Ordinance, Article VI,

Lighting Regulations for Marine Turtle Protection

Section 34.84 Lighting Standards for Coastal Construction Activities

Conclusion:

The Florida Building Code (FBC) and the Surfside Code of Ordinance covering turtle protection sets very strict requirements for installing outside pool lighting at a beach. A feasibility study would have to be performed to determine if the outside pool lighting is possible. The cost for a feasibility study would be based on hourly rates. The total cost for a feasibility study could easily exceed \$5,000.00.

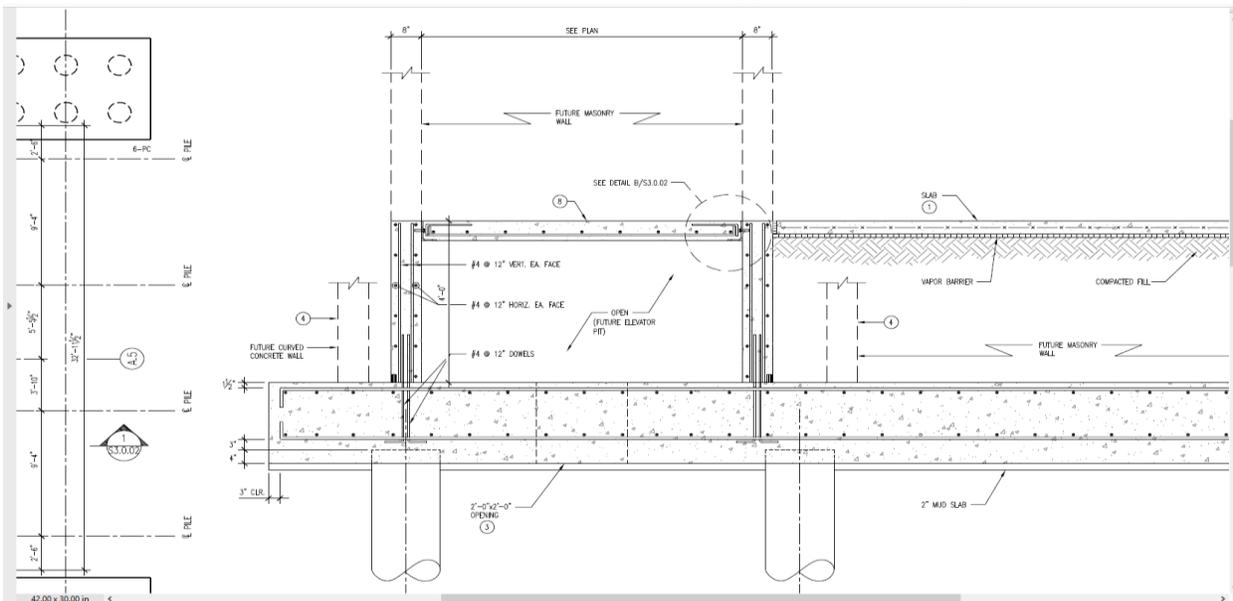


MEMORANDUM

ITEM NO. 9S

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission
From: Guillermo Olmedillo, Town Manager
Date: May 12, 2020
Subject: Community Center Second Floor

The Town of Surfside Community Center was designed and constructed under the provisions of the Florida Building Code 3rd Edition (2007) including consideration for a second story according to the approved structural plans specifically sheet S3.0.02. An elevator pit and section of the roof structure not continuous or poured separately from the rest of the roof slab. This portion of the slab that was pinned in place to be removed at some future time to accommodate an elevator shaft. These two elements were left in the design and constructed accordingly to allow said future second story. This area is now known as "Fish Bowl". No other elements have been found on the approved plans or records. Nothing in the design and construction of the Community Center precludes a second story from being designed and built at some future date. Note the present code in-force is the Florida Building Code 6th Edition (2017). Aforementioned details taken from sheet S3.0.02 of the approved plans below.



Reviewed by: MR/RP

Prepared by: MR/RP



MEMORANDUM

ITEM NO. 9T

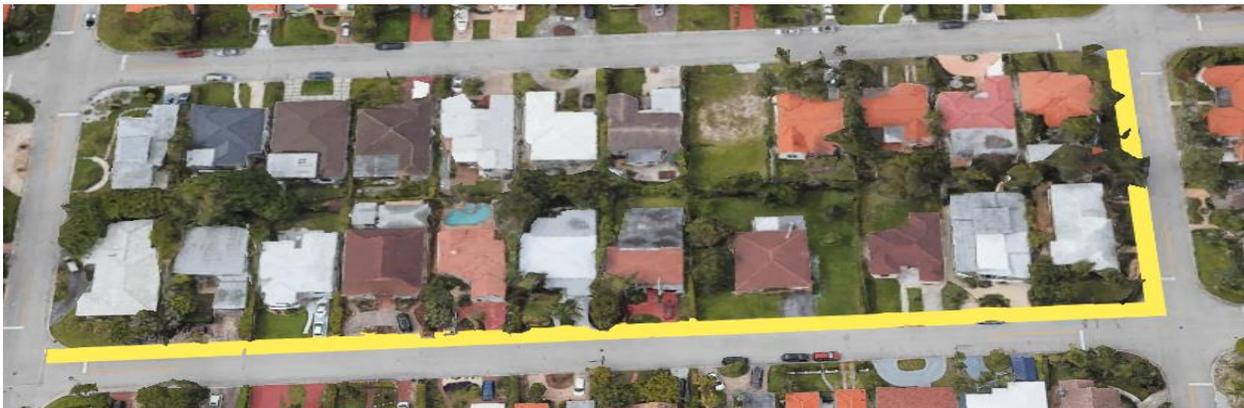
To: Honorable Mayor, Vice-Mayor and Members of the Town Commission
From: Jason D. Greene, Interim Town Manager
Date: August 25, 2020
Subject: Designated (Painted) Walking Areas in the Residential District

At the April 16th, 2020 Special Commission Meeting, Town Administration was directed to provide a plan to create designated (painted) pedestrian areas in the single-family residential district. The Town Administration reviewed implemented plans in nearby municipalities to determine available options and related costs.

Due to width limitations of residential roadways and the shared purpose of roadways for vehicular circulation, parking, pedestrian and non-motorized vehicles, the Town Commission should consider creating only one designated (painted) walking areas along the roads. In addition, the Town Commission should also give direction indicating the streets to be considered. The minimum allowed sidewalk width for the American Disability Act (ADA) purposes is 36-inches. For purposes of the designated (painted) walking area, a 5-foot width is considered for use which is a typical residential concrete sidewalk width.

A typical Town block within the residential area is approximately 240-feet wide from west to east and 635-feet long from north to south. For purposes of pricing, a typical unit block will be considered as 875-feet which includes the combination of 240-feet wide from west to east and 635-feet long from north to south. For example, a typical block with proposed designated (painted) walking area can be Carlyle Avenue from 90th Street to 91st Street (northern) and Carlyle Avenue to Dickens Avenue along 91st street (eastern).

Picture A – “Typical Unit Block” below outlines a visual representation of a typical unit block and proposed pathway along one side of street and avenue.



Picture A – “Typical Unit Block”

The Town reviewed previous projects by City of Miami Beach, Bay Harbor Islands and obtained private market pricing from vendors in order to determine a unit cost per typical block. As a result, **Table A – “Cost Options”** below was composed in order to provide cost options for various designated walking areas in the residential district:

Option Number	Description of Option	Cost per Linear Feet	Total Cost Per Block	Town-wide Implementation Cost
1	White Line Shared Lane	\$2.50	\$2,187.50	\$135,625.00
2	Green Cover Shared Lane	\$45.00	\$39,375.00	\$2,441,250.00

Table A – “Cost Options”

Attachment A – “Visual Representations” provides a visual representation of each option as installed in actual locations and provides further description of each option. Due to existing roadway conditions and right of way encroachments, options are limited to the ones presented.

In order to implement any type of additional shared lanes, Miami-Dade County would need to approve the proposed design since the roadways are under county jurisdiction. The application process requires an application along with corresponding documents such as engineered drawings. An engineer of record will be required for the composition of the documents. The Town currently has an open Request for Qualifications (RFQ) for ongoing engineering services. Based on the Town Commission direction and the results from the RFQ, an engineer of record can be picked to develop the documents required for County approval.

The Town Administration recommends that the Town Commission discuss the proposed options provided. Based on direction on 1) the streets to be impacted and 2) selection of one of the two eligible layouts, the Town administration will work with a qualified engineer after a contract is executed with an engineering firm via the current RFQ process in order to process the application and documentation required by Miami-Dade County.

Reviewed by: JG

Prepared by: HG



OPTION A - WHITE SHARED LANE

White shared lane samples were installed as part of a previous project within the Town of Surfside. In installed samples, the white shared lanes are of pavement paint material. The cost option is priced as thermoplastic marking which creates a reflection during night time and has a longer duration life.



OPTION B - GREEN COVER SHARED LANE

This option is typical of bicycle and shared use lanes. Shared use lanes are depicted by two arrows above bicycle icon. The option can be encountered along Byron Ave between 85th Street to 87th Street within the City of Miami Beach. The material is a proprietary material only applied by a limited amount of contractors. The bicycle icon can be removed or changed to a pedestrian similar to Option A.

LAST
REVISION
05/19/2020

DESCRIPTION:
OPTIONS FOR SHARED LANES



TOWN OF SURFSIDE

PAINTED LANES OPTIONS

SCALE:
N.T.S.

SHEET
1 of 1



**Town of Surfside
Town Commission Meeting
November 12, 2020
7:00 pm**

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

Date: September 19, 2020

Prepared by: Mayor

Subject: Alternative Kayak Launches in addition to the 96th Street Park.

Objective: To provide a framework to discuss where and how to implement potential additional water access points in Surfside as long as there is neighborhood support for the location.

Consideration: Discuss with Commission

Recommendation: TBD



MEMORANDUM

ITEM NO. 9V

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission
From: Guillermo Olmedillo, Town Manager
Date: April 14, 2020
Subject: Comparison of 2006 code to 2020 code

The attached tables describe the differences between the 2006 code and the 2020 code per zoning district. The most significant changes from the 2006 code are summarized below:

1. Single family district requires additional setbacks for second story and limits the square footage of a second story based on the percentage of the first story.
2. Single family homes have a 10-foot base flood elevation requirement versus 8 feet in 2006 in keeping with FEMA requirements.
3. Single family lot coverage (what can be seen under roof from above) currently has certain exclusions, such as patios. Previously, anything under roof qualified as lot coverage.
4. Multifamily properties on the east side of Harding Avenue can have a length up to 90 feet if there is a 17-foot gap in the façade. Previously, the requirement was a maximum of 50 feet with the option to go up to 100 feet with a 25-foot recess.
5. Multifamily properties on the west side of Collins Avenue can have a length up to 250 feet if there is a 17-foot gap in the façade versus 150 feet, however hotels are limited to 150 feet in length.
6. Significant landscape requirements for multifamily and hotel uses were added.
7. Height is limited by the Charter and has not been changed in any district. It should be noted that the increase in base flood elevation means that the first habitable floor is higher now than prior to 2006. However, height is measured from the crown of the road to the top of the building and therefore the increase in base flood elevation has not increased overall height.
8. Minimum window openings, design features and wall plane elevation changes were added to all zoning districts.

Single family waterfront lots		RS-1 (2006 Code)	H30A (2020 Code)
Height	Principal Building	30 ft	30 ft
	Accessory	12 ft	12 ft
	Stories	2	2
Base Flood Elevation		8 ft	10 ft
	Lot Width (Min)	50 ft	50 ft
Lot	Lot area / dwelling (Min)	8,000 sq ft	8,000 sq ft
	Lot Coverage (Max)	40%	40%
	Minimum FI Area (Min)	2,500 sq ft	No minimum, changed to a maximum square footage for 2 nd floors
	Primary	20 ft	20 ft
Setbacks (Min)	Interior side	5 ft	5 ft
	Interior side for lots over 50 ft in width	10% of frontage	10% of the frontage
	Second floor interior side setbacks	No additional setbacks required	An average of 5 – 10 additional feet depending on the size of the 2 nd story, not to exceed 80% of the first
	Rear	20 ft	20 ft
	Secondary (corner only)	10 ft	10 ft
Pervious Area (Min)		50% of front yard and 40% of rear yard to be landscaped.	35% minimum pervious area for total lot. 50% of front yard and 20% of rear yard to be landscaped.

