**Town of Surfside**
**Regular Town Commission Meeting**
**AGENDA**
**Tuesday, August 8, 2023**
**6:00 PM**
Commission Chambers - 9293 Harding Avenue
Surfside, Fl 33154

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

***Rule 6.06 (a)3 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.***

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

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

1. **Opening**

**1A. Call to Order**

**1B. Roll Call of Members**

**1C. Pledge of Allegiance**

**1D. Mayor and Commission Remark** - Mayor Shlomo Danzinger

**1E. Agenda and Order of Business** Additions, deletions and linkages

**1F. Community Notes** - Mayor Shlomo Danzinger

**1G. Presentation of the FY 2022 Annual Comprehensive Financial Report** ***(Verbal)*** - Hector Gomez, Town Manager

**1H. Honorary Mayor Award** - Shlomo Danzinger, Mayor
Photo

**1I. Citizens Presentation by Charles W. Burkett -** Sponsored by Commissioner Velasquez - Commissioner Nelly Velasquez
Residents Speech Rights & Powers of the Town Commission related to speakers.docx

2. **Quasi-Judicial Hearings**

3. **Consent Agenda**

***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 by completing a speaker card. They will be recognized to speak prior to the approval of the consent agenda.***

**3A. Approval of Minutes** - Sandra N. McCready, MPA, MMC, Town Clerk
July 11, 2023 Special Town Commission Meeting Minutes.pdf
July 11, 2023 Regular Town Commission Meeting Minutes.pdf
July 25, 2023 Special Town Commission Meeting Minutes.pdf

**3B. Board and Committee Reports/Minutes** - Sandra N. McCready, MPA, MMC, Town Clerk
June 5, 2023 Tourist Board Meeting Minutes
June 30, 2023 Police Pension 185 Meeting Minutes

**3C. Authorizing the Town Manager to Execute the Interlocal Agreement with Miami-Dade County in Order to Reestablish the Distribution Formula Currently Being Used to Distribute Local Option Fuel Tax Proceeds between the County and Town of Surfside for the 30-year Period Including January 1, 2024,**

**through December 31, 2053** - Hector Gomez, Town Manager

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AMENDED AND RESTATED INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY RELATING TO THE REESTABLISHMENT AND DISTRIBUTION OF THE SIX-CENT LOCAL OPTION GAS TAX; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**
Resolution Approving ILA For Six-Cent Gas Tax
MDC Resolution Approving Amended and Restated ILA - Local Gas Tax
Exhibit A - Proposed Interlocal Agreement

**3D. Commercial Recycling Material Lists & Commercial Recycling Rate Adjustment** - Hector Gomez, Town Manager

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND ADOPTING A MULTI-YEAR COMMERCIAL RECYCLING RATES SCHEDULE EFFECTIVE OCTOBER 1, 2023 FOR FISCAL YEARS 2024 TO 2028; APPROVING A RECYCLABLE MATERIALS LIST; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Attachment A - 2023 Solid Waste Rate Study
Resolution Adopting Commercial Recycling Rates FY 2024 to 2028 and Recyclable Materials List
Exhibit A - Proposed Recycling Rates Table
Exhibit B - Recyclable Materials List

**3E. Authorization to Purchase a Stormwater Pump from Xylem Water Solutions USA Inc.** - Hector Gomez, Town Manager

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND AUTHORIZING THE PURCHASE OF A FLYGT CP 3531 STORMWATER PUMP FROM VENDOR XYLEM WATER SOLUTIONS USA, INC.; FINDING THAT THE PURCHASE IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTIONS 3-13(6) and (7)F OF THE TOWN CODE AS EQUIPMENT AVAILABLE FROM A SOLE SOURCE AND AS A PUBLIC WORKS OR UTILITIES PURCHASE OF EQUIPMENT RELATED TO TOWN FACILITIES; AUTHORIZING THE TOWN MANAGER TO ENTER INTO A PURCHASE ORDER AND/OR OTHER AGREEMENT FOR SUCH PURCHASE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Resolution Approving Purchase of Stormwater Pump from Xylem
Exhibit A - "Xylem Water Solutions Pump Quote"

**Second Reading**

**4A1 Pension Ordinance Implementing 2022-2025 Collective Bargaining Agreement with Fraternal Order of Police (FOP) State Lodge 135** - Hector Gomez, Town Manager

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 2. – ADMINISTRATION, ARTICLE V. – EMPLOYEE BENEFITS, DIVISION 2. - PENSION PLAN, OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REGARDING THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; SPECIFICALLY, AMENDING SECTION 2-171 OF THE TOWN CODE TO INCLUDE SHIFT DIFFERENTIAL AND UP TO 75 HOURS OF OVERTIME AS PENSIONABLE FOR POLICE OFFICERS AND COMMUNICATIONS OPERATORS; AMENDING SECTION 2-187 OF THE TOWN CODE REGARDING THE USE OF PREMIUM TAX REVEUNE; AND AMENDING SECTION 2-193 OF THE TOWN CODE EXTENDING THE MAXIMUM PERIOD OF PARTICIPATION IN THE DROP PLAN FOR POLICE OFFICERS AND COMMUNICATIONS OPERATORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Attachment A-Actuarial Impact Statement
Pension Ordinance FOP CBA

**First Reading**

**4B1. Smoke Shops as Conditional Use in SD-B40** - Hector Gomez, Town Manager

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-41, "REGULATED USES", TO CHANGE THE LIST OF RETAIL AND GENERAL COMMERCIAL USES TO ALLOW SMOKE SHOPS AS A CONDITIONAL USE IN THE SD-B40 ZONING DISTRICT, DIFFERENTIATING SUCH USES FROM CIGARS AND TOBACCO LOUNGES, AND PROVIDING FOR RELATED REGULATIONS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Ordinance Amending 90-41 to Allow Smoke Shop in CU in SD-B40

**4B2. Harding Avenue Front Yard Paving Allowance** - Hector Gomez, Town Manager

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-61, "PAVING IN FRONT AND REAR YARDS IN H30 AND H40 DISTRICTS", BY AMENDING THE FRONT YARD PAVING ALLOWANCE FOR PROPERTIES FRONTING HARDING AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Ordinance Amending 90-61 Harding Avenue Front Yard Paving Allowance

**4B3. Carport Allowances in H30A and H30B** - Hector Gomez, Town Manager

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING AND RE-TITLING SECTION 90-58, "CARPORT CANOPIES", TO MODIFY THE REGULATIONS FOR CARPORTS; PROVIDING FOR INCLUSION**

**IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**
Ordinance Amending Sec. 90-58 Carport Canopies

**4B4. Recycling Ordinances Changes due to Market Conditions** - Hector Gomez, Town Manager

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 66-36 "RECYCLING", OF DIVISION 1. – "GENERALLY," OF ARTICLE II. – "COLLECTION AND DISPOSAL", OF CHAPTER 66 – "SOLID WASTE", INCLUDING PROVIDING FOR MANDATORY RECYCLING, PROVIDING FOR RECYCLING RATES AND FEES TO BE ESTABLISHED BY RESOLUTION, AND TO UPDATE AND DEFINE RECYCLABLE MATERIALS TO BE ESTABLISHED BY RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Ordinance Amending Sec. 66-36 Recycling
Attachment A - Recyclable Items

## 5. Resolutions and Proclamations

***If the public wishes to speak on any matters in this section of the agenda, they must inform the Town Clerk by completing a speaker card and they will be recognized to speak at the beginning of this section.***

**5A. Resolution Approving a Donation to the Holocaust Heroes Worldwide organization from the Legislative "Grants/Aids" fund account** - Shlomo Danzinger, Mayor
Holocaust Heroes Worldwide Not-For-Profit Organizations Form
Attachment A - Other Grants & Aid - 001-1000-511-83-00
Attachment B - HHW Organizational Case Statement - July 2023
Attachment C - HHW Services to other communities and organizations
Attachment D - HHW Sunbiz Status 7-10-23
Attachment E - HHW Florida Certificate of Standing
Resolution Approving Donation to Holocaust Heroes World Wide

**5B. Approval of Cloud Services Agreement with Liftoff, LLC for Use and Subscription to Microsoft Office 365** - Hector Gomez, Town Manager

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A QUOTE FOR THE PURCHASE OF ADDITIONAL MICROSOFT OFFICE 365 G3 AND RELATED CLOUD-BASED SOFTWARE LICENSES FROM LIFTOFF LLC; FINDING THAT THE PURCHASE IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTIONS 3-13(2) AND 3-13(7)J. OF THE TOWN CODE; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND ENTER INTO A CUSTOMER TERMS FOR CLOUD SERVICES AGREEMENT FOR THE SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Resolution Approving Purchase of Microsoft Office 365 Licenses from Liftoff v3.DOCX
Exhibit A - Liftoff Quote and Customer Terms for Cloud Services Agreement

**5C. FY 2023 Budget Amendment Resolution No. 9** - Hector Gomez, Town Manager

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 9 FOR THE FISCAL YEAR 2023 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**
Resolution Approving Budget Amendment No. 9
Attachment A - FY2023 Budget Amendment No. 9

**6. Good and Welfare (Set for approximately 8:15 p.m.)**
***Public comments for subjects or items not on the agenda.***

**7. Town Manager and Town Attorney Reports**

**7A. Town Manager's Report** - Hector Gomez, Town Manager
2023 August Town Manager's Report

**7B. Town Attorney's Report**
Town Attorney Report - August 2023.DOCX

**8. Unfinished Business and New Business**

**9. Mayor, Commission and Staff Communications**

**9A. Storefront Facade Improvement Grant Program** - Commissioner Marianne Meischeid
Exhibit A - Storefront Facade Improvement Grant Program.pdf

**9B. Amendment to Section 90-41 Regulated Uses of the Town Code** - Commissioner Fred Landsman

**9C. Collins Avenue Monument Sign** - Hector Gomez, Town Manager
Attachment A - Don Bell Updated Surfside Deck.pdf
Attachment B - Collins Avenue Mock Ups
Attachment C - Monument Sign Don Bell Quote

**9D. Review Chapter 70 of the Town Code as it Relates to the Resort Tax Board a.k.a. "Tourist Board"** - Commissioner Marianne Meischeid
Resort Tax Board Discussion Proposed Language.docx

**9E. Outdoor Lighting in Single-Family Residential Zone** - Commissioner Marianne Meischeid
Outdoor Lighting Proposed Language.docx

**9F. Clarify the Correct Interpretation of Sections 90-45 and 90-48.5(2)** - Commissioner Nelly Velasquez

**10. Adjournment**

Respectfully submitted,

Hector R. Gomez
Town Manager

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

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

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

TWO OR MORE MEMBERS OF THE TOWN COMMISSION AND/OR TOWN BOARDS MAY ATTEND THIS MEETING.

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

**Town of Surfside**
**Regular Town Commission Meeting**
**August 8, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 1H.
**Date:** August 8, 2023
**From:** Shlomo Danzinger, Mayor
**Subject: Honorary Mayor Award**

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**Suggested Action:** – To recognize the actions and compassion of one of our young residents by bestowing on him the prestigious title of Honorary Mayor.

**Background/Analysis:** –

Kasriel Gewirtz, an 11-year-old resident of Surfside, has consistently demonstrated an exceptional level of compassion and commitment to his community. His spontaneous actions and ongoing contributions to the betterment of the community were acknowledged by the Surfside Town Commission during the August 2022 meeting. In recognition of his efforts to safeguard a vulnerable turtle nest he found on the beach, Kasriel was honored with the prestigious title of Surfside's Citizen of the Year.

Continuing to display remarkable compassion, Kasriel recently demonstrated his thoughtful and empathetic nature during Surfside's Second Annual Remembrance Ceremony held on June 24th, in honor of the victims of the tragic collapse of the Champlain Tower South. Observing an elderly woman overwhelmed with sorrow as she mourned for her lost loved one, Kasriel sat with her, offering solace and support. His act of kindness garnered attention from attending dignitaries, state officials, and was even captured in a photograph by the Miami Herald.

Unbeknownst to the onlookers, after Kasriel returned home and experienced his own emotional turmoil, he gathered his resolve and embarked on a scooter ride to the hotel where the distraught woman was staying. Serendipitously, he found her seated in the lobby, and Kasriel, remained by her side, offering companionship and solace until late into the evening. Kasriel has remained in contact with this woman until this very day, in an attempt to offer continuous support through her grief.

Kasriel embodies the virtues of kindness, empathy, and goodwill that we aspire to as a society. His compassion has not only touched the lives of individuals but has also inspired him to strive for greater achievements. He actively engages in town affairs, keeping abreast of the latest developments, and has expressed his intention to run for the office of Mayor once he reaches the appropriate age. Recognizing his actions and potential, Mayor Shlomo Danzinger has deemed it fitting to bestow upon Kasriel Gewirtz the honorary title of Mayor of the Town of Surfside.

**Budget Impact:** – None

**Town of Surfside**
**Town Commission Meeting**
**DATE**
**7:00 pm**
Town Hall Commission Chambers - 9293 Harding Avenue, 2nd Floor
Surfside, FL 33154

**Date:** **8/8/23**
**Request:** **Add subject matter below to the 8/8/23 Agenda**
**Prepared by:** **Commissioner Nelly Velasquez**
**Subject:** **Residents Speech Rights & Powers of the Town Commission related to speakers**

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**Objective:** Provide residents with detailed information on their speech rights when addressing the Town commission. Provide elected officials with detailed information on their duties, obligations and authority during periods when speakers are addressing the commission.

To facilitate this request, I would ask that the following be addressed by staff, prior to the meeting, so that same is available for presentation to the public:

1) The clip of the meeting starting with the beginning of my comments, up and to the point where the discussion topic related to my ejection from the meeting between elected officials ended. I believe the clip with help with the discussion of the commission's authority, which must be clarified, including the mayor's powers related to speakers, their removal, and the options that the majority may have related to same. The aforementioned section of the video should be setup as a presentation to the audience via the overhead projector.
2) A Copy of Roberts Rules of order for each elected official, parts of which will be referenced as part of the presentation.
3) Rule 7.04 and rule 7.05 superimposed in large print onto a slide for presentation for the audience to view via the overhead projector.
4) Request a legal opinion from the Town attorney on the right of a majority of the Commission to 1) allow a speaker to continue under **any** circumstances, and if the majority is not authorized to allow a speaker to continue under any circumstances, then, 2) under what circumstances would the commission **not** have the power to allow a speaker to continue.
5) Request a legal opinion from the Town attorney on under what circumstances the mayor may overrule a majority of the commission. If same exists, please have those circumstances outlined in the opinion. If never, please have the opinion in writing state same.
6) Finally, request a legal opinion from the attorney as to whether the rule prohibiting a speaker from addressing *any* sitting elected official, at a public meeting, in a calm respectful way, is a violation of the speaker's first Amendment Right.

**Town of Surfside**
**Special Town Commission Meeting**
**MINUTES**
**July 11, 2023**
**5:00 PM**
Commission Chambers

## 1. Opening

### 1.A Call to Order

Mayor Danzinger called the meeting to order at 5:04 p.m.

### 1.B Roll Call of Members

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

Present: Mayor Shlomo Danzinger, Vice Mayor Jeff Rose, Commissioner Marianne Meischeid and Commissioner Fred Landsman.

Absent: Commissioner Nelly Velasquez.

Also Present: Town Manager Hector Gomez and Town Attorney Tony Recio.

### 1.C Pledge of Allegiance

Sergeant Matelis provided the pledge of allegiance.

## 2. Mayor, Commission and Staff Communication

### 2.A Presentation of FY 2023 Budget and Proposed Operating Millage Rate

- Hector Gomez, Town Manager

Town Manager Gomez provided an overview and presentation of the FY 2023 Budget and Proposed Operating Millage Rate. He stated the objective is to have the milage rate that will be published and that will go out on the TRIM Notice. He provided the budget calendar meeting dates. He stated whatever millage rate they decide on tonight will be the one that goes on the TRIM Notice. He stated it is very important to have a quorum for these important dates. He provided an overview of the balance sheet - reserves. He spoke regarding the General Fund balance and the unrestricted fund balance. He provided the reserves for the Building Fund, Capital Improvement Fund, Tourist Resort, the "Other" as well as the Enterprise Fund (Restricted). He spoke regarding the different initiatives. He spoke regarding FY

2024 and the funds coming in and out. He went over the presentation regarding the Fiscal Year 2024 General Fund Revenues and Expenditures. The projected FY 2024 is to collect about $20.7 million dollars in the General Fund. They are about $16.7 million in expenditures and the majority is in public safety. He continued with the presentation of the expenditures and collection for 2024 using a 4.2 millage rate putting in reserves approximately $4 million dollars. He also provided a presentation on the program modifications. He went over the property values from 2015 through 2024. He explained the changes among the years, and they are in a position today that the taxable value you are looking at is an increase of 12.4% property value increase. He provided the 2023 Assessment Roll and stated it is mostly single-family homes and it did create a higher taxable value. He stated that most increases were to single family homes and condominiums. He also provided a graph of where your tax money goes to and the majority goes to Miami Dade County. He went over the Fiscal Year Millage and this is based on a 4.2 millage rate, that is how this presentation has been compiled. He mentioned that by keeping it at a 4.2 millage rate you put $4 million dollars in reserve. He also explained how much would go into the reserve account if you reduce the millage rate and if you go to the rollback rate. He went over the different scenarios with different millage rates.

Mayor Danzinger opened the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

A motion was made by Vice Mayor Rose to set the milage rate at 4.2. The motion died for lack of a second.

A motion was made by Vice Mayor Rose to set the milage rate at 4.19, seconded by Commissioner Meischeid.

Vice Mayor Rose explained what will happen if you bring it down to a 4.19 millage rate and he stated only 22% of the tax base comes from homesteaded residents and the majority are being paid by non-homestead residents and businesses. He provided an explanation and example of a property and how much it would cost. He mentioned that he always stated he would like to reinvest in our Town and work on the undergrounding and drainage programs. He stated that the majority of the residents want more work done in the Town.

Commissioner Landsman stated that there are very few individuals from the public present, his opinion is that the residents do deserve a break. He stated the increase in taxes are significant even if it is only $67 a year per property on average. He stated that if they go with a 4.1 millage rate, they are still increasing taxes because the appreciated value has increased. He agrees not to go with the rollback rate. He is not in line with a 4.19 millage rate and he would recommend either a 4.1, 4.05 or a 4 millage rate.

Commissioner Meischeid stated that with her in-depth conversation with the staff she believes that a 4.10 millage rate is a good place to be and they have enough reserves.

Commissioner Landsman stated even if they go with a 4.10 millage rate you still need the majority of the commission to be on board. He is an advocate of lowering taxes but even if you go with a 4.10 millage rate it will still be a substantial increase.

Mayor Danzinger stated that he looked at the history of the millage rates in Town. He stated they have seen a trend in the last decade and if they do not move it and it stays stagnant for the last 3 years, the revenues are still going up. He would like to see a trend. He spoke regarding the capital improvement projects and buildings that are coming up. He believes they should pay it forward to the residents without an increase in taxes. He would personally like to see it go to a 4.1 millage rate to see the needle moving up. This way you can continue to fund your projects and the residents can see there is a benefit to having these buildings going up.

Vice Mayor Rose agrees that these buildings will be on the books but they will not hit the books right away. He stated only 22% of the residents that are homesteaded are impacted. He stated that he is happy he is having this discussion with the four (4) tax paying residents on the dais.

Mayor Danzinger spoke regarding the reserves and the money that is locked in that has been put into other accounts and they should be able to show the residents where their money is being invested.

Vice Mayor Rose asked if his colleagues would agree to a 4.15 millage rate.

Commission Landsman stated that they can do this now and he would be supportive to go with a 4.1 millage rate today and asked that in the future meetings to go possibly with a 4.0 millage rate. He wants the residents to see some decrease in taxes and be openminded for September.

Mayor Danzinger stated that he pays attention to when he opens his TRIM notice. He stated that if they want to make an impact and to send a message, this is the time to do it.

The motion fails with a 3-1 vote with Mayor Danzinger, Commissioner Landsman and Commissioner Meischeid voting in opposition.

A motion was made by Commissioner Landsman to reduce the millage rate to 4.1, seconded by Commissioner Meischeid. The motion carries with a 3-1 vote with Vice Mayor Rose voting in opposition.

Town Attorney Recio stated it is sufficient for today's vote but for the September meeting they will need all 4 votes in favor to pass the final millage rate.

Vice Mayor Rose stated that for the record he will not be going lower than a 4.1 milage rate.

Town Manager Gomez thanked the Finance Department and Budget Officer Meiri for their hard work.

**3. Adjournment**

There being no further business to discuss before the Commission, a motion was made by Vice Mayor Rose to adjourn the meeting at 5:41 p.m., seconded by Commissioner Landsman. The motion carried with a 4-0 vote.

Accepted this _____ day of _____, 2023.

_____
Shlomo Danzinger, Mayor

Attest:

_____
Sandra N. McCready, MPA, MMC
Town Clerk

**Town of Surfside**
**Regular Town Commission Meeting**
**MINUTES**
**July 11, 2023**
**6:00 PM**
Commission Chambers - 9293 Harding Avenue
Surfside, Fl 33154

## 1. Opening

### 1A. Call to Order

Mayor Danzinger called the meeting to order at 6:05 p.m.

### 1B. Roll Call of Members

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

Present: Mayor Shlomo Danzinger, Vice Mayor Jeff Rose, Commissioner Fred Landsman, and Commissioner Marianne Meischeid.

Absent: Commissioner Nelly Velasquez.

Also Present: Town Manager Hector Gomez and Town Attorney Tony Recio.

### 1C. Pledge of Allegiance

Sergeant Matelis provided the pledge of allegiance.

### 1D. **Mayor and Commission Remark** - Mayor Shlomo Danzinger

Mayor Danzinger welcomed everyone for coming out and to those watching from home.

Mayor Danzinger read the decorum statement into the record.

Vice Mayor Rose thanked everyone here and watching. He thanked the entire Town staff. He stated that thanks to the Town Staff for putting together the 2nd year memorial from beginning to end it was a success.

Commissioner Landsman thanked everyone for attending. He thanked the Parks and Recreation Department staff, the Tourist Board staff and the entire Town staff for a great Fourth of July event.

Commissioner Meischeid thanked the Parks and Recreation Department staff, the Tourist Board staff and the entire Town staff for a great Fourth of July event. She spoke regarding a message from a condominium resident that she wanted passed along to the other condominium residents and thank all condominium owners to request from their secretary of the HOA the records of their building and that they have read and understand Florida Statutes 718 and 61B as well as all the condominium documents to prevent a catastrophic disaster like what happened with the Champlain Tower South.

**1E. Agenda and Order of Business Additions, deletions and linkages**

Mayor Danzinger would like to walk on an item to appoint an alternate Planning and Zoning Board Member due to the resignation of a board member. This item will be new item 1H (Appointment of Alternate Planning and Zoning Board Member).

Mayor Danzinger requested to move item 3F (Nurse Enhancement Initiative for School Year 2023/2024) out of consent and to be heard after 1H (Appointment of Alternate Planning and Zoning Board Member).

Mayor Danzinger requested to move item 9A (Tennis and Recreation Center Design Review) to be heard after item 3F (Nurse Enhancement Initiative for School Year 2023/2024).

A motion was made by Vice Mayor Rose to approve the new reordering of items, seconded by Commissioner Landsman. The motion carried with a 4-0 vote.

**1F. Community Notes** - Mayor Shlomo Danzinger

Mayor Danzinger provided his community notes and thanked staff for all the work done with the events. He spoke regarding the talks with the condominiums and a safety forum coming up. They are trying to get some of the legislators to come and speak regarding those bills and changes in the law. He recognized those employees celebrating their work anniversary.

Mayor Danzinger recognized Deputy Town Clerk Herbello for being selected as the new Florida Association of City Clerks (FACC) South District Director and for her attainment of the Athenian Dialogue Fellow. He thanked her for her hard work and dedication to the field.

Parks and Recreation Committee Chair Retta Logan provided a summary of what has been taking place with the Parks and Recreation Committee along with the events and the update of the 96th Street Park and the Summer Camp.

Tourist Board Vice Chair Jacobson and Chair of the Charter Review Board provided an update on the work that the Tourist Board has been doing along with the changes and recommendations that will be provided to the Commission for changes to the Charter.

Commissioner Meischeid asked regarding the new vendor hired yesterday by the Tourist Board.

Vice Chair Jacobson stated this vendor will do a Sunday Beach event. He explained how they would like to get more vendors to do different events and explained they hired two vendors yesterday. He provided clarification of the events and which vendors do what events.

Mayor Danzinger stated this is the first time they get a rough cut of a summary of what they are looking at reviewing of the recommendations from the Charter Review Board.

Town Clerk McCready stated they sent out a doodle this afternoon to schedule a few meetings to discuss the Charter Review Board recommendation.

**1G. Approval and Presentation of National Parks and Recreation Month Proclamation** - Mayor Shlomo Danzinger

For the Town Commission to approve the proclamation as presented.

Mayor Danzinger introduced the item and spoke about the important role that the Parks and Recreation Department and staff plays in our community. Mayor Danzinger requested approval of the National Parks and Recreation Month Proclamation.

A motion was made by Vice Mayor Rose to approve the National Parks and Recreation Month Proclamation, seconded by Commissioner Meischeid. The motion carried with a 4-0 vote.

Mayor Danzinger read and presented the proclamation to the Parks and Recreation Department and Parks and Recreation Director Tim Milian.
National Parks & Recreation Month - Request - July 2023.pdf
National Parks & Recreation Month - July 2023.pdf

**1H.) Appointment of Alternate Planning and Zoning Board Member**

Mayor Danzinger stated they had two applications and only one has the experience in development and planning.

A motion was made by Commissioner Landsman to nominate Andrew Bales as the second alternate Planning and Zoning Board Member, seconded by Vice Mayor Rose. The motion carried with a 4-0 vote.

**2. Quasi-Judicial Hearings**

**3. Consent Agenda**

***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 by completing a speaker card. They will be recognized to speak prior to the approval of the consent agenda.***

A motion was made by Vice Mayor Rose to approve the Consent Agenda minus the pulled item, seconded by Commissioner Landsman. The motion carried with a 4-0 vote.

**3A. Town Commission Meeting Minutes** - Sandra N. McCready, Town Clerk

Approved on Consent.
June 13, 2023 Budget Workshop Commission Meeting Minutes.pdf
June 13, 2023 Regular Town Commission Meeting Minutes.pdf

**3B. Board and Committee Reports/Minutes** - Sandra N. McCready, Town Clerk

Approved on Consent.
December 21, 2022 Police Pension 185 Board Meeting Minutes.pdf
May 1, 2023 Tourist Board Meeting Minutes.pdf
May 15, 2023 Parks and Recreation Committee Meeting Minutes.pdf
May 24, 2023 Planning and Zoning Board Meeting Minutes.pdf
June 28, 2023 Charter Review Board Meeting Minutes.pdf

**3C. FY 2023 Budget Amendment Resolution No. 8** - Hector Gomez, Town Manager

Town Administration recommends approval of this resolution.

Approved on Consent.
Resolution Approving Budget Amendment No. 8
Attachment A - "FY2023 Budget Amendment No.8 TCM 07112023"

**3D. Fraternal Order of Police (FOP) Collective Bargaining Agreement** - Hector Gomez, Town Manager

The Town Administration is recommending that the Town Commission adopt the resolution approving the Collective Bargaining Agreement with the Fraternal Order of Police Local 135 for 2022-2025 contract period.

Approved on Consent.
Resolution Approving FOP Collective Bargaining Agreement
Attachment A - FOP Collective Bargaining Agreement 2022-2025.pdf

**3E. Public Works Department Fee Schedule** - Hector Gomez, Town Manager

Town Administration is seeking Town Commission approval to adopt the fee schedule for permits and related services per **Attachment A** - "Fee Schedule" for Public Works Department permitting functions.

Approved on Consent.
Resolution Approving Public Works Department Fee Schedule

Attachment A - "Fee Schedule"

**3F. Nurse Enhancement Initiative for School Year 2023/2024** - Hector Gomez, Town Manager

Town Administration recommends approval of the resolution which authorizes the execution of the Memorandum of Understanding, with an Amendment 6, for the continuation of expanded participation in the Nurse Enhancement Initiative for school year 2023/2024 in the amount of $8,112 in October 2023.

This item was pulled from consent.

Town Clerk McCready read the title of the resolution into the record.

Town Manager Gomez introduced the item and spoke regarding the joint effort among the school and neighboring municipalities.

Koren Illa, City of Miami Beach presented the item and spoke regarding the neighboring municipalities that also participate with Ruth K Broad Nurse School Initiative and the importance of mental health support.

Mayor Danzinger stated it is a very important initiative and the mental health of all students is very important and the Town supports the initiative.

Mayor Danzinger opened the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

A motion was made by Commissioner Landsman to approve the resolution, seconded by Vice Mayor Rose. The motion carried with a 4-0 vote.
Reso Approving MOU - Amend. No. 6 to MOU School Nurse Initiative 23-24.docx
Nurse Amendment #6 Municipalities 23-24.pdf

## 4. Ordinances

### Second Reading

**4A1. Creation of Chapter 76 "Public Rights-of-way" in the Town Code of Ordinances** - Hector Gomez, Town Manager

Town staff recommends approving this ordinance in order to provide clarity on allowances and permitting process for Town right-of-way encroachments and creating a mechanism for Public Works Right of Way permit fee structure.

Town Clerk McCready read the title of the ordinance into the record.

Town Manager Gomez introduced the item and provided an overview of the revisions to this ordinance.

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:
George Kousoulas
Gerardo Vildostegui

Mayor Danzinger closed the floor to public comment.

Vice Mayor Rose stated that he does not own the property the public speaker was referring to and is not selling it and would encourage individuals to not speak what is inaccurate and untrue.

Commissioner Landsman stated that is why you have first and second readings and that is when they get corrected. He appreciates the feedback and states this is to ensure what can be done within that right of way. He stated they are now in a better place.

Commissioner Meischeid stated that she is happy that the ordinance has been corrected.

Vice Mayor Rose stated that the intent of this ordinance was to create an avenue and believes the ordinance is good the way it is written.

Mayor Danzinger stated this ordinance shows a good intent. He stated that a resident on next door keeps saying this is being done as a favor for a developer. He stated that same resident continued spreading lies and even brought family members from the Champlain Towers South collapse telling them this was being done for DaMac. He stated all that is incorrect and that is what happens when you listen to nextdoor inaccurate information and comments. He stated this was a way for the Town to reclaim the land that was taken by residents. The intent was always clear.

A motion was made by Vice Mayor Rose to approve the ordinance on second reading, seconded by Commissioner Landsman. The motion carried with a 4-0 vote.
Ordinance Right-of-Way.DOCX

**4A2. Synthetic Turf** - Hector Gomez Town Manager

Town administration recommends review of the synthetic turf ordinance as presented in order to allow for a high quality and permeable synthetic turf option in the single-family home zoning districts. The Planning and Zoning Board recommended approval of this ordinance at their meeting on June 29th, 2023.

Town Clerk McCready read the title of the ordinance into the record.

Town Manager Gomez provided an overview of the ordinance and the changes for second reading.

Mayor Danzinger opened the floor to public comments.

The following individual from the public spoke:
George Kousoulas

Mayor Danzinger closed the floor to public comment.

Commissioner Meischeid is against this item and believes that synthetic turf is not a living material and does not provide any environmental benefits like grass.

Commissioner Landsman stated there are options and choices and it is very important to give that to our community and this is an option and a choice. You are not telling them they have to install synthetic turf. These are options given. He stated he has had families that have tried to grow grass and for some reason it has not come to fruition, and we are not moving backwards.

Vice Mayor Rose agrees with Commissioner Landsman and this is a choice given and he supports this.

Mayor Danzinger respects Commissioner Meischeid's comments but does not agree with them. He appreciates the environmental concerns but there are also some environmental benefits for this as well and it is not a travesty. He stated that some need it and there are some that have insect problems and allergy issues.

A motion was made by Vice Mayor Rose to approve the ordinance on second reading, seconded by Commissioner Landsman. The motion carried with a 3-1 vote with Commissioner Meischeid voting in opposition.
Ordinance Synthetic Turf
Attachment A: Synthetic Grass Code Cases since 2017
Attachment B: Open Code Cases
Attachment C: ROW Synthetic Turf Detail

**4A3. Zoning Code Amendment: Restaurants in H120 as an Accessory Use** - Hector Gomez, Town Manager

Town administration recommends consideration of this ordinance, as an accessory restaurant is no less compatible with multifamily residential than it is with a hotel and may be beneficial to the Town's residents and visitors by providing alternative dining options. Additional dining locations may further enliven the waterfront district by allowing for greater walkable destinations. The Planning and Zoning Board recommended approval of the ordinance at their meeting on June 29th, 2023.

Town Clerk McCready read the title of the ordinance into the record.

Town Manager Gomez introduced the item and the changes for second reading and it was vetting through the Planning and Zoning Board.

Town Attorney Recio clarified the one change that was made which is all restaurant

operations cease at 11:00 p.m. only in this area and hotels would not be subject to this provision.

Mayor Danzinger opened the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comment.

Mayor Danzinger stated this was unanimous on first reading and explained what this ordinance entails and the requirements.

Commissioner Landsman echoed that anything south of 94th to 88th Street, there is no service and a vast wasteland. This will allow some expansion of services to the community.

A motion was made by Vice Mayor Rose to approve the ordinance on second reading, seconded by Commissioner Landsman. The motion carried with a 4-0 vote.
Ordinance Restaurants in H120 SR.docx
Attachment A: Current Zoning Code Regulated Uses by District

**First Reading**

**4B1. Pension Ordinance Implementing 2022-2025 Collective Bargaining Agreement with Fraternal Order of Police (FOP) State Lodge 135** - Hector Gomez, Town Manager

Town administration is recommending approving pension ordinance changes for first reading as a result of 2022-2025 Collective Bargaining Agreement with Fraternal Order of Police (FOP) State Lodge 135

Town Clerk McCready read the title of the ordinance into the record.

Town Manager Gomez introduced the item and provided an explanation of the ordinance and the collective bargaining agreement.

Mayor Danzinger opened the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comment.

Mayor Danzinger stated they want to be competitive with other municipalities and thanked our law enforcement officers and thanked the Town Manager for making it attractive to come work for Surfside.

A motion was made by Commissioner Meischeid to approve the ordinance on first reading, seconded by Commissioner Landsman. The motion carried with a 4-0 vote.
Pension Ordinance FOP CBA.docx

**4B2. Average Setbacks in H30A and H30B Zoning Districts** - Hector Gomez, Town Manager

Town Administration recommends consideration of this ordinance change to allow for additional options in the design of new homes and the potential for increased ground floor setbacks.

Town Clerk McCready read the title of the ordinance into the record.

Town Manager Gomez presented the item and a summary of the ordinance.

Mayor Danzinger opened the floor to public comments.

The following individual from the public spoke:
George Kousoulas

Mayor Danzinger closed the floor to public comment.

Town Attorney Recio provided an overview of the item and explained what the current code reads and the limitation of any continuous wall.

Commissioner Landsman spoke regarding the ordinance, and he would encourage that they incorporate this language into their design review guidelines to make sure they do not have homes like sugar cubes and give texture to walls and give more creativity.

Commissioner Meischeid is in favor of this item and the end result is less complicated and provides more options and flexibility.

Vice Mayor Rose spoke regarding the item and provided examples because the code can only be interpreted one way and he supports this.

Mayor Danzinger agrees with this ordinance and it does offer options.

A motion was made by Vice Mayor Rose to approve the ordinance on first reading, seconded by Commissioner Landsman. The motion carried with a 4-1 vote.
Ordinance Amending 90-45 H30 Average Setbacks

**5. Resolutions and Proclamations**

***If the public wishes to speak on any matters in this section of the agenda, they must inform the Town Clerk by completing a speaker card and they will be recognized to speak at the beginning of this section.***

Mayor Danzinger opened the floor to public comments for all items under item 5 (Resolutions and Proclamations).

There were no public speakers for items 5A (Emergency Replacement of Mechanical Air Conditioner Unit for the Town Community Center Facilities), 5B (Emergency Pump Station

Repair for Stormwater Pump Station Located at the 89th Street End), or 5C (Solid Waste Services Special Assessment Preliminary Rate Resolution).

Mayor Danzinger closed the floor to public comments.

**5A. Emergency Replacement of Mechanical Air Conditioner Unit for the Town Community Center Facilities** - Hector Gomez, Town Manager

Town Administration is seeking Town Commission authorization to expend a not to exceed amount of $142,722 for the replacement of the air conditioning mechanical system in the Community Center and contract with Smart Air per proposal provided for scope of services. Funds were budgeted for current fiscal year 2023.

Town Clerk McCready read the title of the resolution into the record.

Town Attorney Recio provided an overview of the item and provided some corrections to the item which are the three components. He stated on page 246 on the agenda the amount shows $122,974 it should $142,722 and that occurs in section 2 same reference and the only other correction, the Town Manager enter into a purchase order and it should include also "or other agreement".

Town Manager Gomez presented the item and provided an example that occurred during the Fourth of July event which was that the Community Center had no air conditioning.

A motion was made by Vice Mayor Rose to approve the resolution with the recommendations of the Town Manager and corrections, seconded by Commissioner Landsman. The motion carried with a 4-0 vote.

Resolution Approving Emergency Repair Work Town Community Center Air Conditioner Unit.DOCX

Attachment A - Proposal One

Attachment B - "Proposal Two"

**5B. Emergency Pump Station Repair for Stormwater Pump Station Located at the 89 Street End** - Hector Gomez, Town Manager

Town administration is seeking authorization from the Town Commission to execute a proposal agreement dated March 23, 2023, with Lift Stations R Us for emergency pump and motor repair work with authorization to expend a not to exceed amount of $141,001.98.

Town Clerk McCready read the title of the resolution into the record.

Town Manager Gomez introduced the item and provided a summary.

Public Works Director Stokes explained that they have 3 pump stations that were installed in 2012 and one broke. They have a certain life expectancy and with the salt water it deteriorates quicker. He stated that the one that broke needs to be repaired. He stated this is one of three and all three are the same age and they

should start looking at replacing them or at least replace one.

Town Manager Gomez explained how the pumps work and the efficiency of having a newer pump is that it will be more efficient in pumping the water out.

Vice Mayor Rose suggested having a backup pump to have one in reserve. He suggested including it in the budget and state that this commission is the one reinvesting in infrastructure.

Mayor Danzinger spoke regarding the stormwater master plan.

A motion was made by Vice Mayor Rose to approve the resolution, seconded by Commissioner Meischeid. The motion carried with a 4-0 vote.
Resolution Approving and Authorizing Pump Stations R Us - Motor and Pump Replacement
Attachment A - "Town of Surfside Pump and Motor Repairs Proposal"

**5C. Solid Waste Services Special Assessment Preliminary Rate Resolution** - Hector Gomez, Town Manager,

Town Administration recommends that the Town Commission adopt the resolution as a matter precedent to the final assessment resolution. This resolution does not levy the assessment, but merely notices the public of the Town's intent to again assess for this service and sets the place, date, and time for the final hearing.

Town Clerk McCready read the title of the resolution into the record.

Town Manager Gomez introduced the item and provided a summary of the resolution. He stated that they need to officially advertise this resolution in order to add this to the TRIM Notice.

A motion was made by Vice Mayor Rose to approve the resolution, seconded by Commissioner Meischeid. The motion carried with a 4-0 vote.
Preliminary Rate Resolution For Solid Waste Assessments July 2023.doc
Surfside July 11 CC - Preliminary Solid Waste Assessment.docx

**6. Good and Welfare (Set for approximately 8:15 p.m.)**
***Public comments for subjects or items not on the agenda.***
Mayor Danzinger read the decorum statement to the public.

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:
Gerardo Vildostegui spoke regarding LGBTQ individuals leaving the State of Florida. He spoke regarding the event planning change to the Tourist Board with the Summer Sundays.
Joel Thieme thanked the Commission for the raising of the pride flag. He spoke regarding

people putting spotlights outside their homes and it is disturbing to the neighbors.
George Kousoulas spoke regarding the statement made regarding the spot lights at that home. He also spoke regarding the Tourist Board and the decision they made regarding the vendor for the Sunday events.
Alicia Boymelgreen spoke regarding the Tourist Board and they should get an objective criteria on how they determine the success of the vendor and events and could not believe they cancelled the vendor.
Debra Cimadevilla spoke regarding the drainage project and statements were made that were incorrect.
Antonella Caputzzo spoke regarding the Summer Sunday events being cancelled and believes it is a great event and Sara Liss has helped her.

Mayor Danzinger closed the floor to public comments.

Commissioner Landsman thanked everyone sharing and appreciates the comments. He addressed the comments made regarding LGBTQ and believes we should be welcoming to everyone that would like to live in Surfside. He commented on the spot lights. He asked for the Town Planner to see if they can put a limitation on the lumens on the lights. He addressed the comments made regarding the Tourist Board and he stated his understanding is there is a change on the vendors for the remaining two events. The events will still happen with the new vendors. He encouraged everyone to come Thursday to discuss the infrastructure.

Commissioner Meischeid addressed the comments made by the public. She asked if there are any rules in the code regarding spotlights in the residential area.

Town Attorney Recio stated there is a section regarding outdoor lighting but it is limited and explained the limitation it speaks about.

Town Manager Gomez stated they can assess the issue brought forth and they will look into this.

Town Attorney Recio stated that the overspill cannot over exceed a one-foot candle but it is a minimum amount of light that can overspill.

Commissioner Meischeid is very surprised and concerned about what happened at the Tourist Board. She asked if it is possible to find out what went on.

Mayor Danzinger stated they can look at the video. He stated that the two events were given to another vendor. He stated it is not the power of this Commission and it is the Tourist Board who can hire or fire any of their vendors. This is not something that the Commission gets involved in.

Commissioner Meischeid believes they should have more involvement.

Mayor Danzinger suggested she should speak with the Chair and then she can bring it back at the next commission meeting. You cannot legislate because two people got up and spoke.

Vice Mayor Rose addressed the comments made by the public speakers. He spoke regarding the Tourist Board and they do not have any control over the money or their decisions and they cannot get involved. He addressed the comments made by Mr. Thieme and knows exactly the house he is speaking about and it was approved by the previous commission. He stated they need to look at the whole town as a comprehensive plan. He stated for the record that a former elected official on next door is trying to say that this commission are trying to hide things by having the meetings held earlier. He stated that is completely false, and he pulled agendas from 2018 and all budget meetings were at 5 pm, special zoning meetings were at 6 pm and quasi-judicial meetings at 6 p.m.

Mayor Danzinger addressed the comments made by public speakers and does not believe many of the media reports and it is not about an issue against LGBTQ but giving everyone the same opportunity. He stated on the record everyone is welcomed here but profanity is not welcomed. He addressed the comments made regarding the Tourist Board and he had no say on what they do. He encouraged people to attend those meetings. He stated the events were not cancelled but given to another vendor in order to provide a variety of events. He addressed the comments made regarding the house with the spot light. He addressed the comments regarding drainage, and it is a town wide issue and encouraged everyone to come out to the Town Hall Meeting on July 13, 2023 at 6:30 p.m.

## 7. Town Manager and Town Attorney Reports

### 7A. Town Manager's Report - Hector Gomez, Town Manager

Town Manager Gomez provided a summary of his Town Manager's Report and updates on the projects and events.

Commissioner Meischeid asked if the Town Manager could provide a schedule on the construction of 96th Street Park.

Town Manager Gomez stated he could give them milestones and if the Commission desires he could replace the existing report with the new one suggested.

Vice Mayor Rose stated he would like to keep the current one and he can add the milestones.

A motion was made by Commissioner Meischeid to approve the Town Manager's Report, seconded by Commissioner Landsman. The motion carried with a 4-0 vote.

2023 July Town Manager's Report.pdf

**7B. Town Attorney's Report**

Town Attorney Recio provided a summary of his Town Attorney's Report and provided the litigation update.

A motion was made by Commissioner Landsman to approve the Town Attorney's Report, seconded by Vice Mayor Rose. The motion carried with a 4-0 vote.
Town Attorney Report July 2023

**8. Unfinished Business and New Business**

**9. Mayor, Commission and Staff Communications**

Mayor Danzinger opened the floor to public comments on all items under 9 (Mayor, Commission and Staff Communications).

The following individual from the public spoke:
George Kousoulas spoke regarding the carports (item 9C. Allowed Carport Materials).

Mayor Danzinger closed the floor to public comments.

**9A.**

**Tennis and Recreation Center Design Review**

- Hector Gomez, Town Manager

Town Administration is requesting approval of the presented design for the Tennis Recreation Center so that sub-consultant can continue design efforts.

This item was heard after item 3F (Nurse Enhancement Initiative for School Year 2023/2024).

Town Manager Gomez introduced the item and what is needed is direction from the Commission to move forward to the next step which is construction. He introduced the architect of record, landscape architect and consultant.

William Lane, architect of record provided a presentation of the design and construction of the item and project.

Town Manager Gomez stated that phase 2 includes Veteran's Park but that portion will be brought back to them at a later time.

Kelly Heitzig, Savino Miller, continued with the presentation of the design of the project.

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:

George Kousoulas
Ben Jacobson

Mayor Danzinger closed the floor to public comments.

Parks and Recreation Director Milian spoke regarding the design of the building and addressed the comments made by the public speakers.

Mayor Danzinger stated they have done a good job analyzing this and going through the budget and appreciates that the administration tells them what they need to hear not what they want to hear. He appreciates that.

Commissioner Landsman appreciates the limited feedback from the community. He stated they are not talking about funding or budget but the plans and giving approval to further the details of the plan. He stated that the landscape is key to tie into Veteran's Park. He stated that they will further discuss budget of the project later on. The intent is to see the design today.

Commissioner Meischeid stated it looks like a great design and who is looking at cost and program control. She stated this demonstrates that they need a facility department to oversee it. She supports this new facility department to look over the project.

Town Manager Gomez addressed the comments made and stated the Commission has authorized him to move forward with the Capital Improvements Department and a lot of this will be handled through this department, but it is a joint effort with the Parks and Recreation Department.

Vice Mayor Rose thanked the consultants for the presentation. He stated it has been a great design and thanked the team for looking at it as a whole and filling the needs of the residents.

Town Manager Gomez stated what they are looking for is consensus that they are good with this to move forward with the design and put the documents together.

Mayor Danzinger stated this project is to address different items and the focus of the health and well-being of the residents. He spoke regarding the Veteran's Park and it needs attention to properly recognize those men and women that sacrificed their lives for our freedom.

A motion was made by Vice Mayor Rose to move forward with this project, seconded by Commissioner Landsman. The motion carried with a 4-0 vote.
Attachment A - "Presentation"
Attachment A - Surfside Tennis and Recreation Center Presentation.pdf

**9B. Harding Avenue Front Yard Paving Allowance** - Hector Gomez, Town Manager

Town administration recommends consideration of an increased paving allowance for front yard setbacks on Harding Avenue to allow for the parking of three cars on

site, as no curb side parking is allowed on Harding Avenue. It is recommended that the requirement for 30% landscaping for front yards remains, but the paving be permitted to increase from 50% to 70% in the front yard setback. The minimum pervious requirement for the total lot would remain the same.

Town Manager Gomez introduced the item and stated it is applicable to Harding Avenue and those properties have a hardship that they cannot park there and pull in and out. He stated conversations were had to see how they can help and accommodate them.

A motion was made by Vice Mayor Rose for purposes of discussion, seconded by Commissioner Landsman. The motion carried with a 4-0 vote.

Vice Mayor Rose provided a summary of this item and what the code states and what the residents are doing.

Commissioner Landsman provided examples of what has been done and what needs to be done to rectify this and it is for existing driveways. He asked if the Town Planner has received any requests from residents to change their driveways.

Town Planner Frankel addressed the comments made and she has spoken with a couple of homeowners on Harding Avenue. She explained what they suggested was adding gravel.

Mayor Danzinger spoke regarding what is taking place and believes an item like this would encourage homeowners to beautify their home.

Commissioner Meischeid agrees with this.

A motion was made by Vice Mayor Rose to approve this item to move forward as a first reading ordinance, seconded by Commissioner Landsman. The motion carried with a 4-0 vote.

**9C. Allowed Carport Materials** - Hector Gomez, Town Manager

Staff recommends consideration of the allowance of additional materials for carports.

Town Manager Gomez introduced the item and what the code provides and allows.

A motion was made by Vice Mayor Rose for purposes of discussion, seconded by Commissioner Landsman.

Vice Mayor Rose stated that he would like to see a more modern material being used and believes there is a more modern option for this.

Commissioner Landsman stated he has seen some that look horrible. He stated if they move this forward to have the Town Planner come back with recommendations of materials and they need to be specific, be sustainable and per our design review guidelines.

Commissioner Meischeid stated that she has a problem with this item.

Vice Mayor Rose stated the poles are permanent and asked Commissioner Landsman as the Planning and Zoning Board Liaison to ask them if they want to address this or just the material portion.

Commissioner Landsman suggested to let it go for first reading and believes this should go to the Town Planner but they do need to have the shape, overall structure, architecture, and materials in the design review guidelines.

Mayor Danzinger does not like carports and the last thing he would like is to have permanent carports but understands the need for them but would like to see the design and materials. He is concerned about how close it would be to the easement.

Town Planner Frankel addressed the comments made as it pertains to the code and what would be allowed.

After a lengthy discussion, the following motion was made.

A motion was made by Vice Mayor Rose to move this forward as a first reading ordinance, seconded by Commissioner Landsman. The motion carried with a 4-0 vote.

**9D. Tobacco and/or Vape Shops in Business District** - Commissioner Fred Landsman

For the Town Commission to discuss and consider creating an ordinance limiting the number of tobacco/vape shops and/or their proximity to each other.

Commissioner Landsman introduced the item and he stated that currently they have two open businesses that operate as vape shops and there is a third tobacco business under construction. He does not believe they need anymore and knows there is a category in the code. He would like to restrict the business license if you want to open a tobacco/vape store you cannot open it within a certain distance from the others.

Mayor Danzinger suggested using a different catalyst to restrict them. He stated that one has been here for a long time and discussed the variety of the other businesses. He stated that one is going to be a cigar lounge which is different. He stated they have a right to restrict to maintain a certain image of the Town. He would like to remove tobacco from that list and have the Commission approve the business if it falls within that category.

Commissioner Landsman asked if they could remove that category and make it an additional use.

Town Attorney Recio stated yes they could.

Mayor Danzinger stated that the Town Planner creates the category where the business would fall into.

Commissioner Landsman would be able to support the way it would be drafted.

Commissioner Meischeid stated that this restriction would put a hardship on some of the business owners.

After a lengthy discussion the following motion was made.

A motion was made by Commissioner Landsman to move forward with an ordinance for first reading to create a separation of this particular category to require additional use approval by the Commission, seconded by Vice Mayor Rose. The motion carried with a 4-0 vote.

A motion was made by Vice Mayor Rose to start the August 8th meeting at 6:00 p.m., seconded by Commissioner Landsman. The motion carried with a 4-0 vote.

**10. Adjournment**

There being no further business to discuss before the Commission, a motion was made by Vice Mayor Rose to adjourn the meeting at 9:38 p.m., seconded by Commissioner Landsman. The motion carried with a 4-0 vote.

Accepted this ____ day of _____, 2023.

_____
Shlomo Danzinger, Mayor

Attest:

_____
Sandra N. McCready, MPA, MMC
Town Clerk

**Town of Surfside**
**Special Town Commission Meeting**
**MINUTES**
**July 25, 2023**
**5:00 PM**
Commission Chambers

## 1. Opening

### 1.A Call to Order

Mayor Danzinger called the meeting to order at 5:05 p.m.

### 1.B Roll Call of Members

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

Present: Mayor Shlomo Danzinger, Vice Mayor Jeff Rose, Commissioner Fred Landsman, Commissioner Marianne Meischeid and Commissioner Nelly Velasquez.

Also Present: Town Attorney Lillian Arango, Town Attorney Tony Recio, and Town Manager Hector Gomez.

### 1.C Pledge of Allegiance

Captain Marciante provided the pledge of allegiance.

## 2. Mayor, Commission and Staff Communication

Mayor Danzinger reminded everyone regarding the decorum statement and Robert's Rules of Order and every speaker will have 3 minutes to speak. He stated that today's meeting will entail very sensitive materials and he understands that and he stated that he will enforce the decorum rules.

### 2.A Incorporation of the Champlain Towers South Memorial onto the 8777 Collins Avenue Site Requiring Modification and Creation of a Special Exception. - Hector Gomez, Town Manager

Town administration suggests consideration of this ordinance in order to facilitate the incorporation of the Champlain Towers South Memorial onto a portion of the 8777 Collins Avenue site. By doing so, a significant portion of the memorial would find its place on the very site where the Champlain Towers South once stood. This incorporation can be accomplished through the creation of a special exception that allows an adjustment to the setbacks.

Sufficient setbacks are provided on the south side of the site due to an existing public easement. Public pedestrian access easements provide the same light and air space between buildings as a vehicular street and achieve the same desired outcome. It is appropriate to treat them the same in terms of the abutting building setbacks. Staff finds that a public access easement of 10 feet or greater in width should be treated as a secondary frontage per the Town Code. Public access easements serve the same as a vehicular street in the sense that they allow for public space for transportation use.

In the rare case where a property has more than one secondary frontage and sufficient "light and air" is provided, Town administration finds it to be appropriate to provide a mechanism for greater flexibility to setbacks so that the Town Commission can determine the greatest benefit to the Town.

The result of this ordinance approval would be the ability for the Town Commission to adjust the setback requirements in cases where there is a significant benefit to the Town.

Mayor Danzinger gave a history of this item and what took place on June 24, 2021. He mentioned that some of the family members wanted to obtain the land for a memorial but they were unable to purchase the property and the property was sold. He further provided a summary and history of the sale of the property. He provided a visual picture of the current plan and the memorial proposal.

Town Clerk McCready read the title of the ordinance into the record.

A motion was made by Vice Mayor Rose to move forward with the first reading ordinance as written and for purposes of discussion, seconded by Commissioner Landsman.

Commissioner Meischeid would like to second the motion but would like to add an additional text amendment to the ordinance.

Commissioner Velasquez stated that the motion was for approval and not discussion.

Mayor Danzinger stated that all motions include discussion.

Commissioner Landsman stated this is for first read an actual ordinance but as part of the process one can offer suggestions and alternatives.

Commissioner Meischeid would like to propose an alternate text to the ordinance. She stated that this is brought up from the second annual anniversary and the family expressed some concerns and she came up with some alternative language.

Commissioner Landsman stated they are here to discuss this item and come up with some decision that makes sense. This is to do the right thing for all participants and the family members. This is not being done behind closed doors and are doing this in the Sunshine.

Commissioner Velasquez believes this is a very premature meeting and these negotiations should have taken place first instead of having special meetings for developers. She does not agree with this meeting or proposal.

Vice Mayor Rose thanked the Mayor for getting involved and this is the first step. He stated the developer and owner of the property does not owe anything to the Town. He also believes that it is important to have this meeting as a separate meeting so they are not crunched or rushed. He stated that previous commissions have had 5 pm meetings. He stated that if the public does not trust this commission they will have the Town Attorney to clarify everything and what the Code states.

Mayor Danzinger reiterated what he said before. This meeting is not creating any actionable items. They cannot have these conversations without having this meeting. He stated that his has been an ongoing discussion and they do have a commitment but cannot have anything on paper without having this meeting.

Commissioner Meischeid passed out to the commission her alternative text language and stated the title is the same as what is before them tonight. She explained the reason again why this came about. She provided an explanation of the language, and this will allow the developer to rise and redistribute the light and the air.

Mayor Danzinger stated this only creates a mechanism to have the next conversations.

Commissioner Landsman stated that he did study the original 2A and was with the Town Manager when Commissioner Meischeid provided her text amendment. He stated this is somewhat compressed to make decisions on that text amendment without time to review it. He might have alternative to the alternative that might be able to come to a happy medium which will not disadvantage the developer and still have the memorial. He stated the intent is not to do the change to the code only for this property, but it is because of the change Miami Beach did when they purchased the building next to the old Champlain Tower South site.

Town Manager Gomez stated what they are providing here today is a mechanism to be able to make a decision if there is a benefit to the Town. He spoke regarding setbacks as a whole.

Commissioner Velasquez asked who prepared this presentation.

Mayor Danzinger stated he prepared it.

Commissioner Velasquez asked who is the person in charge of negotiating any proffers with the developer.

Mayor Danzinger stated it is the Town Manager.

Commissioner Velasquez stated that the Town Manager should be negotiating with the developer before this meeting.

Mayor Danzinger stated that she did not listen to what he just said. He stated that the Town Manager has been meeting with the developer. He stated that the discussion is if you want a memorial and if this Commission wants to put the memorial on the land and explained the creation of an ordinance to have the discussion in an official manner.

Commissioner Velasquez asked if this ordinance is to create the special exemption and then another ordinance to create the location of the memorial on their property.

Town Attorney Recio clarified that this ordinance is creating two separate exemptions and there will not be a separate ordinance for the memorial. He stated there is no need to create another ordinance for the memorial and explained how that would be done.

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:
Andrea Langesfeld spoke regarding the developers making profit off the death of the 98 people. She asked regarding the amount of land they will be given for the memorial.
Eliana Salzhauer stated that it was her commission that put aside all of 88th street for the memorial and this commission is the one that is working backwards. She spoke against the item.
Martin Langesfeld stated they are working backwards, and they are confused with what is being presented and it makes it clear they are not involved with any of the families for the memorial. He spoke against the language of this ordinance.
David Rodan spoke regarding the loss of his family members and spoke against the item.
Joshua Epstein spoke against the ordinance.
Charles Burkett acknowledged what the Mayor has said and started directing his comments directly to Commissioner Landsman.
Gerardo Vildostegui spoke against the ordinance and nothing should be built on this property.
Paul Langesfeld spoke against the ordinance.
Debrah Cimadevilla spoke against the ordinance and what just happened with Mr. Burkett. She stated she sent out emails to the Commission and never received a response back from the Mayor and Vice Mayor.
Ben Jacobson spoke in favor of the item and provided explanation of the proposal.
Chana Wasserman stated that she is confused and this is unclear. She stated that whatever part they can get on the land she will agree to.
Shnelly Ainsworth is not very clear on this and would like a space for the memorial on the site.

Mayor Danzinger provided clarification to Ms. Langesfeld using the visual of the presentation.

Mayor Danzinger reiterated the misinformation that Ms. Salzhauer continues to give and explained the proof with the prior ordinance, and it was this commission that honored the victims and the memorial and not her commission.

Mayor Danzinger, on multiple occasions, asked Mr. Burkett to stop directing his comments to Commissioner Landsman and to direct them to the Chair.

Mr. Burkett continued to direct his comments to Commissioner Landsman and not to the Chair.

Mayor Danzinger asked Captain Marciante to escort Mr. Burkett out of the Commission.

Mr. Burkett was removed from the Commission chambers.

Mayor Danzinger closed the floor to public comments.

Mayor Danzinger explained again what went forward and it was by the request of the family members. He stated that they have spoken to many family members, and many have a difference of opinion. He stated the idea here is to get a foothold for the memorial on the land. He reiterated that they are not determining anything here as far as square footage or setbacks because they cannot have this conversation without this discussion. He stated that if they do not shift the boundaries and compensate the developers, they will not get anything for the memorial and the developer will still build their building.

Commissioner Landsman thanked the Mayor and everyone that has shared their input. He stated that he hopes they will be able to have additional discussion and he knows this is very difficult. He stated it is how we go forward how to memorialize the victims. This is to give them a tool to go further in discussing how this building gets built. He stated there is math in every direction and the different analyzes of square footage and allowance of easement for the memorial. He stated this is the first step to allow them to have a mechanism to speak to the owner of the property. He stated this changes the definition of secondary frontage. He suggested taking it away on 88th Street in order to have the memorial on the actual property but not to take advantage giving the developer something for nothing. This is to come to common grounds. His change is taking 2A and adding lines 86-89 and the building can be vertically built.

Mayor Danzinger stated it is not in good practice to place restrictive language to an ordinance that ties your hands and you have to come back to change it again. He stated that the language should be less restrictive and that is why you write the ordinance in a general way to add to the code. He spoke regarding what they are giving and this does not give them anything.

Commissioner Landsman stated that is not enough to simply say trust us. He would rather have some language that has some strings attached so when they leave here tonight the public will know they will not be taken advantage of.

Town Attorney Recio stated what Commissioner Landsman is proposing and provided his suggestion.

Vice Mayor Rose asked if they are talking about setback or square footage.

Commissioner Landsman stated they do not want anyone to think that this developer is building a bigger building by this ordinance.

Commissioner Meischeid does not understand what he is saying but that was the preface of her proposal to the amendment of the ordinance. She stated that she did do her calculations to come up with the proposed language. She does not agree with putting language together for secondary frontage.

Commissioner Velasquez stated the current plan's atrium is much narrower than the memorial proposal and spoke regarding how that relates to money which is a more valuable apartment. She stated you cannot focus on square footage.

Town Attorney Recio stated there is 28-foot space in the version that goes straight up which is from the memorial proposal and then it shifts to 25 feet and then 20 feet on level 7.

Commissioner Velasquez stated you see there is a difference and that is valuable space. She stated this is not just the memorial but what is best for Surfside as a whole including the flooding issue and undergrounding.

Mayor Danzinger clarified that the developers have not asked for anything and the square footage on the property was a request from the family. This was placing a memorial on the land.

Vice Mayor Rose thanked all the family members and his parents lived there and his parents left 4 days before the collapse and his children would sleep there every weekend. He thanked all the families for being here today. He spoke regarding the political stunt the former mayor (Burkett) pulled. He spoke regarding the history of the text amendment, the numbers being proposed by Commissioner Meischeid and it is incorrect. He stated the developer owes nothing to any of us and they can build the current plan and it meets code. He said what this ordinance does is give the Town a mechanism to shift the building to allow the developer to give them access to the land. He stated that if it is facing South, it is facing Miami Beach. He spoke regarding what the former mayor sent out regarding gifting the developer certain square footage and there is misinformation and asked the Town Attorney to provide the history of the previous code and secondary frontage and what the set back is.