Single family interior lots		RS-2 (2006 Code)	H30B (2020 Code)
Height	Principal Building	30 ft	30 ft
	Accessory	12 ft	12 ft
	Stories	2	2
Base Flood Elevation		8 ft	10 ft
	Lot Width (Min)	50 ft	50 ft
Lot	Lot area / dwelling (Min)	5,600 sq ft	5,600 sq ft
	Lot Coverage (Max)	40%	40%
	Minimum FI Area (Min)	1,800 sq ft	No minimum, changed to a maximum square footage for 2 nd floors
	Primary	20 ft	20 ft
Setbacks (Min)	Interior side	5 ft	5 ft
	Interior side for lots over 50 ft in width	10% of frontage	10% of the frontage
	Second floor interior side setbacks	No additional setbacks required	An average of 5 – 10 additional feet depending on the size of the 2 nd story, not to exceed 80% of the first
	Rear	20 ft	20 ft
	Secondary (corner only)	10 ft	10 ft
Pervious Area (Min)		50% of front yard and 40% of rear yard to be landscaped.	35% minimum pervious area for total lot. 50% of front yard and 20% of rear yard to be landscaped.

		RD-1 (2006 Code)			H30C (2020 Code)
Determination		Single family	Two-family	Multi-Family	Zoning District
Height (Max)	Principal Building	30 ft	30 ft	30 ft	30 ft
	Accessory	12 ft	12 ft	12 ft	12 ft
Lot	Stories	2	2	2	2
	Lot Width (Min)	50 ft	50 ft	75 ft	50 ft
	Lot area / dwelling (Min)	5,000 sq ft	2,500 sq ft	2,000 sq ft	Not Specified
	Lot Coverage (Max)	Not Specified	Not Specified	Not Specified	Not Specified
Setbacks (Min)	Minimum FI Area (Min)	1,800 sq ft	950 Sq ft	Based on use	Based on use
	Primary	20 ft	20 ft	20 ft	20 ft
	Interior side	5 ft	5 ft	7 ft	6 ft minimum or 10% of the total interior frontage up to 15 ft, whichever is greater
Maximum frontage	Interior side for lots over 50 ft in width	10% of frontage	10% of frontage	10% of frontage	6 ft minimum or 10% of the total interior frontage up to 15 ft, whichever is greater
	Rear	20 ft	20 ft	10 ft	10 ft
Pervious Area (Min)	Secondary (corner only)	10 ft, 15 ft on east west lots	10 ft, 15 ft on east west lots	10 ft, 15 ft on east west lots	10 ft
		100 feet with 25 foot recesses or 50 feet without recesses	100 feet with 25 foot recesses or 50 feet without recesses	100 feet with 25 foot recesses or 50 feet without recesses	90 feet subject to 3 conditions; and equivalency
		50% of the front setback, 40% of rear setback	50% of the front setback, 40% of rear setback	50% of the front setback, 40% of rear setback	20%

		RM-1 (Old Code)		H40 (2020 Code)	
		Multi Family	Hotel & Motel	Width is ≤ 50 ft	Width is > 50 ft
Height (Max)	Determination	40 ft	40 ft	40 ft	40 ft
	Principal Bldg	Not Specified	Not Specified	12 ft	12 ft
Lot	Accessory	3	3	1 and 2 family = 2 MF and Hotel = 3	1 and 2 family = 2 MF and Hotel = 3
	Stories	75 ft	100 ft	50 ft	50 ft
	Lot Width (Min)	750 Sq ft	400 Sq ft	Not Specified	Not Specified
	Lot area / dwelling (Min)	Not Specified	Not Specified	Not Specified	Not Specified
	Lot Coverage (Max)	Based on use	Based on Use	Not Specified	Not Specified
Setbacks (Min)	Minimum FI Area (Min)	20ft	20 ft	20 ft; 25 ft for portions above 30 feet; except historic bldgs.	20 ft; 25 ft for portions above 30 feet; except historic bldgs.
	Primary*	7 ft	7 ft	6 ft minimum or 10% of the total interior frontage up to 15 ft, whichever is greater	7 ft minimum or 10% of the total interior frontage up to 15 ft, whichever is greater
	Interior side	10% of frontage	10% of frontage	6 ft minimum or 10% of the total interior frontage up to 15 ft, whichever is greater	7 ft minimum or 10% of the total interior frontage up to 15 ft, whichever is greater
	Interior side for lots over 50 ft in width	10ft	20 ft	10 ft	10 ft
Maximum frontage	Rear	10ft	10 ft	150 ft for hotels, 150 ft, or up to 250 ft with equivalent gaps of 17 ft in width for multi-family	150 ft for hotels, 150 ft, or up to 250 ft with equivalent gaps of 17 ft in width for multi-family
	Secondary (corner only)	150ft with 25 foot recesses or 75 feet without recesses	50% of the front setback, 40% of rear setback	50% of the front setback plus 20% of overall site	50% of the front setback plus 20% of overall site
Pervious Area (Min)					

*2006 code identified the "primary" front setback on a corner lot as the shorter of the two streets. This was modified in the current code to add that if the parcel is on Collins or Harding, that frontage becomes the primary front setback, regardless if the Collins or Harding portion of the lot is shorter. This to provide greater setbacks on Collins and Harding.

		RT-1 (2006 Code)		H120 (2020 Code)	
<u>Determination</u>		<u>Multi-Family</u>	<u>Hotel and Motel</u>	<u>Zoning District</u>	
Height (Max)	Principal Building	120 ft	120 ft	120 ft	
	Accessory	Not Specified	Not Specified	12 ft	
Lot	Stories	12	12	12	
	Lot Width (Min)	100 ft	150 ft	50 ft	
	Lot area / dwelling (Min)	400 Sq ft	Not Specified	Not Specified	
	Lot Coverage (Max)	Not Specified	Not Specified	Not Specified	
	Minimum FI Area (Min)	Based on use	Based on use	Based on use	
Setbacks (Min)	Primary	40 ft	40 ft	40 ft	
	Interior side	10 ft, additional side setbacks when the building exceeds 30 feet in height.	10 ft, additional side setbacks when the building exceeds 30 feet in height.	10% of the frontage, no less than 10 feet, additional side setbacks when the building exceeds 30 feet in height.	
	Rear	30 ft	30 ft	30 ft	
	Secondary (corner only)	20 ft	20 ft	10% of the lot frontage, no less than 20 feet	
Maximum frontage	150 ft	150 ft	150 ft		
Pervious Area (Min)	50% of the front setback	50% of the front setback	20%		



MEMORANDUM

ITEM NO. 9W

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Guillermo Olmedillo, Town Manager

Date: June 23, 2020

Subject: Stormwater Master Plan

At the April 28th, 2020 Special Commission Meeting, Town Administration was directed to report back to the Commission regarding the Town's statutory requirement for a Stormwater Master Plan. The following information relates to the requirements and uses for Stormwater Master Plan.

- If a municipality operates a stormwater utility (such as the Town does), a stormwater management program is required by FS 403.0891, which includes stormwater master plan for planning and improvement purposes per Rule 62-40.431(3)(d), Florida Administrative Rules. The County requires that National Pollution Discharge Elimination System (NPDES) regulations and best management practices are followed for water quality, which is a stormwater management program, not a stormwater master plan.
- The difference – A Stormwater Master Plan is a planning tool; the management program is a compliance tool.
 - The Stormwater Master Plan considers and models existing flooding areas (often identified by staff and residents) and future conditions (such as sea level rise) in order to:
 - Develop solutions to improve the flooding level of services (LOS)
 - Establish Future goals and regulations.
 - Recommend a capital improvement program that is both technically sound and financially supportable.
 - Provide a foundation for future policy decisions.
 - Incorporate and update the stormwater management plan in order to comply with state and federal National Pollutant Discharge Elimination System (NPDES) regulations.
- Most local governments have a Stormwater Master Plan and update it every 5-10 years to keep it current since it establishes the Capital Improvement Program (CIP) and helps stay in compliance with NPDES requirements.

The Town did commission the completion of portions of the plan (ICPR model) in 2008 as part of the infrastructure rehabilitation project but did not commission the completion of a complete Stormwater Master Plan.

To address the Commissions inquiries regarding costs of the plan, we have compiled the data on Stormwater Master Plan costs from other jurisdictions. These plans were publicly bid and not completed by CGA; they were completed by other engineering firms.

	SqMiles	Price	Year	Years ago	Avg CPI increase	Adjusted CPI Price	\$/SQ Mi
Port Ft Pierce	0.04	\$ 188,663.00	2018	2	2.50%	\$198,214.06	\$5,663,258.98
Bal Harbour Village	0.38	\$ 136,675.00	2014	6	2.50%	\$158,501.10	\$417,108.15
Golden Beach	0.32	\$ 168,800.00	2000	20	2.50%	\$276,598.46	\$864,370.17
Surfside	0.56	\$ 175,980.00	2020	0	2.50%	\$175,980.00	\$314,250.00
Key Biscayne	1.25	\$ 293,000.00	2011	9	2.50%	\$365,916.85	\$292,733.48

Reviewed by: JG/LA

Prepared by: CG



**Town of Surfside
Town Commission Meeting
November 12, 2020
7:00 pm**

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

Date: October 5, 2020
Prepared by: Commissioner Nelly Velasquez
Subject: Amend Tourist Board Ordinance

Objective: To ensure the proper spending of all Tourist funds by the tourist board.

Consideration: tourist board ordinance

Recommendation: Amend current Tourist Board Ordinance



**Town of Surfside
Town Commission Meeting
November 12, 2020
7:00 pm**

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

Date: September 19, 2020

Prepared by: Mayor

Subject: Legally Defective Charter Amendment Vote in 2012

Objective: To provide a presentation on the legally defective Charter Amendment vote in 2012 and the options to address same.

Consideration: Discuss with Commission

Recommendation: TBD



**Town of Surfside
Town Commission Meeting
November 12, 2020
7:00 pm**

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

Date: 10-5-2020
Prepared by: Commissioner Eliana Salzhauer
Subject: Traffic Control Devices on 88th & Hawthorne Avenue

Objective: Give direction to Town Manager regarding the implementation, replacement, and/or removal of Surfside traffic signage that was not authorized by the County in advance.

Consideration: A resident complaint led to the County requesting removal of Surfside-specific traffic control signage. To comply with County directive, a Stop sign was removed from the corner of 88th & Hawthorne. Many residents have expressed their displeasure with this change and are concerned that the Stop sign removal presents a severe safety hazard. The Commission should discuss how to proceed in replacing such signage and how to handle future County directives.

Recommendation: Discuss options and give direction to Town Manager & Town Attorney.



**Town of Surfside
Town Commission Meeting
November 12, 2020
7:00 pm**

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

Date: September 19, 2020

Prepared by: Mayor

Subject: Cone of Silence/Secrecy

Objective: To provide a presentation on the corrupt results of this rule exercised by the former elected officials, and what to do to ensure it never happens again.

Consideration: Discuss with Commission

Recommendation: TBD



**Town of Surfside
Town Commission Meeting
November 12, 2020
7:00 pm**

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

Date: 10/24/20

Prepared by: Mayor

Subject: License Plate Readers

Objective: To discuss the placement of LPR's in Town in order to potentially devise a methodology to track vehicles coming in and out of the residential and commercial districts in order to help solve crimes

Consideration: For discussion

Recommendation: To strategically implement LPR's in Town.