Town Attorney Recio gave the history of the text amendment that was adopted in 2021 and stated how they got to that.

Vice Mayor Rose stated one thing he brought up was that the developer came out with a plan that met the 10 feet.

Town Attorney Recio stated that he is correct he would have concerns to apply it to that application.

Vice Mayor Rose asked Commissioner Meischeid if her numbers is taking into account the 10% setback.

Commissioner Meischeid does not agree with the 10 feet and there is a chart that

said 10%.

Vice Mayor Rose stated that Commissioner Meischeid' numbers are on 10%.

Commissioner Velasquez spoke regarding what municode states.

Town Attorney Recio stated this was discussed before and 90-48.5 and read what it states. He further provided an explanation of that section in code and municode.

Town Attorney Recio stated if you are doing secondary frontage then the building goes up, you can concentrate less on the square footage and concentrate on the setback.

Commissioner Meischeid said they don't have to give secondary frontage but find a mechanism and maybe allow the developer to go straight up without secondary frontage.

Vice Mayor Rose stated you are reducing the building 3,700 square feet.

Commissioner Landsman stated they are not requiring an ordinance with all these proffers and spoke regarding the recommended changes provided by Commissioner Meischeid.

Mayor Danzinger is in agreement with Commissioner Landsman.

Vice Mayor Rose stated if the point of all this is to allow 10 feet which is a mechanism shifting the building 10 feet and that will allow them to approve it with a revised site plan.

A motion was made by Vice Mayor Rose to approve the ordinance on first reading as written but on line 85 it would say as part of the special exception approval, the commission shall require a corresponding increase in the setback of the secondary frontage opposite the side where the setback is reduced, seconded by Commissioner Landsman.

Commissioner Landsman withdrew his second.

A motion was made by Vice Mayor Rose to to approve the ordinance on first reading as written but on line 85 it would say it would say as part of the special exception approval, the commission shall require a corresponding increase in the setback of the secondary frontage opposite the side where the setback is reduced, seconded by Mayor Danzinger. The motion failed with a 2-3 vote with Commissioner Meischeid, Commissioner Landsman and Commissioner Velasquez voting in opposition.
Ordinance Amending Sec. 90-37 and 90-48 -Modifying H120 Setbacks and Secondary Frontage - First Reading 7-17-23.docx

**3. Adjournment**

There being no further business to discuss before the Commission, a motion was made by Vice Mayor Rose to adjourn the meeting at 7:21 p.m., seconded by Commissioner

Velasquez. The motion carried with a 5-0 vote.

Accepted this _____ day of _____, 2023.

_____
Shlomo Danzinger, Mayor

Attest:

_____
Sandra N. McCready, MPA, MMC
Town Clerk

**Town of Surfside**
**Tourist Board**
**MINUTES**
**June 5, 2023**
**5:30 PM**
Town Commission Chambers

1. **Call to Order/Roll Call**
   Chair Tourgeman called the meeting to order at 5:33 p.m.

   Deputy Town Clerk Herbello called the roll with the following members present:

   Present: Chair Eli Tourgeman, Vice Chair Ben Jacobson, Board Member Ezequiel Singer and Board Member Diana Gonzalez.

   Absent: Board Member Lisa Herman (resigned on 5/12/2023).

   Also Present: Town Manager Hector Gomez, Town Attorney Daniela Cimo and Tourism and Communications Director Frank Trigueros.

2. **Agenda and Order of Business**

3. **Town Commission Liaison Report**
   Commission Liaison Mayor Danzinger was absent, therefore there was no Commission Liaison Report.

4. **Approval of Minutes**

   **4.A May 1, 2023 Tourist Board Meeting Minutes** - Deputy Town Clerk Evelyn Herbello

   A motion was made by Vice Chair Jacobson to approve the May 1, 2023 Tourist Board Meeting Minutes, seconded by Board Member Gonzalez. The motion carried with a 4-0 vote.
   May 1, 2023 Tourist Board Meeting Minutes.pdf

5. **Resort Tax Collection and Vacancies Report**

   **5.A June Vacancies and Resort Tax Report** - Tourism and Communications Director Frank Trigueros

Tourism and Communications Director Frank Trigueros provided the Resort Tax Collection and Vacancies Report. He provided a handout with the report to the Board Members and stated the numbers are holding steady.

Chair Tourgeman stated he wanted this report so everyone knows who contributed and the amount they contributed.

Vice Chair Jacobson asked for the dates of the vacancies when they existed and could they be added to the report.

Tourism and Communications Director Trigueros stated he would add that information to the upcoming report.
June Vacancies and Resort Tax Report.pdf

## 6. Discussion Items

### 6.A Sand Sculpture Contest - Chair Eli Tourgeman - Chair Eli Tourgeman

Tourism and Communications Director Frank Trigueros asked to hear item 6A (Sand Sculpture Contest) and item 6F (ACT Productions-Movies on the Beach) at the same time in order for the vendor, Bruce Oros, ACT Productions, can provide an overview.

A motion was made by Board Member Gonzalez to merge item 6A (Sand Sculpture Contest) and item 6F (ACT Productions - Movies on the Beach), seconded by Board Member Singer. The motion carried with a 4-0 vote.

Bruce Orosz, ACT Productions, provided an overview of the two items and how the events would take place.

Chair Tourgeman stated the Board did not receive the presentation he is stating.

Mr. Orosz continued with the overview of his company and what they do.

Chair Tourgeman asked what source he would be using to promote the events.

Mr. Orosz stated that he will work with the Town to help with the advertising.

Board Member Gonzalez spoke regarding his past presentation and the pricing.

Chair Tourgeman asked regarding the timing of the events.

Mr. Orosz spoke regarding the timing of the events.

Chair Tourgeman stated that they are looking at adding Movies on the Beach in November or December.

Vice Chair Jacobson stated that the price was a bit more than what they paid for past events. He spoke regarding the summer coming up and the restaurants are a bit quieter. He stated they are looking at additional ideas of what can be done on the beach. He asked Mr. Oros what beach concepts he has for the summer.

Chair Tourgeman stated he would like to have a sand castle contest.

Mr. Orosz stated it does take a bit of time to do the sand castle and the kickoff for a sand castle contest would have to be around noon.

Board Member Singer stated he would like to see something like that.

Vice Chair Jacobson stated he is interested and how fast could he put a proposal together. He asked for there to be something more than just the sand sculpture like a slip and slide, music, etc.

Board Member Gonzalez stated she would like to see the proposal as soon as possible.

Tourism and Communications Director Trigueros asked how they would mitigate rain when it comes to the sculpture.

Mr. Orosz stated that they cannot control mother nature. He stated that the DJ and artist would need at least 24 to 36 hours advance notice for cancellation.

Chair Tourgeman asked Mr. Orosz if he could put together a proposal quickly since they are short on time.

Discussion among the Board members and staff took place regarding the sand sculpture event and the date for the event.

Consensus was reached by the Board to move forward with the idea and have Mr. Orosz come back with a proposal to have the event on July 23rd.

Mr. Orosz asked regarding the permitting.

Tourism and Communications Director Trigueros stated that the Town will pull the special event permits and work with the Legal Department to come up with a contract for him to execute along with the Town.

Vice Chair Jacobson stated that the events they have include food, kosher food and drinks and the vendor provides all that.

**6.B Cold Water Requirements for Tourist Board Events - Vice Chair Ben Jacobson** - Vice Chair Ben Jacobson

Vice Chair Jacobson introduced the item and stated they have brought it to the board at multiple meetings. He stated it is unacceptable for the vendors to run out of water at the events and the vendors should have sufficient water at the events.

A motion was made by Vice Chair Jacobson to add a $500.00 penalty fine to all existing contracts as an amendment to those contracts and add that clause to all new contracts stating if they run out of water at the events they will pay the fine. He stated that if they refuse to sign the contract with that amendment then their contract

will be terminated immediately, seconded by Chair Tourgeman. The motion carried with a 4-0 vote.

Chair Tourgeman asked if that could be added to future contracts.

Town Attorney Cimo stated that they can provide penalties if they are not doing what they should be doing.

**6.C ADA Beach Mats - Vice Chair Ben Jacobson** - Vice Chair Ben Jacobson

Vice Chair Jacobson introduced the item and provided an overview of the item and a presentation picture of what the mat looks like. He stated that the condominiums can pay a fee to keep the mat clean and in good condition.

Chair Tourgeman stated he likes the mat and believes it is a good idea in sharing the cost.

Town Manager Gomez stated that the blue mats the Town paid for and explained which mats were paid by the condominiums, hotels and neighboring municipalities.

Chair Tourgeman stated they are providing this idea as a benefit for them and believes it is fair.

Town Manager Gomez stated that the Board will approve the mat cost at 50% but what do they do if they do not have the buy in from the condominiums or hotels. He stated that they will come up with a program and bring to them and see which ones will buy in.

Vice Chair Jacobson stated that they need to continue with the upkeeping regardless if this Board changes.

Tourism and Communications Director Trigueros asked regarding the cost.

Town Manager Gomez stated it will be approximately $40,000.

Vice Chair Jacobson stated that then they are looking at providing half of that cost.

Board Member Gonzalez agrees with this if they accept and help maintain the mats.

A motion was made by Vice Chair Jacobson to approve the ADA Beach Mats with a program that 50% will be covered by the Tourist Board and will require the buildings to pay the other 50% of the cost plus an annual maintenance fee of $300.00, seconded by Board Member Gonzalez. The motion carried with a 4-0 vote.

**6.D Surfside Towels on Beach - Vice Chair Ben Jacobson** - Vice Chair Ben Jacobson

Vice Chair Jacobson introduced the item. He provided a suggestion of putting a promotional "Surfside" sign on the towel that people can put on their beach chair.

Chair Tourgeman spoke regarding anything that has to do with the Beach Club they cannot sponsor. He suggested for beach towels at their events, they can do that but not for the Beach Club because the Beach Club is for residents only.

Town Manager Gomez stated that the Beach Club is a general fund and for residents. He stated that the Community Center is funded 66% by Tourist funds.

Chair Tourgeman stated that the hotels should provide their own towels. He suggested having the towels at their promotional events.

Vice Chair Jacobson stated that they have so many events at the beach they can hand them out.

Chair Tourgeman stated that falls under the promotional items.

Consensus was reached by the Board to have Tourism and Communications Director Trigueros look into the purchase of the towels under the section of the budget for promotional items.

**6.E Extending Music on the Beach through the Summer - Vice Chair Ben Jacobson** - Vice Chair Ben Jacobson

Vice Chair Tourgeman introduced the item. He stated that he spoke with Alan Andai and the beach events are very well received and many people come to those events. He stated that he would like to see it extended through the Summer. He stated that he did ask Mr. Andai regarding some misters and umbrellas in order for the people to have some type of shade. The idea is to extend it for a couple of months.

Board Member Gonzalez suggested changing the time because 3:00 p.m. is very hot.

Board Member Singer spoke about having something different.

Alan Andai addressed the comments made and they could add a dance feature and provided other ideas. He stated that they tried to play with location and timing and explained the reason why they brought it back to 3:00 p.m.

Further discussion took place among the Board members and Mr. Andai regarding the different events and extension of those events.

Consensus was reached by the Board to leave the start time at 3:00 p.m. and extending the events with the remaining funds that were already approved as well as the genres. There was consensus to have the genres be a Top 40 songs, reggae, and Latin.

A motion was made by Vice Chair Jacobson to extend Music on the Beach and to include up to an additional $1,000 for additional food for July, August and September, seconded by Board Member Singer. The motion carried with a 4-0 vote.

**6.F ACT Productions - Movies on the Beach - Chair Eli Tourgeman** - Chair Eli

Tourgeman

This item was heard in conjunction with item 6A (Sand Sculpture Contest).

**6.G Budget Discussion Part 2** - Tourism and Communications Director Frank Trigueros

Tourism and Communications Director Frank Trigueros introduced a proposal from the MOCA Museum in North Miami for different partnership tiers. He stated that this could be an additional incentive for Surfside hotel guests.

Chair Tourgeman stated he has been asking for Art on the Beach which could be at a venue or at the Community Center but he personally does not believe this is worthwhile spending the money. He would prefer to have an art festival.

Tourism and Communications Director Trigueros stated he did ask if they would bring their art exhibitions to Town and they would not.

Chair Tourgeman asked the Board Members if they were interested in this and none of the Board Members were interested in bringing this to Town.

Board Member Singer provided his input.

Chair Tourgeman stated that an art festival would be more beneficial to the tourists. He explained what they did in the past in Town.

Vice Chair Jacobson stated that Board Member Singer brought up a good idea and explained the different events and if there is something that the hotel partners would like us to be part of like the food and wine, that would be interesting. That would be up to the hotels to come to us and ask us. He asked Tourism and Communications Director Trigueros to see if they would be interested and if he could speak with them.

Tourism and Communications Director Trigueros continued to go over the different other budgeted items and he will contact the hotels.

Vice Chair Jacobson spoke regarding the funding and what Parks and Recreation Department does with their events.

Town Manager Gomez addressed the comments and questions regarding the Parks and Recreation Department events which includes staffing and inhouse operations that is handled by the Parks and Recreation Department team. He stated he would like to discuss that with Parks and Recreation Director Milian and come back to the Board.

Vice Chair Jacobson stated that anything that the Parks and Recreation Department does inhouse we can help fund a portion of it and provide an enhancement like food.

Tourism and Communications Director Trigueros stated that he will ask Parks and Recreation Director Milian. He stated that due to the upcoming budget special workshop, they are on a time restraint.

Further discussion took place among the Board members and staff regarding the allocation of the funds, keeping the higher number for budget for the workshop and what are the estimates of the money being allocated which is $1.3 to $1.4 million, which will not be seen until next year.

Town Manager Gomez stated it will be hard to justify an additional $100,000, his advice is to proceed with the budget officer's recommendation.

A motion was made by Vice Chair Jacobson to approve the budget as presented, seconded by Board Member Singer. The motion carried with a 4-0 vote.

**6.H Byron Avenue Monument Sign - Chair Eli Tourgeman** - Chair Eli Tourgeman

Tourism and Communications Director Trigueros provided a presentation with the different options.

Chair Tourgeman introduced the item. He asked Town Manager Gomez if it would be better if they had something in concrete.

Town Manager Gomez stated that if they have currently what they have to make it consistent he could provide a cost proposal.

Chair Tourgeman asked regarding the lighting.

Tourism and Communications Director Trigueros stated he did ask them for more options but the turtle lights are still up.

Chair Tourgeman stated that the word "Surfside" on 87th Street and Collins need to have better lighting.

Town Manager Gomez addressed the comments made and provided a google map view of the sign and the area located. He asked if they can come back with a proposal of the one at the Tennis Center and Byron Avenue or recycle one of those to the Byron Avenue and come back next month.

Chair Tourgeman stated they need better signage coming on 87th and Collins and relocate that sign to Byron Avenue.

**6.I Food Trucks - Chair Eli Tourgeman** - Chair Eli Tourgeman

Chair Tourgeman introduced the item and stated in order to have a variety of food at the events, he is proposing food trucks in addition to the small food bites. This way they can have additional selections as long as the food trucks does not conflict with the restaurant foods provided at the Harding Avenue restaurants. He stated the food trucks will sell the food.

Vice Chair Jacobson asked if restaurants could do some outdoor pop ups at the events.

Chair Tourgeman stated it is hard for the restaurants to do that because they run into the issue of how they could keep their food hot. He is trying to provide different options.

Board Member Singer stated it is only for the events that are not on the beach.

Vice Chair Jacobson stated it would not hurt since they are not paying for it.

Chair Tourgeman stated that the activities they are having does not include food trucks and would like to add the food trucks to the activities they are having.

Board Member Singer believes it should be something to work with the vendors because it might compete with the space they use for the events as well as parking.

Sara Liss spoke regarding the food trucks and the logistics.

Alan Andai stated that restaurant participation is hard and bringing food trucks is a good idea. He has incorporated food trucks at other events. He stated the food cost for them to come out is an issue at times. He suggested a food truck event where you have several trucks like North Bay Village does.

Chair Tourgeman stated that what he is stating is to have a food truck event once a month.

Further discussion took place among the Board Members and Mr. Andai regarding the idea of food trucks and possible logistics.

Board Member Gonzalez stated that Mr. Andai and Ms. Liss need to speak to their employees because some of their employees are extremely rude to the residents and tourists.

Town Attorney Cimo wanted to provide clarification on the previously discussed item 6A. She stated the fine would have to be stated as liquidated damages and they need to clarify the specifics of the change to the contracts as stated under item 6A.

**7. Public Comments**

Chair Tourgeman opened the floor to public comments.

The following individual from the public spoke:
George Kousoulas spoke regarding the sign proposed for Town Hall.

Chair Tourgeman closed the floor to public comments.

Chair Tourgeman addressed the comment made regarding the colors of the sign "Surfside".

Town Manager Gomez explained what will be coming before the Commission and it is set up for a conversation as a discussion item at the Commission meeting.

## 8. Next Meeting

**8.A Next Meeting: Monday, July 10, 2023 at 5:30 p.m.** - Deputy Town Clerk Evelyn Herbello

Deputy Clerk Herbello advised the Board of the next meeting on July 10, 2023 at 5:30 p.m.

Consensus was reached to hold the next meeting on July 10, 2023 at 5:30 p.m.

## 9. Adjournment

A motion was made by Vice Chair Jacobson to adjourn the meeting at 7:15 p.m., seconded by Board Member Gonzalez. The motion carried with a 4-0 vote.

Accepted this 10 day of July, 2023.

Eli Tourgeman, Chair

Attest:

Evelyn Herbello, CMC
Deputy Town Clerk

CHAPTER 185 PENSION BOARD MEETING MINUTES

FRIDAY JUNE 30, 2023

1ST MEETING

LOCATION: TOWN OF SURFSIDE COMMISSION CHAMBERS

CALL TO ORDER: 7:26PM

ATTENDANCE: MICAH SMITH - PRESENT

JOSEPH MATHEWS - PRESENT

MARENI STARRE - PRESENT

BILL BLUMENKRANZ - PRESENT

APPROVAL OF MINUTES: SMITH MADE THE MOTION, MATTHEWS SECONDED IT. VOTE: 4 YES 0 NO

TREASURERS REPORT: SCHWAB ACCOUNT TOTAL: $878,179.44 ON 06/30/2023

SECRETARY'S REPORT: NOTHING TO REPORT

***OLD BUSINESS***

-DURAN NEEDS TO SPEAK WITH TOWN OF SURFSIDE REVENUE/PAYROLL MANAGER MAYTE GAMIOTEA TO FIND OUT WHAT AMOUT IS DUE TO RETIRED SURFSIDE POLICE CHIEF JULIO YERO AND RETIRED OFFICER EDWARD CARRASQUILLO.

***NEW BUSINESSES***

-OFFICERS DIANNA HERNANDEZ, BOBBY GABRIEL AND ROBERT HERNANDEZ BLANCO ARE RUNNING FOR THE TWO OPEN CHAIR POSITIONS. A LOCK BOX WILL BE AVAILABLE FOR MEMBERS TO VOTE AND THE TWO WINNERS WILL BE COUNTED AND ANNOUNCED NEXT MEETING

-THE FOLLOWING CHECKS WERE ISSUED: CHECK **525303** FOR $12,249.41 ON 06/06/2023 TO LOURDES PADRON FOR OFFICER DONALD MCGAVERN'S BENEFICIARY 185 PAYOUT, CHECK **525304** FOR $2,610.25 ON 06/06/2023 TO TOWN OF SURFSIDE FOR JULIO YERO'S 185 PAYOUT 20% WITHHOLDINGS (TAXES), CHECK **525305** FOR $5000 ON 06/06/2023 TO CABALLERO FIERMAN LLERENA & GARCIA, LLP FOR 2022 AUDITING INVOICES #50320 & #50703, CHECK **525306** FOR $10,441.00 ON 06/06/2023 TO JULIO YERO FOR HIS 185 PAYOUT, CHECK **525307** FOR $34,568.16 ON 06/06/2023 TO EDWARD CARRASQUILLO FOR HIS 2022 185 PAYOUT SINCE HE RESIGNED, CHECK **525308** FOR $8,642.04 ON 06/06/2023 TO THE TOWN OF SURFSIDE FOR EDWARD CARRASQUILLO'S 185 PAYOUT 20% WITHHOLDINGS (TAXES), CHECK **525309** FOR $3240 ON 06/06/2023 TO MAYTE GAMIOTEA FOR HER COMPLETION OF THE 2022 185

ACCOUNTING INVOICE #23-01-185, CHECK **525310** FOR $3,062.36 ON 06/06/2023 TO THE TOWN OF SURFSIDE FOR DONALD MCGAVERNS 185 PAYOUT 20% WITHHOLDINGS (TAXES)

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NEXT MEETING: WED 07/26/2023 AT 7:00PM

**Adjournment**

There being no further business to discuss before the Police Pension Board Smith made a motion to adjourn the meeting at 7:30pm, seconded by Mathews. The motion carried with a vote of 4 yes and 0 no.

Respectfully submitted: this 30th day of June , 2023.

Micah Smith

Micah Smith, Secretary

Attest:

Joseph Matthews, Treasurer

# MEMORANDUM

**ITEM NO. 3C.**

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

**From:** Hector Gomez, Town Manager

**Date:** August 8, 2023

**Subject:** **Authorizing the Town Manager to Execute the Interlocal Agreement with Miami-Dade County in Order to Reestablish the Distribution Formula Currently Being Used to Distribute Local Option Fuel Tax Proceeds between the County and Town of Surfside for the 30-year Period Including January 1, 2024, through December 31, 2053**

Town administration recommends approval of this resolution.

Section 336.025, Florida Statutes, authorizes county governments to levy various local option fuel taxes upon every gallon of motor fuel and diesel fuel sold in the county and taxed under the provisions of Part I or Part II of Chapter 206 of the Florida Statutes pursuant to an ordinance enacted by the Board of County Commissioners. In 1993, the Board of County Commissioners of Miami-Dade County, Florida ("Board"), levied a six-cent ($0.06) local option gas tax on every gallon of motor fuel and diesel fuel sold in Miami-Dade County ("1993 Local Option Gas Tax").

In 1997, this Board extended the imposition of the 1993 Local Option Gas Tax that began on September 1, 1993, for a maximum period of 30 years through Ordinance No. 97-156.

Pursuant to Resolution No. R-903-98, Miami-Dade County and eligible municipalities entered into an interlocal agreement in accordance with Section 336.025(3)(a)(1), Florida Statutes, establishing the method of distributing the proceeds of the six-cent ($0.06) local option gas tax within Miami-Dade County for the remainder of the 1993 Local Option Gas Tax's term.

The proceeds of the 1993 Local Option Gas Tax have been distributed in accordance with the terms of that interlocal agreement.

By ordinance, Miami-Dade County desires to relevy the six-cent local option fuel tax authorized by Section 336.025(1)(a), Florida Statutes, for the 30-year period including January 1, 2024 through December 31, 2053.

Miami-Dade County and Surfside desire to enter into a new Interlocal Agreement to amend

and restate their current interlocal agreement to reestablish the distribution formula currently being used to distribute local option fuel tax proceeds between the County and eligible municipalities for the 30-year period including January 1, 2024, through December 31, 2053.

With the Interlocal Agreement, Surfside's portion of the local option gas taxes shall be distributed among the eligible incorporated municipalities in Miami-Dade County, Florida, based on a formula as follows:

a. Seventy-five percent based upon the ratio of the population of each eligible incorporated municipality compared to the total population of all eligible incorporated municipalities in Miami-Dade County; and

b. Twenty-five percent based upon the ratio of total centerline miles of roadway maintained by each eligible incorporated municipality compared to the total centerline miles maintained by all eligible incorporated municipalities in Miami-Dade County.

For FY 2023-24 Estimated Municipal Distribution from the Local Option Gas Tax Distribution at 95 Percent is $67,721.00.

Resolution Approving ILA For Six-Cent Gas Tax

MDC Resolution Approving Amended and Restated ILA - Local Gas Tax

Exhibit A - Proposed Interlocal Agreement

**RESOLUTION NO. 2023 ____**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AMENDED AND RESTATED INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY RELATING TO THE REESTABLISHMENT AND DISTRIBUTION OF THE SIX-CENT LOCAL OPTION GAS TAX; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside ("Town") has historically received a share of the six-cent local option gas tax revenues ("Gas Tax") collected by Miami-Dade County (the "County") for roadway and public transportation expenditures; and

**WHEREAS,** the County's Gas Tax Ordinance is set to expire on August 31, 2023; and

**WHEREAS,** in order to meet the statutory requirements to reestablish the County's Gas Tax, the County must enter into an interlocal agreement with a majority of the population residing within the incorporated area of the County; and

**WHEREAS,** the County has proposed entering into an Amended and Restated Interlocal Agreement, attached hereto as Exhibit "A" (the "Agreement"), relating to the reestablishment and distribution of the Gas Tax; and

**WHEREAS,** the Town Commission desires to approve the Agreement and authorize the Town Manager to negotiate and execute the Agreement with the County relating to the reestablishment and distribution of the Gas Tax, in substantially the form attached hereto as Exhibit "A"; and

**WHEREAS**, the Town Commission finds that this Resolution is in the best interests 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 Adopted.** The above-stated recitals are true and correct and are incorporated herein by this reference.

**Section 2. Approval and Authorization.** Subject to the incorporation of any necessary amendments to the Agreement identified by the Town Attorney and the County, the Town Commission hereby approves the Agreement and authorizes the Town Manager to negotiate and execute the Agreement in substantially the form attached hereto as Exhibit "A." The Town Manager is further authorized to enter into any subsequent amendments, extensions, renewals, or related documents necessary to implement the Agreement, subject to the approval of the Town Attorney as to form, content, and legal sufficiency.

**Section 3. Implementation.** The Town Manager and Town Officials are hereby authorized to take any and all actions which are necessary to implement the Agreement and the purposes of this Resolution.

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

PASSED AND ADOPTED this ___ day of August, 2023.

Motion By: _____
Second By: _____

**FINAL VOTE ON ADOPTION:**
Commissioner Fred Landsman _____
Commissioner Marianne Meischeid _____
Commissioner Nelly Velasquez _____

Vice Mayor Jeffrey Rose _____
Mayor Shlomo Danzinger _____

_____
Shlomo Danzinger, 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

# MEMORANDUM

Agenda Item No. 8(G)(1)

| | | | |
|---|---|---|---|
| **TO:** | Honorable Chairman Oliver G. Gilbert, III and Members, Board of County Commissioners | **DATE:** | July 18, 2023 |
| **FROM:** | Geri Bonzon-Keenan County Attorney | **SUBJECT:** | Resolution approving amended and restated interlocal agreement with various municipalities to reestablish distribution of proceeds of the six-cent local option gas tax for the 30-year period from January 1, 2024 through December 31, 2053; authorizing County Mayor to execute the agreement and to exercise all provisions contained therein |

The accompanying resolution was prepared by the Office of Management and Budget and placed on the agenda at the request of Prime Sponsor Vice Chairman Anthony Rodríguez.

Geri Bonzon-Keenan
County Attorney

GBK/gh

# Memorandum

**Date:** July 18, 2023

**To:** Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

**From:** Daniella Levine Cava
Mayor

**Subject:** Resolution Approving Amended and Restated Interlocal Agreement for the Reestablishment and Distribution of the Six-Cent Local Option Gas Tax

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**Executive Summary**
Pursuant to Section 336.025, Florida Statues, local counties are permitted to impose up to a six-cent local option gas tax (per gallon) of motor and diesel fuels sold in each such county and that are distributed to the local county and municipalities. The proceeds generated from this can be used towards transportation purposes, that include funding activities for the Department of Transportation and Public Works (DTPW) as well as municipal transportation functions. This item approves the amended and restated interlocal agreement between the County and municipalities that reestablishes the disbursement formula of the six-cent local option gas tax currently being used to distribute local option fuel tax proceeds between the County and eligible municipalities for the 30-year period including January 1, 2024 through December 31, 2053.

**Recommendation**
It is recommended that the Miami-Dade County (County) Board of County Commissioners (Board) approve the resolution which includes the amended and restated interlocal agreements that reestablish the distribution methodology for the six-cent local option gas tax among the County and municipalities currently being used to distribute local option fuel tax proceeds between the County and eligible municipalities for the 30-year period including January 1, 2024 through December 31, 2053.

**Scope of Agenda Item**
The impact of this item is countywide as the six-cent local option gas tax eligible uses include funding public transportation operations and public works functions. Additionally, this item will allow municipalities to fund public transportation operations and public works functions.

**Fiscal Impact / Funding Source**
The annual fiscal impact associated with a six-cent levy is projected to be $63.764 million in FY 2023-24 with the County receiving $44.890 million and the municipalities receiving $18.874 million. The relevied local option gas tax will be imposed January 1, 2024, through December 31, 2053. The January 1st relevy of the six-cent local option gas tax will create a four month lapse in collections. This lapse is being accounted for in the FY 2023-24 Proposed Budget so that no budget gaps exist for the County and municipalities.

**Delegation of Authority**
This item authorizes the Mayor or Mayor's designee to execute the amended and restated interlocal agreement with the municipalities and to exercise all provisions contained therein.

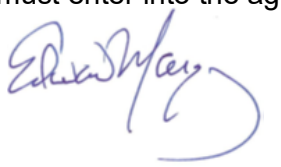
**Track Record / Monitor**
The Miami-Dade Office of Management and Budget (OMB) will administer and oversee the interlocal agreements.

**Background**

State law permits counties to impose up to a six-cent local option gas tax on motor fuel and special fuels. Miami-Dade County imposed a four-cent local option gas tax on September 1, 1983, and an additional two cents were imposed in 1985 bringing the total tax collected to six cents. The current local option gas tax (Ordinance 93-53) will expire on August 31st, 2023. Miami-Dade County and the municipalities within the County share approximately $63.764 million generated by the six-cent local option gas tax. The county and cities rely on this revenue to support their respective roadway/public transportation expenditures. Permissible uses of the tax are:

a. Public transportation operations and maintenance
b. Roadway and right-of-way maintenance and equipment and structures used primarily for the storage and maintenance of such equipment
c. Roadway and right-of-way drainage
d. Street lighting
e. Traffic signs, traffic engineering, signalization and pavement markings
f. Bridge maintenance and operations
g. Debt service and current expenditures for transportation capital projects in the above program areas, including construction or reconstruction of roads

The proceeds from the existing tax are distributed based on a formula in an interlocal agreement originally established by the parties in substantially the form provided in Resolution No. R-903-98, which currently allocates 70.4 percent of the net proceeds to Miami-Dade and 29.6 percent to all eligible incorporated cities. The municipal share is distributed among cities based on a weighing of population (75 percent) and centerline miles of roadway maintained (25 percent) for each city as compared to the total population and centerline mile figures for the entire incorporated area. The County agrees to use its best efforts to spend two-thirds of its share within the incorporated area of the County. The current County share is approximately $44.890 million programmed for FY 2023-24. To meet statutory requirements, a majority of the incorporated area population of Miami-Dade County must enter into the agreements.



Edward Marquez
Chief Financial Officer

## Local Option Gas Tax Distribution - Six Cents
## FY 2023-24 Estimated Municipal Distribution @ 95 Percent

**ATTACHMENT A**

| Jurisdiction | Population | Population Percent | Weighted at 75% | Centerline Mileage | Mileage Percent | Weighted at 25% | Percentage share of Municipal Proceeds | Percentage Share of Total Proceeds | Gas Tax Distribution |
|---|---|---|---|---|---|---|---|---|---|
| AVENTURA | 40,350 | 2.59395 | 1.94546 | 13.8 | 0.44249 | 0.11062 | 0.02056 | 0.00609 | **388,073** |
| BAL HARBOUR VILLAGE | 3,094 | 0.19890 | 0.14918 | 0.0 | 0.00000 | 0.00000 | 0.00149 | 0.00044 | **28,160** |
| BAY HARBOR ISLANDS | 5,961 | 0.38321 | 0.28741 | 9.0 | 0.28858 | 0.07214 | 0.00360 | 0.00106 | **67,872** |
| BISCAYNE PARK | 3,112 | 0.20006 | 0.15004 | 17.0 | 0.54509 | 0.13627 | 0.00286 | 0.00085 | **54,037** |
| CORAL GABLES | 52,014 | 3.34378 | 2.50784 | 242.3 | 7.76914 | 1.94229 | 0.04450 | 0.01317 | **839,921** |
| CUTLER BAY | 45,545 | 2.92792 | 2.19594 | 89.5 | 2.86974 | 0.71744 | 0.02913 | 0.00862 | **549,881** |
| DORAL | 81,182 | 5.21888 | 3.91416 | 70.2 | 2.24930 | 0.56233 | 0.04477 | 0.01325 | **844,904** |
| EL PORTAL | 1,993 | 0.12812 | 0.09609 | 12.5 | 0.40080 | 0.10020 | 0.00196 | 0.00058 | **37,050** |
| FLORIDA CITY | 14,320 | 0.92058 | 0.69043 | 39.4 | 1.26217 | 0.31554 | 0.01006 | 0.00298 | **189,874** |
| GOLDEN BEACH | 955 | 0.06139 | 0.04605 | 11.4 | 0.36553 | 0.09138 | 0.00137 | 0.00041 | **25,933** |
| HIALEAH | 228,206 | 14.67050 | 11.00287 | 356.7 | 11.43824 | 2.85956 | 0.13862 | 0.04103 | **2,616,418** |
| HIALEAH GARDENS | 23,076 | 1.48347 | 1.11260 | 39.0 | 1.25050 | 0.31263 | 0.01425 | 0.00422 | **268,995** |
| HOMESTEAD | 83,012 | 5.33653 | 4.00239 | 160.0 | 5.13058 | 1.28265 | 0.05285 | 0.01564 | **997,502** |
| INDIAN CREEK VILLAGE | 89 | 0.00572 | 0.00429 | 2.2 | 0.07054 | 0.01764 | 0.00022 | 0.00006 | **4,133** |
| MEDLEY | 1,056 | 0.06789 | 0.05092 | 35.6 | 1.14148 | 0.28537 | 0.00336 | 0.00100 | **63,474** |
| MIAMI | 459,224 | 29.52176 | 22.14132 | 662.3 | 21.23752 | 5.30937 | 0.27451 | 0.08125 | **5,181,101** |
| MIAMI BEACH | 83,618 | 5.37548 | 4.03161 | 125.2 | 4.01475 | 1.00369 | 0.05035 | 0.01490 | **950,373** |
| MIAMI GARDENS | 115,053 | 7.39632 | 5.54724 | 369.2 | 11.83936 | 2.95984 | 0.08507 | 0.02518 | **1,605,647** |
| MIAMI LAKES | 30,905 | 1.98677 | 1.49007 | 71.1 | 2.28104 | 0.57026 | 0.02060 | 0.00610 | **388,865** |
| MIAMI SHORES VILLAGE | 11,630 | 0.74765 | 0.56074 | 57.9 | 1.85651 | 0.46413 | 0.01025 | 0.00303 | **193,442** |
| MIAMI SPRINGS | 13,865 | 0.89133 | 0.66850 | 89.0 | 2.85371 | 0.71343 | 0.01382 | 0.00409 | **260,823** |
| NORTH BAY VILLAGE | 8,206 | 0.52753 | 0.39565 | 6.2 | 0.19880 | 0.04970 | 0.00445 | 0.00132 | **84,047** |
| NORTH MIAMI | 60,337 | 3.87884 | 2.90913 | 108.7 | 3.48569 | 0.87142 | 0.03781 | 0.01119 | **713,558** |
| NORTH MIAMI BEACH | 43,591 | 2.80230 | 2.10172 | 120.0 | 3.84738 | 0.96184 | 0.03064 | 0.00907 | **578,230** |
| OPA-LOCKA | 16,710 | 1.07422 | 0.80567 | 37.0 | 1.18637 | 0.29659 | 0.01102 | 0.00326 | **208,050** |
| PINECREST | 18,394 | 1.18248 | 0.88686 | 108.0 | 3.46293 | 0.86573 | 0.01753 | 0.00519 | **330,789** |
| SOUTH MIAMI | 12,090 | 0.77722 | 0.58292 | 45.6 | 1.46213 | 0.36553 | 0.00948 | 0.00281 | **179,003** |
| SUNNY ISLES BEACH | 22,756 | 1.46290 | 1.09717 | 7.9 | 0.25331 | 0.06333 | 0.01161 | 0.00344 | **219,035** |
| SURFSIDE | 5,446 | 0.35010 | 0.26258 | 12.0 | 0.38477 | 0.09619 | 0.00359 | 0.00106 | **67,721** |
| SWEETWATER | 20,240 | 1.30115 | 0.97587 | 35.3 | 1.13122 | 0.28281 | 0.01259 | 0.00373 | **237,570** |
| VILLAGE OF KEY BISCAYNE | 14,784 | 0.95041 | 0.71281 | 20.5 | 0.65732 | 0.16433 | 0.00877 | 0.00260 | **165,546** |
| VILLAGE OF PALMETTO BAY | 25,041 | 1.60979 | 1.20734 | 125.3 | 4.01700 | 1.00425 | 0.02212 | 0.00655 | **417,422** |
| VIRGINIA GARDENS | 2,376 | 0.15274 | 0.11456 | 6.4 | 0.20521 | 0.05130 | 0.00166 | 0.00049 | **31,312** |
| WEST MIAMI | 7,313 | 0.47013 | 0.35259 | 12.5 | 0.40080 | 0.10020 | 0.00453 | 0.00134 | **85,462** |
| **TOTAL - Cities** | **1,555,544** | **100.00000** | **75.00000** | **3,118.7** | **100.00000** | **25.00000** | **1.00000** | **0.29600** | **18,874,223** |

| TOTAL DISTRIBUTION | |
|---|---|
| **Total Cities** | 29.600 |
| **Total County** | 70.400 |
| **Grand Total** | 100.000 |

**SOURCES:**
**Bureau of Economic and Business Research, University of Florida (2022 population estimate report) https://www.bebr.ufl.edu/wp-content/uploads/2022/12/estimates_2022.pdf**
**"2021 City/County Mileage Report" - Florida Department of Transportation (https://ftp.fdot.gov/public/folder/nNflAvma106mshfAabOmyQ/City_and_County_Roads)**

**Miami-Dade Local Option (5 cents) Gas Tax Estimate (at 95%) for Fiscal Year 2023-24, excluding any service charge withheld by the State of Florida**

MDC004

# MEMORANDUM
(Revised)

**TO:** Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

**DATE:** July 18, 2023

**FROM:** Geri Bonzon-Keenan
County Attorney

**SUBJECT:** Agenda Item No. 8(G)(1)

**Please note any items checked.**

| | |
|---|---|
| _____ | **"3-Day Rule" for committees applicable if raised** |
| _____ | **6 weeks required between first reading and public hearing** |
| _____ | **4 weeks notification to municipal officials required prior to public hearing** |
| _____ | **Decreases revenues or increases expenditures without balancing budget** |
| _____ | **Budget required** |
| _____ | **Statement of fiscal impact required** |
| _____ | **Statement of social equity required** |
| _____ | **Ordinance creating a new board requires detailed County Mayor's report for public hearing** |
| ✓ | **No committee review** |
| _____ | **Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve** |
| _____ | **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required** |

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(G)(1)
7-18-23

RESOLUTION NO. _____

RESOLUTION APPROVING AMENDED AND RESTATED INTERLOCAL AGREEMENT WITH VARIOUS MUNICIPALITIES TO REESTABLISH DISTRIBUTION OF PROCEEDS OF THE SIX-CENT LOCAL OPTION GAS TAX FOR THE 30-YEAR PERIOD FROM JANUARY 1, 2024 THROUGH DECEMBER 31, 2053; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

**WHEREAS**, Section 336.025, Florida Statutes, authorizes county governments to levy various local option fuel taxes upon every gallon of motor fuel and diesel fuel sold in the county and taxed under the provisions of Part I or Part II of Chapter 206 of the Florida Statutes pursuant to an ordinance enacted by the Board of County Commissioners; and

**WHEREAS**, in 1993, the Board of County Commissioners of Miami-Dade County, Florida ("Board"), levied a six-cent ($0.06) local option gas tax on every gallon of motor fuel and diesel fuel sold in Miami-Dade County ("1993 Local Option Gas Tax"); and

**WHEREAS**, in 1997, this Board extended the imposition of the 1993 Local Option Gas Tax that began on September 1, 1993, for a maximum period of 30 years through Ordinance No. 97-156; and

**WHEREAS**, pursuant to Resolution No. R-903-98, Miami-Dade County and eligible municipalities entered into an interlocal agreement in accordance with Section 336.025(3)(a)(1), Florida Statutes, establishing the method of distributing the proceeds of the six-cent ($0.06) local option gas tax within Miami-Dade County for the remainder of the 1993 Local Option Gas Tax's term; and

**WHEREAS**, the proceeds of the 1993 Local Option Gas Tax have been distributed in accordance with the terms of that interlocal agreement; and

**WHEREAS**, by ordinance, Miami-Dade County desires to relevy the six-cent local option fuel tax authorized by Section 336.025(1)(a), Florida Statutes for the 30-year period including January 1, 2024 through December 31, 2053; and

**WHEREAS**, Miami-Dade County and various municipalities representing a majority of the population of the incorporated areas of Miami-Dade County desire to amend and restate their current interlocal agreement in order to reestablish the distribution formula currently being used to distribute local option fuel tax proceeds between the County and eligible municipalities for the 30-year period including January 1, 2024 through December 31, 2053,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board:

**Section 1**. Approves the Interlocal Agreement between Miami-Dade County and various municipalities representing a majority of the population of the incorporated areas of Miami-Dade County reestablishing the distribution formula currently being used to distribute local option fuel tax proceeds between the County and eligible municipalities for the 30-year period including January 1, 2024 through December 31, 2053, in substantially the form attached hereto and made a part hereof.

**Section 2**. Authorizes the County Mayor or the County Mayor's designee to execute the Agreement, for and on behalf of Miami-Dade County after proper execution by all municipalities that are parties thereto and to exercise all provisions contained therein.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman
Anthony Rodríguez, Vice Chairman

| | |
|---|---|
| Marleine Bastien | Juan Carlos Bermudez |
| Kevin Marino Cabrera | Sen. René García |
| Roberto J. Gonzalez | Keon Hardemon |
| Danielle Cohen Higgins | Eileen Higgins |
| Kionne L. McGhee | Raquel A. Regalado |
| Micky Steinberg | |

The Chairperson thereupon declared this resolution duly passed and adopted this 18th day of July, 2023. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. GKS

Gerald K. Sanchez

**INTERLOCAL AGREEMENT**

THIS AMENDED AND RESTATED AGREEMENT entered into this __ day of __ 2023, by and between Miami-Dade County, Florida, a political subdivision of the State of Florida and municipalities representing a majority of the population of the incorporated area of Miami-Dade County.

**WITNESSETH**

**WHEREAS**, Section 336.025, Florida Statutes, authorizes county governments to levy various local option fuel taxes upon every gallon of motor fuel and diesel fuel sold in the county and taxed under the provisions of Part I or Part II of Chapter 206 of the Florida Statutes pursuant to an ordinance enacted by the Board of County Commissioners; and

**WHEREAS**, in 1993, the Board of County Commissioners of Miami-Dade County, Florida ("Board"), levied a six-cent ($0.06) local option gas tax on every gallon of motor fuel and diesel fuel sold in Miami-Dade County ("1993 Local Option Gas Tax"); and

**WHEREAS**, in 1997, this Board extended the imposition of the 1993 Local Option Gas Tax that began on September 1, 1993, for a maximum period of 30 years through Ordinance No. 97-156; and

**WHEREAS**, pursuant to Resolution No. R-903-98, Miami-Dade County and eligible municipalities entered into an interlocal agreement in accordance with Section 336.025(3)(a)(1), Florida Statutes, establishing the method of distributing the proceeds of the six-cent ($0.06) local option gas tax within Miami-Dade County for the remainder of the 1993 Local Option Gas Tax's term; and

**WHEREAS**, the proceeds of the 1993 Local Option Gas Tax have been distributed in accordance with the terms of that interlocal agreement; and

**WHEREAS**, by ordinance, Miami-Dade County desires to relevy the six-cent local option fuel tax authorized by Section 336.025(1)(a), Florida Statutes, for the 30-year period including January 1, 2024 through December 31, 2053; and

**WHEREAS**, Miami-Dade County and various municipalities representing a majority of the population of the incorporated areas of Miami-Dade County desire to amend and restate their current interlocal agreement in order to reestablish the distribution formula currently being used to distribute local option fuel tax proceeds between the County and eligible municipalities for the 30-year period including January 1, 2024 through December 31, 2053,

**NOW, THEREFORE,** in consideration of the covenants contained herein, the receipt and adequacy of which are hereby acknowledged by all parties hereto, it is agreed as follows:

1. This amended and restated agreement shall become effective upon its approval by the governing bodies of the County and of municipalities representing a majority of the population of the incorporated area of Miami-Dade.

2. The distribution formula described in the original interlocal agreement provided in County Resolution No. R-903-98 has governed local option gas tax distributions for FY 1999-2000 and each subsequent fiscal year for the entire term of the "1993 Local Option Gas Tax", as defined in Article IX, Chapter 29 of the Code of Miami Dade County, Florida, as amended.

3. The parties desire to have that same distribution formula govern gas tax distributions for any local option gas taxes relevied by Miami-Dade County pursuant to Section 336.025(1)(a), Florida Statutes, for the 30-year period including January 1, 2024 through December 31, 2053.

4. Currently, Miami-Dade County has imposed and levied a local option gas tax of up to six cents, the net proceeds thereof had been previously allocated on the basis of 70.4 percent

(the “County portion”) to the County and 29.6 percent (the “municipal portion”) to all eligible incorporated municipalities in Miami-Dade County, Florida pursuant to Section 336.025(6), Florida Statutes. Net proceeds shall mean local option gas taxes collected by the Florida Department of Revenue (“DOR”) less the amount retained by the DOR for administration as provided under Florida law.

5. The municipal portion of the local option gas taxes shall be distributed among the eligible incorporated municipalities in Miami-Dade County, Florida, based on a formula as follows:

a. Seventy-five percent based upon the ratio of the population of each eligible incorporated municipality compared to the total population of all eligible incorporated municipalities in Miami-Dade County; and

b. Twenty-five percent based upon the ratio of total centerline miles of roadway maintained by each eligible incorporated municipality compared to the total centerline miles maintained by all eligible incorporated municipalities in Miami-Dade County.

6. In the event that an eligible municipality annexes an area of unincorporated Miami-Dade County or a newly incorporated municipality becomes eligible for participation in the distribution of local option gas tax proceeds, the distribution shall be set in accordance with the formula in Sections 5(a) and 5(b), in which case the County's Unincorporated Municipal Service Area (“UMSA”) share will be reduced by the proportionate reduction in population and roadway centerline miles, and provided to the municipal portion with the County and municipal shares adjusted accordingly. For calculation purposes, the UMSA share of the County's portion shall be defined as 20 percent of the original 74 percent County share of the 1993 Local Option Gas Tax,

as described in Section 29-79 of the Code of Miami-Dade County, Florida. The County's portion of the local option gas tax shall never be less than 80 percent of the original 74 percent share (59 percent of the total net proceeds distributed by the state).

7. Population figures used shall be the figures used to determine the annual distribution of the half cent local government sales tax pursuant to Section 218.60(1)(a), Florida Statutes. Centerline mile figures shall be based upon yearly figures submitted by each municipality to the Department of Financial Services in their Annual Financial Report and recorded by the Florida Department of Transportation as required by Section 218.32, Florida Statutes. The population and centerline mile figures shall be updated annually with data current as of June 1 of each year.

8. Miami-Dade County will use its best efforts to spend two thirds of the County portion on transportation expenses within the incorporated municipalities.

9. The percentages for distribution shall be calculated by the County annually. By July 1 of each year, the County shall notify all municipalities and the appropriate state agencies of the percentages for distribution of LOGT proceeds among the municipalities for the upcoming annual period commencing January 1. The percentage for distribution of local option gas tax proceeds to any city whose current population or centerline mile figures are not available shall be determined by the County based on the most recent available population and/or centerline mile figures reported to the state. In the event that either the population figures and/or the centerline miles are proven to be incorrect for any given municipality in any given year, the correction to the percentage distribution will be made in the subsequent year gas tax distribution calculation.

10. Pursuant to Section 336.025(5)(b), Florida Statutes, disputes regarding the percentage of distribution to any municipality hereunder shall be resolved through an appeal to the

Administration Commission in accordance with procedures developed by the Commission. Pending final disposition of such proceedings, the tax shall be collected and such funds shall be held in escrow by the Clerk of the Circuit Court of the County until final disposition is made.

11. The net proceeds of local option gas taxes shall only be used for "transportation expenditures," as defined by Section 336.025(7), Florida Statutes.

12. In the event that a significant shift of responsibility for regional transportation services occurs between the County and the municipalities, this interlocal agreement may be renegotiated by the mutual consent of the County and the municipalities representing a majority of the population of the incorporated area of Miami-Dade County.

**IN WITNESS WHEREOF**, the parties have caused this Amended and Restated Interlocal Agreement to be executed by their respective and duly authorized officers as of the date written above.

ATTEST:

| | |
|---|---|
| JUAN FERNANDEZ-BARQUIN,<br>CLERK | MIAMI-DADE COUNTY, FLORIDA |
| By:_____<br>DEPUTY CLERK | By:_____<br>Name:<br>Title: |
| ATTEST: | ATTEST: |
| By:_____ | By:_____ |
| ATTEST: | ATTEST: |
| By:_____ | By:_____ |

# MEMORANDUM

Agenda Item No. 8(G)(1)

| | | | |
|---|---|---|---|
| **TO:** | Honorable Chairman Oliver G. Gilbert, III and Members, Board of County Commissioners | **DATE:** | July 18, 2023 |
| **FROM:** | Geri Bonzon-Keenan County Attorney | **SUBJECT:** | Resolution approving amended and restated interlocal agreement with various municipalities to reestablish distribution of proceeds of the six-cent local option gas tax for the 30-year period from January 1, 2024 through December 31, 2053; authorizing County Mayor to execute the agreement and to exercise all provisions contained therein |

The accompanying resolution was prepared by the Office of Management and Budget and placed on the agenda at the request of Prime Sponsor Vice Chairman Anthony Rodríguez.

Geri Bonzon-Keenan
County Attorney

GBK/gh

# Memorandum

**Date:** July 18, 2023

**To:** Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

**From:** Daniella Levine Cava
Mayor

**Subject:** Resolution Approving Amended and Restated Interlocal Agreement for the Reestablishment and Distribution of the Six-Cent Local Option Gas Tax

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**Executive Summary**

Pursuant to Section 336.025, Florida Statues, local counties are permitted to impose up to a six-cent local option gas tax (per gallon) of motor and diesel fuels sold in each such county and that are distributed to the local county and municipalities. The proceeds generated from this can be used towards transportation purposes, that include funding activities for the Department of Transportation and Public Works (DTPW) as well as municipal transportation functions. This item approves the amended and restated interlocal agreement between the County and municipalities that reestablishes the disbursement formula of the six-cent local option gas tax currently being used to distribute local option fuel tax proceeds between the County and eligible municipalities for the 30-year period including January 1, 2024 through December 31, 2053.

**Recommendation**

It is recommended that the Miami-Dade County (County) Board of County Commissioners (Board) approve the resolution which includes the amended and restated interlocal agreements that reestablish the distribution methodology for the six-cent local option gas tax among the County and municipalities currently being used to distribute local option fuel tax proceeds between the County and eligible municipalities for the 30-year period including January 1, 2024 through December 31, 2053.

**Scope of Agenda Item**

The impact of this item is countywide as the six-cent local option gas tax eligible uses include funding public transportation operations and public works functions. Additionally, this item will allow municipalities to fund public transportation operations and public works functions.

**Fiscal Impact / Funding Source**

The annual fiscal impact associated with a six-cent levy is projected to be $63.764 million in FY 2023-24 with the County receiving $44.890 million and the municipalities receiving $18.874 million. The relevied local option gas tax will be imposed January 1, 2024, through December 31, 2053. The January 1st relevy of the six-cent local option gas tax will create a four month lapse in collections. This lapse is being accounted for in the FY 2023-24 Proposed Budget so that no budget gaps exist for the County and municipalities.

**Delegation of Authority**

This item authorizes the Mayor or Mayor's designee to execute the amended and restated interlocal agreement with the municipalities and to exercise all provisions contained therein.

**Track Record / Monitor**

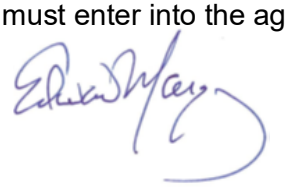
The Miami-Dade Office of Management and Budget (OMB) will administer and oversee the interlocal agreements.

**Background**

State law permits counties to impose up to a six-cent local option gas tax on motor fuel and special fuels. Miami-Dade County imposed a four-cent local option gas tax on September 1, 1983, and an additional two cents were imposed in 1985 bringing the total tax collected to six cents. The current local option gas tax (Ordinance 93-53) will expire on August 31st, 2023. Miami-Dade County and the municipalities within the County share approximately $63.764 million generated by the six-cent local option gas tax. The county and cities rely on this revenue to support their respective roadway/public transportation expenditures. Permissible uses of the tax are:

a. Public transportation operations and maintenance
b. Roadway and right-of-way maintenance and equipment and structures used primarily for the storage and maintenance of such equipment
c. Roadway and right-of-way drainage
d. Street lighting
e. Traffic signs, traffic engineering, signalization and pavement markings
f. Bridge maintenance and operations
g. Debt service and current expenditures for transportation capital projects in the above program areas, including construction or reconstruction of roads

The proceeds from the existing tax are distributed based on a formula in an interlocal agreement originally established by the parties in substantially the form provided in Resolution No. R-903-98, which currently allocates 70.4 percent of the net proceeds to Miami-Dade and 29.6 percent to all eligible incorporated cities. The municipal share is distributed among cities based on a weighing of population (75 percent) and centerline miles of roadway maintained (25 percent) for each city as compared to the total population and centerline mile figures for the entire incorporated area. The County agrees to use its best efforts to spend two-thirds of its share within the incorporated area of the County. The current County share is approximately $44.890 million programmed for FY 2023-24. To meet statutory requirements, a majority of the incorporated area population of Miami-Dade County must enter into the agreements.



Edward Marquez
Chief Financial Officer

## Local Option Gas Tax Distribution - Six Cents
## FY 2023-24 Estimated Municipal Distribution @ 95 Percent

**ATTACHMENT A**

| Jurisdiction | Population | Population Percent | Weighted at 75% | Centerline Mileage | Mileage Percent | Weighted at 25% | Percentage share of Municipal Proceeds | Percentage Share of Total Proceeds | Gas Tax Distribution |
|---|---|---|---|---|---|---|---|---|---|
| AVENTURA | 40,350 | 2.59395 | 1.94546 | 13.8 | 0.44249 | 0.11062 | 0.02056 | 0.00609 | **388,073** |
| BAL HARBOUR VILLAGE | 3,094 | 0.19890 | 0.14918 | 0.0 | 0.00000 | 0.00000 | 0.00149 | 0.00044 | **28,160** |
| BAY HARBOR ISLANDS | 5,961 | 0.38321 | 0.28741 | 9.0 | 0.28858 | 0.07214 | 0.00360 | 0.00106 | **67,872** |
| BISCAYNE PARK | 3,112 | 0.20006 | 0.15004 | 17.0 | 0.54509 | 0.13627 | 0.00286 | 0.00085 | **54,037** |
| CORAL GABLES | 52,014 | 3.34378 | 2.50784 | 242.3 | 7.76914 | 1.94229 | 0.04450 | 0.01317 | **839,921** |
| CUTLER BAY | 45,545 | 2.92792 | 2.19594 | 89.5 | 2.86974 | 0.71744 | 0.02913 | 0.00862 | **549,881** |
| DORAL | 81,182 | 5.21888 | 3.91416 | 70.2 | 2.24930 | 0.56233 | 0.04477 | 0.01325 | **844,904** |
| EL PORTAL | 1,993 | 0.12812 | 0.09609 | 12.5 | 0.40080 | 0.10020 | 0.00196 | 0.00058 | **37,050** |
| FLORIDA CITY | 14,320 | 0.92058 | 0.69043 | 39.4 | 1.26217 | 0.31554 | 0.01006 | 0.00298 | **189,874** |
| GOLDEN BEACH | 955 | 0.06139 | 0.04605 | 11.4 | 0.36553 | 0.09138 | 0.00137 | 0.00041 | **25,933** |
| HIALEAH | 228,206 | 14.67050 | 11.00287 | 356.7 | 11.43824 | 2.85956 | 0.13862 | 0.04103 | **2,616,418** |
| HIALEAH GARDENS | 23,076 | 1.48347 | 1.11260 | 39.0 | 1.25050 | 0.31263 | 0.01425 | 0.00422 | **268,995** |
| HOMESTEAD | 83,012 | 5.33653 | 4.00239 | 160.0 | 5.13058 | 1.28265 | 0.05285 | 0.01564 | **997,502** |
| INDIAN CREEK VILLAGE | 89 | 0.00572 | 0.00429 | 2.2 | 0.07054 | 0.01764 | 0.00022 | 0.00006 | **4,133** |
| MEDLEY | 1,056 | 0.06789 | 0.05092 | 35.6 | 1.14148 | 0.28537 | 0.00336 | 0.00100 | **63,474** |
| MIAMI | 459,224 | 29.52176 | 22.14132 | 662.3 | 21.23752 | 5.30937 | 0.27451 | 0.08125 | **5,181,101** |
| MIAMI BEACH | 83,618 | 5.37548 | 4.03161 | 125.2 | 4.01475 | 1.00369 | 0.05035 | 0.01490 | **950,373** |
| MIAMI GARDENS | 115,053 | 7.39632 | 5.54724 | 369.2 | 11.83936 | 2.95984 | 0.08507 | 0.02518 | **1,605,647** |
| MIAMI LAKES | 30,905 | 1.98677 | 1.49007 | 71.1 | 2.28104 | 0.57026 | 0.02060 | 0.00610 | **388,865** |
| MIAMI SHORES VILLAGE | 11,630 | 0.74765 | 0.56074 | 57.9 | 1.85651 | 0.46413 | 0.01025 | 0.00303 | **193,442** |
| MIAMI SPRINGS | 13,865 | 0.89133 | 0.66850 | 89.0 | 2.85371 | 0.71343 | 0.01382 | 0.00409 | **260,823** |
| NORTH BAY VILLAGE | 8,206 | 0.52753 | 0.39565 | 6.2 | 0.19880 | 0.04970 | 0.00445 | 0.00132 | **84,047** |
| NORTH MIAMI | 60,337 | 3.87884 | 2.90913 | 108.7 | 3.48569 | 0.87142 | 0.03781 | 0.01119 | **713,558** |
| NORTH MIAMI BEACH | 43,591 | 2.80230 | 2.10172 | 120.0 | 3.84738 | 0.96184 | 0.03064 | 0.00907 | **578,230** |
| OPA-LOCKA | 16,710 | 1.07422 | 0.80567 | 37.0 | 1.18637 | 0.29659 | 0.01102 | 0.00326 | **208,050** |
| PINECREST | 18,394 | 1.18248 | 0.88686 | 108.0 | 3.46293 | 0.86573 | 0.01753 | 0.00519 | **330,789** |
| SOUTH MIAMI | 12,090 | 0.77722 | 0.58292 | 45.6 | 1.46213 | 0.36553 | 0.00948 | 0.00281 | **179,003** |
| SUNNY ISLES BEACH | 22,756 | 1.46290 | 1.09717 | 7.9 | 0.25331 | 0.06333 | 0.01161 | 0.00344 | **219,035** |
| SURFSIDE | 5,446 | 0.35010 | 0.26258 | 12.0 | 0.38477 | 0.09619 | 0.00359 | 0.00106 | **67,721** |
| SWEETWATER | 20,240 | 1.30115 | 0.97587 | 35.3 | 1.13122 | 0.28281 | 0.01259 | 0.00373 | **237,570** |
| VILLAGE OF KEY BISCAYNE | 14,784 | 0.95041 | 0.71281 | 20.5 | 0.65732 | 0.16433 | 0.00877 | 0.00260 | **165,546** |
| VILLAGE OF PALMETTO BAY | 25,041 | 1.60979 | 1.20734 | 125.3 | 4.01700 | 1.00425 | 0.02212 | 0.00655 | **417,422** |
| VIRGINIA GARDENS | 2,376 | 0.15274 | 0.11456 | 6.4 | 0.20521 | 0.05130 | 0.00166 | 0.00049 | **31,312** |
| WEST MIAMI | 7,313 | 0.47013 | 0.35259 | 12.5 | 0.40080 | 0.10020 | 0.00453 | 0.00134 | **85,462** |
| **TOTAL - Cities** | **1,555,544** | **100.00000** | **75.00000** | **3,118.7** | **100.00000** | **25.00000** | **1.00000** | **0.29600** | **18,874,223** |

| TOTAL DISTRIBUTION | |
|---|---|
| **Total Cities** | 29.600 |
| **Total County** | 70.400 |
| **Grand Total** | 100.000 |

**SOURCES:**
**Bureau of Economic and Business Research, University of Florida (2022 population estimate report) https://www.bebr.ufl.edu/wp-content/uploads/2022/12/estimates_2022.pdf**
**"2021 City/County Mileage Report" - Florida Department of Transportation (https://ftp.fdot.gov/public/folder/nNflAvma106mshfAabOmyQ/City_and_County_Roads)**

**Miami-Dade Local Option (5 cents) Gas Tax Estimate (at 95%) for Fiscal Year 2023-24, excluding any service charge withheld by the State of Florida**

MDC004

# MEMORANDUM
(Revised)

**TO:** Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

**DATE:** July 18, 2023

**FROM:** Geri Bonzon-Keenan
County Attorney

**SUBJECT:** Agenda Item No. 8(G)(1)

**Please note any items checked.**

| | |
|---|---|
| _____ | **"3-Day Rule" for committees applicable if raised** |
| _____ | **6 weeks required between first reading and public hearing** |
| _____ | **4 weeks notification to municipal officials required prior to public hearing** |
| _____ | **Decreases revenues or increases expenditures without balancing budget** |
| _____ | **Budget required** |
| _____ | **Statement of fiscal impact required** |
| _____ | **Statement of social equity required** |
| _____ | **Ordinance creating a new board requires detailed County Mayor's report for public hearing** |
| ✓ | **No committee review** |
| _____ | **Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve** |
| _____ | **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required** |

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(G)(1)
7-18-23

RESOLUTION NO. _____

RESOLUTION APPROVING AMENDED AND RESTATED INTERLOCAL AGREEMENT WITH VARIOUS MUNICIPALITIES TO REESTABLISH DISTRIBUTION OF PROCEEDS OF THE SIX-CENT LOCAL OPTION GAS TAX FOR THE 30-YEAR PERIOD FROM JANUARY 1, 2024 THROUGH DECEMBER 31, 2053; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

**WHEREAS**, Section 336.025, Florida Statutes, authorizes county governments to levy various local option fuel taxes upon every gallon of motor fuel and diesel fuel sold in the county and taxed under the provisions of Part I or Part II of Chapter 206 of the Florida Statutes pursuant to an ordinance enacted by the Board of County Commissioners; and

**WHEREAS**, in 1993, the Board of County Commissioners of Miami-Dade County, Florida ("Board"), levied a six-cent ($0.06) local option gas tax on every gallon of motor fuel and diesel fuel sold in Miami-Dade County ("1993 Local Option Gas Tax"); and

**WHEREAS**, in 1997, this Board extended the imposition of the 1993 Local Option Gas Tax that began on September 1, 1993, for a maximum period of 30 years through Ordinance No. 97-156; and

**WHEREAS**, pursuant to Resolution No. R-903-98, Miami-Dade County and eligible municipalities entered into an interlocal agreement in accordance with Section 336.025(3)(a)(1), Florida Statutes, establishing the method of distributing the proceeds of the six-cent ($0.06) local option gas tax within Miami-Dade County for the remainder of the 1993 Local Option Gas Tax's term; and

**WHEREAS**, the proceeds of the 1993 Local Option Gas Tax have been distributed in accordance with the terms of that interlocal agreement; and

**WHEREAS**, by ordinance, Miami-Dade County desires to relevy the six-cent local option fuel tax authorized by Section 336.025(1)(a), Florida Statutes for the 30-year period including January 1, 2024 through December 31, 2053; and

**WHEREAS**, Miami-Dade County and various municipalities representing a majority of the population of the incorporated areas of Miami-Dade County desire to amend and restate their current interlocal agreement in order to reestablish the distribution formula currently being used to distribute local option fuel tax proceeds between the County and eligible municipalities for the 30-year period including January 1, 2024 through December 31, 2053,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board:

**Section 1**. Approves the Interlocal Agreement between Miami-Dade County and various municipalities representing a majority of the population of the incorporated areas of Miami-Dade County reestablishing the distribution formula currently being used to distribute local option fuel tax proceeds between the County and eligible municipalities for the 30-year period including January 1, 2024 through December 31, 2053, in substantially the form attached hereto and made a part hereof.