**Town of Surfside
Town Commission Meeting
December 8, 2020
7:00 pm**

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

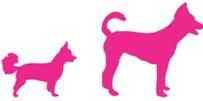
Date: November 25, 2020
Prepared by: Vice Mayor Tina Paul
Subject: Woof Gang Bakery & Grooming - Zoning Code Uses and Amendment

Objective: Woof Gang Bakery & Grooming is considering opening a location in the Business District with proposed retail and pet grooming services. Determine if the Commission desires to amend the Zoning Code, to allow for a retail and professional pet grooming store in the Business District. Currently, the Zoning Code allows pet supplies retail as of right in the SD-B40 District, and permits pet grooming services as an accessory use to a veterinary office when approved by the Commission as a Conditional Use. A Zoning Code amendment to Section 9-41 would be required to permit the pet grooming services as an accessory use to the permitted retail pet supplies use.

Consideration: In October, 2020, representatives for Woof Gang Bakery & Grooming, a successful neighborhood pet store business contacted the Town. As a 13-year Florida business that has grown with several locations, Woof Gang Bakery & Grooming would like to join Surfside's Business District and be part of our neighborhood. While pet supplies retail is a permitted use under the Town's Zoning Code, pet grooming is currently only allowed as an accessory use to a veterinary office when approved by the Commission as a Conditional Use. In order to accommodate this business and provide pet grooming services for our residents and visitors, our Zoning Code will need to be amended to allow pet grooming services as an accessory use to the retail pet supplies use. This would require an ordinance amending section 90-41 of the Zoning Code with two readings and required advertisements.

Amending our Zoning Code to allow the Woof Gang Bakery & Grooming store to open a location in Surfside will add an additional business to the Business District and enhance the diversity of businesses that serve our community.

Recommendation: Consider providing direction to amend the Zoning Code (section 90-41) to allow pet grooming services as an accessory use to a pet supplies retail store.



WOOF GANG BAKERY®
Your Neighborhood Pet Store®



We help you provide the best for your pet

Woof Gang Bakery is the leader in raw, kibble, canned and dehydrated dog and cat foods. Our quality pet food brands are formulated to nourish your pet with nutrient-rich foods that promote lifelong health. The nutritionally balanced pet foods we offer are free from artificial colors, flavors and preservatives.



[HOME](#) [FRANCHISING](#) [LOCATIONS](#) [SERVICES](#) [BLOG](#) [CONTACT US](#)



Franchise

- [Franchising](#)
- [Training & Support](#)
- [Approval Process](#)
- [Real Estate](#)
- [Franchise FAQs](#)
- [Franchise Inquiries](#)

Services

- [Retail](#)
- [Grooming](#)
- [Self-Service Grooming](#)
- [Day Care & Pet Resort](#)
- [Wellness Clinic](#)

Info

- [Home](#)
- [Locations](#)
- [Blog](#)
- [Contact Us](#)

Woof Gang Bakery
Corporate Office

7575 Dr. Phillips Blvd
Suite 275
Orlando, FL 32819
[407-355-9210](tel:407-355-9210)

- [Media & Press](#)
- [Inquiries](#)
- [Vendor Relations](#)
- [Real Estate](#)
- [Submissions](#)



November 18, 2020

Tina Paul
Vice Mayor, Town of Surfside
Sent via email: tpaul@townofsurfsidefl.gov

Dear Vice Mayor Paul:

Thirteen years ago, Woof Gang Bakery opened our first store in Jupiter, Florida. The goal was to be a neighborhood pet store, catering to local customers – a concept that had not been seen before in the brick-and-mortar pet business sector.

Today, we have more than 60 stores in Florida. Woof Gang Bakery & Grooming stores are fixtures within small towns and always a significant part of the communities they serve. Our first two stores, in Jupiter and Palm Beach Gardens, both celebrated 13 years in business in 2020.

As our company grew, the quality of our stores improved and services were added to meet the needs of customers. Each of our locations now includes a pet spa. Woof Gang Bakery originated the model of specialty pet retail stores to include a pet spa with professional grooming.

Unlike a typical dog groomer, where pets are caged for long periods of time, Woof Gang Bakery & Grooming manages our grooming services like a boutique spa experience. All services for dogs and cats are scheduled, by appointment. Clients drop off their pets at the appointment time and pick them up as soon as services are complete.

We know the Woof Gang Bakery & Grooming would be a wonderful addition to the Town of Surfside and we would welcome the opportunity to serve the community.

Regards,

A handwritten signature in black ink, appearing to read "Paul Allen", is written over a light blue horizontal line.

Paul Allen
Chief Executive Officer
Woof Gang Bakery



WOOF GANG BAKERY[®]
& GROOMING
Doral's Neighborhood Pet Store

November 18, 2020

Tina Paul

Vice Mayor, Town of Surfside

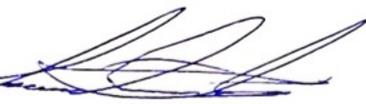
Dear Vice Mayor Paul:

Three months ago, I, Jose Antonio opened my first Woof Gang Bakery & Grooming store in Downtown Doral, Florida. Woof Gang Bakery is the leading specialty retailer of pet food, pet supplies, and professional pet grooming in North America, with more than 130 locations open or under development across the U.S. Woof Gang Bakery offers the very best in pet care by providing quality products and grooming with a service-oriented approach. Each location is a neighborhood store committed to the well-being, health, and happiness of pets.

One of our main policies here at Woof Gang Bakery & Grooming is a cage-free experience for our customers. We aim to provide a boutique spa experience for our clients. Our services are by appointment only, that way the pet can be picked up as soon as their service is completed.

We are certain that Woof Gang Bakery & Grooming would be a wonderful addition to the Town of Surfside and we would love the opportunity to serve the community.

Regards,



Jose Antonio Pena Ferro

Owner

Woof Gang Bakery Doral

James Hickey <Jhickey@Cgasolutions.com>

Tue 11/10/2020 5:21 PM

Cc: Tina Paul <tpaul@townofsursidefl.gov>; Lily Arango <larango@townofsursidefl.gov>; Tony Recio <TRecio@wsh-law.com>

I received your request through the City Attorney.

The retail sales for this business would be classified under “pet supplies” which is a permitted use as of right within the Town’s Zoning Code so you could move forward with that use on its own.

For the wellness clinic and grooming uses, they will require a different process. They are only allowed as an accessory use to a “veterinary office”. In addition, veterinary offices are allowed only through receiving a conditional use approval per the Zoning Code. This process requires a formal application and public hearings before the Planning and Zoning Board and the Town Commission pursuant to Section 90-35 of the Code. This process usually takes a minimum of 3 months to submit an application and hold the two public hearings.

I’ve provided you with an excerpt from the pertinent section of the code that details the specific requirements with respect to veterinary offices. Per those requirements, the pet resort use is expressly prohibited by the code.

Veterinary office is a facility for the diagnosis and treatment of pet animals.

Pet animals are defined as dogs, cats, rabbits, guinea pigs, hamsters, mice, ferrets, birds and fish retained for the purposes of being kept as a household pet.

Veterinary offices approved by conditional use are subject to the following:

- a. Animals shall be walked on the premises in an enclosed area and all waste shall be disposed of immediately.
- b. No overnight boarding shall be permitted.

- c. Soundproofing shall be required and the noise outside the building shall not exceed that of average daily traffic measured at the lot line.
- d. No malodor shall be perceptible at the boundary of the premises.
- e. All waiting rooms and patient areas shall not be visible from the public right-of-way.
- f. A minimum of ten percent of the floor area of the establishment shall provide retail sales located at the front of the establishment.
- g. Grooming shall be permitted as an ancillary use to a veterinary service.
- h. There shall be a minimum distance separation of 400 feet between veterinary offices.
- i. A violation of any of the conditions described in subsection 90-41(d)(25)a.— h., or a violation of the standards of review in section 90-23.2 or a violation of additional conditions required by the town commission, shall result in the rescinding of the conditional use permit after the conditional use permit holder has been notified of these deficiencies. An administrative decision to revoke the conditional use permit may be appealed to the town manager within 30 days of the date of the revocation. The town manager shall schedule an informal hearing with the applicant and the town manager's decision shall be rendered in writing within ten days of the meeting. Any decision made by the town manager regarding conditional use permits may be appealed to the town commission.

Here's a link to the permitted uses section of the Zoning code should you wish to review the pertinent code section: https://library.municode.com/fl/surfside/codes/code_of_ordinances?nodeId=PTIICO_CH90ZO_ARTIVDIRE_S90-41REUS

Jim Hickey, AICP^[SEP] Planning Administrator | Planning Department

Calvin, Giordano & Associates, Inc. | [1800 Eller Drive | Suite 600 | Fort Lauderdale, FL 33316](#)^[SEP] Office: 954.921.7781 | Direct: 954.766.2786 | Cellular: 954.253.2379 | Fax: 954.921.8807 ^[SEP] Fort Lauderdale | Miami-Dade |

James Hickey <Jhickey@Cgasolutions.com>

Thu 11/12/2020 11:34 AM

Cc: Tina Paul <tpaul@townofsurfsidefl.gov>; Lily Arango <larango@townofsurfsidefl.gov>; Tony Recio <TRecio@wsh-law.com>

Good Morning:

Per our telephone conversation I am providing you with additional information regarding your request on having a pet grooming business as part of the proposed pet supply store.

As stated below, pet grooming is only allowed as an accessory use to a veterinary office within the Regulated Uses section of the Town's Zoning Code. If a veterinary office is not part of the pet store, then you will need to amend the text within the zoning code to allow this use either on its own or as an accessory use to a pet supply store. There are no allowances within the Zoning Code for a variance or an exception to regulated uses.

This change will require a text amendment to the Town's Code. This process would begin by one member of the Town Commission to request making the change to the Code. This could be under a separate code amendment or could be part of the changes to the Code currently underway through the Town's current Zoning In Progress. Regardless of which process is ultimately decided, the change can only be completed through an adoption of an ordinance which requires two public meetings and adoption of the proposed changes by the Town Commission. The timeframe to complete would depend on how the use is established in the Regulate use table (if it is permitted by right or will require a conditional use to approve. I would estimate that this process would take a minimum of 3 months to complete.

Jim Hickey, AICP^[L]_[SEP] Planning Administrator | Planning Department

Calvin, Giordano & Associates, Inc. | [1800 Eller Drive | Suite 600 | Fort Lauderdale, FL 33316](#)^[L]_[SEP] Office: 954.921.7781 | Direct: 954.766.2786 | Cellular: 954.253.2379 | Fax: 954.921.8807 ^[L]_[SEP] Fort Lauderdale | Miami-Dade | West Palm Beach | Clearwater/Tampa | Estero | Port St. Lucie



**Town of Surfside
Town Commission Meeting
December 8, 2020
7:00 pm**

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

Date: November 25, 2020
Prepared by: Vice Mayor Tina Paul
Subject: Surfside Farmer's Market

Objective: To reintroduce the Surfside Farmer's Market to residents and visitors as a healthy and sustainable, local amenity.

Consideration: Mr. Javier Valmana presented The Town Commission with a proposal for a Farmer's Market in Surfside at the July 9, 2019 Town Commission meeting. The location was the Municipal Parking lot at the northwest corner of 95th Street. With set-up and operations from 7:30 am to 4:00 pm every Sunday, Mr. Valmana was responsible for all operations, selection of vendors, use of sustainable products, clean up and general liability insurance. The Town provided use of the parking lot, minimal staff assistance and promotion through the Town website, Gazette and eBlasts.

The first Farmers Market was held on Sunday September 15, 2019 with a variety of vendors, including local organic produce, artisanal goods, kosher options, juices, plants and more. This weekly event provided a friendly, healthy, stable attraction that enhanced the Surfside experience.

In March, Mr. Valmana approached the Tourist Board seeking assistance for improved community engagement by adding elements for resident's enjoyment, including acoustical entertainment and furniture to provide shade and comfort. Due to the Covid-19 pandemic, these requested improvements were not implemented and the Farmer's Market was placed on hold.

Recommendation: Reactivate the agreement with Mr. Javier Valmana of Wavy Acai Bowls, LLC to continue providing a Sunday Surfside Farmer's Market for residents' and visitors' enjoyment compliant with all Town and Miami-Dade County requirements for safety and operations during Covid-19.