**Section 2**. Authorizes the County Mayor or the County Mayor's designee to execute the Agreement, for and on behalf of Miami-Dade County after proper execution by all municipalities that are parties thereto and to exercise all provisions contained therein.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman
Anthony Rodríguez, Vice Chairman

| | |
|---|---|
| Marleine Bastien | Juan Carlos Bermudez |
| Kevin Marino Cabrera | Sen. René García |
| Roberto J. Gonzalez | Keon Hardemon |
| Danielle Cohen Higgins | Eileen Higgins |
| Kionne L. McGhee | Raquel A. Regalado |
| Micky Steinberg | |

The Chairperson thereupon declared this resolution duly passed and adopted this 18th day of July, 2023. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. GKS

Gerald K. Sanchez

**INTERLOCAL AGREEMENT**

THIS AMENDED AND RESTATED AGREEMENT entered into this __ day of __ 2023, by and between Miami-Dade County, Florida, a political subdivision of the State of Florida and municipalities representing a majority of the population of the incorporated area of Miami-Dade County.

**WITNESSETH**

**WHEREAS**, Section 336.025, Florida Statutes, authorizes county governments to levy various local option fuel taxes upon every gallon of motor fuel and diesel fuel sold in the county and taxed under the provisions of Part I or Part II of Chapter 206 of the Florida Statutes pursuant to an ordinance enacted by the Board of County Commissioners; and

**WHEREAS**, in 1993, the Board of County Commissioners of Miami-Dade County, Florida ("Board"), levied a six-cent ($0.06) local option gas tax on every gallon of motor fuel and diesel fuel sold in Miami-Dade County ("1993 Local Option Gas Tax"); and

**WHEREAS**, in 1997, this Board extended the imposition of the 1993 Local Option Gas Tax that began on September 1, 1993, for a maximum period of 30 years through Ordinance No. 97-156; and

**WHEREAS**, pursuant to Resolution No. R-903-98, Miami-Dade County and eligible municipalities entered into an interlocal agreement in accordance with Section 336.025(3)(a)(1), Florida Statutes, establishing the method of distributing the proceeds of the six-cent ($0.06) local option gas tax within Miami-Dade County for the remainder of the 1993 Local Option Gas Tax's term; and

**WHEREAS**, the proceeds of the 1993 Local Option Gas Tax have been distributed in accordance with the terms of that interlocal agreement; and

**WHEREAS**, by ordinance, Miami-Dade County desires to relevy the six-cent local option fuel tax authorized by Section 336.025(1)(a), Florida Statutes, for the 30-year period including January 1, 2024 through December 31, 2053; and

**WHEREAS**, Miami-Dade County and various municipalities representing a majority of the population of the incorporated areas of Miami-Dade County desire to amend and restate their current interlocal agreement in order to reestablish the distribution formula currently being used to distribute local option fuel tax proceeds between the County and eligible municipalities for the 30-year period including January 1, 2024 through December 31, 2053,

**NOW, THEREFORE,** in consideration of the covenants contained herein, the receipt and adequacy of which are hereby acknowledged by all parties hereto, it is agreed as follows:

1. This amended and restated agreement shall become effective upon its approval by the governing bodies of the County and of municipalities representing a majority of the population of the incorporated area of Miami-Dade.

2. The distribution formula described in the original interlocal agreement provided in County Resolution No. R-903-98 has governed local option gas tax distributions for FY 1999-2000 and each subsequent fiscal year for the entire term of the "1993 Local Option Gas Tax", as defined in Article IX, Chapter 29 of the Code of Miami Dade County, Florida, as amended.

3. The parties desire to have that same distribution formula govern gas tax distributions for any local option gas taxes relevied by Miami-Dade County pursuant to Section 336.025(1)(a), Florida Statutes, for the 30-year period including January 1, 2024 through December 31, 2053.

4. Currently, Miami-Dade County has imposed and levied a local option gas tax of up to six cents, the net proceeds thereof had been previously allocated on the basis of 70.4 percent

(the “County portion”) to the County and 29.6 percent (the “municipal portion”) to all eligible incorporated municipalities in Miami-Dade County, Florida pursuant to Section 336.025(6), Florida Statutes. Net proceeds shall mean local option gas taxes collected by the Florida Department of Revenue (“DOR”) less the amount retained by the DOR for administration as provided under Florida law.

5. The municipal portion of the local option gas taxes shall be distributed among the eligible incorporated municipalities in Miami-Dade County, Florida, based on a formula as follows:

a. Seventy-five percent based upon the ratio of the population of each eligible incorporated municipality compared to the total population of all eligible incorporated municipalities in Miami-Dade County; and

b. Twenty-five percent based upon the ratio of total centerline miles of roadway maintained by each eligible incorporated municipality compared to the total centerline miles maintained by all eligible incorporated municipalities in Miami-Dade County.

6. In the event that an eligible municipality annexes an area of unincorporated Miami-Dade County or a newly incorporated municipality becomes eligible for participation in the distribution of local option gas tax proceeds, the distribution shall be set in accordance with the formula in Sections 5(a) and 5(b), in which case the County's Unincorporated Municipal Service Area (“UMSA”) share will be reduced by the proportionate reduction in population and roadway centerline miles, and provided to the municipal portion with the County and municipal shares adjusted accordingly. For calculation purposes, the UMSA share of the County's portion shall be defined as 20 percent of the original 74 percent County share of the 1993 Local Option Gas Tax,

as described in Section 29-79 of the Code of Miami-Dade County, Florida. The County's portion of the local option gas tax shall never be less than 80 percent of the original 74 percent share (59 percent of the total net proceeds distributed by the state).

7. Population figures used shall be the figures used to determine the annual distribution of the half cent local government sales tax pursuant to Section 218.60(1)(a), Florida Statutes. Centerline mile figures shall be based upon yearly figures submitted by each municipality to the Department of Financial Services in their Annual Financial Report and recorded by the Florida Department of Transportation as required by Section 218.32, Florida Statutes. The population and centerline mile figures shall be updated annually with data current as of June 1 of each year.

8. Miami-Dade County will use its best efforts to spend two thirds of the County portion on transportation expenses within the incorporated municipalities.

9. The percentages for distribution shall be calculated by the County annually. By July 1 of each year, the County shall notify all municipalities and the appropriate state agencies of the percentages for distribution of LOGT proceeds among the municipalities for the upcoming annual period commencing January 1. The percentage for distribution of local option gas tax proceeds to any city whose current population or centerline mile figures are not available shall be determined by the County based on the most recent available population and/or centerline mile figures reported to the state. In the event that either the population figures and/or the centerline miles are proven to be incorrect for any given municipality in any given year, the correction to the percentage distribution will be made in the subsequent year gas tax distribution calculation.

10. Pursuant to Section 336.025(5)(b), Florida Statutes, disputes regarding the percentage of distribution to any municipality hereunder shall be resolved through an appeal to the

Administration Commission in accordance with procedures developed by the Commission. Pending final disposition of such proceedings, the tax shall be collected and such funds shall be held in escrow by the Clerk of the Circuit Court of the County until final disposition is made.

11. The net proceeds of local option gas taxes shall only be used for "transportation expenditures," as defined by Section 336.025(7), Florida Statutes.

12. In the event that a significant shift of responsibility for regional transportation services occurs between the County and the municipalities, this interlocal agreement may be renegotiated by the mutual consent of the County and the municipalities representing a majority of the population of the incorporated area of Miami-Dade County.

**IN WITNESS WHEREOF**, the parties have caused this Amended and Restated Interlocal Agreement to be executed by their respective and duly authorized officers as of the date written above.

ATTEST:

| | |
|---|---|
| JUAN FERNANDEZ-BARQUIN,<br>CLERK | MIAMI-DADE COUNTY, FLORIDA |
| By:_____<br>DEPUTY CLERK | By:_____<br>Name:<br>Title: |
| ATTEST: | ATTEST: |
| By:_____ | By:_____ |
| ATTEST: | ATTEST: |
| By:_____ | By:_____ |

# MEMORANDUM

**ITEM NO. 3D.**

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

**From:** Hector Gomez, Town Manager

**Date:** August 8, 2023

**Subject:** **Commercial Recycling Material Lists & Commercial Recycling Rate Adjustment**

Town Administration recommends adopting proposed rates and materials list related to recycling.

The Town provides commercial recycling collection services to commercial and multifamily unit customers up to two days a week with differing pick-up schedules based on the needs for each account. Per Town Code, "Commercial" includes residential buildings with over 4 units. The Commercial recycling rates have not been adjusted since 2008 when rates of $18.27 and 26.54 per cubic yard were set for 95-gallon toter and 2cy, 3cy and 4cy containers, respectively. From 2008 to 2016, recycling commodities were sold to a third party that would sale the material and provide the Town a revenue stream that was used to subsidize recycling rates. After 2016, there has been a negative gain in revenues since recycled materials cost more money to process than what they are worth as a resale.

In 2023, the Town contracted with Bell & Associates, an independent consultant, to conduct a rate study for residential and commercial recycling waste, see Attachment A - Solid Waste Rate Study. The rate study recommends a new commercial recycling rate structure based on cubic yards of recycling picked up and disposed in order to breakeven on the cost of recycling in fiscal years 2024-2027 with during those years to match projected increases in costs. Over the last 15 years since the rates were last adjusted, fuel, landfill disposal fees, and labor costs have continued to increase.

As detailed in the new FY 2023-2027 Five-Year Financial Forecast presented to Commission at the May 2022 Commission meeting, the Solid Waste Fund has a financial deficit concern. See below the Finding from the FY 2023-2027 Five-Year Financial Forecast:

- ***Solid Waste Fund***
  - *At current rates the fund's expenses are projected to exceed revenues over the forecasted five years. Deficits are largely tied to projected user fees remaining unchanged and annual operating costs gradually increasing. A process for*

*implementing consistent rate increases over time to align revenues with the cost of services and to establish a healthy reserve is recommended.*

The new recommended commercial recycling rates are proposed in Exhibit A to the resolution - "Proposed Recycling Rates Table". Additionally, not all materials once deemed recyclable are recycled. The Town pays an additional fee to process these types of materials. In order to not incur additional cost to handle material that will be disposed at a landfill (double handled), the Town is seeking to revise the current recyclable materials list. Refer to Exhibit B to the resolution - Recyclable Materials List. This list will be updated periodically through resolution to be consistent with market recycling commodities demands. Materials recycling list will be kept within the Town's Public Works Manual.

New rates would be effective October 1, 2023.

Attachment A - 2023 Solid Waste Rate Study

Resolution Adopting Commercial Recycling Rates FY 2024 to 2028 and Recyclable Materials List

Exhibit A - Proposed Recycling Rates Table

Exhibit B - Recyclable Materials List

# Solid Waste and Recycling Collection Rate Report to the Town of Surfside

July 2023

Bell & Associates, Inc.
Solid Waste & Recycling Consultants

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## Background

The Town of Surfside (Town) contracted with Bell & Associates, a consulting firm with expertise in solid waste collection operations, to assist the Town with updating the rates for solid waste and recycling collection services. Information from the Town's collection operations was utilized to project costs and set commercial collection rates for 2024 to 2027.

### Cost Assumptions for Collection Rates

The cost of service approach for the collection rates utilizes the fiscal year 2024 operating budget, and waste disposal and recycling invoices escalated for the next four fiscal years. Projecting the financial cost of services for future years is achieved by applying the inflationary increases in Table 1 to the line item expenses. Table 2 summarizes the estimated collection cost over four years when the inflationary increases are applied.

**Table 1: Collection Expense Inflationary Increases**

| Collection Expense | Percentage Increase |
|---|---|
| Labor | 5.00% |
| Inflation | 3.00% |
| Disposal Expense | 5.00% |
| Recycling Expense | 5.00% |
| Fuel Expense | 7.50% |
| Equipment Repair | 7.50% |

**Table 2: Surfside Projected Waste & Recycling Collection Costs**

| Cost | FY 24 Budget | FY 25 | FY 26 | FY 27 | FY 28 |
|---|---|---|---|---|---|
| Labor Expense | $1,039,683 | $1,055,336 | $1,104,570 | $1,156,160 | $1,210,220 |
| Collection Expense | $354,149 | $373,652 | $394,406 | $416,498 | $440,022 |
| Admin Expense | $5,980 | $6,159 | $6,344 | $6,535 | $6,731 |
| Disposal Expense | $567,821 | $716,794 | $752,634 | $790,265 | $829,779 |
| Recycling Expense | $114,840 | $120,582 | $126,611 | $132,942 | $139,589 |
| **Total Cost** | $2,082,473 | $2,272,524 | $2,384,565 | $2,502,399 | $2,626,340 |
| Cost Increase | 9.0% | 9.1% | 4.9% | 4.9% | 5.0% |

### Residential Collection

Collection crews provide waste and recycling services to the Town's 1,144 single-family residential customers. The assessed fee for single-family residences is $331.42 and is assumed to remain unchanged over the rate setting period. Revenue generated from the residential assessment is $379,144.

## Commercial Collection

There are 160 commercial customers in Surfside. The Town's crews will collect approximately 54,000 cubic yards of waste annually. Most customers utilize either a two or three-yard poly container; however, seven customers use a 95-gallon roll cart for service. Collection frequency varies from once to six times a week, depending on the amount of waste the business generates. The cost allocated to commercial customers is the difference between the total waste collection costs less the residential assessment revenue and the recycling cost. The projected costs for fiscal years 2024 through 2027 are the basis for calculating the rate increase for commercial services. Table 3 below details the cost calculation.

**Table 3: Commercial Monthly Collection Rate Calculation**

| Description | note | FY24 | FY 25 | FY 26 | FY 27 | FY 28 |
|---|---|---|---|---|---|---|
| Collection Expenses | A | $2,082,473 | $2,151,942 | $2,257,954 | $2,369,458 | $2,487,931 |
| Less Res. Assessment | B | ($379,144) | ($379,144) | ($379,144) | ($379,144) | ($379,144) |
| Less Com. Recycling | C | ($114,840) | ($120,582) | ($126,611) | ($132,942) | ($139,589) |
| Revenue Requirement | D | $1,588,489 | $1,652,215 | $1,752,198 | $1,857,372 | $1,969,198 |
| Annual Com. Yards | E | 54,000 | 54,000 | 54,000 | 54,000 | 54,000 |
| Com. Cost per Yard | F | $29.42 | $30.60 | $32.45 | $34.40 | $36.47 |

**Table 3 Notes and Calculation**

- **A:** Projected collection costs from Table 1.
- **B:** Less revenue from the residential assessment.
- **C**: Less recycling expense
- **D:** Revenue requirement for commercial collection rates (A - B - C).
- **E:** Annual yards of collected waste from commercial customers.
- **F:** Cost per Yard is the commercial revenue requirement divided by the Annual Commercial Yards (D / E).

## Solid Waste Fund Balance

The estimated Solid Waste Fund deficit for the FY24 year-end is $354,000. The proposed rate increase in Table 3 will stabilize the rates. Staring in FY25, an additional $3.28 per collected yard of waste will be incorporated into the commercial rates to eliminate the deficit by FY26 and build a reserve starting in FY27. Table 4 on the following page summarizes the calculation of the costs that comprise the proposed rates and Table 5 summarizes the proposed waste collection rate schedules starting in the fiscal year 2024 through 2028.

**Table 4: Rate Costs of the Commercial Collection Rate**

| Rate Costs | FY24 | FY 25 | FY 26 | FY 27 | FY 28 |
|---|---|---|---|---|---|
| Current Commercial Rate per Yard | $25.82 | | | | |
| Operational Increase per Yard | | $4.78 | $1.18 | $1.85 | $1.95 |
| Fund Balance Increase per Yard | | | $3.28 | $3.28 | $3.28 |
| Total Increase per Yard | | $4.78 | $4.46 | $5.13 | $5.23 |
| **Proposed Rate per Yard** | | $30.60 | $35.05 | $40.18 | $45.41 |
| % Increase | | 18.5% | 15% | 15% | 13% |

## Commercial Collection Rate Schedules

Table 5 summarizes the proposed waste collection rate schedules starting in the fiscal year 2024 through 2028.

**Table 5: Proposed Surfside Monthly Commercial Collection Rates**

| Two Yard Container | FY 24 | FY 25 | FY 26 | FY 27 | FY 28 |
|---|---|---|---|---|---|
| 1 Pickup per Week | $223.60 | $265.00 | $303.60 | $348.00 | $393.20 |
| 2 Pickups per Week | $447.20 | $530.00 | $607.20 | $696.00 | $786.40 |
| 3 Pickups per Week | $670.80 | $795.00 | $910.80 | $1,044.00 | $1,179.60 |
| 4 Pickups per Week | $894.40 | $1,060.00 | $1,214.40 | $1,392.00 | $1,572.80 |
| 5 Pickups per Week | $1,118.00 | $1,325.00 | $1,518.00 | $1,740.00 | $1,966.00 |
| 6 Pickups per Week | $1,341.60 | $1,590.00 | $1,821.60 | $2,088.00 | $2,359.20 |
| | | | | | |
| **Three Yard Container** | **FY 24** | **FY 25** | **FY 26** | **FY 27** | **FY 28** |
| 1 Pickup per Week | $335.40 | $397.40 | $455.40 | $522.00 | $589.90 |
| 2 Pickups per Week | $670.08 | $794.80 | $910.80 | $1,044.00 | $1,179.80 |
| 3 Pickups per Week | $1,006.20 | $1,192.20 | $1,366.20 | $1,566.00 | $1,769.70 |
| 4 Pickups per Week | $1,341.60 | $1,589.60 | $1,821.60 | $2,088.00 | $2,359.60 |
| 5 Pickups per Week | $1,677.00 | $1,987.00 | $2,277.00 | $2,610.00 | $2,949.50 |
| 6 Pickups per Week | $2,012.40 | $2,384.40 | $2,732.40 | $3,132.00 | $3,539.40 |
| | | | | | |
| 95-gallon cart weekly | $35.83 | $41.70 | $47.10 | $53.20 | $60.09 |
| **SW Rate per Yard** | $25.82 | $30.60 | $35.06 | $40.18 | $45.40 |

## Commercial Recycling

The cost of recycling services fluctuates monthly from a combination of the commodity value of the collected materials and the fuel surcharge. Table 6 details the annual escalation of the recycling cost and rate per collected yard for commercial customers and Table 7 details the rates for commercial recycling services.

**Table 6: Commercial Monthly Recycling Collection Rate Calculation**

| Description | FY24 | FY 25 | FY 26 | FY 27 | FY 28 |
|---|---|---|---|---|---|
| Recycling Expense | $114,840 | $120,582 | $126,611 | $132,942 | $139,589 |
| $ Increase | $23,508 | $5,742 | $6,029 | $6,331 | $6,647 |
| % Increase | 26% | 5% | 5% | 5% | 5% |
| Annual Collected Yards | 12,395 | 12,643 | 12,896 | 13,154 | 13,417 |
| Cost per Collected Yard | $9.26 | $9.54 | $9.82 | $10.11 | $10.40 |

**Table 7: Proposed Surfside Monthly Commercial Recycling Collection Rates**

Table 6 summarizes the commercial recycling collection rate, per container or cart, for once a week collection and for twice a week collection.

| Description | FY 24 | FY 25 | FY 26 | FY 27 | FY 28 |
|---|---|---|---|---|---|
| One 2 Yd. Container Collected Once a Week | $80.23 | $82.59 | $85.02 | $87.52 | $90.10 |
| One 2 Yd. Container Collected Twice a Week | $160.46 | $165.18 | $170.04 | $175.04 | $180.19 |
| One 3 Yd. Container Collected Once a Week | $120.35 | $123.89 | $127.53 | $131.28 | $135.14 |
| One 3 Yd. Container Collected Twice a Week | $240.70 | $247.78 | $255.06 | $262.57 | $270.29 |
| One 4 Yd Container Collected Once a Week | $160.46 | $165.18 | $170.04 | $175.04 | $180.19 |
| One 4 Yd Container Collected Twice a Week | $320.93 | $330.37 | $340.08 | $350.09 | $360.38 |
| One 95 gallon Toter Collected Once a Week | $18.85 | $19.41 | $19.98 | $20.57 | $21.17 |
| One 95 gallon Toter Collected Twice a Week | $37.71 | $38.82 | $39.96 | $41.14 | $42.35 |

**RESOLUTION NO. 2023-_____**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND ADOPTING A MULTI-YEAR COMMERCIAL RECYCLING RATES SCHEDULE EFFECTIVE OCTOBER 1, 2023 FOR FISCAL YEARS 2024 TO 2028; APPROVING A RECYCLABLE MATERIALS LIST; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the Town of Surfside ("Town") provides commercial recycling collection services to commercial and multifamily unit customers up to two days a week with differing pick-up schedules based on the needs for each account, including residential buildings with over four units; and

**WHEREAS,** the Commercial recycling rates have not been adjusted since 2008 when rates of $18.27 and 26.54 per cubic yard were set for 95-gallon toter and 2cy, 3cy and 4cy containers, respectively; and

.**WHEREAS,** from 2008 to 2016, recycling commodities were sold to a third party that would resell the materials and provide the Town a revenue stream that was used to subsidize recycling rates, but after 2016, there has been a negative gain in revenues since recycled materials cost more money to process than what they are worth as a resale; and

**WHEREAS,** the Town contracted with Bell & Associates, Inc. to conduct a rate study for residential and commercial recycling waste - Solid Waste and Recycling Collection Rate Report to the Town of Surfside July 2023 (the "Rate Study"), which recommends a new commercial recycling rates structure based on cubic yards of recycling picked up and disposed in order to breakeven on the cost of recycling in fiscal years 2024-2028 to match projected increases in the costs of fuel, landfill disposal fees, and labor costs; and

**WHEREAS,** as detailed in the FY 2023-2027 Five-Year Financial Forecast presented to the Town Commission at the May 2022 Commission meeting, the Solid Waste Fund had a financial deficit concern for fiscal year 2022, and at current rates the fund's expenses are projected to exceed revenues over the forecasted five years with deficits largely tied to projected user fees remaining unchanged and annual operating costs gradually increasing; and

**WHEREAS,** it is necessary for the Town to periodically adjust and increase commercial recycling rates to support the continued funding of annual operations and maintenance expenses, to maintain an adequate fund balance and address recycling market conditions and increased costs; and

**WHEREAS,** on this same Town Commission agenda, the Town has proposed an ordinance for first reading to amend and update Section 66-36 – "Recycling" of the Town Code in order to (i) provide for recycling rates and fees to be established by Resolution of the Town Commission, as may be amended from time to time, and (ii) provide for adoption of a Recyclable Materials List by Resolution of the Town Commission, as may be amended from time to time (the "Ordinance"); and

**WHEREAS**, the Town Commission finds that it is necessary for the Town to adjust and increase commercial recycling rates for fiscal years 2024 to 2028 effective October 1, 2023, as set forth in Exhibit "A" ("Commercial Recycling Rates Schedule") attached hereto, subject to the passage and adoption of the Ordinance at second reading; and

**WHEREAS**, the Town Commission wishes to approve a current Recyclable Materials List attached hereto as Exhibit "B" ("Recyclable Materials List") by resolution and subject to amendment from time to time, to be included in the Town's Public Works Manual, subject to the passage and adoption of the Ordinance at second reading; and

**WHEREAS**, the Town Commission finds that this Resolution is in the best interests 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 Adopted.** That the above-stated recitals are hereby adopted and confirmed.

**Section 2. Commercial Recycling Rates for FY 2024 to 2028 Approved and Adopted**. Effective October 1, 2023, for fiscal years 2024 through 2028, the Commercial Recycling Rates Schedule attached hereto as Exhibit "A" is hereby approved and adopted, subject to passage and adoption of the Ordinance at second reading.

**Section 3. Recyclable Materials List Approved.** The Recyclable Materials List attached hereto as Exhibit "B" is hereby approved, to be included in the Town's Public Works Manual, subject to passage and adoption of the Ordinance at second reading.

**Section 4. Authorization; Implementation.** The Town Manager and Town Officials are authorized to take any and all action necessary to implement the Commercial Recycling Rates Schedule attached hereto as Exhibit "A" and the Recyclable Material List attached hereto as Exhibit "B" and the purposes of this Resolution.

**Section 5. Repeal of Conflicting Provisions**. All resolutions or previous commercial recycling rates, or parts thereof, in conflict with this Resolution and the revised rates approved and adopted herein, are hereby repealed to the extent of any conflict.

**Section 6. Effective Date.** This Resolution shall become effective immediately upon adoption of the Ordinance on second reading.

**PASSED AND ADOPTED** on this 8th day of August, 2023.

Motion By: _____

Second By: _____

**FINAL VOTE ON ADOPTION**

Commissioner Fred Landsman _____

Commissioner Marianne Meischeid _____

Commissioner Nelly Velasquez _____

Vice Mayor Jeffrey Rose _____

Mayor Shlomo Danzinger _____

_____

Shlomo Danzinger, 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

**Table A** - Commercial Recycling rates schedule

| Description | FY 24 | FY 25 | FY 26 | FY 27 | FY 28 |
|---|---|---|---|---|---|
| One 2 Yd. Container Collected Once a Week | $80.23 | $82.59 | $85.02 | $87.52 | $90.10 |
| One 2 Yd. Container Collected Twice a Week | $160.46 | $165.18 | $170.04 | $175.04 | $180.19 |
| One 3 Yd. Container Collected Once a Week | $120.35 | $123.89 | $127.53 | $131.28 | $135.14 |
| One 3 Yd. Container Collected Twice a Week | $240.70 | $247.78 | $255.06 | $262.57 | $270.29 |
| One 4 Yd Container Collected Once a Week | $160.46 | $165.18 | $170.04 | $175.04 | $180.19 |
| One 4 Yd Container Collected Twice a Week | $320.93 | $330.37 | $340.08 | $350.09 | $360.38 |
| One 95-gallon Totter Collected Once a Week | $18.85 | $19.41 | $19.98 | $20.57 | $21.17 |
| One 95-gallon Totter Collected Twice a Week | $37.71 | $38.82 | $39.96 | $41.14 | $42.35 |

# Materials List

***Recyclables*** *must be dry, loose (not bagged) and include ONLY the following:*

- Aluminum, steel and tin cans – empty
- PET bottles with symbol #1 with screw tops only – empty
- HDPE plastic bottles with the symbol #2 (milk, water bottles, detergent, and shampoo bottles, etc.) – empty
- Plastic containers with symbols #3 - #7 – empty (no expanded polystyrene)
- Glass food and beverage containers – brown, clear, or green - empty
- Uncoated paperboard (ex. Cereal boxes; food and snack boxes)
- Newspaper, mail, magazines, glossy inserts, pamphlets and catalogs
- Uncoated printing, phone books, writing and office paper
- Old corrugated containers/cardboard (uncoated)

***Items not listed above are not permissible.***

# MEMORANDUM

**ITEM NO. 3E.**

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

**From:** Hector Gomez, Town Manager

**Date:** August 8, 2023

**Subject:** **Authorization to Purchase a Stormwater Pump from Xylem Water Solutions USA Inc.**

Town administration is seeking Town Commission approval for a purchase of a stormwater pump with the purchase being made through Xylem Water Solutions USA Inc. in the amount of $160,400.00 plus an additional $10,000 contingency for delivery, crane, and installation.

In 2011, The Town of Surfside installed three street end stormwater pump stations with pumps as part of the drainage improvement and water quality improvement project. The Town of Surfside's Pump Stations are located on 88th Street & Carlyle Avenue, 94th Street & Bay Drive, and 89th Street & Hawthorne Avenue. The system has operated under normal operating procedures with periodic maintenance as required. The Town of Surfside Public Works department monitors each station on a 24-hour basis using remote monitoring and on-site field servicing. The stormwater pump stations are critical to the Town's residential stormwater management system. The fact that all three pump stations are the same age a reserve pump is critical to continuity of operations.