MEMORANDUM

ITEM NO. 9D

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission
From: Guillermo Olmedillo, Town Manager
Date: July 9, 2019
Subject: Farmers Market

The Town was approached by Mr. Javier Valmana, a Surfside resident and owner of an Acai bowl businesses, to hold a Farmers Market (Attachment A).

Upon review by the Administration, and a meeting with Mr. Valmana, it was determined that his proposal could not be accommodated through the special event process and would need to be endorsed by the Town Commission in the form of a Memorandum of Understanding (MOU). It was also explained to him some of the challenges that various versions of a previously Town sponsored farmers market experienced several years ago, including the weather / wind and lack of community support.

Mr. Valmana would organize a Farmers Market every Sunday on the parking lot at the north west corner of Collins Avenue and 95th Street ("the Shul lot"). He would solicit all of the vendors and manage all of the requirements set forth in a MOU to include, but not limited to:

- Hours of set-up operation 7:30 a.m. to 4:00 p.m.
- Provide trash and recycling cans
- Dispose of all garbage, trash and recycling material at end of each market
- No Styrofoam or other polystyrene products or plastic straws may be sold, used or distributed at the event (to include single use plastic banned items if approved)
- Use of weighted, portable pop-up tents, and must have Fire Department approval for any larger or commercial tents
- Music and/or similar noise may not be excessive
- No alcoholic beverages may be served or sold
- Vendor list to be approved by the Town in an effort to avoid competing with downtown businesses as best possible
- Submit a site plan in advance to be approved by the Town

- Signage for the event must be approved in advance and placed according to the approved site plan
- Provide General Commercial Liability Insurance coverage and name the Town as an additional insured.
- Sign a Hold Harmless and Indemnification Agreement

The Town would provide the following:

- Use of the parking lot (\$560 per market day value if all of the parking spaces were occupied by non-resident pass holders for the entire time during market days)
- Possible off-duty Police Officer (\$468 per market day cost)
- Use of electricity at the parking lot if necessary
- Promote the market through all Town communication channels

Staff would be required to maintain an oversight of the weekly market. This would include Code Compliance staff checking on the market to ensure all Town requirements are met. In addition to the Police Department involvement outlined above, the parking lot would need to be secured late at night before market day.

The Administration is seeking Town Commission direction on this matter. If approved to move forward, a MOU would be brought back at the August meeting.

Reviewed by

Prepared by





TOWN OF SURFSIDE
JUL 19 2019

Town of Surfside

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

SPECIAL EVENTS PERMIT APPLICATION (2018)

This application must be submitted to the Town of Surfside at least fifteen (15) calendar days prior to the date of the planned Special Event. Use additional paper as needed to answer all questions.

Special Note: Film Production Events and Commercial Events are prohibited from taking place in the single-family residences in the Town (per Town Code Sections 11-1 and 90-41d(1)(b)).

- Application Type: [] Print Production Event (no filming) in the H-30A, H-30B and H-30 C west of Harding Avenue
 (Check one) [] Print and Film Production Event in any other District
 [] Commercial Event (allowed only in the SD-B40 & MU Districts)
 [x] Use of Public Facility (CF District) / Surfside Beach
 [] Expedited Print Production Event (no filming)(Include Application Addendum)

Applicant Name: Javier Valmana
 Applicant's Permanent Address: 8851 ABBOTT AVE. SURFSIDE, FL
 Applicant's Mailing Address: 8851 ABBOTT AVE. SURFSIDE, FL
 Applicant's Daytime Phone Number: (305) 923 2518
 Applicant's E-mail: official@waveyacaibowls.com
 Name of Event Planner/Promoter: _____
 Event Planner/Promoter Daytime Phone Number: _____
 Event Planner/Promoter E-mail: _____

Address/Location of Event: 225 95TH ST SURFSIDE, FL 33154 USA (parking lot on 95TH Collins next to synagogue)

Name of Property Owner for Address of Event: Town of Surfside
 Date(s) of Event: From 08/04/19 To (Every Sunday)
 Event Hours (including set up/tear down time): From 7:30 a.m./p.m. To 4:00 a.m./p.m.

Type of Event (Describe in detail; use additional paper if necessary): The event will be a weekly farmers market composed of a variety of vendors. A ~~collection~~ collection of stands including local organic produce, artisanal goods, kosher options, juices, plants, and much more. We are hoping the event can take place every Sunday during the times mentioned above, to create a continuous following of residents and tourists and to give Surfside a new weekly attraction.

Description of event items being used (i.e., tables, chairs, tents, exhibits, etc.) Tents and tables will be used.

Description of electronic/power equipment being used (i.e., generators, sound equipment, lights, etc.) The event will include generators if necessary.

Anticipated number of persons that are attending this event: ~ 20 vendors.

Anticipated number of participant vehicles (if known): _____

(Note: All event and guest vehicles must be legally parked on Town roadways, in Town parking lots, in on-street metered parking spaces, or by valet parking at hotels; no parking allowed on the grass).

Description of Recycling Plan (if applicable) Recycle bins will be placed throughout.

Special Assistance Requested (if addition Town services are required and approved, additional fees for services may be charged)

Other Information regarding this Event: If possible, we would like to use any city outlets available in the parking lot to eliminate the use of generators.

Acknowledgment of Town of Surfside Special Event Regulations and Guidelines:

I, Javier Valmana, (Permittee), hereby acknowledge and agree to abide by all of the Town of Surfside special event rules and code of conduct regulations as printed and distributed to me with this application. I further understand that I may be required to pay for the attendance of Town staff, including but not limited to off-duty police officers, and any costs that may be associated with property damage and/or post-event cleaning. I further understand that I may be required to post a security performance bond with the Town of Surfside prior to the planned event date.

I understand that I may not use any of the Town of Surfside seals or logos in any advertising for my event without the expressed permission and written consent of the Town of Surfside.

I hereby acknowledge, understand and agree that if any unforeseen circumstances occur and/or Permittee fails to meet the requirements the Town of Surfside has set forth, the Town of Surfside shall have the right to control, cancel or stop the event in progress. The Permittee agrees to indemnify and hold harmless the Town of Surfside, its officers, employees, and agents from against all loss, costs, expenses, including attorney's fees, claims, suits and judgments, whatsoever, in connection with injury to or death of any person or persons or loss of or damage to property resulting from any and all operations performed by the sponsor, its officers, employees, and agents under any of the terms of this special event permit.

Signature of Permittee Applicant

06/07/19
Date

Commissioner Paul spoke regarding the real grass and if this is an alternative to concrete that would be feasible and to add more trees.

A motion was made by Commissioner Karukin to prepare an ordinance to clarify that the excess, non-required landscape area to be artificial turf. Motion seconded by Vice Mayor Gielchinsky and passed with a 4-0 vote with Commissioner Cohen absent.

D. Farmers Market Request – Guillermo Olmedillo, Town Manager
Town Manager Olmedillo introduced the item.

Javier Valmana asked the Commission for their approval to hold a farmers market and presented his idea for the market.

Commissioner Paul is in support of the item but would like to have a trial run of it and would agree to waiving the fees.

Commissioner Karukin stated he was not in support of the item because it was done before and it did not work out. He stated that the parking is at a premium and is hesitant to take away spaces for the market. He also stated that these types of events are usually handled by the Tourist Board and believes that the Tourist Board should have been made aware of it.

Mr. Valmana stated he did meet with the Tourist Board Director and she was in support to the farmers market.

Mr. Valmana stated he would start it the first Sunday in September.

Mayor Dietch stated that he would like to bring back the farmers market. The Town has had several ones that have not succeeded and asked how he would obtain the vendors to make it spectacular.

Mr. Valmana addressed Mayor Dietch's question regarding the vendors.

Mayor Dietch asked Mr. Valmana who will take care of the solid waste component including recycling.

Mr. Valmana stated he would be responsible for the recycling and would like some time to work with the Town or with Miami-Dade County regarding the solid waste component.

Commissioner Karukin commented on the impact of the other boards including DVAC.

George Kousoulas, DVAC Committee member, spoke in support of the farmers market.

A motion was made by Commissioner Paul to direct staff to prepare an MOU to address all the points and any other points deemed to be appropriate for a four-month trial period from September to January. Motion seconded by Commissioner Karukin and carried with a 3-1 vote with Vice Mayor Gielchinsky voting against and Commissioner Cohen absent.

A motion was made by Commissioner Karukin and seconded by Commissioner Paul to extend the meeting to 11:30 p.m. All voted in favor with Commissioner Cohen absent.

- E. **Beach Renourishment Update [Verbal]** – Guillermo Olmedillo, Town Manager
Town Manager Olmedillo gave an update of the beach renourishment project and target date to begin is early August.
- F. **Paced Development** – Guillermo Olmedillo, Town Manager
Town Manager Olmedillo introduced the item.

Commissioner Karukin stated that the Town is are almost built out with the infill that has occurred and felt that this should have been done in 2015.

Commissioner Paul is in support of this and stated that the code should be reviewed. She stated that crime did increase during the development of the projects and this needs to be regulated better.

The following members of the public spoke on the item:

Eliana Salzhauer
George Kousoulas

Vice Mayor Gielchinsky spoke regarding the Pace Development and the existing infrastructure the Town has and believes the Town should come up with a formula.

Mayor Dietch discussed development and the mechanism of slowing down development and what happens during an evacuation. He discussed the impact of several construction developments occurring at the same time.

Town Manager Olmedillo stated that one of the challenges are projects that straddle Collins Avenue.

Approved on Consent.

F. Farmers Market – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A LIMITED REVOCABLE LICENSE AGREEMENT WITH WAVEY ACAI BOWLS, LLC FOR OPERATION OF THE TOWN OF SURFSIDE'S FARMERS' MARKET; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title of the resolution into the record.

Assistant Town Manager Tavares introduced the item along with staff recommendations. He also answered questions from the Town Commission.

The following members of the public spoke on this item:
Javier Valmana, applicant.

Commissioner Paul stated that it's a trial period and it can be fine-tuned if needed.

Vice Mayor Gielchinsky spoke about the parking spaces that the Farmers Market is proposing to use and asked Mr. Valmana to reach out to The Shul and work with them as these parking spaces are usually occupied by The Shul attendees at the same time that the market is proposed to take place.

Javier Valmana, applicant, stated he did reach out and left messages and has not received a call back but will continue to follow up.

After further discussion among the members of the Town Commission, staff and the applicant regarding other matters within the agreement, the following motion was made:

A motion was made by Commissioner Paul and seconded by Commissioner Karukin to allow the Town Manager to negotiate the agreement further and approve such agreement once finalized. Motion carried with a 5-0 vote.

G. Water Supply Plan Work Authorization - Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NO. 122

**LIMITED REVOCABLE LICENSE AGREEMENT
BETWEEN THE
THE TOWN OF SURFSIDE, FLORIDA
AND
WAVEY ACAI BOWLS, LLC**

THIS LIMITED REVOCABLE LICENSE AGREEMENT (“Agreement”) is entered into this 11TH day of SEPT, 2019 (“Effective Date”) by and between the Town of Surfside, Florida, a Florida Municipal Corporation, (“Town”) and Wavey Acai Bowls, LLC, a Florida Limited Liability Company (“Licensee”). The Town and Licensee may be referred to in this Agreement individually as “Party” and collectively as the “Parties.”

RECITALS:

- A. The Town is the owner of a parcel of real property located at the northwest corner of 95th Street and Collins Avenue, Surfside, Florida (the “Property”), which Property is designated Folio Number 14-2235-007-0190, and which is generally used for public parking.
- B. Licensee proposes to coordinate, operate, and manage a weekly event to be known as the “Surfside Farmers Market” (the “Market”) on Sundays at the Town’s Property from September 1 through December 29, 2019.
- C. Licensee requests use of the Property to conduct the Market.
- D. The limited use of the Property, in accordance with the terms of this Agreement, for the conduct of a Farmers Market is a benefit to Town residents, businesses, and visitors.
- E. The Town’s intent is to grant Licensee a limited revocable license of the Property.

NOW, THEREFORE, in consideration of the mutual covenants of the Parties as set forth in this Agreement, and other valuable consideration, the receipt and sufficiency of which is acknowledged by the Parties, it is agreed by and between the Parties as follows:

1. Definitions. The following words and phrases shall have the meaning set forth herein:

- 1.1. “Agreement” shall mean this Limited Revocable License Agreement.
- 1.2. “Licensee” shall mean Wavey Acai Bowls, LLC.
- 1.3. “Market” shall mean the weekly event to be known as the “Surfside Farmers’ Market” organized, operated, and managed by Licensee pursuant to this Agreement, which is made up of a variety of vendors who display their merchandise/products for purchase by the public.
- 1.4. “Market Day” shall mean each day that the Market is open to the public.
- 1.5. “Property” shall mean the surface parking lot located at the northwest corner of 95th Street and Collins Avenue, Surfside, Florida and which is designated Folio Number 14-2235-007-0190.
- 1.6. “Town” shall mean the Town of Surfside, Florida.

2. Grant of License and Use.

2.1. **License.** The Town grants to Licensee a limited revocable license for the use of the Property as contemplated by this Agreement. This license is personal to Licensee and may not be assigned or transferred to any party without the Town's express, written consent.

2.2. **Use.** The Town authorizes Licensee to use the Property solely for the purposes set forth in this Agreement. This authorization is not a lease or an easement, and is not intended and shall not be construed to transfer any real property interest in the Property.

2.2.1. Licensee may use the Property solely to conduct a farmers market, in accordance with the Terms of Use attached hereto as Exhibit "A."

3. **Non-Exclusivity.** The Town designates Licensee as a non-exclusive Licensee of a Farmers Market at the Property during the Term of this Agreement. The Town specifically reserves the right to contract with any other entity providing similar services.

4. **Rules and Regulations.** The Town may promulgate and enforce reasonable rules and regulations governing the use of the Property by Licensee.

5. **Term.** The term (the "Term") of this Agreement shall commence upon the execution hereof and shall remain in effect through December 29, 2019, except as may be sooner terminated in accordance with the terms of this Agreement. The Term may be extended upon mutual written agreement of the Parties for one year terms with up to three (3) option years. The Town Manager may extend the Term without further approval of the Town Commission. Upon each renewal of the Term, if any, the Parties shall determine a schedule for Market Days for that years' Term.

6. Termination.

6.1. This Agreement may be terminated by the Town with or without cause by providing at least five (5) days' written notice to Licensee of such termination.

6.2. Town reserves the right to terminate this Agreement for any reason at any time, including, but not limited to, Licensee misconduct, insufficient number of participants, or unavailability of Property.

6.3. Licensee acknowledges and agrees that the Town shall have no liability to Licensee for incidental or consequential damages, loss of business, or otherwise, for terminating this Agreement in accordance with the terms set forth above.

6.4. Upon termination of this Agreement by either Party, Licensee shall, at its sole cost and expense, immediately restore the Property to the same or better condition that it was delivered to the Licensee.

7. **License Fee.** The Parties agree that there is no license fee.

8. Condition of Property.

8.1. The Town makes the Property available to Licensee in an "as is" condition. The Town makes no representations or warranties concerning the condition of the Property or its suitability for use by Licensee or its customers or invitees, and assumes no duty to warn either Licensee or its customers or invitees concerning conditions that exist now or may arise in the future.

8.2. In making the Property available for use by Licensee, the Town assumes no liability for loss or damage to Licensee's property. Licensee agrees that the Town is not responsible for providing security at the Property, and Licensee hereby waives any claim against Town in the event Licensee's property is lost or damaged.

9. Operations & Maintenance.

9.1. Licensee shall be solely responsible for: (i) maintaining the Property to the Town's standards applicable for use by Licensee as permitted under this Agreement; and (ii) obtaining any applicable permits required by the Town, the County, the State, and/or any Federal agencies.

9.2. Licensee shall exercise due care in its use of the Property and shall be responsible for maintaining the Property in good condition and repair. Licensee shall not act, or fail to act, in any way that results in excessive wear or damage to the Property. Licensee expressly agrees to repair, replace, or otherwise restore any part or item of real or personal property that is damaged, lost or destroyed as a result of Licensee's use of the Property. Should Licensee fail to repair, replace, or otherwise restore such real or personal property, Licensee expressly agrees to pay and be responsible for the Town's costs in making such repairs, replacements, or restorations.

9.3. Licensee shall be responsible for all operations and maintenance of the Property during Market Days.

9.4. The Town shall in no way be responsible for operating or managing the Market.

10. Reporting Requirements. Licensee shall provide monthly reports to the Town concerning the Market. At a minimum, he report shall include the names of all participating Vendors and number of visitors to the Market.

11. Liability and Indemnification.

11.1. Licensee hereby assumes all financial, administrative and legal responsibility in connection with, related to, or arising out of the use of the Property on Market Days.

11.2. Licensee shall indemnify, hold harmless, and defend the Town, its officers, agents and employees, from and against any and all demands, claims, losses, suits, liabilities, causes of action, judgment or damages, arising from Licensee's performance or non-performance of any provision of this Agreement including, but not limited to, liabilities arising from contracts, whether oral or written, between Licensee and third parties made pursuant to this Agreement. Licensee shall reimburse the Town for all its expenses including reasonable attorneys' fees and costs incurred in and about the defense of any such claim or investigation and for any judgment or damages arising from Licensee's performance or non-performance of this Agreement. Nothing in this Agreement shall be deemed or treated as a waiver by the Town of any immunity to which it is entitled by law, including but not limited to the Town's sovereign immunity as set forth in Section 768.28, Florida Statutes.

11.3. The provisions of this section shall survive termination of this Agreement.

12. Insurance. Licensee shall secure and maintain throughout the duration of this Agreement insurance of such types and in such amounts not less than those specified below as satisfactory to Town, naming the Town as an Additional Insured, underwritten by a firm rated A-X or better

by A.M. Best and qualified to do business in the State of Florida. The insurance coverage shall be primary insurance with respect to the Town, its officials, employees, agents and volunteers naming the Town as additional insured. Any insurance maintained by the Town shall be in excess of Licensee's insurance and shall not contribute to Licensee's insurance. The insurance coverages shall include at a minimum the amounts set forth in this Section and may be increased by the Town as it deems necessary or prudent.

- 12.1. Commercial General Liability coverage with limits of liability of not less than a \$1,000,000 per Occurrence combined single limit for Bodily Injury and Property Damage. This Liability Insurance shall also include Completed Operations and Product Liability coverages and eliminate the exclusion with respect to property under the care, custody and control of Consultant. The General Aggregate Liability limit and the Products/Completed Operations Liability Aggregate limit shall be in the amount of \$2,000,000 each.
- 12.2. Workers Compensation and Employer's Liability insurance, to apply for all employees for statutory limits as required by applicable State and Federal laws. The policy(ies) must include Employer's Liability with minimum limits of \$1,000,000.00 each accident. No employee, subcontractor or agent of Licensee shall be allowed to provide services pursuant to this Agreement who is not covered by Worker's Compensation insurance.
- 12.3. Business Automobile Liability with minimum limits of \$1,000,000 per Occurrence, combined single limit for Bodily Injury and Property Damage. Coverage must be afforded on a form no more restrictive than the latest edition of the Business Automobile Liability policy, without restrictive endorsements, as filed by the Insurance Service Office, and must include Owned, Hired, and Non-Owned Vehicles.
- 12.4. Certificate of Insurance. Certificates of Insurance shall be provided to the Town, reflecting the Town as an Additional Insured (except with respect to Professional Liability Insurance and Worker's Compensation Insurance), no later than ten (10) days after award of this Agreement and prior to the execution of this Agreement by Town and prior to commencing Services on any Project. Each certificate shall include no less than (30) thirty-day advance written notice to Town prior to cancellation, termination, or material alteration of said policies or insurance. Licensee shall be responsible for assuring that the insurance certificates required by this Section remain in full force and effect for the duration of this Agreement, including any extensions or renewals that may be granted by the Town. The Certificates of Insurance shall not only name the types of policy(ies) provided, but also shall refer specifically to this Agreement and shall state that such insurance is as required by this Agreement. The Town reserves the right to inspect and return a certified copy of such policies, upon written request by the Town. If a policy is due to expire prior to the completion of the Services, renewal Certificates of Insurance shall be furnished thirty (30) calendar days prior to the date of their policy expiration. Each policy certificate shall be endorsed with a provision that not less than thirty (30) calendar days' written notice shall be provided to the Town before any policy or coverage is cancelled or restricted. Acceptance of the Certificate(s) is subject to approval of the Town.
- 12.5. Additional Insured. Except with respect to Professional Liability Insurance and Worker's Compensation Insurance, the Town is to be specifically included as an Additional Insured for the liability of the Town resulting from Services performed by or on behalf of Licensee in performance of this Agreement. Licensee's insurance, including

that applicable to the Town as an Additional Insured, shall apply on a primary basis and any other insurance maintained by the Town shall be in excess of and shall not contribute to Licensee's insurance. Licensee's insurance shall contain a severability of interest provision providing that, except with respect to the total limits of liability, the insurance shall apply to each Insured or Additional Insured (for applicable policies) in the same manner as if separate policies had been issued to each.

12.5.1. Subcontractors and Vendors participating in or working on the Market shall be required to list the Town as additional insured.

12.6. **Deductibles.** All deductibles or self-insured retentions must be declared to and be reasonably approved by the Town. Licensee shall be responsible for the payment of any deductible or self-insured retentions in the event of any claim.

12.7. The provisions of this section shall survive termination of this Agreement.

13. **Public Records.** Licensee understands that the public shall have access, at all reasonable times, to all documents and information pertinent to this Agreement, subject to the provisions of Chapter 119, Florida Statutes, and agrees to allow access by the Town and the public to all documents subject to disclosure under applicable law. For purposes of this section, the term: (a) "Contractor" means an individual, partnership, corporation, or business entity that enters into a contract for services with a public agency and is acting on behalf of the public agency as provided under s. 119.011(2); and (b) "Public agency" means a state, county, district, authority, or municipal officer, or department, division, board, bureau, commission, or other separate unit of government created or established by law. In addition to other contract requirements provided by law, Licensee shall comply with public records laws, specifically to: (a) Keep and maintain public records that ordinarily and necessarily would be required by the public agency in order to perform the service; (b) Provide the public with access to public records on the same terms and conditions that the public agency would provide the records and at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law; (c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law; and (d) Meet all requirements for retaining public records and transfer, at no cost, to the public agency all public records in possession of Licensee upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the public agency in a format that is compatible with the information technology systems of the public agency. Licensee's failure or refusal to comply with the provisions of this section shall result in the immediate termination of this Agreement by the Town.

NOTICE PURSUANT TO §119.0701(2)(a), FLORIDA STATUTES

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS.

Custodian of Records: Sandra Novoa, MMC, Town Clerk

Mailing address: 9293 Harding Avenue, Surfside, FL 33154

Telephone number: 305-887-9541

Email: snovoa@townofsurfsidefl.gov

14. Audit and Inspection Rights.

14.1. The Town may, at reasonable times, and for a period of up to three years following the date of final performance of Licensee's Services under this Agreement, audit, or cause to be audited, those books and records of Licensee that are related to Licensee's performance under this Agreement. Licensee agrees to maintain all such books and records at its principal place of business for a period of three years after final payment is made under this Agreement.

14.2. The Town may, at reasonable times during the term hereof, inspect Licensee's facilities and perform such inspections as the Town deems reasonably necessary to determine whether the Services required to be provided by Licensee under this Agreement conform to the terms of this Agreement. Licensee shall make available to the Town all reasonable facilities and assistance to facilitate the performance of inspections by the Town's representative(s).

14.3. **Survival.** The provisions of this section shall survive termination of this Agreement.