Purchase is being procured per Town Code of Ordinance, Chapter 3 - Purchasing, Sec. 3-13. - Exemptions from competitive bidding., (7) f. A public works and utilities purchase or contract for materials, supplies, equipment, public improvements or services, repairs, maintenance and replacements, related to all town facilities, properties, fleet and infrastructure, including but not limited to, stormwater, electric, lighting, water, sewer, telecommunications, roads, buildings, and sidewalks. The funding source being used for the purchase is Amercian Rescue Act (ARPA) funding earmarked for stormwater infrastructure purposes. Additionally, the purchase is a material purchase with the installation being performed by the Public Works Department. Lasty, due to the design of the stormwater system, only FLYGT pumps are compatible making the pump model a sole source. The Town is making the purchase through the only regionally authorized FLYGT pump dealer.

Resolution Approving Purchase of Stormwater Pump from Xylem

Exhibit A - "Xylem Water Solutions Pump Quote"

**RESOLUTION NO. 2023-_____**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND AUTHORIZING THE PURCHASE OF A FLYGT CP 3531 STORMWATER PUMP FROM VENDOR XYLEM WATER SOLUTIONS USA, INC.; FINDING THAT THE PURCHASE IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTIONS 3-13(6) AND (7)F OF THE TOWN CODE AS EQUIPMENT AVAILABLE FROM A SOLE SOURCE AND AS A PUBLIC WORKS OR UTILITIES PURCHASE OF EQUIPMENT RELATED TO TOWN FACILITIES; AUTHORIZING THE TOWN MANAGER TO ENTER INTO A PURCHASE ORDER AND/OR OTHER AGREEMENT FOR SUCH PURCHASE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** in 2011, the Town of Surfside ("Town") installed three street-end stormwater pump stations at 88th Street & Carlyle Avenue, 94th Street and Bay Drive, and 89th Street and Hawthorne Avenue (the "Pump Stations"); and

**WHEREAS,** due to the aging Pump Station stormwater infrastructure, the Town is in need of a replacement stormwater pump for the Pump Stations; and

**WHEREAS,** Xylem Water Solutions USA, Inc. (the "Vendor") has submitted a quote attached hereto as Exhibit "A" (the "Quote") for the purchase of a replacement FLYGT CP 3531 Stormwater Pump (the "Equipment") for the Pump Stations in the amount of $154,806 plus freight costs of $5,594, for a total not to exceed amount of $160,400; and

**WHEREAS,** the Vendor is the only regional dealer authorized to sell the FLTGT Equipment necessary for the Pump Stations; and

**WHEREAS,** pursuant to Section 3-13(6) of the Town Code of Ordinances ("Code"), equipment available from a sole source may be exempted from competitive bidding requirements if there is only one source for the required supply; and

**WHEREAS,** pursuant to Section 3-13(7)(f) of the Town Code, public works or utilities purchases or work for Town facilities are exempt from competitive bidding; and

**WHEREAS,** the Town desires to purchase the Equipment from the Vendor for the Pump Stations in an amount of $160,400, including freight costs of $5,594, and a contingency of $10,000, for a total not to exceed amount of $170,400.00, in accordance with the Quote attached hereto as Exhibit "A"; and

**WHEREAS,** the Town Commission finds that 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 and Authorization of Equipment from Vendor for Pump Station.** The Town Commission approves and authorizes the purchase of the Equipment from the Vendor for the Pump Stations in a total amount not to exceed $170,400, in accordance with the Quote attached hereto as Exhibit "A." The Town Commission finds that, pursuant to Sections 3-13(6) and (7)(f) of the Town Code, the purchase of the Equipment for the Pump Stations is exempt from competitive bidding as a sole source purchase of equipment available from one source and as a public works or utilities purchase of equipment related to Town facilities, respectively.

**Section 3. Implementation.** That the Town Commission hereby authorizes the Town Manager to execute any purchase order and/or other agreement, or required documentation, for the purchases described in this Resolution, subject to approval by the

Town Manager and Town Attorney as to form and legal sufficiency, and to take any action which is reasonably necessary to implement the purpose of this Resolution.

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

PASSED AND ADOPTED this ___ day of_____, 2023.

Motion By: _____
Second By: _____

**FINAL VOTE ON ADOPTION:**
Commissioner Fred Landsman _____
Commissioner Marianne Meischeid _____
Commissioner Nelly Velasquez _____
Vice Mayor Jeffrey Rose _____
Mayor Shlomo Danzinger _____

_____
Shlomo Danzinger, 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

xylem

***Xylem Water Solutions USA, Inc.***
***Flygt Products***

15132 Park Of Commerce Blvd.
Suite 102
Jupiter, FL 33478
Tel (561) 848-1200
Fax (561) 848-1299

June 19, 2023

INTERNAL USE ONLY

Quote # 2023-WEP-0492
Project Name: Town of Stormwater PS #1
Job Name: Pompano Beach

Xylem Water Solutions USA, Inc. is pleased to provide a quote for the following Flygt equipment.

G & G Pump

| Qty | Part Number | Description | Unit Price | Extended Price |
|---|---|---|---|---|
| 1 | 00353170500000 | Flygt CP 3531, 63-1440, 530 mm<br>Intended for semi permanent wet installation, guiding claw included other installation components to be ordered individually<br>Cast iron impeller<br>Drive Unit: 705<br>14 pole, 60 hp, 460 V, Std motor<br>Cooling jacket for direct media cooling<br>Standard connection housing<br>Insulated support bearing<br>Cables<br>Power: 50ft SUBCAB screened S3x16 + 3x16/3 + S(4x0.5) 941985<br>Cable Grip included.<br>Pilot: 50ft SUBCAB ctrl screened S 24x1.5<br>Cable Grip included.<br>Material<br>Shaft: AISI 431 Stainless steel<br>Supervision<br>FLS, leakage detector, in junction box<br>FLS, leakage detector, in stator housing<br>PT-100 in one stator winding<br>PT-100 in lower bearing<br>Pump memory | $ 154,806.00 | $ 154,806.00 |

| | |
|---|---|
| **Total Price** | **$ 154,806.00** |
| **Freight Charge** | **$ 5,594.00** |



FLYGT
a xylem brand

| Qty | Part Number | Description | Unit Price | Extended Price |
|---|---|---|---|---|
| | | **Total Price** | | **$ 160,400.00** |

## Terms & Conditions

This order is subject to the Standard Terms and Conditions of Sale – Xylem Americas effective on the date the order is accepted which terms are available at http://www.xyleminc.com/en-us/Pages/terms-conditions-of-sale.aspx and incorporated herein by reference and made a part of the agreement between the parties.

**Purchase Orders:** Please make purchase orders out to: Xylem Water Solutions USA, Inc.

**Freight Terms:** 3 DAP - Delivered At Place 08 - Jobsite (per IncoTerms 2020)
See Freight Payment (Delivery Terms) below.

**Taxes:** State, local and other applicable taxes are not included in this quotation.

**Back Charges:** Buyer shall not make purchases nor shall Buyer incur any labor that would result in a back charge to Seller without prior written consent of an authorized employee of Seller.

**Shortages:** Xylem will not be responsible for apparent shipment shortages or damages incurred in shipment that are not reported within two weeks from delivery to the jobsite. Damages should be noted on the receiving slip and the truck driver advised of the damages. Please contact our office as soon as possible to report damages or shortages so that replacement items can be shipped and the appropriate claims made.

**Terms of Delivery:** PP/Add Order Position

**Validity:** This Quote is valid for sixty (60) days.

**Schedule**: Delivery lead times are XX weeks after receipt of submittal approval and order acceptance.

**COVID 19:** Delivery lead-times may be impacted by the current COVID-19 virus pandemic relative to transportation logistics.

**Time of Delivery:** Approx. XX working weeks after receipt of order.

**Warranty:** Xylem Water Solutions USA, Inc.offers a commercial warranty to the original end purchaser against defects in workmanship and material.

Thank you for the opportunity to provide this quotation. Please contact us if there are any questions.

Sincerely,

Rick Reyes
Sales Representative

Cell: 561.699.4077
rick.reyes@xylem.com

## Customer Acceptance

This order is subject to the Standard Terms and Conditions of Sale – Xylem Americas effective on the date the order is accepted which terms are available at http://www.xyleminc.com/en-us/Pages/terms-conditions-of-sale.aspx and incorporated herein by reference and made a part of the agreement between the parties.

A signed copy of this Quote is acceptable as a binding contract.

**Purchase Orders:** Please make purchase orders out to: Xylem Water Solutions USA, Inc.

Quote #: 2023-WEP-0492
Customer Name: INTERNAL USE ONLY
Job Name:
Total Amount: $ 154,806.00
(excluding freight)

Signature: _____ Name: _____
(PLEASE PRINT)

Company/Utility: _____ PO: _____

Address: _____ Date: _____

_____ Phone: _____

_____ Email: _____

_____ Fax: _____

# MEMORANDUM

**ITEM NO. 4A1**

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

**From:** Hector Gomez, Town Manager

**Date:** August 8, 2023

**Subject:** **Pension Ordinance Implementing 2022-2025 Collective Bargaining Agreement with Fraternal Order of Police (FOP) State Lodge 135**

Town administration is recommending approving pension ordinance changes for second reading as a result of 2022-2025 Collective Bargaining Agreement with Fraternal Order of Police (FOP) State Lodge 135.

The Town of Surfside sponsors a defined benefit retirement plan for employees (the "Retirement Plan"), which is administered by a five-member Pension Board of Trustees (the "Pension Board"). The Town and the Florida State Lodge of the Fraternal Order of Police (FOP) recently ratified a new collective bargaining agreement which necessitates amendments to the Retirement Plan for sworn law enforcement officers and communications operators.

The proposed Ordinance amends the following provisions of the Retirement Plan:

- Section 2-171: Amends the definition of pensionable "compensation" to include shift differential and up to seventy-five hours of over-time;
- Section 2-187: Provides for the transfer of Chapter 185 premium taxes to the Town to offset the cost of negotiated benefit enhancements as follows: (i) during the first year of the CBA the sum of $88,266 shall be paid to the Town and (ii) each year thereafter two-thirds of the annual Chapter 185 premium taxes shall be paid to the Town and one-third of the annual Chapter 185 premium taxes shall be allocated to the "Special Police Retirement Trust Fund";
- Section 2-193: Extends the maximum period of DROP eligibility from sixty to 72 months for sworn law enforcement officers and communications operators.

As calculated by the Pension Board's actuary, the cost of this Pension Ordinance will be $88,266 for the first year. In the first year of the 2022-2025 FOP CBA $88,266 of Chapter 185 premium taxes shall be paid to the Town. Thereafter two-thirds of the annual premium taxes

shall be paid to the Town (Refer to Attachment A - "A ctuarial impact statement" prepared by the Pension Board's actuary).

All proposed amendments would apply to sworn law enforcement officers and communications operators, including existing DROP participants. The amendments would not apply to former employees or retirees who have already separated from Town employment. The proposed Ordinance is retroactive to October 1, 2022.

Attachment A-Actuarial Impact Statement

Pension Ordinance FOP CBA

P: 954.527.1616 | F: 954.525.0083 | www.grsconsulting.com

July 20, 2023

Ms. Mayte D. Gamiotea
Pension Administrator
Retirement Plan for Employees of the
Town of Surfside
9293 Harding Avenue
Surfside, Florida 33154

**Re: Retirement Plan for Employees of the Town of Surfside**
**Actuarial Impact Statement**

Dear Mayte:

As requested, we are pleased to enclose twelve (12) copies of our Actuarial Impact Statement as of October 1, 2022 for filing the proposed Ordinance under the Retirement Plan for Employees of the Town of Surfside (Plan) with the State of Florida (copy enclosed) prior to second reading.

***Background*** – The Plan currently provides sworn law enforcement officers and communication operators with the following provisions:

- Pensionable Compensation does not include bonuses, overtime, lump sum payment of unused leave or other non-regular payments.
- The maximum period of participation in the DROP is five (5) years.
- The first $18,309 in Chapter 185 premium tax revenues received by the Plan is distributed to the Share Plan. Any premium tax revenues received in excess of that amount is divided evenly between the Share Plan and the Town to offset pension contributions.

***Proposed Ordinance*** – Effective October 1, 2022, the proposed Ordinance provides sworn law enforcement officers and communication operators with the following:

- Pensionable Compensation includes shift differential and the first seventy-five (75) hours of overtime per year.
- The maximum period of participation in the DROP increases to six (6) years. *(No cost)*
- A sum of $88,266 of Chapter 185 premium tax revenues received by the Plan is paid to the Town during the first year of the 2022-2025 Fraternal Order of Police (FOP) Collective Bargaining Agreement. Thereafter, two-third (2/3) of the annual premium tax revenues distribution is paid to the Town to offset pension contributions and one-third (1/3) of annual premium tax revenues is distributed to the Share Plan.

***Cost*** – The total impact of the proposed Ordinance results in an expected increase in the first year Net Minimum Funding Payment from the Town and State of $88,266.

***Filing Requirements*** – We have prepared the Actuarial Impact Statement for filing with the State of Florida. Please note that this Statement must be signed and dated on behalf of the Board of Trustees. Copies of the Ordinance upon passage at first reading along with the signed and dated Actuarial Impact Statement are generally required to be filed with the State at the following address:

Mr. Douglas E. Beckendorf, A.S.A.
Bureau of Local Retirement Services
Division of Retirement
Building 8
Post Office Box 9000
Tallahassee, Florida 32315-9000

We understand the State requires funding any increases in costs no later than the fiscal year next following the effective date of the Ordinance.

Please forward a copy of the Ordinance upon passage at second reading to update our files.

***Actuarial assumptions and methods, financial data, Plan provisions and member census data*** – The actuarial assumptions and methods, financial data and member census data employed for purposes of our Actuarial Impact Statement are the same actuarial assumptions and methods, financial data and member census data utilized for the October 1, 2022 Actuarial Valuation of the Plan with following exceptions:

- Differential pays and overtime were provided by the Town and used to individually adjust the valuation salary to perform our analysis of changes to Pensionable Compensation.

The Plan provisions employed for purposes of our Actuarial Impact Statement are the same Plan provisions utilized in the October 1, 2022 Actuarial Valuation of the Plan with the exception of the proposed changes described above.

***Other Considerations*** – Under Governmental Accounting Standards Board (GASB) Statement Number 68, we understand the full cost of benefit changes must be recognized immediately in the Pension Expense (for accounting, not for funding).

***Risk Assessment*** – Risk assessment may include scenario tests, sensitivity, or stress tests, stochastic modeling, and a comparison of the present value of benefits at low-risk discount rates. We are prepared to perform such assessment to aid the Town in the decision-making process. Please refer to the October 1, 2022 Actuarial Valuation Report dated June 30, 2023 for additional discussion regarding the risks associated with measuring the accrued liability and the minimum funding payment.

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This Actuarial Impact Statement is intended to describe the estimated future financial effects of the proposed benefit changes on the Plan and is not intended as a recommendation in favor of the benefit changes nor in opposition to the benefit changes.

If all actuarial assumptions are met and if all current and future minimum required contributions are paid, Plan assets will be sufficient to pay all Plan benefits, future contributions are expected to remain relatively stable as a percent of payroll and the funded status is expected to improve. Plan minimum required contributions are determined in compliance with the requirements of the Florida Protection of Public Employee Retirement Benefits Act with normal cost determined as a level percent of covered payroll and a level dollar amortization payment using an initial amortization period of 30 years.

The Unfunded Actuarial Accrued Liability (UAAL) may not be appropriate for assessing the sufficiency of Plan assets to meet the estimated cost of settling benefit obligations but may be appropriate for assessing the need for or the amount of future contributions. The UAAL would be different if it reflected the market value of assets rather than the smoothed value of assets.

These calculations are based upon assumptions regarding future events. However, the Plan's long term costs will be determined by actual future events, which may differ materially from the assumptions made. These calculations are also based upon present and proposed Plan provisions that are outlined or referenced in this Actuarial Impact Statement.

If you have reason to believe the assumptions used are unreasonable, the Plan provisions are incorrectly described or referenced, important Plan provisions relevant to this Actuarial Impact Statement are not described or that conditions have changed since the calculations were made, you should contact the undersigned prior to relying on information in this Actuarial Impact Statement.

If you have reason to believe that the information provided in this Actuarial Impact Statement is inaccurate, or is in any way incomplete, or if you need further information in order to make an

informed decision on the subject matter of this report, please contact the undersigned prior to making such decision.

Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as the following: Plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period) and changes in Plan provisions or applicable law. Due to the limited scope of our assignment, we did not perform an analysis of the potential range of such future measurements.

This Actuarial Impact Statement should not be relied on for any purpose other than the purpose described in the primary communication. Determinations of the financial results associated with the benefits described in this report in a manner other than the intended purpose may produce significantly different results.

This report was prepared using our proprietary valuation model and related software which in our professional judgment has the capability to provide results that are consistent with the purposes of the valuation and has no material limitations or known weaknesses. We performed tests to ensure that the model reasonably represents that which is intended to be modeled.

This Actuarial Impact Statement has been prepared by actuaries who have substantial experience valuing public employee retirement systems. To the best of our knowledge the information contained in this report is accurate and fairly presents the actuarial position of the Plan as of the valuation date. All calculations have been made in conformity with generally accepted actuarial principles and practices, with the Actuarial Standards of Practice issued by the Actuarial Standards Board and with applicable statutes.

This Actuarial Impact Statement was prepared at the request of the Board and is intended for use by the Board and those designated or approved by the Board. This report may be provided to parties other than the Board only in its entirety and only with the permission of the Board. GRS is not responsible for unauthorized use of this report.

The signing actuaries are independent of the Plan sponsor.

The undersigned are Members of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

If you should have any question concerning the above or if we may be of further assistance with this matter, please do not hesitate to contact us.

Sincerest regards,
Gabriel, Roeder, Smith & Company

Michelle Jones

Shelly L. Jones, A.S.A., E.A., M.A.A.A, F.C.A., C.F.A.
Consultant and Actuary

Jennifer Borregard

Jennifer M. Borregard, E.A., M.A.A.A, F.C.A.
Consultant and Actuary

Enclosures

**ORDINANCE NO. 2023 - ____**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 2. – ADMINISTRATION, ARTICLE V. – EMPLOYEE BENEFITS, DIVISION 2. - PENSION PLAN, OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REGARDING THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; SPECIFICALLY, AMENDING SECTION 2-171 OF THE TOWN CODE TO INCLUDE SHIFT DIFFERENTIAL AND UP TO 75 HOURS OF OVERTIME AS PENSIONABLE FOR POLICE OFFICERS AND COMMUNICATIONS OPERATORS; AMENDING SECTION 2-187 OF THE TOWN CODE REGARDING THE USE OF PREMIUM TAX REVEUNE; AND AMENDING SECTION 2-193 OF THE TOWN CODE EXTENDING THE MAXIMUM PERIOD OF PARTICIPATION IN THE DROP PLAN FOR POLICE OFFICERS AND COMMUNICATIONS OPERATORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside ("Town") sponsors a defined benefit retirement plan for employees of the Town (the "Retirement Plan"); and

**WHEREAS**, the Town and the Florida State Lodge of the Fraternal Order of Police (FOP) Lodge 135 negotiated a new collective bargaining agreement for the period October 1, 2022 through September 30, 2025 ("CBA") which necessitates amendments to the Retirement Plan for bargaining unit members; and

**WHEREAS**, the requisite actual impact studies have been performed by the Pension Board's actuary; and

**WHEREAS**, the Town Commission finds that the adoption of these Code amendments to the Retirement Plan are in the best interests of the Town and its employees.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:**[1]

**Section 1. Recitals Adopted.** That the above-stated recitals are hereby adopted and confirmed.

**Section 2. Town Code Amended.** Section 2-171 – "Definitions", of Division 2. – "Pension Plan", of Article V. – "Employee Benefits", of Chapter 2. – "Administration", of the Town Code is hereby amended, as follows:

Chapter 2 – Administration

***

Article V. – Employee Benefits

***

Division 2. – Pension Plan

***

**Sec. 2-171. Definitions.**

***

Compensation means the basic salary or wages, including longevity, and deferred compensation under section 457 of the Internal Revenue Code, paid by the town to an employee, but excluding bonuses, overtime or any other nonregular payments. Effective October 1, 2022 shift differential and the first seventy-five (75) hours of overtime per year shall be pensionable for sworn law enforcement officers and communications operators.

**Section 3.** Section 2-187 – "Special police retirement trust fund," of Division 2. – "Pension Plan", of Article V. – "Employee Benefits", of Chapter 2. – "Administration", of the Town Code is hereby amended, as follows:

Chapter 2 – Administration

***

[1] **Coding**: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with grey highlighted ~~strikethrough~~ and double underline.

Article V. – Employee Benefits

***

Division 2. – Pension Plan

***

**Sec. 2-187. Special police retirement trust fund.**

***

(m) *Annual distribution to the Town.* Effective October 1, 2022, during the first year of the 2022-2025 FOP CBA the sum of $88,266 shall be paid to the Town from premium tax revenues received pursuant to Chapter 185, Fla.Stat. Thereafter, effective October 1, 2023, two-thirds (2/3) of the annual premium tax distribution shall be paid to the Town and one-third (1/3) the annual premium tax distribution shall be distributed as shares to the members, as set forth in this Section.

**Section 4.** Section 2-193, "Deferred retirement option plan (DROP)", of Division 2. – "Pension Plan", of Article V. – "Employee Benefits", of Chapter 2. – "Administration", of the Town Code is hereby amended, as follows:

Chapter 2 – Administration

***

Article V. – Employee Benefits

***

Division 2. – Pension Plan

***

**Sec. 2-193. – Deferred retirement option plan.**

A deferred retirement option plan ("DROP") is hereby created as follows:

(1) *Eligibility*. A member of the plan who reaches normal retirement age shall be eligible to participate in the DROP ("eligible member"). An eligible member may participate in the DROP for a maximum of 60 months from the date the member reaches his or her normal retirement date. Anything herein to the contrary notwithstanding, if an eligible

member has reached his or her normal retirement date on or before the date the DROP plan is implemented, then the eligible member shall have 60 days from the date the DROP plan is implemented to elect in writing to participate in the DROP for the maximum DROP participation period of 60 months. Effective October 1, 2022, the maximum period of DROP participation shall be 72 months for sworn law enforcement officers and communications operators.

(2) *Participation.*

a. An eligible member may elect to become a participant in the DROP ("participant") with 30 days advance written notice to the town and the board during the applicable DROP period; however, in no event shall the DROP period be extended beyond sixty months or 72 months for sworn law enforcement officers and communications operators. As a condition of participating in the DROP, the eligible member must agree to terminate town employment at the conclusion of the DROP period and must submit a letter of resignation to the town, which letter shall be coupled with an interest and shall be irrevocable, prior to entering the DROP.

***

**Section 5. Conflicts**. All sections or parts of sections of the Town Code, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same, are hereby repealed to the extent of such conflict.

**Section 6. Severability.** Should this ordinance or any part thereof be declared invalid by a Court of competent jurisdiction, the invalidity of any part of this ordinance shall not otherwise affect the validity of the remaining provisions of this ordinance, which shall be deemed to have been enacted without the invalid provision.

**Section 7. Codification.** It is the intention of the Town Commission that the provisions of this ordinance shall become and be made a part of the Code of the Town of Surfside, and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

**Section 8. Effective Date.** This ordinance shall become effective upon adoption at second reading and shall apply to existing sworn law enforcement officers and communications operators currently in the DROP.

**PASSED** on first reading this _____ day of _____ 2023.
**PASSED** and **ADOPTED** on second reading this _____ day of _____ 2023.

**First Reading:**
Motion by: _____
Second by: _____

**Second and Final Reading:**
Motion by: _____
Second by: _____

**FINAL VOTE ON ADOPTION**
Commissioner Fred Landsman ____
Commissioner Marianne Meischeid ____
Commissioner Nelly Velasquez ____
Vice Mayor Jeffrey Rose ____
Mayor Shlomo Danzinger ____

_____
Shlomo Danzinger, Mayor

**ATTEST:**

_____
Sandra N. 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

## Actuarial Impact Statement as of October 1, 2022

A. Description of Proposed Amendment

Pensionable Compensation

Includes shift differential and the first seventy-five (75) hours of overtime per year for sworn law enforcement officers and communications operators.

Deferred Retirement Option Plan

The maximum period of DROP participation period is seventy-two (72) months for sworn law enforcement officers and communications operators.

Chapter 185 Funds

A sum of $88,266 of premium tax revenues received pursuant to Chapter 185, Florida Statute shall be paid to the Town during the first year of the 2022-2025 FOP Collective Bargaining Agreement. Thereafter, two-thirds (2/3) of the annual premium tax distribution shall be paid to the Town to offset pension contributions and one-third (1/3) the annual premium tax distribution shall be distributed to the Share Plan.

B. An estimate of the cost implementing this amendment is attached.

C. In my opinion, the proposed changes are in compliance with Part VII, Chapter 112, Florida Statutes and Section 14, Article X of the Statement Constitution.

Vice Chairman, Pension Board

7/27/2023
Date

## Actuarial Impact Statement as of October 1, 2022

### All Members

| | Valuation 10/01/2022 | Actuarial Impact Statement 10/01/2022 |
|---|---|---|
| A. Participant Data | | |
| 1. Active participants | 93 | 93 |
| 2. Retired, disabled and beneficiaries receiving benefits (including DROPs) | 54 | 54 |
| 3. Terminated vested participants | 10 | 10 |
| 4. Annual payroll of active participants | $ 6,859,719 | $ 7,001,439 |
| 5. Expected payroll of active employees for the following year | $ 6,859,719 | $ 7,001,439 |
| 6. Annual benefits payable to those currently receiving benefits (including DROPs) | $ 1,305,762 | $ 1,305,762 |
| B. Assets | | |
| 1. Net smoothed actuarial value | $ 32,751,398 | $ 32,751,398 |
| 2. Net market value | $ 28,878,198 | $ 28,878,198 |
| C. Liabilities | | |
| 1. Actuarial present value of future expected benefit payments for active members | | |
| a. Retirement benefits | $ 27,999,433 | $ 28,993,302 |
| b. Vesting benefits | 1,520,674 | 1,551,144 |
| c. Disability benefits | 1,863,561 | 1,921,288 |
| d. Return of member contributions | 202,342 | 202,946 |
| e. Total | $ 31,586,010 | $ 32,668,680 |
| 2. Actuarial present value of future expected benefit payments for terminated vested members and miscellaneous | $ 971,111 | $ 971,111 |
| 3. Actuarial present value of future expected benefit payments for members currently receiving benefits (including DROPs) | $ 15,536,983 | $ 15,536,983 |
| 4. Total actuarial present value of future expected benefit payments | $ 48,094,104 | $ 49,176,774 |
| 5. Actuarial accrued liabilities | $ 38,128,964 | $ 38,919,080 |
| 6. Unfunded actuarial accrued liabilities | $ 5,377,566 | $ 6,167,682 |

## All Members

| | Valuation 10/01/2022 | Actuarial Impact Statement 10/01/2022 |
|---|---|---|
| D. Statement of Accumulated Plan Benefits | | |
| 1. Actuarial present value of accumulated vested benefits | | |
| a. Participants currently receiving benefits | $ 15,536,983 | $ 15,536,983 |
| b. Terminated vested members and miscellaneous | 971,111 | 971,111 |
| c. Other participants | 14,832,954 | 14,870,751 |
| d. Total | $ 31,341,048 | $ 31,378,845 |
| 2. Actuarial present value of accumulated non-vested plan benefits | 1,280,001 | 1,287,480 |
| 3. Total actuarial present value of accumulated plan benefits | $ 32,621,049 | $ 32,666,325 |
| E. Pension Cost | | |
| 1. Total normal cost | $ 1,492,758 | $ 1,531,112 |
| 2. Payment required to amortize unfunded liability | 395,678 | 456,544 |
| 3. Interest | 18,549 | 18,932 |
| 4. Total required contributions | $ 1,906,985 | $ 2,006,588 |
| 5. Item 4 as a percentage of payroll | 27.8% | 28.7% |
| 6. Estimated employee contributions | $ 548,778 | $ 560,115 |
| 7. Item 6 as a percentage of payroll | 8.0% | 8.0% |
| 8. Net amount payable by Town and State | $ 1,358,207 | $ 1,446,473 |
| 9. Item 8 as a percentage of payroll | 19.8% | 20.7% |
| I. Disclosure of Following Items: | | |
| 1. Actuarial present value of future salaries - attained age | | |
| a. General Employees | $ 31,851,409 | $ 31,890,536 |
| b. Police Officers | 18,702,822 | 19,735,638 |
| c. Total | $ 50,554,231 | $ 51,626,174 |
| 2. Actuarial present value of future employee contributions - attained age | | |
| a. General Employees | $ 2,548,113 | $ 2,551,244 |
| b. Police Officers | 1,496,226 | 1,578,852 |
| c. Total | $ 4,044,339 | $ 4,130,096 |
| 3. Actuarial present value of future contributions from other sources | N/A | N/A |
| 4. Amount of active members' accumulated contributions | | |
| a. General Employees | $ 1,924,439 | $ 1,924,439 |
| b. Police Officers | 3,002,908 | 3,002,908 |
| c. Total | $ 4,927,347 | $ 4,927,347 |
| 5. Actuarial present value of future salaries and future benefits at entry age | N/A | N/A |
| 6. Actuarial present value of future employee contributions at entry age | N/A | N/A |

## Actuarial Impact Stastement as of October 1, 2022

### All Members

| Date | Unfunded Actuarial Accrued Liabilities | Current Unfunded Liabilities | Amortization Payment | Remaining Funding Period |
|---|---|---|---|---|
| | | General Employees | | |
| 10/01/2009 | Combined Bases * | $ 1,698 | $ 214 | 11 years |
| 10/01/2010 | Actuarial (Gain) / Loss | 213,152 | 20,116 | 18 years |
| 10/01/2010 | Assumption Changes | (114,514) | (10,807) | 18 years |
| 10/01/2011 | Actuarial (Gain) / Loss | 78,334 | 7,200 | 19 years |
| 10/01/2012 | Actuarial (Gain) / Loss | 153,138 | 13,741 | 20 years |
| 10/01/2012 | Assumption Changes | 115,704 | 10,382 | 20 years |
| 10/01/2013 | Actuarial (Gain) / Loss | 83 | 7 | 21 years |
| 10/01/2014 | Actuarial (Gain) / Loss | 84,765 | 7,294 | 22 years |
| 10/01/2015 | Actuarial (Gain) / Loss | 149,831 | 12,659 | 23 years |
| 10/01/2015 | Assumption Changes | 139,093 | 11,752 | 23 years |
| 10/01/2015 | Plan Amendment | 291,525 | 24,631 | 23 years |
| 10/01/2016 | Actuarial (Gain) / Loss | 304,061 | 25,264 | 24 years |
| 10/01/2016 | Assumption Changes | 36,898 | 3,066 | 24 years |
| 10/01/2017 | Actuarial (Gain) / Loss | (230,032) | (18,821) | 25 years |
| 10/01/2018 | Actuarial (Gain) / Loss | 134,401 | 10,842 | 26 years |
| 10/01/2018 | Plan Amendment | 1,550,809 | 125,108 | 26 years |
| 10/01/2018 | Plan Amendment - CBA | 31,549 | 2,545 | 26 years |
| 10/01/2019 | Actuarial (Gain) / Loss | 170,620 | 13,587 | 27 years |
| 10/01/2019 | Assumption Changes | (197,839) | (15,754) | 27 years |
| 10/01/2020 | Actuarial (Gain) / Loss | 512,498 | 40,326 | 28 years |
| 10/01/2021 | Actuarial (Gain) / Loss | (110,122) | (8,570) | 29 years |
| 10/01/2022 | Actuarial (Gain) / Loss | 271,289 | 20,899 | 30 years |
| 10/01/2022 | Plan Amendement | 23,579 | 1,816 | 30 years |
| | Total | $ 3,610,520 | $ 297,497 | |

* Combined per Internal Revenue Code Regulation 1.412(b)-1

## Actuarial Valuation as of October 1, 2022

## State Required Exhibit

| Date | Unfunded Actuarial Accrued Liabilities | Current Unfunded Liabilities | Amortization Payment | Remaining Funding Period |
|---|---|---|---|---|
| | | Police Officers | | |
| 10/01/2011 | Combined Credit Bases * | $ (4,502,144) | $ (566,797) | 11 years |
| 10/01/2011 | Combined Charge Bases * | 5,574,677 | 603,288 | 14 years |
| 10/01/2012 | Actuarial (Gain) / Loss | 548,417 | 49,209 | 20 years |
| 10/01/2012 | Assumption Changes | 41,426 | 3,717 | 20 years |
| 10/01/2013 | Actuarial (Gain) / Loss | (32,212) | (2,828) | 21 years |
| 10/01/2013 | Plan Amendment | 38,318 | 3,364 | 21 years |
| 10/01/2014 | Actuarial (Gain) / Loss | (158,104) | (13,605) | 22 years |
| 10/01/2015 | Actuarial (Gain) / Loss | (160,953) | (13,599) | 23 years |
| 10/01/2015 | Assumption Changes | 278,228 | 23,508 | 23 years |
| 10/01/2016 | Actuarial (Gain) / Loss | (80,133) | (6,658) | 24 years |
| 10/01/2016 | Assumption Changes | 57,522 | 4,779 | 24 years |
| 10/01/2017 | Actuarial (Gain) / Loss | (193,937) | (15,868) | 25 years |
| 10/01/2018 | Actuarial (Gain) / Loss | 281,240 | 22,688 | 26 years |
| 10/01/2018 | Plan Amendment - CBA | 842,491 | 67,966 | 26 years |
| 10/01/2019 | Actuarial (Gain) / Loss | (269,452) | (21,457) | 27 years |
| 10/01/2019 | Assumption Changes | (370,388) | (29,495) | 27 years |
| 10/01/2020 | Actuarial (Gain) / Loss | (12,970) | (1,021) | 28 years |
| 10/01/2021 | Actuarial (Gain) / Loss | (193,502) | (15,059) | 29 years |
| 10/01/2022 | Actuarial (Gain) / Loss | 102,101 | 7,865 | 30 years |
| 10/01/2022 | Plan Amendment | 766,537 | 59,050 | 30 years |
| | Total | $ 2,557,162 | $ 159,047 | |

* Combined per Internal Revenue Code Regulation 1.412(b)-1

This Actuarial Valuation and/or cost determination was prepared and completed by us or under our direct supervision, and we acknowledge responsibility for the results. To the best of our knowledge, the results are complete and accurate, and in our opinion, the techniques and assumptions used are reasonable and meet the requirements and intent of Part VII, Chapter 112, Florida Statutes. There is no benefit or expense to be provided by the Plan and/or paid from the Plan's assets for which liabilities or current costs have not been established or otherwise provided for in the valuation. All known events or trends which may require material increase in Plan costs or required contribution rates have been taken into account in the valuation.