15. Notice. Any notices required by this Agreement shall be in writing and shall be deemed to have been properly given if transmitted by hand-delivery, by registered or certified mail with postage prepaid return receipt requested, or by a private postal service, addressed to the parties (or their successors) at the following addresses:

For the Town: Guillermo Olmedillo
 Town Manager
 Town of Surfside
 9293 Harding Avenue
 Surfside, Florida 33154

With a copy to: Lillian M. Arango, Esq.
 Town Attorney
 Weiss Serota Helfman Cole & Bierman, P.L.
 2525 Ponce de Leon Blvd., Suite 700
 Coral Gables, Florida 33134

For Licensee: Wavey Acai Bowls, LLC
 Attn: Javier Valmana, Registered Agent
 8851 Abbott Avenue
 Surfside, Florida 33154

16. Confidentiality. In the performance of this Agreement, Licensee may be exposed to the confidential information of the Town and other entities. Licensee shall not disclose to any party, other than the Town Manager, Town Attorney, Finance Director and those other Town

representatives authorized in writing by the Town Manager, any such confidential information acquired during the performance of Licensee's Services for the Town. Regardless of the term of this Agreement, Licensee shall be bound by this obligation until such time as said confidential information shall become part of the public domain. Information regarding all aspects of the Town's business and all information relating to the management Services provided shall be presumed to be confidential, except as may be provided by law, and as same shall have been published or otherwise made freely available to the general public without restriction.

- 17. Independent Contractor; No Joint Venture.** In all matters related to this Agreement, the Licensee is to be considered an independent contractor and not a Town employee. None of the provisions of this Agreement are intended to create nor shall they be deemed or construed to create any relationship between the Town and Licensee other than that of independent entities contracting with each other hereunder solely for the purpose of effecting the provisions of this Agreement. Neither of the Parties hereto, nor any of their respective employees shall be construed to be the employer, partner, agent, shareholder, officer or representative of the other. This Agreement does not create a joint venture, partnership, or other business or private/public enterprise between the Parties. Licensee shall be responsible for any and all of its expenses in performing its duties under this Agreement. The Town shall not be responsible for any expense incurred by Licensee. Licensee shall furnish its own transportation, office, and other supplies as necessary in carrying out its duties under this Agreement
- 18. Most Favored Nation.** If during the term of this Agreement, Licensee enters into an agreement with another municipality or county ("Other Governmental Entity"), the terms of which agreement include direct or indirect compensation to the Other Governmental Entity, then upon written request of the Town, Licensee shall negotiate and enter into a new agreement with the Town which shall include the more favorable compensation terms extended to the Other Governmental Entity. Licensee shall notify the Town within 30 days if it enters into an agreement with an Other Governmental Entity that has more favorable terms than this Agreement and the Town shall have the right to receive the more favorable terms immediately.
- 19. Applicable Law; Venue; Waiver of Jury Trial.** This Agreement shall be construed in accordance with and governed by the laws of the State of Florida. Venue for any litigation arising out of this Agreement shall be proper exclusively in Miami-Dade County, Florida. IN THE EVENT OF ANY LITIGATION ARISING OUT OF THIS AGREEMENT, EACH PARTY HEREBY KNOWINGLY, IRREVOCABLY, VOLUNTARILY AND INTENTIONALLY WAIVES ITS RIGHT TO TRIAL BY JURY.
- 20. Attorneys' Fees.** In the event of any litigation arising out of this Agreement, the prevailing party shall be entitled to recover its attorneys' fees and costs, including the fees and expenses of any paralegals, law clerks and legal assistants, and including fees and expenses charged for representation at trial and any and all appellate levels, including post-judgment proceedings.
- 21. Assignment.**

 - 21.1. This Agreement shall not be assignable by Licensee unless such assignment is first approved by the Town Manager. The Town is relying upon the apparent qualifications and expertise of the Licensee, and Licensee's familiarity with the Town's area, circumstances and desires.

- 21.2. Licensee shall not assign, sublet, transfer, or otherwise dispose of this Agreement, or any portion thereof, or permit the Property to be occupied by other organizations, entities or persons, without the advance written approval of the Town. It is specifically understood and agreed that the Town's decision to either permit or deny any such assignment, subletting or transfer shall be within its sole and exclusive discretion and that any such decision by the Town shall be presumed to be reasonable. Licensee shall provide a minimum of thirty (30) days' notice prior to the proposed effective date of a proposed assignment. In the event any assignment is approved by the Town Manager, the assignee shall agree to be bound by all of the terms and conditions of this Agreement.
22. **Licenses.** Licensee shall, without expense to the Town, be responsible for obtaining any necessary licenses, permits, and approvals in connection with the performance of the Services specified herein.
23. **Licensed or Registered Personnel.** All Services to be rendered by Licensee under this Agreement, which are required by law to be performed by or under the direction of a duly licensed or registered professional, shall be rendered in compliance with such requirements.
24. **Compliance with Laws.** Licensee shall not commit nor permit any violations of applicable federal, state, county and municipal laws, ordinances, resolutions and governmental rules, regulations and orders, as may be in effect now or at any time during the term of this Agreement, all as may be amended, which are applicable to Town, Licensee, the Property or the operations conducted at the Property. A violation of any such laws, ordinances, resolutions, rules, regulations or orders, as amended, shall constitute a material breach of this Agreement, and in such event, Town shall be entitled to exercise any and all rights and remedies hereunder and at law and in equity.
25. **Miscellaneous.**
- 25.1. **Binding Agreement.** The terms, covenants, conditions, and provisions of this Agreement shall bind and inure to the benefit of the Parties and their respective legal representatives, successors, and assigns.
- 25.2. **Severability.** If any term, covenant, condition or provision of this Agreement (or the application thereof to any circumstance or person) shall be invalid or unenforceable to any extent, the remaining terms, covenants, conditions and provisions of this Agreement shall not be affected thereby; and each remaining term, covenant, condition and provision of this Agreement shall be valid and shall be enforceable to the fullest extent permitted by law unless the enforcement of the remaining terms, covenants, conditions and provisions of this Agreement would prevent the accomplishment of the original intent of the agreement between the Parties.
- 25.3. **Non-Discrimination.** Both parties agree that there will be no discrimination against any person based upon race, color, sex, religious creed, ancestry, national origin, mental or physical handicap, in the use of the Property. It is expressly understood that upon a determination by a court of competent jurisdiction that discrimination has occurred, this Agreement automatically terminates without any further action on the part of the other party, effective the date of the court order.
- 25.4. **Authority.** Each party represents and warrants that the representative signing this Agreement on its behalf has all right and authority to bind and commit that Party to the

terms and conditions of this Agreement and that the execution, delivery and performance of this Agreement has been duly authorized by Town and Licensee action.

- 25.5. **Regulatory Powers.** The Town cannot, and hereby specifically does not, waive or relinquish any of its regulatory approval or enforcement rights and obligations as it may relate to regulations of general applicability which may govern the Property or any operations at the Property. Nothing herein shall be deemed to create an affirmative duty of Town to abrogate its sovereign right to exercise its police powers and governmental powers by approving or disapproving or taking any other action in accordance with its ordinances, rules and regulations, federal laws and regulations and state laws and regulations.
- 25.6. **Sovereign Immunity.** Nothing in this Agreement shall be deemed or otherwise interpreted as waiving the Town's sovereign immunity protection existing under the laws of the State of Florida, or as increasing the limits of liability as set forth in Section 768.28, Florida Statutes.
- 25.7. **Deadlines.** Whenever a deadline designated in this Agreement falls on a Saturday, Sunday, or Legal Holiday as defined in Section 683.01, Florida Statutes, as it may be amended from time to time, the deadline shall be extended to the next business day.
- 25.8. **Calendar Days.** Unless otherwise stated, all references to "days" shall mean calendar days, not business days.
- 25.9. **Time.** Time is of the essence as to each term of this Agreement.
- 25.10. **Force Majeure.** Neither party will be liable to the other or be deemed in breach of this Agreement for any failure or delay in rendering performance arising out of causes beyond its reasonable control and without its fault or negligence. Such causes may include, but are not limited to, acts of God or the public enemy, terrorism, significant fires, floods, earthquakes, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather, or governmental authorities' approval delays which are not caused by any act or omission of Licensee.
- 25.11. **Severability.** The provisions of this Agreement are intended to be severable. If any provision of this Agreement shall be held to be invalid or unenforceable in whole or in part by a court of competent jurisdiction, such provision shall be ineffective to the extent of such invalidity or unenforceability without in any manner affecting the validity or enforceability of the remaining provisions of this Agreement.
- 25.12. **Headings.** The headings for each section in this Agreement are for the purposes of reference only and shall not limit or otherwise affect the meaning of any provision.
- 25.13. **Integration; Entire Agreement; Amendments.** This writing contains the entire Agreement of the Parties with respect to the subject matter of this Agreement. This Agreement supersedes all prior and contemporaneous negotiations, understandings and agreements, written or oral, between the parties. No representations were made or relied upon by either party, other than those that are expressly set forth herein. This Agreement may be amended by mutual agreement of the parties. Such amendments shall only be effective if incorporated in written amendments to this agreement and executed by duly authorized representatives of the parties.

- 25.14. **Waiver.** There shall be no waiver of any right related to this Agreement unless in writing and signed by the party waiving such right. No delay or failure to exercise a right under this Agreement shall impair such right or shall be construed to be a waiver of such right. Any waiver shall be limited to the particular right so waived and shall not be deemed a waiver of the same right at a later time or of any other right under this Agreement. Waiver by any party of any breach of any provision of this Agreement shall not be considered as or constitute a continuing waiver or a waiver of any other breach of the same or any other provision of this Agreement.
- 25.15. **Intent to be Legally Bound.** By signing this Agreement, the Parties confirm and state that they have carefully read the Agreement, that they know the contents thereof, that they fully expect to carry out each and every provision, and that they intend to be legally bound by the rights and obligations set forth herein.
- 25.16. **No Third Party Beneficiaries.** Neither Party intends to directly or substantially benefit a third party by this Agreement. Therefore, the Parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against either of them based upon this Agreement.
- 25.17. **Counterparts.** This Agreement may be executed simultaneously or in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.
- 25.18. **No Authority to Bind Municipality.** Licensee shall have no authority to contract for or legally bind the Town with respect to any matter, including but not limited to the subject matter of this Agreement.
- 25.19. **Survival of Provisions.** Any terms or conditions of this Agreement that require acts beyond the date of the term of this Agreement shall survive termination of this Agreement and shall remain in full force and effect unless and until the terms or conditions are completed.
- 25.20. **Waiver.** The failure of either party to this Agreement to object to or to take affirmative action with respect to any conduct of the other which is in violation of the terms of this Agreement shall not be construed as a waiver of the violation or breach, or of any future violation, breach or wrongful conduct.

[THIS SPACE HAS INTENTIONALLY BEEN LEFT BLANK.]

[SIGNATURE PAGE FOLLOWS.]

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the date written below.

FOR Licensee:

WAVEY ACAI BOWLS, LLC, a Florida Limited Liability Company

Witness:

Sign: 

Print: DUNCAN TAVARES

Sign: 

Print Name: Javier Valmana

Title: Vendor

Date Executed: 09/13/19

Sign: 

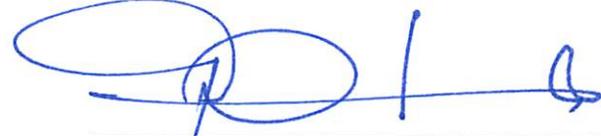
Print: Manuel A. Carta

FOR THE Town:

TOWN OF SURFSIDE, a Florida municipal corporation

Attest:


Sandra Novoa, Town Clerk, MMC


Guillermo Olmedillo, Town Manager

Date Executed: Sept. 11, 2019

Approved as to Form and Legal Sufficiency:



Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

EXHIBIT "A"
TERMS OF USE

Licensee shall use the Property pursuant to the Agreement between it and the Town of Surfside as further set forth herein.

1. **Use:** Licensee shall use the Property to conduct the "Town of Surfside Farmers' Market." Licensee shall serve as the primary point of contact to the Town Manager for the Market. Licensee is responsible for communicating with and managing all Market vendors, suppliers, community partners, and sponsors. The Market is intended to provide the community with access to fresh goods provided by vendors selling locally grown or produced vegetables, fruits, flowers, herbs, baked goods, honey, kosher options, juices, plants, and artisanal goods.
2. **Market Location:** The surface parking lot located at the northwest corner of 95th Street and Collins Avenue, Surfside, Florida and which is designated Folio Number 14-2235-007-0190.
3. **Market Days and Times:** Use of the Property shall be restricted to the designated business hours of the Market. The Market may be open on Sundays beginning September 1, 2019 from 9:00 a.m. to 3:00 p.m. The Town may suspend Licensee's use of the Property where the Town finds that the Property is needed for alternative purposes.
4. **Market Days Set Up Times:** Set up shall occur no more than one hour and a half before each Market Day and breakdown shall be completed no more than one hour and a half after each Market Day.
5. **Site-Plan.** Licensee's use of the Property shall be according to a site plan approved by the Town Manager. The Property may not be used by Licensee until a Site Plan is approved by the Town Manager. A Site Plan shall be submitted to the Town Manager for approval at least ten business days before the first Market Day.
 - 5.1. The Site Plan shall include proposed parking and is subject to approval by all Town Departments, including but not limited to: Police, Fire, Public Works, Building, Code Compliance, and Town Manager.
 - 5.2. The Property will be organized in a safe manner to protect attendees. All electrical cords and similar materials must be covered so as not to pose a hazard to the public.
 - 5.3. All related Fire Marshall and Building Official's related requirements must have been complied with prior to the start of the Market.
 - 5.4. Licensee shall accommodate and provide, upon request by the Town, one canopy site on each Market Day (at no cost to the Town) for the purpose of selling Town-related merchandise or to promote Town events and programs.
 - 5.5. The Site Plan must provide for the use of electricity at the Property, including but not limited to the use of generators or other energy generating equipment. Licensee acknowledges that electric service at the Property is limited and not sufficient to provide electricity to all vendors.
6. **Vendors.** Licensee shall submit a list of Vendors to the Town Manager for approval at least ten business days before the first Market Day. The Market may not be conducted until the Vendor list has been approved by the Town Manager. Licensee shall have no more than the approved number of Vendors participating in the Farmers Market at any given time. Licensee

shall not reduce or increase the amount of vendors without the express, written consent of the Town Manager and/or his/her designee.

6.1. Vendors are required to have proper permits appropriate to the products being sold. Vendors should contact Florida Department of Business and Professional Regulation and/or Miami-Dade County Public Health department for proper licensing and requirements. Scales must be certified. Licensee must obtain copies of all vendors' licenses and permits prior to vendors participating in the Market and must make the copies available to the Town upon request.

7. Vendor Activity.

7.1. Licensee shall ensure that all Vendors acknowledge that the use/or placement of tables, chairs, products, boxes or signs outside of it assigned vendor space is strictly prohibited. Vendors agree to sell product within their assigned space only. All vendor activity must be conducted within the booth space provided. This includes giving out free samples and recruiting customers. Any Vendor activity related to the Market outside the assigned vendor space is prohibited.

7.2. Licensee shall ensure that every Vendor anchor its 10 x 10' canopy on all four (4) corners with a minimum of twenty (20) pound anchors on each corner regardless of weather conditions. Vendors will be asked to remove its tent for failure to comply with these requirements.

7.3. Any canopies measuring over 10 x 10' will require a building permit each week used.

7.4. The term "organic" shall not be used without certification under USDA NOP rules. Giving any false information regarding the products being sold is strictly prohibited.

7.5. Vendors must clearly display their prices.

7.6. Vendors must set up for every Market Day and must arrive no later than one-half hour before Market opening time in order to be prepared for business at the Market's opening time.

7.7. Vendors must provide clean and safe tables, tents, baskets or stands to display products. There will be no sales from the surfaces of pick-up trucks or other vehicles. Vendors must display at the Farmer's Market all licenses and permits required.

7.8. Licensee will ensure that all vendors maintain their area in a neat and tidy condition, and must leave the Event Site within one hour of Farmer's Market closing, leaving behind no equipment, trash or debris.

8. Permitted Products. All products offered for sale at the Property shall be of high quality and with prices clearly visible to the public. Any and all prepared foods must be properly labeled in accordance with applicable government regulations. Licensee agrees not to sell or distribute or allow any Vendors to sell or distribute any products that the Town believes are non-conforming.

9. Storage. Licensee may not utilize any Town property to store property or equipment for use at the Farmers Market without the prior, written consent of the Town Manager and/or his/her designee.

10. At the end of each Market Day, Licensee shall vacate the Property in clean condition and deliver it to the Town in its pre-Event condition, free from all personal property, equipment or inventory. Upon Licensee's failure to do so, Town may remove any personal property, equipment and inventory from the Property and have them delivered to Licensee, placed in storage at Licensee's expense or discarded, at Town's sole discretion. All perishable items will be disposed of as Town deems appropriate, without compensation to Licensee or its vendors. The Licensee agrees that it shall pay and be responsible for the Town's actual costs to restore the Property to its pre-Market Day condition at the conclusion of any Market Day where Licensee fails to deliver the Property as required by this Agreement.
11. Licensee shall not place or attach any personal property, fixtures, or structures to the Property without the prior written consent of the Town.
12. Licensee's use of the Property shall, at a minimum: a) not adversely affect the Property; b) not adversely affect the property of any third parties; c) not inhibit pedestrian movement within the Property; d) not create conditions which are a threat to public safety and security; and e) not constitute a nuisance with respect to neighboring uses.
13. A Market Day may be terminated by the Town, through the Town Manager or his or her designee, the Chief of Police, Fire Chief, Building Official, Public Works Director, and/or a Code Compliance Officer for the protection of the public welfare and safety. Licensee expressly acknowledges and agrees that in the event that the Market is shut down, the Town shall not be liable for any damages.
14. The Licensee shall keep the sidewalks next to the event site and within the event site open and clear for pedestrian traffic.
15. **Trash Removal and Recycling:** Licensee is responsible for all trash removal and will provide recycling receptacles. As needed during each Market Day and at the end of each Market Day, the Licensee shall empty all waste receptacles and recycling bins, including Town bins, within the Property. Licensee and its vendors shall not use waste receptacles or recycling bins of neighboring properties.
 - 15.1. Licensee may use any waste receptacles available at the Property. Garbage or bags shall not be left on top or around the bins. No food or food waste from vendors is allowed in the bins. Vendors will be responsible for removing all other garbage from the event site. Licensee shall be charged \$100 per Market Day for any additional garbage removed from the site by Town Staff.
 - 15.2. At the conclusion of each Market Day, Licensee agrees to remove all additional trash from the Property, including garbage from Town cans at the Property.
16. **Staffing:** Licensee agrees that no staffing or assistance from the Town will be required to conduct the Market.
17. **Supervision.** Licensee shall provide adequate supervision of the Property at all times it conducts or sanctions activities thereon.
18. **Police.** Licensee shall coordinate with the Town to address the need, if any, for additional police presence on a Market Day at the Property. Notwithstanding, the Licensee shall be responsible for the safety of the public and its invitees at the Property.

- 19. Parking/Traffic.** Licensee shall submit a parking and traffic plan to the Town for approval prior to conducting the Market. There will be no public or vendor parking at the Property unless previously approved by Town.
- 20. Signage and Marketing.** Licensee may provide temporary, directional signage on each Market Day at a location shown on the Site Plan and approved in writing by the Town Manager pursuant to Section 5 hereinabove. The Town may assist Licensee in promoting the Market through the Town's existing communication channels.
- 21. Noise.** Licensee shall comply with the Town's Noise Ordinance.
- 22. Prohibited Items:**
- 22.1.** Styrofoam and plastic straws are prohibited to be used or distributed at the Market. Licensee acknowledges receipt of the Town's Ordinance No. 2018-1676 related to plastic straws.
- 22.2.** No alcohol is permitted in the Property without proper licensing, permits, insurance, and advance written Town approval.
- 23. Weather:** Licensee shall comply with the Parks and Recreation Operational Policy when weather conditions require clearing the Property and/or by any such request issued by a Town representative. In the event inclement or severe weather is impending or is forecasted to affect the Market area within 48 hours prior to a scheduled Market Day, Licensee shall confer with the Town Manager or his designee on or before 10:00 a.m. the Friday preceding a Market Day to determine whether the Market will be shut down. The Town, in its sole discretion reserves the right to prohibit Licensee's use of the Property due to inclement or severe weather.
- 24. Government Approvals/Permits:** Licensee is solely responsible for obtaining any and all governmental approvals and permits that may be needed to operate the Market.
- 25. Town Approval.** The Town has the sole authority to issue a final approval for use of the Property. Any approvals will be in writing. The Town Manager may suspend this license due to conflicting activities, failure of the Licensee to comply with the terms and conditions of this Agreement, for health or safety issues, or for the best interests of the Town.

SURFSIDE FARMERS MARKET

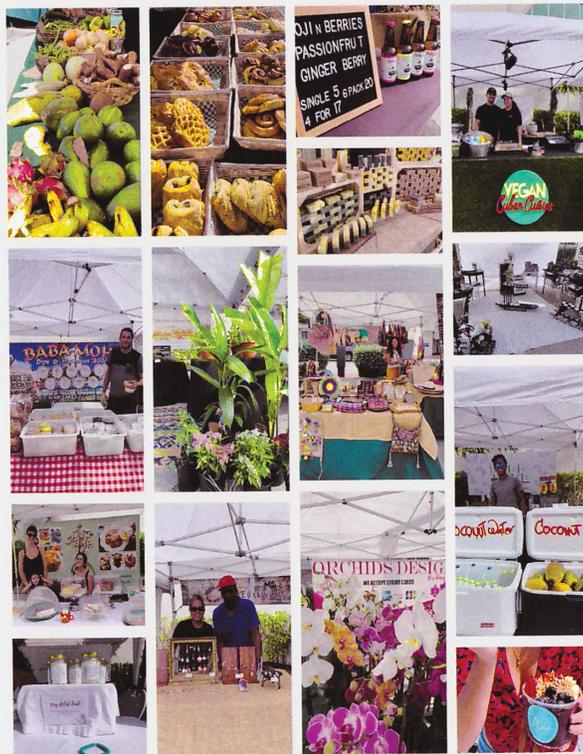
Food, Refreshments,
Fresh Produce, Herbs & Spices,
Home Decor, Body Care and more!

ALL LOCAL!

Located at the corner of 95th St and Collins Ave.
Every Sunday, unless otherwise noted.
Check the Town website for any changes in schedule.
www.townofsidesidefl.gov



VENDOR SPOTLIGHT





**Town of Surfside
Town Commission Meeting
December 8, 2020
7:00 pm**

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

Date: December 8, 2020
Prepared by: Mayor
Subject: Cancel Culture in Surfside

Objective: Reaffirm Surfside's commitment to open and transparent government

Consideration: That Surfside's elected official promote and encourage more speech and transparency, and stand against those who would silence opposing views.

Recommendation: Surfside Commission resolves to condemn Cancel Culture and those who promote it.

4
THE MIAMI HERALD | SUNDAY, FEBRUARY 22, 2009 |
MiamiHerald.com/Neighbors | MB

SURFSIDE

Officials fed up with ‘Mayor’s View’

Surfside’s mayor Charles Burkett and town commissioners squabble over the mayor’s criticisms in the town’s newsletter.

BY ANGEL L. DOVAL
adoval@MiamiHerald.com

Surfside Mayor Charles Burkett will no longer get to publish his monthly column in the town newsletter after several commissioners criticized the column as overly political.

At a Feb. 10 meeting, the attempt to create guidelines for the Surfside Town Gazette — and eliminate Burkett’s “Mayor’s View” column — sparked fireworks.

After a heated argument pitting Burkett against Commissioner Steven Levine, the commission voted 4-1 to eliminate the column from the newsletter among other changes to the town publica-

tion. Burkett was the dissenting vote.