Jennifer Borregard

Jennifer M. Borregard, E.A.
Enrollment Number: 23-07624
Date: June 30, 2023

Michelle Jones

Shelly L. Jones, A.S.A.
Enrollment Number: 23-08684

## Outline of Principal Provisions of the Retirement Plan

A. Effective Date:

January 1, 1962. Most recent amendatory Ordinance considered: 2020-1711.

B. Eligibility Requirements:

All regular, full-time employees are eligible upon employment. The Town Manager and Town Attorney have the right to opt out of the Plan.

C. Creditable Service:

All service of a member measured in years and completed calendar months since latest date of hire with the Town.

D. Average Final Compensation (AFC):

The average of basic compensation during the highest three years (five years for General Employees) of the ten years preceding termination of employment; includes shift differential and first 75 hours of overtime for sworn law enforcement officers and communication operators; does not include bonuses, lump sum payments of unused leave or other nonregular payments.

E. Normal Retirement:

1. Eligibility:

For sworn Police Officers retired prior to February 1, 2020, the earliest of (1) age 52 with 20 years of Creditable Service, (2) age 62 with 5 years of Creditable Service, (3) completion of 25 years of Creditable Service or (4) the completion of 15 years and 4 months of service if hired on a full time basis in March 2003. For sworn Police Officers retired on or after February 1, 2020, the earliest of (1) age 50 with 20 years of Creditable Service, (2) age 59 with 5 years of Creditable Service, (3) completion of 25 years of Creditable Service or (4) the completion of 15 years and 4 months of service if hired on a full time basis in March 2003.

For a participating Town Manager and the Town Attorney, the earlier of (1) age 62 with 15 years of Creditable Service or (2) age 64 with 7 years of Creditable Service.

For all other employees who retire prior to January 1, 2020, the earliest of (1) age 62 with 15 years of Creditable Service or (2) age 65 with 10 years of Creditable Service. For all other employees who retire on or after January 1, 2020, the earliest of (1) age 50 with 20 years of Creditable Service or (2) age 52 with 15 years of Creditable Service or (3) age 55 with 10 years of Creditable Service.

2. Benefit:

| | Benefit Accrual Rate per Year of Service Based on Employee Contribution Rate of | | | |
|---|---|---|---|---|
| **Period of Service** | **5%** | **6%** | **7%** | **8%** |
| Before 10/1/1979 | 1 2/3% | N/A | N/A | N/A |
| 10/1/1979 - 6/30/1996 | 1 2/3% | N/A | 2.0% | N/A |
| 7/1/1996 - 1/31/2003 | 1 2/3% | N/A | 2.0% | 2.5% |
| 2/1/2003 - 9/30/2005 | 2.0% | 2.5% | N/A | N/A |
| 10/1/2005 - 9/30/2006 | 2.0% | 2.5% | N/A | 3.0%[1] |
| 10/1/2006 - 9/30/2016 | 2.0% | 2.5% | N/A | 3.5%[1] |
| 10/1/2016 forward | N/A | N/A | 2.65%[2] | 2.8%[2] / 3.0%[3] / 3.5%[1] |
| Maximum benefit is 90% (75% prior to October 1, 2006) of AFC for Police Officers, 80% (68% prior to January 1, 2020, 60% prior to October 1, 2016) of AFC for General Employees and 80% (60% prior to October 1, 2016) of AFC for Senior Management Employees. | | | | |

[1] For Police Officers only.

[2] For General Employees only.

[3] For Senior Management Employees only.

3. Form of Payment:

Straight life annuity with guaranteed refund of Accumulated Contributions (with options available).

F. Early Retirement:

1. Eligibility:

For sworn Police Officers, Town Manager and Attorney, the earlier of (a) age 55 with 15 years of Creditable Service, or (b) 20 years of Creditable Service regardless of age. For all other employees effective January 1, 2020, 20 years of Creditable Service regardless of age (prior to January 1, 2020 eligibility was the earlier of (a) age 55 with 15 years of Creditable Service, or (b) 20 years of Creditable Service regardless of age).

2. Benefit:

Same as Normal Retirement Benefit using AFC and Creditable Service as of Early Retirement Date but payable at Normal Retirement Date assuming continued employment. Alternatively, benefits may commence immediately after reduction of 0.5% for each month early.

G. Delayed Retirement:

1. Eligibility:

Retirement after Normal Retirement Date.

2. Benefit:

Calculated in the same manner as Normal Retirement Benefit using AFC and Creditable Service as of delayed retirement date.

H. Disability Retirement:

1. Service Connected:

a) Eligibility:

Total and permanent disability incurred prior to normal retirement date as a direct result of performance of service to the Town and eligible for Social Security disability benefits.

b) Benefit:

75% (if injury) or 45% (if disease) of the rate of pay in effect on date of disability payable for life or until recovery. For General Employees, less Social Security disability benefits; there is an offset for Workers' Compensation to the extent that the disability benefit plus the Workers' Compensation benefit exceed 100% of preretirement salary.

2. Non-Service Connected:

a) Eligibility:

Total and permanent disability not incurred as a direct result of performance of service to the Town.

b) Benefit:

Accrued pension benefit.

I. Death Benefit:

1. Pre-Retirement:

Refund of Accumulated Contributions

2. After Normal Retirement Date but before Actual Retirement:

Survivor benefit payable in accordance with optional form of benefit chosen by member.

3. After Retirement:

Refund of any remaining Accumulated Contributions or optional survivor's benefits if elected.

J. Accumulated Contributions:

The sum of all amounts contributed by members including 4% interest on contributions made after January 1, 1979. Effective January 1, 2009, member contributions are *picked-up* by the Town.

K. Termination Benefit:

Upon termination prior to normal or early retirement date a member shall be entitled to choose (1) or (2) below, where:

1. A refund of Accumulated Contributions.

2. The benefit as for normal retirement using AFC and Creditable Service as of date of termination multiplied by the applicable percentage on the table below, commencing upon the earliest date a member would have attained normal retirement had he remained in service (age 65 for General Employees).

| | Percentage | |
|---|---|---|
| Years of Creditable Service | General Employees | Police Officers |
| Less than 5 | 0% | 0% |
| 5 | 50% | 100% |
| 6 | 60% | 100% |
| 7 | 70% | 100% |
| 8 | 80% | 100% |
| 9 | 90% | 100% |
| 10 or more | 100% | 100% |

3. A participating Town Manager and the Town Attorney 100% vested upon completion of 7 years of Creditable Service.

L. Cost of Living Increase

For Police Officers who retire on or before January 14, 2020, a 1.5% automatic annual cost of living increase is provided for retirees, disableds, beneficiaries and vested terminated members. For Police Officers who retire after January 14, 2020, a 2.0% automatic annual cost of living increase is provided for retirees, disableds, beneficiaries and vested terminated members.

For General and Senior Management retirees, disableds, beneficiaries and vested terminated members who retire before January 1, 2020, a 1.5% automatic annual cost of living increase is provided. For General and Senior Management retirees, disableds, beneficiaries and vested terminated members who retire on or after January 1, 2020, a 2.0% automatic annual cost of living increase is provided.

M. Deferred Retirement Option Program (DROP)

1. Eligibility: Attainment of normal retirement date.
2. The maximum period of participation in the DROP is six (6) years for sworn law enforcement officers and communication operators. The maximum period of participation in the DROP is five (5) years for all other members.
3. An employee's account in the DROP program shall be credited with interest based upon actual Fund investment return.
4. No payment may be made from DROP until the employee actually separates from service with the Town.

N. Changes Since Previous Actuarial Valuation

Average Final Compensation (AFC):

The average of basic compensation during the highest three years (five years for General Employees) of the ten years preceding termination of employment; did not include bonuses, overtime, lump sum payments of unused leave or other nonregular payments.

Deferred Retirement Option Program (DROP)

The maximum period of participation in the DROP was five (5) years.

A. Mortality

General Mortality Assumptions:

For healthy participants during employment, PUB-2010 Headcount Weighted General Below Median Employee Mortality Table, separate rates for males and females, set back 1 year for males, with fully generational mortality improvements projected to each future decrement date with Scale MP-2018.

For healthy participants post employment, PUB-2010 Headcount Weighted General Below Median Healthy Retiree Mortality Table, separate rates for males and females, set back 1 year for males, with fully generational mortality improvements projected to each future decrement date with Scale MP-2018.

For disabled participants, PUB-2010 Headcount Weighted General Disabled Retiree Mortality Table, separate rates for males and females, both set forward 3 years, without mortality improvements projected.

| Sample Ages (2022) | Pre-retirement Future Life Expectancy (Years) | | Post-retirement Future Life Expectancy (Years) | |
|---|---|---|---|---|
| | Male | Female | Male | Female |
| 55 | 32.75 | 35.17 | 28.83 | 32.55 |
| 60 | 27.89 | 30.14 | 24.73 | 28.00 |
| 62 | 25.99 | 28.16 | 23.10 | 26.17 |

| Sample Ages (2042) | Pre-retirement Future Life Expectancy (Years) | | Post-retirement Future Life Expectancy (Years) | |
|---|---|---|---|---|
| | Male | Female | Male | Female |
| 55 | 34.38 | 36.65 | 30.85 | 34.33 |
| 60 | 29.45 | 31.58 | 26.59 | 29.67 |
| 62 | 27.52 | 29.57 | 24.90 | 27.79 |

Police Mortality Assumptions:

For healthy participants during employment, PUB-2010 Headcount Weighted Safety Employee Female Mortality Table and Safety Below Median Employee Male Mortality Table, both set forward 1 year, with fully generational mortality improvements projected to each future decrement date with Scale MP-2018.

For healthy participants post employment, PUB-2010 Headcount Weighted Safety Healthy Retiree Female Mortality Table and Safety Below Median Healthy Retiree Male Mortality Table, both set forward 1 year, with fully generational mortality improvements projected to each future decrement date with Scale MP-2018.

For disabled participants, 80% PUB-2010 Headcount Weighted General Disabled Retiree Mortality Table / 20% PUB-2010 Headcount Weighted Safety Disabled Retiree Mortality Table, separate rates for males and females, without mortality improvements projected.

A. Mortality (cont'd)

| Sample Ages (2022) | Pre-retirement Future Life Expectancy (Years) | | Post-retirement Future Life Expectancy (Years) | |
|---|---|---|---|---|
| | Male | Female | Male | Female |
| 55 | 30.62 | 34.47 | 27.78 | 31.35 |
| 60 | 25.66 | 29.40 | 23.18 | 26.55 |
| 62 | 23.73 | 27.39 | 21.44 | 24.71 |

| Sample Ages (2042) | Pre-retirement Future Life Expectancy (Years) | | Post-retirement Future Life Expectancy (Years) | |
|---|---|---|---|---|
| | Male | Female | Male | Female |
| 55 | 32.25 | 35.96 | 29.67 | 33.18 |
| 60 | 27.23 | 30.84 | 24.97 | 28.30 |
| 62 | 25.27 | 28.81 | 23.18 | 26.42 |

B. Investment Return

7.25%, compounded annually - net of investment expenses includes inflation at 2.50%.

C. Allowances for Expenses or Contingencies

Estimated expenses for upcoming year, not including investment related expenses.

D. Employee Withdrawal Rates

Withdrawal rates for males and females were used in accordance with the following illustrative examples:

| General Employees | |
|---|---|
| Age | Withdrawal Rate |
| Under 25 | 30.0% |
| 25 - 29 | 20.0% |
| 30 - 34 | 15.0% |
| 35 - 39 | 10.0% |
| 40 - 44 | 9.0% |
| 45 - 49 | 8.0% |
| 50 - 54 | 7.0% |
| 55 - 60 | 6.0% |
| 60 & over | 5.0% |

D. Employee Withdrawal Rates (cont'd)

| Police Officers | |
|---|---|
| Service | Withdrawal Rate |
| 0 - 4 | 12.0% |
| 5 - 6 | 10.0% |
| 7 | 5.0% |
| 8 | 2.0% |
| 9 & over | 1.0% |

E. Salary Increase Factors

Current salary is assumed to increase at a rate based on the tables below - includes assumed wage inflation of 3.0%.

| General Employees | |
|---|---|
| Service | Salary Increase |
| 0 - 3 | 6.5% |
| 4 - 5 | 6.0% |
| 6 | 5.0% |
| 7 - 9 | 4.5% |
| 10 & over | 4.0% |

| Police Officers | |
|---|---|
| Service | Salary Increase |
| 0 - 2 | 8.0% |
| 3 | 7.0% |
| 4 - 5 | 6.0% |
| 6 | 5.0% |
| 7 & over | 4.0% |

F. Disability Benefits

1. Rates: See table below
2. Percent Service Connected: 25% for General, 80% for Police.
3. Assume 50% of Service Connected Disabilities are due to injury and 50% are due to disease.

| | Annual Rate of Disability | |
|---|---|---|
| Age | General Employees | Police Department |
| 20 | 0.07% | 0.14% |
| 30 | 0.11% | 0.18% |
| 40 | 0.19% | 0.30% |
| 50 | 0.51% | 1.00% |
| 60 | 1.66% | 0.00% |

G. Smoothed Actuarial Value of Assets

The method used for determining the smoothed actuarial value of assets phases in the deviation between the expected and actual return on assets at the rate of 20% per year. The smoothed actuarial value of assets will be further adjusted to the extent necessary to fall within the corridor whose lower limit is 80% of the fair market value of Plan assets and whose upper limit is 120% of the fair market value of Plan assets.

H. Assumed Retirement Age

| | Annual Rate of Retirement* | | | |
|---|---|---|---|---|
| Age | General Employees | Senior Management | Age | Police Officers |
| Rates when the maximum benefit cap is not applicable | | | | |
| 40 | N/A | N/A | 40 | 3% |
| 41-45 | 4% | 4% | 41-45 | 2% |
| 46-47 | 3% | 3% | 46-47 | 1% |
| 48-49 | 2% | 2% | 48-50 | 1% |
| 50-64 | 5% | 5% | 51 & over | 1% |
| 65-69 | 50% | 50% | NRA | 50% |
| 70 | 100% | 100% | Past NRA | 50% |
| Rates when the maximum benefit cap is applicable | | | | |
| 50-64 | 100% | 35% | | |
| 65-69 | 100% | 50% | | |
| 70 | 100% | 100% | | |

100% of members are assumed to retire upon reaching age 65 for Police Officers.

* For Employees who meet the age and service eligibility requirements for normal or early retirement

I. Marriage Assumption

100% of all members are assumed to be married. Wives are assumed to be three years younger than their husbands.

J. Actuarial Funding Method

Normal Retirement, Termination, Disability, and Death Benefits: Entry-Age-Actuarial Cost Method.
Under this method the normal cost for each active employee is the amount which is calculated to be a level percentage of pay that would be required annually from his age at hire to his assumed retirement age to fund his estimated benefits, assuming the Plan has always been in effect. The normal cost for the Plan is the sum of such amounts for all employees. The actuarial accrued liability as of any valuation date for each active employee or inactive employee who is eligible to receive benefits under the Plan is the excess of the actuarial present value of estimated future benefits over the actuarial present value of current and future normal costs. The unfunded actuarial accrued liability as of any valuation date is the excess of the actuarial accrued liability over the smoothed actuarial value of assets of the Plan.

J. Actuarial Funding Method (cont'd)

Vested Normal Retirement, Termination, Disability, and Death Benefits: Unit Credit Cost Method

Under this method, the actuarial present value of vested accrued benefits is an amount calculated to be the sum of the present values of each individual's vested accrued or earned benefit under the Plan as of the valuation date. Each individual's calculation is based on pay and service as of the valuation date.

K. Disclosure of Assumptions

The investment return, salary increases, withdrawal and retirement rates were updated based on the most recent experience study performed for the five years ending September 30, 2014. The mortality rates are based upon the July 1, 2022 FRS Actuarial Valuation, as required under F.S., Chapter 2015-157.

L. Change Since Previous Actuarial Valuation

None.

**ORDINANCE NO. 2023 - ____**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 2. – ADMINISTRATION, ARTICLE V. – EMPLOYEE BENEFITS, DIVISION 2. - PENSION PLAN, OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REGARDING THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; SPECIFICALLY, AMENDING SECTION 2-171 OF THE TOWN CODE TO INCLUDE SHIFT DIFFERENTIAL AND UP TO 75 HOURS OF OVERTIME AS PENSIONABLE FOR POLICE OFFICERS AND COMMUNICATIONS OPERATORS; AMENDING SECTION 2-187 OF THE TOWN CODE REGARDING THE USE OF PREMIUM TAX REVEUNE; AND AMENDING SECTION 2-193 OF THE TOWN CODE EXTENDING THE MAXIMUM PERIOD OF PARTICIPATION IN THE DROP PLAN FOR POLICE OFFICERS AND COMMUNICATIONS OPERATORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside ("Town") sponsors a defined benefit retirement plan for employees of the Town (the "Retirement Plan"); and

**WHEREAS**, the Town and the Florida State Lodge of the Fraternal Order of Police (FOP) Lodge 135 negotiated a new collective bargaining agreement for the period October 1, 2022 through September 30, 2025 ("CBA") which necessitates amendments to the Retirement Plan for bargaining unit members; and

**WHEREAS**, the requisite actual impact studies have been performed by the Pension Board's actuary; and

**WHEREAS**, the Town Commission finds that the adoption of these Code amendments to the Retirement Plan are in the best interests of the Town and its employees.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:**[1]

**Section 1. Recitals Adopted.** That the above-stated recitals are hereby adopted and confirmed.

**Section 2. Town Code Amended.** Section 2-171 – "Definitions", of Division 2. – "Pension Plan", of Article V. – "Employee Benefits", of Chapter 2. – "Administration", of the Town Code is hereby amended, as follows:

Chapter 2 – Administration

***

Article V. – Employee Benefits

***

Division 2. – Pension Plan

***

**Sec. 2-171. Definitions.**

***

Compensation means the basic salary or wages, including longevity, and deferred compensation under section 457 of the Internal Revenue Code, paid by the town to an employee, but excluding bonuses, overtime or any other nonregular payments. Effective October 1, 2022 shift differential and the first seventy-five (75) hours of overtime per year shall be pensionable for sworn law enforcement officers and communications operators.

**Section 3.** Section 2-187 – "Special police retirement trust fund," of Division 2. – "Pension Plan", of Article V. – "Employee Benefits", of Chapter 2. – "Administration", of the Town Code is hereby amended, as follows:

Chapter 2 – Administration

***

[1] **Coding**: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with grey highlighted ~~strikethrough~~ and double underline.

Article V. – Employee Benefits

***

Division 2. – Pension Plan

***

**Sec. 2-187. Special police retirement trust fund.**

***

(m) *Annual distribution to the Town*. Effective October 1, 2022, during the first year of the 2022-2025 FOP CBA the sum of $88,266 shall be paid to the Town from premium tax revenues received pursuant to Chapter 185, Fla.Stat. Thereafter, effective October 1, 2023, two-thirds (2/3) of the annual premium tax distribution shall be paid to the Town and one-third (1/3) the annual premium tax distribution shall be distributed as shares to the members, as set forth in this Section.

**Section 4.** Section 2-193, "Deferred retirement option plan (DROP)", of Division 2. – "Pension Plan", of Article V. – "Employee Benefits", of Chapter 2. – "Administration", of the Town Code is hereby amended, as follows:

Chapter 2 – Administration

***

Article V. – Employee Benefits

***

Division 2. – Pension Plan

***

**Sec. 2-193. – Deferred retirement option plan.**

A deferred retirement option plan ("DROP") is hereby created as follows:

(1) *Eligibility*. A member of the plan who reaches normal retirement age shall be eligible to participate in the DROP ("eligible member"). An eligible member may participate in the DROP for a maximum of 60 months from the date the member reaches his or her normal retirement date. Anything herein to the contrary notwithstanding, if an eligible member has reached his or her normal retirement

date on or before the date the DROP plan is implemented, then the eligible member shall have 60 days from the date the DROP plan is implemented to elect in writing to participate in the DROP for the maximum DROP participation period of 60 months. Effective October 1, 2022, the maximum period of DROP participation shall be 72 months for sworn law enforcement officers and communications operators.

(2) *Participation*.

a. An eligible member may elect to become a participant in the DROP ("participant") with 30 days advance written notice to the town and the board during the applicable DROP period; however, in no event shall the DROP period be extended beyond sixty months or 72 months for sworn law enforcement officers and communications operators. As a condition of participating in the DROP, the eligible member must agree to terminate town employment at the conclusion of the DROP period and must submit a letter of resignation to the town, which letter shall be coupled with an interest and shall be irrevocable, prior to entering the DROP.

***

**Section 5. Conflicts**. All sections or parts of sections of the Town Code, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same, are hereby repealed to the extent of such conflict.

**Section 6. Severability.** Should this ordinance or any part thereof be declared invalid by a Court of competent jurisdiction, the invalidity of any part of this ordinance shall not otherwise affect the validity of the remaining provisions of this ordinance, which shall be deemed to have been enacted without the invalid provision.

**Section 7. Codification.** It is the intention of the Town Commission that the provisions of this ordinance shall become and be made a part of the Code of the Town of Surfside, and that the word “ordinance” may be changed to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intentions.

**Section 8. Effective Date.** This ordinance shall become effective upon adoption at second reading and shall apply to existing sworn law enforcement officers and communications operators currently in the DROP.

**PASSED** on first reading this ___ day of _____ 2023.

**PASSED** and **ADOPTED** on second reading this _____ day of _____ 2023.

**First Reading:**

Motion by: _____

Second by: _____

**Second and Final Reading:**

Motion by: _____

Second by: _____

**FINAL VOTE ON ADOPTION**

Commissioner Fred Landsman ____

Commissioner Marianne Meischeid ____

Commissioner Nelly Velasquez ____

Vice Mayor Jeffrey Rose ____

Mayor Shlomo Danzinger ____

_____

Shlomo Danzinger, Mayor

**ATTEST:**

_____

Sandra N. 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

# MEMORANDUM

**ITEM NO. 4B1.**

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

**From:** Hector Gomez, Town Manager

**Date:** August 8, 2023

**Subject:** **Smoke Shops as Conditional Use in SD-B40**

Town Administration recommends approval of the ordinance to grant the Town Commission the ability to review proposed "Smoke Shops" for compatibility with Town character as a conditional use in the SD-B40 district.

**Background:** The zoning code regulates the uses permitted in the Town's business district, but there is not category specifically for smoke or vape stores. Tobacco based businesses are an approved business type, which smoke and vape stores, cigar lounges and traditional tobacco retailers currently fall under. In practice there can be differences in these establishments.

Smoke Shops sell a number of different products, some of which mimic or address a similar range of effects in the end-consumer as controlled substances. Smoke Shops that are not professionally run are incompatible with the character of the Town's commercial area. A concentration of these types of shops impacts the overall character of our small family-friendly business district.

This ordinance would require the Town Commission to review applications for new Smoke Shops to determine compatibility prior to approval. This will allow for a complete review of the proposed business and permit the Town Commission to impose conditions on the business in order to ensure that the use is compatible with the SD-B40 district and surrounding neighborhoods.

Ordinance Amending 90-41 to Allow Smoke Shop in CU in SD-B40

**ORDINANCE NO. 2023 - _____**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-41, "REGULATED USES", TO CHANGE THE LIST OF RETAIL AND GENERAL COMMERCIAL USES TO ALLOW SMOKE SHOPS AS A CONDITIONAL USE IN THE SD-B40 ZONING DISTRICT, DIFFERENTIATING SUCH USES FROM CIGARS AND TOBACCO LOUNGES, AND PROVIDING FOR RELATED REGULATIONS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

**WHEREAS**, the Town Commission of the Town of Surfside ("Town Commission") finds it periodically necessary to amend its Code of Ordinances and Land Development Code ("Code") in order to update regulations and procedures to maintain consistency with state law, to implement municipal goals and objectives, to clarify regulations and address specific issues and needs that may arise; and

**WHEREAS,** Section 90-41 of the Code regulates permitted uses within the Town's zoning districts; and

**WHEREAS,** Section 90-41(c) of the Code allows cigars and tobacco uses in the SD-B40 district, but the Code does not specifically regulate smoke shops that sell vape and/or tobacco and nicotine products ("Smoke Shops"); and

**WHEREAS,** the Town currently allows three (3) tobacco-related uses, including Smoke Shops in the SD-B40 district; and

**WHEREAS,** the Town wishes to differentiate cigars and tobacco lounge uses from Smoke Shops; and

**WHEREAS**, the SD-B40 district provides residents and visitors with a unique cultural, retail, and dining experience, with a variety of uses that are vital to the Town's residents, economy and tourism industry; and

**WHEREAS,** Smoke Shops sell a number of different products, some of which mimic or address a similar range of effects in the end-consumer as controlled substances, and Smoke Shops that are not professionally run are incompatible with the character of the Town's commercial area; and

**WHEREAS**, a concentration of Smoke Shops in the SD-B40 district negatively impacts the variety of uses that establish the diverse character of the Town's commercial area, and has the potential to result in adverse impacts to residents and businesses, and could negatively affect tourism; and

**WHEREAS**, in order to ensure the integrity of the SD-B40 district, the Town Commission finds that Smoke Shops should be further regulated, with permission for the use in the SD-B40 district made subject to the approval of the Town Commission; and

**WHEREAS,** the Town Commission further finds that, because of their unique characteristics and potential impacts on the surrounding neighborhood and the Town as a whole, Smoke Shops require individual review as to their location, design, configuration, and/or operation for the particular use at the particular location proposed, as well as the imposition of individualized conditions in order to ensure that the use is compatible with the SD-B40 district, and the review and approval of Smoke Shops is most efficiently accomplished through the conditional use procedures set forth in Section 90-23 of the Code; and

**WHEREAS,** at a regular meeting of the Town Commission held on July 11, 2023, the Town Commission directed the Town Manager to present an ordinance addressing Smoke Shops and differentiating such uses from cigars and tobacco lounge uses; and

**WHEREAS**, the Town Commission held its first public hearing on _____, 2023 and, having complied with the notice requirements in the Florida Statutes, _____ the proposed amendments to the Code, and directed the Town Manager to publish a notice of zoning in progress regarding the provisions of this Ordinance; and

**WHEREAS,** the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendment to the Code on _____, 2023 with due public notice and input, and recommended _____ of the proposed amendments to the Code; and

**WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on these Code amendments as required by law on _____, 2023 and further finds the proposed changes to the Code are necessary and in the best interest of the Town.