Levine said the mayor was “politicizing the Gazette” and called him “an assassinator” for his strong opinions and sharp chastisements of commissioners in print. At one point, Levine pounded his left fist on the dais.

In February’s newsletter, Burkett wrote that he asked the commission to think carefully about calls to eliminate his or any elected official’s ability to reach out to residents through the Gazette.

“I know I’m not the most popular person with my friends on the Commission right now . . . but I also know that silencing any voice on this commission would probably not be a great idea for any elected official to undertake,” he wrote.

Levine and Commissioner Elizabeth Calderon also



BURKETT



LEVINE

objected to the price of the newsletter. It costs \$3,013 per month to publish 3,800 copies with an average of 12 pages per issue.

In an interview, Burkett told The Miami Herald that “this is not about policy, not about money. It’s about the commission,” he said.

Burkett and commissioners have clashed publicly over the town’s proposed community center.

“They’re not happy about what I’m writing. I’m informing the electorate about what is going on at these meet-

‘They’re not happy about what I’m writing. I’m informing the electorate about what is going on at these meetings.’

— CHARLES BURKETT, mayor of Surfside

ings,” Burkett said.

The debate began when commissioners Levine and Calderon opened discussion on Gazette policies and guidelines. “These views just don’t belong in the newsletter,” Levine said at the meeting. “You are making the commissioners and the town look bad in the eyes of the residents and our visitors.”

Burkett responded by saying that he has the right to write what he wants and that the commissioners have always been allowed to have their say in the newsletter.

Calderon suggested trimming the Gazette. “We can

save some money if we reduce the size of the newsletter by two pages,” she said.

Levine responded: “The mayor is using up two pages so we can eliminate those.”

He also told the mayor that his column could continue — online. “And you know what? It’s free.”

Burkett isn’t happy about being relegated to the town website.

“And all the talk about using the website is garbage,” he said. “The newsletter is already on the Web. And when they describe what I write as ‘political,’ well everything we do is political.”

Site: www.dying2live.com.

Greetings from Canada:

You seem to have hit a nerve, by your courage to open the eyes of concerned Christians worldwide, and have brought the truth about what really is going on, in the Holy Land.

We will study your site thoroughly, and please don't let WND or Debka File discourage you, they are just Jewish propaganda media, who thrive on their own egos and arrogance, and promote hate news at the expense of God fearing freedom loving human beings.

There are 13 million Jews in the world, who threaten 6 billion humans' lives, with a nuclear holocaust, in order to expand their territory and dominate the middle east +.

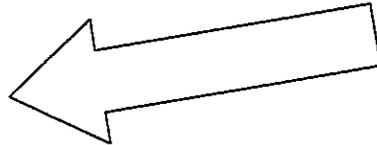
Israelis are not Jews and Jews do not represent Israel lawfully. Jews are occupying God's Land without God's permission. The Holy Bible shows us that Jews and Israel are two different Kingdoms, separated by King Rehoboam in 930 BC, and the the word JEW, which means Judah and Judaism, shows up in 2Kings16:5-6 [740 BC], FOR THE FIRST TIME. If God wanted the Jews to rule over Israel , our Holy Scriptures would say so, but Bible says the opposite and many American Politicians and Religious leaders have been hoodwinked.

I hope you continue your campaign for JUSTICE, and if I can help, let me know.

A. Deacon

Beautiful. God Bless You.

Peter A. Sahwell



Site: www.bmjournals.com

Peter A. Sahwell post on the General Medical Journal website:

Peter A. Sahwell,
consultant
private business
33154

Send response to
journal:
Re: It's Hard to Argue
with Facts

Whatever one thinks of Israel or Palestine, and forget about the rest of the Arab World, which is a human rights disaster and also has nothing to do with the propositions Dr. Summerfield puts forth, there can be no doubt that the Israeli military has deliberately savaged Palestinian society. Two years ago when the Israelis reoccupied most of the West Bank, there were innumerable reports of IDF personnel breaking into the offices of all manner of human services and cultural agencies and destroying written records, computer hard drives, and anything else that a people uses to record its own existence. Just two weeks ago, an IDF officer emptied his revolver into the lifeless body of a school girl, some 23 shots in all. And that's not an isolated incident. Women give birth in agony at checkpoints while IDF soldiers sit around doing nothing. Now there may be perfectly good hearted and progressive Israeli doctors and other citizens of that country who treat Palestinians humanely, but the structural injustice and inhumanity of the Israeli government and military toward the Palestian people, which started with European jews driving 700,000 Palestinians from their homes and literally razing some 420 of their villages in 1947-48, continues to this day. The documentation is endless and nauseating. There will be no peace until justice is done.

Competing interests: None declared

Published: Tuesday, April 23, 2002 - Miami Herald
Section: Editorial
Page: 6B
ISRAEL CREATED THROUGH TERRORISM

Memo: IN RESPONSE

As a Palestinian American and a Christian, I was doubly offended by Joyce Starr's April 11 column, Stop pogrom against Israel.

My grandfather was buried alive in Jerusalem's King David Hotel in 1946 when the Irgun Tzevai Leumi blew up the building in one of many acts of Zionist terrorism.

Few people realize the terror that accompanied the theft of Palestinian land that was the basis of the creation of the state of Israel. The massacre of Palestinian villagers in Deir Yassin and the hanged bodies of two British soldiers booby-trapped with hand grenades are two other notable atrocities. Palestinians were terrorized out of their homes, and half of all the Palestinian villages were quickly bulldozed out of existence, some 480 in all.

As a Christian, I recoil at the desecration of the Church of the Nativity by Israeli soldiers and am saddened by the Christian fundamentalists who yearn for Jews to crowd into Israel in fulfillment of their skewed reading of Scripture.

It should be the task of Christians worldwide to speak out against the insane violence being perpetrated by Israeli Prime Minister Ariel Sharon.

This is a man who was condemned even by his own government as responsible for the slaughter of Palestinian women and children in the Sabra and Shatila refugee camps, and who is currently under indictment in Belgium for crimes against humanity.

PETER SAHWELL
Surfside

Responses to Sahwell's letter:

Posted on Thu, Apr. 25, 2002

Not culpable

Peter Sahwell's April 23 letter states that Ariel Sharon "was condemned even by his own government as responsible for the slaughter of Palestinian women and children in the Sabra and Shatila refugee camps."

This isn't the case. Both the Israeli investigation and a New York court found that Lebanese Christian forces, not Sharon, perpetrated the massacre.

The Kahan Commission did reprimand him for not stopping the massacre once word leaked out. However, no evidence ever was produced that Sharon knew in advance that Christian militants were going to kill Muslim civilians as well as Muslim terrorists known to be in the camps.

As Menachem Begin said at the time: "Christians kill Muslims, and everyone blames the Jews."

DAVID HOSTYK

Hollywood

Posted on Fri, Apr. 26, 2002

British role in Mideast tragedies

IN RESPONSE

In his April 23 letter, *Israel created through terrorism*, Peter Sahwell wrote of the bombing of the King David Hotel as an example of ``Zionist terrorism."

It is interesting to note that in the 1940s the King David Hotel was the British military headquarters, not a civilian target.

It is fascinating to note that the "Jewish terrorists" were called to the King David before the explosion so that everyone could evacuate the building.

Unfortunately, the British responded by barring the doors and re- fusing to let people leave because they were indignant that a Jew should dictate to his majesty's government.

Sahwell's anger might be better directed toward the British, not only for the death of his grandfather but for their treatment of the Arabs, particularly in Jenin. Following the assassination of a British district commissioner by a Palestinian in Jenin in the summer of 1938, British authorities decided that a large portion of the town should be blown up as punishment.

On Aug. 25, 1938, a British convoy brought 4,200 kilos of explosives to Jenin for that purpose. According to a recently declassified British report, in that operation and on other occasions, Arabs were forced to drive "mine-sweeping taxis" ahead of British vehicles where Palestinian terrorists were believed to have planted mines, in order to reduce British casualties.

Last, the letter's headline is misleading -- unless one considers the United Nations's vote that created the state of Israel an act of terrorism.

RABBI KALMAN PACKOUZ

Miami Beach

Most recently, Sahwell criticized a column in the Miami Herald about Yasser Arafat.

Arafat didn't err

The Herald's Nov. 12 editorial *Death of Yasser Arafat* was one-sided. Three Israeli prime ministers, including the current one, engaged in terrorist acts. Also, the editorial repeats the belief that Arafat rejected a great opportunity at Camp David. In fact, the offer was a West Bank crisscrossed with roads under Israeli control, Israeli-controlled water resources and scattered Israeli Defense Force outposts.

The editorial calls the West Bank and Gaza Strip "disputed territories." Historically, the only countries using the term have been Israel and the United States. Ariel Sharon in 2003 finally uttered the truth when he told the Knesset, ``You may not like the word, but what's happening [in the West Bank and Gaza Strip] is occupation."

PETER A. SAHWELL, Surfside

Some of Sahwell's more "local" writings

HERE'S HOPING MAYOR'S

RESPITE IS SHORT-LIVED

Editor,

Surfside Mayor Paul Novack deserves better. After years of honest and outstanding service in a county and state where politicians generally are slimeballs, he regrettably is not seeking reelection.

One can only hope this respite from elected office will be short-lived and that he comes back to a leadership position in county government or the School Board, or maybe even back to lead Surfside.

One cause of Mayor Novack exiting the stage at this time no doubt stems from the abuse heaped upon him by the Friends of Surfside Cats.

In a country that spends \$30 billion annually on pet care, yet allows one-quarter of its children to live in poverty, where many people have such a warped view of animals that they throw birthday parties for them, dress them up in cute outfits, and send them to spas, Friends of Surfside Cats typifies this sense of confused priorities.

Jay Senter, one of the group's main supporters, who doesn't even live in Surfside, wrote a Dec. 7 letter to Neighbors in which he waxed emotionally and nauseatingly about PeeWee, Bippy, Boppy, Ding-a-Ling (I'm not making this up) and all the other cute, frolicking feral cats.

That such a truly minor issue as feral cat colonies is used as a club to help drive one of Florida's only progressive public servants from continuing in office is irresponsible.

PETER SAHWELL

Surfside

SURFSIDE

RESIDENTS LOVE TOWN'S

CURRENT SENSE OF SELF

Editor,

Last week's obligatory negative letter about Surfside came care of real estate broker Marion Ott (*Cheapest is not always the best, Surfside, Aug. 8*).

You have to hand it to them, the forces of disgruntlement learned after the 2002 election at least to take the trouble of feigning interest in the town.

Apart from their generally whining tone, these carping letters show little sense of Surfside as a community of human beings; they do, however, betray their authors' wide-ranging obsession with property values.

What is lacking in the orchestrated wave of vituperation against former Mayor Paul Novack and current Mayor Tim Will is any positive value placed on building a healthy community.

Whereas Novack and Will have been part of and created numerous initiatives that relate to children and place a high priority on people, their opponents evince no passion about or have no new ideas concerning our youth or our elderly, or anyone for that matter except themselves and their sacred property.

Ms. Ott positively gushes about Miami Shores with its neat lawns and trees. Forget that most Shores residents probably couldn't afford their houses now, or that their children won't be able to afford to live there.

She also mentions Bal Harbour and Golden Beach, two little fantasylands that bring nothing to the table with regard to building or sustaining a middle-class community, even one as increasingly small and beleaguered as Surfside's.

My lawn is 90 percent weeds, and I have two plastic pink flamingos in front of my house. I hope we don't turn into the Stepford-like image of a real town that Ms. Ott and her ilk long for so desperately.

PETER A. SAHWELL

Surfside

Sahwell uses an email address andalus@mindspring.com. "Andalus" is the term used for Southern Spain by the Arabs who conquered and ruled that region for nearly 800 years. Sahwell claims he is Palestinian. Why then does he use this "handle" in communications? Does he feel a kinship to Arabs who conquer land? Could it be related to the fact that Spain has become a hide-out for many Al-Qaeda terrorists?

There are simply too many unanswered questions about Peter Sahwell.

Could Peter Sahwell be dangerous?