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

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

**Section 2. Town Code Amended.** Section 90-41. -- "Regulated Uses" of the Code, is hereby amended as follows[1]:

**Sec. 90-41. Regulated Uses.**

* * *

(c) *Table—Regulated uses.*

* * *

| | H30A | H30B | H30C | H40 | H120 | SD-B40 |
|---|---|---|---|---|---|---|
| Retail and General Commercial Uses | | | | | | |
| Antique shops | - | - | - | - | - | P |
| Appliances | - | - | - | - | - | P |
| Art and photograph galleries | - | - | - | - | - | P |
| Art dealers | - | - | - | - | - | P |
| Art supplies | - | - | - | - | - | P |
| Beauty/personal services | - | - | - | - | - | P(19) |
| Health club or studio | - | - | - | - | - | P(16,19) |
| Books and newspaper | - | - | - | - | - | P |
| Cigars and tobacco lounge | - | - | - | - | - | P |
| Smoke shops | | | | | | CU (36) |
| Coin-operated machines | | | - | - | | P(15) |
| Department stores | - | - | - | - | - | P |
| Drug stores | - | - | - | - | - | P(30) |
| Dry cleaning and laundry agency | - | - | - | - | - | P(10) |
| Dry goods | | | - | - | | P |
| Flowers and plants | - | - | - | - | - | P |

[1] Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double strikethrough~~ and double underline.

| | | | | | | |
|---|---|---|---|---|---|---|
| Furniture | - | - | - | - | - | P(14) |
| Furrier | - | - | - | - | - | P |
| Gift shops | | | - | - | | P |
| Hardware, paint and wallpaper | - | - | - | - | - | P |
| Jewelry | - | - | - | - | - | P |
| Locksmith | - | - | - | - | - | P(11) |
| Luggage | | | - | - | | P |
| Men's, women's, children's clothing | - | - | - | - | - | P |
| Millinery | - | - | - | - | - | P |
| Office machines and supplies | - | - | - | - | - | P |
| Pet supplies | | | - | - | | P |
| Photographers and camera stores | - | - | - | - | - | P |
| Pottery | - | - | - | - | - | P |
| Sale of televisions, radios, phonograph and recording equipment | - | - | - | - | - | P |
| Sheet music and musical instruments | | | - | - | | P |
| Shoe repair | - | - | - | - | - | P(20) |
| Shoes | - | - | - | - | - | P |
| Sporting goods | | | - | - | | P |
| Stationery and greeting cards | - | - | - | - | - | P |
| Structured parking facility | - | - | CU(23) | - | CU(23) | - |
| Sundries | - | - | - | - | - | P |
| Tailor | - | - | - | - | - | P |
| Toys | - | - | - | - | - | P |
| Video tapes sales and rentals | - | - | - | - | - | P(12) |

Key: P: Permitted Blank: Not Permitted (#): Refer to Notes CU: Conditional Use

(d) Uses table notes.

* * *

(36) Smoke shop is a commercial establishment that sells nicotine, tobacco, and/or vape products or devices as a:

i. retail nicotine products dealer, as defined in s. 569.31(6), F.S.;
i. retail tobacco products dealer, as defined in s. 569.002(4), F.S.; and/or
iii. vapor-generating electronic device retailer, as defined in s. 386.203(15), F.S.;

or any combination thereof. The term shall exclude a cigar and tobacco lounge.

In evaluating a request for conditional use approval for a smoke shop, the Town Commission shall consider whether the proposed use:

a. May have an unfavorable effect on the economy of the SD-B40 district, other businesses, and tourism in the Town;
b. Adversely impacts the variety of uses that establish the diverse character of the Town's commercial area;
c. Is incompatible with and impacts on the commercial area and surrounding neighborhoods; and
d. Otherwise adversely impacts the health, safety, convenience and the general welfare of the community.

In evaluating a request for conditional use approval for a smoke shop, the Town Commission may impose individualized conditions in order to ensure that the use is compatible with the SD-B40 district and surrounding neighborhoods.

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

**Section 4. Inclusion in the Code**. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

**Section 5. Conflicts.** Any and all ordinances and resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed.

**Section 6. Effective Date.** This ordinance shall become effective upon adoption on second reading**.**

**PASSED** on first reading on the _____ day of _____, 2023.

**PASSED AND ADOPTED** on second reading on the _____ day of _____, 2023.

**First Reading:**
Motion by: _____
Second by: _____

**Second Reading:**
Motion by: _____
Second by: _____

**FINAL VOTE ON ADOPTION**

Commissioner Fred Landsman ____
Commissioner Marianne Meischeid ____
Commissioner Nelly Velasquez ____
Vice Mayor Jeffrey Rose ____
Mayor Shlomo Danzinger ____

_____
Shlomo Danzinger, Mayor

_____
Sandra N. 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

# MEMORANDUM

**ITEM NO. 4B2.**

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

**From:** Hector Gomez, Town Manager

**Date:** August 8, 2023

**Subject:** **Harding Avenue Front Yard Paving Allowance**

Town Administration recommends consideration of this ordinance to allow Harding Avenue homeowners in H30B district additional parking to encourage the beautification of their front yards.

**Background:** The single-family homes that face Harding Avenue have limited parking options because there is no street parking available, as is typical in the rest of the single-family home district. Several of these homes have older non-conforming front yards that are mostly or entirely paved over. If improvements were made to the front yards current code would have to be applied, which may reduce the on-site parking spaces.
Current code only permits the front yard to be 50% paved with a 30% landscaping requirement. Homeowners may choose not to improve these yards or driveways in order to maximize their parking ability. In order to allow for additional parking this ordinance would increase the paving allowance from 50% to 70% in the front yard setback on H30B properties located Harding Avenue. The 30% landscaping would still have to be met. This would allow three vehicles to be parked on site and add landscaping to the site. The 35% minimum pervious/landscaping requirement for the total lot would still have to be met.

Ordinance Amending 90-61 Harding Avenue Front Yard Paving Allowance

**ORDINANCE NO. 2023 - _____**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-61, "PAVING IN FRONT AND REAR YARDS IN H30 AND H40 DISTRICTS", BY AMENDING THE FRONT YARD PAVING ALLOWANCE FOR PROPERTIES FRONTING HARDING AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

**WHEREAS**, the Town Commission of the Town of Surfside ("Town Commission") finds it periodically necessary to amend its Code of Ordinances and Land Development Code ("Code") in order to update regulations and procedures to maintain consistency with state law, to implement municipal goals and objectives, to clarify regulations and address specific issues and needs that may arise; and

**WHEREAS**, Section 90-61 of the Code currently provides that front setbacks in the H30A, H30B, H30C, and H40 districts shall not be more than 50 percent paved over with any type of material that is not readily permeable by rainwater and groundwater; and

**WHEREAS**, residential properties on Harding Avenue are primarily zoned H30B and H30C; and

**WHEREAS,** curb side parking on properties located on Harding Avenue is not feasible due to the physical constraints or location of the properties on a highly traversed State Road, which presents a practical difficulty to these properties for parking and ingress and egress; and

**WHEREAS**, in order to allow for additional parking and address the practical difficulty, the Town Commission wishes to increase the paving allowance from 50 percent to 70 percent in the front yard setback on properties located Harding Avenue; and

**WHEREAS,** at a regular meeting of the Town Commission held on July 11, 2023, the Town Commission directed an ordinance to increase the paving allowance to 70 percent in the front yard setbacks for properties fronting Harding Avenue; and

**WHEREAS**, the Town Commission held its first public hearing on _____, 2023 and, having complied with the notice requirements in the Florida Statutes, recommended approval of the proposed amendments to the Code; and

**WHEREAS,** the Planning and Zoning Board, serving as the local planning agency for the Town, held its hearing on the proposed amendment to the Code on _____, 2023 with due public notice and input, and recommended _____ of the proposed amendments to the Code; and

**WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on these Code amendments as required by law on _____, 2023 and further finds the proposed changes to the Code are necessary and in the best interest of the Town.

**NOW, THEREFORE**, **BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA[1]:**

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

**Section 2. Town Code Amended.** Section 90-61. – "Paving in front and rear yards on H30 and H40 districts," is hereby amended as follows:

**Sec. 90-61. Paving in front and rear yards in H30 and H40 districts.**

Except for properties in the H30B District on Harding Avenue, ~~F~~front ~~setbacks~~ yards in the H30A, H30B, H30C or H40 districts shall not be more than 50 percent paved over with any type of material that is not readily permeable by rainwater and groundwater. For properties in the H30B district fronting Harding Avenue, front yards shall not be more than 70 percent paved over with any type of material that is not readily permeable by rainwater and groundwater. Pavers and pervious hard materials, including pervious concrete, shall not be utilized for the calculation of pervious area.

[1] Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double strikethrough~~ and double underline.

* * *

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

**Section 4. Inclusion in the Code**. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

**Section 5. Conflicts.** Any and all ordinances and resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed.

**Section 6. Effective Date.** This ordinance shall become effective upon adoption on second reading**.**

**PASSED** and **ADOPTED** on first reading this ____ day of _____, 2023.

**PASSED** and **ADOPTED** on second reading this ___ day of _____, 2023.

On Final Reading Moved by: _____

On Final Reading Second by: _____

**First Reading:**
Motion by: _____
Second by:_____

**Second Reading:**
Motion by: _____
Second by:_____

**FINAL VOTE ON ADOPTION**
**ATTEST:**

_____
Sandra N. 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

# MEMORANDUM

**ITEM NO. 4B3.**

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

**From:** Hector Gomez, Town Manager

**Date:** August 8, 2023

**Subject:** **Carport Allowances in H30A and H30B**

Town Administration recommends the consideration of this ordinance to allow additional material types for carport canopies. It is recommended that the Town Planner have the ability to refer any design review of a carport to the Planning & Zoning Board for final review and approval in the case of uncertain compatibility.

**Background:** The Town's Zoning Code allows for the construction of carport canopies in a front, secondary side or rear yard setback in the H30A and H30B districts. The code provides a specific and limited definition for a carport canopy which is a metal piping covered by a canvas or similar materials. These canvas coverings are intended to be removed before a storm. The currently allowable materials present potential windspeed hazards if not removed prior to major storms, and the Town has limited resources to monitor and enforce their proper removal during storm preparation. Other permanent constructions materials are more suited to storm prone areas like South Florida. this ordinance would allow for increased material options for these structures.

Ordinance Amending Sec. 90-58 Carport Canopies

**ORDINANCE NO. 2023 - _____**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING AND RE-TITLING SECTION 90-58, "CARPORT CANOPIES", TO MODIFY THE REGULATIONS FOR CARPORTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

**WHEREAS**, the Town Commission of the Town of Surfside ("Town Commission") finds it periodically necessary to amend its Code of Ordinances and Land Development Code ("Code") in order to update regulations and procedures to maintain consistency with state law, to implement municipal goals and objectives, to clarify regulations and address specific issues and needs that may arise; and

**WHEREAS**, Section 90-58 of the Code allows for the construction of carport canopies in a front, secondary side or rear yard setback in the H30A and H30B districts; and

**WHEREAS**, Section 90-2 of the Code defines "carport" as a roofed and usually wall-less shed projecting from the side of a building, used as a shelter for automobiles; and

**WHEREAS**, the term "canopy" is defined in Section 90-2 of the Code as a permanent, roof-like cover made of cloth, metal, vinyl or other permanent material supported from the ground or deck or floor of a building, and from the walls of a building for protection from sun or weather; and

**WHEREAS,** 90-58.1 currently restricts the allowable materials for carport canopies to canvas (or similar material) covered pipe; and

**WHEREAS,** the currently allowable materials present potential windspeed hazards if not removed prior to major storms, and the Town has limited resources to monitor and enforce their proper removal during storm preparation; and

**WHEREAS,** modern construction methods allow for more sturdy construction materials that significantly reduce the windspeed hazard when constructed pursuant to the Florida Building Code; and

**WHEREAS,** at a regular meeting of the Town Commission held on July 11. 2023, 2023, the Town Commission directed the Town Manager to present an ordinance addressing the allowance of additional materials for carport canopies; and

**WHEREAS**, the Town Commission held its first public hearing on _____ and, having complied with the notice requirements in the Florida Statutes, _____ the proposed amendments to the Code; and

**WHEREAS,** the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendment to the Code on _____, 2023 with due public notice and input, and recommended _____ of the proposed amendments to the Code; and

**WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on these Code amendments as required by law on _____, 2023 and further finds the proposed changes to the Code are necessary and in the best interest of the Town.

**NOW, THEREFORE**, **BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA[1]:**

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

**Section 2. Town Code Amended.** Section 90-58. -- "Carport Canopies" of the Code, is hereby amended as follows:

**Sec. 90-58. Carports ~~Canopies~~.**

* * *

Carports, consisting of the structural members and the roof or canopy, ~~canopies~~ may be constructed, in a front, secondary side or rear yard setback in the H30A and H30B districts subject to the following:~~.~~

[1] Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double strikethrough~~ and double underline.

(1) The carport ~~Such canopy~~ shall not exceed 20 feet in length, and 20 feet in width.

(2) The height of the carport ~~such canopy~~ shall not exceed ten feet.

(3) The height of the side openings shall be at least six feet, three inches.

(4) The carport ~~Such canopy~~ shall be subject to the following minimum setbacks:

a. Rear: Five feet.

b. Interior side: Five feet.

c. Primary (front) and secondary (corner): Two feet.

d. Rear of street curb: Seven feet.

(5) A carport ~~canopy~~ shall at all times remain open on all four sides, if free standing, and open on three sides if attached to the main building. The structure shall be nonsubstantial in appearance and each side shall maintain a solid to transparent ratio of no more than 35% solid to 65% transparent.

(6) The area under a canopy must be entirely paved by an approved paving material.

(7) A carport shall be constructed pursuant to the

~~*90-58.1* In addition to all provisions of the~~ Florida Building Code and Miami-Dade County Product Approval.

(8) The~~, the following construction standards for canvas-covered canopies are required and shall be complied with:~~

~~(1) No canopy~~ A carport shall be constructed ~~except~~ of (i) canvas (or similar material) cloth, vinyl or other permanent material supported from the ground or deck or floor of a building, and from the walls of a building for protection from sun or weather by covered metal pipe, or (ii) of wood, composite wood, aluminum, or plastic (but not PVC pipe). ~~Framework shall be galvanized Schedule 40 pipe assembled either with Schedule 40 galvanized fittings or welded and joints painted with a liquid zinc compound. For a ten-foot by 20-foot canopy, uprights shall be of not less than 1¼-inch pipe; the perimeter shall be of not less than one inch pipe and the rafters of not less than three-fourths-inch pipe. For a 20-foot by 20-foot canopy, the pipe sizes shall each be increased by one-fourth inch. All uprights shall be either lag-bolted into a concrete base or, if mounted in dirt, concreted at least one foot deep with a safety tee at the bottom of the pipe. The design and the minimum size of structural members shall not be less than required to resist a 75 mile-per-hour wind with applicable shape factors. All fabric shall be designed for quick removal, which shall be required at a wind velocity in excess of 75 miles per hour.~~

~~(2) The framework height shall be a maximum of ten feet and a minimum of seven feet above grade. No uprights shall be installed closer than two feet from the front lot line.~~

~~(3) Covering material shall carry the Miami-Dade Fire Marshal's certificate of non-flammability. The material shall be attached to the framework by lacings only.~~

~~(4)~~ (9) A proposed carport shall be subject to design review for consistency of design with the existing house, appropriateness of materials, and compatibility of location and orientation on the lot. The Town Planner may refer any design review of a carport to the Planning & Zoning Board for final review and approval based upon this section and the Design Guidelines.

* * *

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

**Section 4. Inclusion in the Code**. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

**Section 5. Conflicts.** Any and all ordinances and resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed.

**Section 6. Effective Date.** This ordinance shall become effective upon adoption on second reading**.**

**PASSED** and **ADOPTED** on first reading this ____ day of _____, 2023.

**PASSED** and **ADOPTED** on second reading this ___ day of _____, 2023.

On Final Reading Moved by: _____

On Final Reading Second by: _____

**First Reading:**
Motion by: _____
Second by:_____

**Second Reading:**
Motion by: _____
Second by: _____

**FINAL VOTE ON ADOPTION**
**ATTEST:**

_____
Sandra N. 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

# MEMORANDUM

**ITEM NO. 4B4.**

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

**From:** Hector Gomez, Town Manager

**Date:** August 8, 2023

**Subject:** **Recycling Ordinances Changes due to Market Conditions**

Town administration is seeking to update Chapter 66 - Solid Waste of the Town Code to update commercial recycling rates and make any future changes applicable through resolution as well as update recycling materials list and make any future updates applicable through resolution. Additionally, Town is seeking to make recycling mandatory for commercial and mixed-use properties.

The Town collects recycling from commercial properties on a highly encouraged basis per Section 66-36. - Recycling of the Town Code. The section of the code also establishes which materials are recyclable materials and a fee structure to responsibly fund recycling services. When this section of the code was created in 2008, the recycling commodities market produced revenues to the Solid Waste fund which allowed for rates subsidized by the Town. Currently, the recycling commodities market does not produce revenues to the Town and costs the Town additional resources and funds to recycle. For example, not all materials that were once recycling materials are considered recyclable in today's market and that list changes with market demands. Additionally, contaminated materials are double handled and end up at landfills since they are not able to be recycled.

In order to create a healthy operation within the Solid Waste fund, and maintain a recycling program that has intended benefits, several changes to the current section of the code are being proposed. These are:

- Go from highly encourage, to mandatory recycling for commercial properties.
- Increase commercial recycling rate fees which have not been adjusted since 2008 and perform the action through resolution rather than ordinance.
- Update the currently approved recycling materials list from the current ordinance list and allow a mechanism to update through resolution moving forward.

Ordinance Amending Sec. 66-36 Recycling

Attachment A - Recyclable Items

**ORDINANCE NO. 23 - _____**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 66-36 "RECYCLING", OF DIVISION 1. – "GENERALLY," OF ARTICLE II. – "COLLECTION AND DISPOSAL", OF CHAPTER 66 – "SOLID WASTE", INCLUDING PROVIDING FOR MANDATORY RECYCLING, PROVIDING FOR RECYCLING RATES AND FEES TO BE ESTABLISHED BY RESOLUTION, AND TO UPDATE AND DEFINE RECYCLABLE MATERIALS TO BE ESTABLISHED BY RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

**WHEREAS,** the Town Commission of the Town of Surfside ("Town Commission") finds it periodically necessary to amend its Code of Ordinances ("Code") in order to update regulations and procedures to maintain consistency with state law and to implement municipal goals and objectives for the general health, safety and welfare of the Town residents and occupants; and

**WHEREAS,** the current recycling market is unpredictable and volatile requires flexibility on the part of the Town to define or establish acceptable recyclable materials by resolution of the Town Commission, as may be amended from time to time; as well as updates and changes to rates and fees charged for services; and

**WHEREAS,** Section 66-36 of the Code currently encourages commercial recycling and provides that "…businesses are urged to participate in the town's program for the recycling…", and the Town wishes to provide for mandatory participation in a recycling program by commercial properties effective October 1, 2023; and

**WHEREAS,** the Town Commission desires to further amend Section 66-36 of the Code to delete outdated fees and charges listed in the Code and provide for fees and

charges to be established by Resolution of the Town Commission, as amended from time to time, and to update the currently listed recyclable materials in the Code and provide for same to be established by Resolution of the Town Commission, as may be amended from time to time, all in order to accommodate the changing nature of the recycling market; and

**WHEREAS,** the Town Commission finds it in the best interest and welfare of the Town to amend Section 66-36 as provided for herein; and

**WHEREAS,** the Town Commission held its first public hearing on _____, 2023 and, having complied with the notice requirements in the Florida Statutes, approved the proposed amendments to the Code; and

**WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on these Code amendments as required by law on _____, 2023 and further finds the proposed changes to the Code are necessary and in the best interest of the Town.

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

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

**Section 2. Town Code Amended.** Section 66-36 "Recycling" of the Code, is hereby amended as follows[1]:

**Sec. 66-36. Recycling.**

(a) *Generally.* Pursuant to ~~T~~the provisions of F.S. § 403.706, ~~mandate that all local governments reduce their waste stream by 30 percent. To implement that statute,~~ all residences and ~~businesses~~ commercial properties are ~~urged~~ required to participate in the town's program for the recycling of ~~paper, metals, plastics and glass~~ recyclable materials effective October 1, 2023. In furtherance of this program, the town ~~has contracted~~ may contract with a private firm or contractor to provide necessary containers to each residence and ~~business~~ commercial property, collect weekly the recyclable materials put out by residents and ~~businesses~~ commercial properties, and separate such materials for sale in appropriate markets.

[1] Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double strikethrough~~ and double underline.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) Bin means a "milk crate" type of stackable container of approximately 12-gallon capacity.

(2) *Container* means a commercial mobile container or "dumpster," of not less than two cubic yards capacity nor more than six cubic yards capacity, capable of being picked up or emptied automatically by a trash or garbage truck.

(3) *Contractor* means a private firm retained by the town to collect and recycle certain waste materials.

(4) *Recyclable material* ~~means used and discarded newspaper, high-grade office paper, mixed paper, corrugated cardboard, glass containers (all colors), plastic containers (PET and HDPE) and ferrous and aluminum (cans or scrap), steel (cans or scrap) will be established by the Town by resolution of the Town Commission~~ shall be defined by the Town and adopted by Resolution of the Town Commission, as may be amended from time to time.

(5) *Toter* means a barrel-like plastic container of not less than 30-gallon capacity, having a tightfitting solid top.

(c) *Program.* Each residence and commercial establishment will be supplied with an appropriate bin, toter or container by the contractor. The contractor will collect recyclable materials weekly curbside in the town residential areas, from the alleys in the business district and on private property, as arranged, in the multifamily areas.

(d) *Rates and Fees.* The Town Commission shall adopt recycling rates and fees by Resolution, as may be amended from time to time.

~~(1) The following fees and charges are imposed upon property owners and tenants, or both, and will be collected as follows:~~

~~a. *Single-family, duplexes and multifamily residences,* $30.26 per annum, on a yearly basis with payment due on October 1 of each year.~~

~~b. *Commercial* (one bin per week), $30.26 per annum, on a yearly basis with payment due on October 1 of each year.~~

~~c. *Commercial* (one toter per week), $143.32 per annum, on a yearly basis with payment due on October 1 of each year.~~

~~d. *Commercial* (container, two yards, per week), $636.96 per annum, on a quarterly basis with payment due on the first day of each quarter.~~

~~(2)~~ Any fee under this section which shall be due and remain unpaid for a period of 30 days beyond the due date shall become delinquent. All delinquent fees shall bear

a penalty of ten percent for the first 30 days, and an additional penalty of one percent for each month thereafter. In addition, all delinquent fees shall constitute a lien against the premises, which shall become effective and binding as such lien from the date upon which the delinquency is created.

* * *

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

**Section 4. Inclusion in the Code**. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

**Section 5. Conflicts.** Any and all ordinances and resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed.

**Section 6. Effective Date.** This ordinance shall become effective upon adoption on second reading**.**

**PASSED** on first reading on the _____ day of _____, 2023.

**PASSED AND ADOPTED** on second reading on the _____ day of _____, 2023.

**First Reading:**
Motion by: _____
Second by: _____

**Second Reading:**
Motion by: _____
Second by: _____

**FINAL VOTE ON ADOPTION**
Commissioner Fred Landsman ____
Commissioner Marianne Meischeid ____
Commissioner Nelly Velasquez ____
Vice Mayor Jeffrey Rose ____
Mayor Shlomo Danzinger ____

_____
Shlomo Danzinger, Mayor

_____
Sandra N. 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

ATTACHMENT “A”

# Town of Surfside

# List of Acceptable Recycable Items

**RECYCLABLES** must be dry, loose (not bagged) and include ONLY the following:

| | |
|---|---|
| Aluminum cans – empty | Newspaper |
| PET bottles with the symbol #1 - with screw tops only – empty | Mail |
| HDPE plastic bottles with the symbol #2 (milk, water bottles, detergent, and shampoo bottles, etc.) – empty | Magazines, glossy inserts, pamphlets and catalogs |
| Plastic containers with symbols #3-#7 – empty (no expanded polystyrene) | Uncoated paperboard (ex. Cereal boxes; food and snack boxes) |
| Steel and tin cans – empty | Uncoated printing, writing and office paper |
| Glass food and beverage containers – brown, clear, or green – empty | Old corrugated containers/cardboard (uncoated) |
| | Phone books |

Items not listed above are not permissible.

**Town of Surfside**
**Regular Town Commission Meeting**
**August 8, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 5A.
**Date:** August 8, 2023
**From:** Shlomo Danzinger, Mayor
**Subject: Resolution Approving a Donation to the Holocaust Heroes Worldwide organization from the Legislative "Grants/Aids" fund account**

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**Suggested Action:** – For the commission to approve a resolution approving the expenditure of funds (amount TBD) from the Legislative's Grants and Aids fund as a donation towards the Holocaust Heroes Worldwide organization.

**Background/Analysis:** – Anti-Semitism incidents in the USA have reached their highest recorded levels since the 1970s, as reported by reputable sources like CNN and the Anti-Defamation League.
*https://www.cnn.com/2023/03/23/us/antisemitism-report-unprecedented-rise-dg/index.html*
*https://www.adl.org/resources/report/audit-antisemitic-incidents-2022*

Regrettably, Surfside has not been immune to this wave of hatred. Our town has experienced numerous incidents of hateful propaganda littered throughout the town. Tragically, Jewish parishioners face offensive verbal abuse far too often as they leave their places of worship, and antisemitic undertones pervade far too many conversations.

In the face of the alarming surge in antisemitism in South Florida, the Florida State legislature has taken proactive measures to combat the issue by courageously passing two pivotal bills: SB269 (2023) and SB994 (2023).

However, most recently a concerning study revealed that over 41% of Americans lack basic information about the Holocaust, and shockingly, 22% of American millennials have never even heard of it.

When attempting to combating antisemitism education about the Holocaust is a key tool, and there is no one better equipped for this task than the survivors of one of the world's most horrific tragedies. However, time is running out, as we are losing the last remaining witnesses to the Holocaust.

Holocaust Heroes Worldwide stands out as a unique organization, employing Holocaust survivors to educate and enlighten the nation, most importantly the next generation, about the atrocities committed against various groups because of the hatred towards those who were

different. Through their vast network of volunteers, Holocaust Heroes provides aid and companionship to survivors. They courageously share their traumatic stories, and by recounting the pain they have suffered, they raise awareness about the pervasive nature of these issues and the urgent need for society to confront and address them head-on. Their voices serve as a powerful reminder that the effects of hate speech and propaganda are not confined to mere words; they have the potential to harm individuals, communities, and the fabric of our society as a whole.

Given the ongoing situation across the US and South Florida, including Surfside, which boasts a 33%+ Jewish population, supporting Holocaust Heroes Worldwide is profoundly important. Their goal to combat antisemitism and hate through education will have a positive affect for our residents, our community, and hopefully the world.

# Application by Not-For-Profit/Charitable Organization for Financial or In-Kind Assistance from The Town of Surfside

**Legal Name of Applicant: Holocaust Heroes Worldwide**

**Year Established in Florida: 2019**

**Business Address: 3575 NE 207th St. B-20 Aventura, FL 33180**

**Business Phone Number: (786) 408-4385**

**Contact Name and Phone Number: Moran Alfasi, (443) 939-4395**

**Contact email address: Moran@holocaustheroesww.org**

**Business Website URL: Holocaust Heroes Worldwide**

**Describe the services you will provide to the Town of Surfside Residents or Businesses with the assistance you will receive from the Town:**

Through its Education Program, HHW educates future leaders on Survivors' important life lessons and heroism from, and since the Holocaust, inspiring people from all walks of life. Through large assemblies, smaller speaking engagements, and supplemental curriculum, we enable young people and others to hear direct stories and accounts from our network of 20-30 elderly Holocaust Survivors, many living in Miami-Dade County. HHW envisions 3-5 total sessions with hundreds of students K6-12 participating annually. To reach the largest number of students a year, HHW envisions the initial program in each school to engage multiple hundred students and their teachers. This both honors the considerable energy required of the Survivors to do these presentations and maximizes the number of students we will reach.

As part of our proposal to the city of Surfside, we propose to facilitate Holocaust Survivor visits and education to district high school and middle schools, to be decided on by the Mayor and HHW together.

HHW's curriculum compel participants to not simply gain key cognitive learning about the Holocaust, but to engage participants at a deeper, emotional level, known as social-emotional learning. Our goal in HHW is to impact the students and community though the human story of the Survivors, connecting participants to inspiring emotions and life lessons that will stay with them throughout their lives. These are the kind of enduring lessons that will impact their choices and stay as vivid memories in their minds.

Before the sessions of the Survivors with students, HHW makes sure to understand the level of education the students have about the holocaust. We discern the best potential emphases for the Survivor to address during the session based on their stories, strengths and interests as well as our preparatory conversations vis a vis the teachers' vantage points, details and input for the Survivors in advance. After we lead each Survivor's speaking session, each teacher receives a lesson guide according to the age group they teach (we have middle school and high school versions).

This follow-up session focuses on the human lessons the students can learn from the Survivors' stories - lessons of: hope, community courage, family, friendship, strength,overcoming bigotry, acceptance, love and more.

As stated previously, a pillar outcome goal of HHW is to address hate, antisemitism, racism and bullying .The success of our Education Program lays in the ability of the participants to feel the impact of those negative social behaviors in a personal way.

This is accentuated by the follow-up sessions - settings for the participants to individually and collectively grapple with what they learned cognitively, as well as the difficult and inspiring life lessons shared by the Survivors. According to the age group, students will have group or individual exercises from which to choose; these will allow the students to reflect on these lessons, share them with the students' friends, inspiring each other to mutual learning. All lessons will be completed by designing continuity media which capture and convey the lessons and legacy they received from the Survivors. Each teacher will choose from the offered activities, based on the class character.

We believe this programming will have the following impact on Surfside students:

– Increased knowledge of the Holocaust, and more sophisticated thinking around it's impact;
– Increased tools for identifying and standing up to antisemitism and racism;
– Social emotional learning, development of empathy; and
– Stronger understanding of how the lessons of the past can help us ensure a better future.

**What assistance do you need from the Town:**

HHW requests funding support of $15,000 for the schools year of 2023-2024. The funding requested would directly support HHW's staff time to plan for and coordinate the visits, coordinate transportation and logistics for the Holocaust survivors and provide supplemental curriculum that teachers can use in the classroom following the assemblies.

As we rely on introductions to selected schools from the Mayor's office to ensure willingness to participate and engagement, we also request these introductions with which we will actively assist. Once schools are agreed upon and engaged, HHW will directly communicate with the principals and appropriate school contacts to organize the visits as well as share materials with teachers prior to sessions that can be used to prepare students and also engage in specified follow up afterward.

**Who will be the person in your organization accountable for the assistance the Town provides your organization:**

Program evaluation will be the responsibility of the new Education Program Director, with supervision and support from the Executive Director, Moran Alfasi.

**How will you measure and report to the Town how well the assistance was used by your organization:**

HHW will share feedbacks and evaluation of students and teachers with their Town contact person as well as invite them to join those session if they are able. What the students produce in the follow-up sessions will provide concrete evidence of how they are internalizing the messages from the Survivor and the other material shared with them. HHW will encourage the teachers to lead these follow up lessons and to collect and shere thesee materials if possible, in these cases HHW will share selected and approved to share materials with the town of Surfside.

**If you have provided the intended services to other communities or organizations, please briefly describe them below or attach them to this application:**

In addition to independent community educational events Holocaust Heroes Worldwide created in cities across south Florida, HHW has been collaborating and answering the needs of many communities, schools and organizations. A list of these organizations is attached.

**If you are not awarded the assistance you are requesting, what do you think it will mean to the community and the Town:**

We will always do our best to support any community that is requesting to be influenced by the rare and vital legacies of the Survivors. As it is, the funding requested would directly support HHW's staff time to plan for and coordinate the visits, coordinate transportation, logistics and personal attention for the Holocaust Survivors and provide supplemental curriculum that teachers can use in the classroom following the assemblies. In case we won't have the assistance we would not be able to ensure the same level of quality educational impact and availability due to the lack of human resources.

**Please detail any known relationship (familial, business, friendship, etc.), no matter how distant, that your organization has with any elected official or employee of the Town of Surfside:**

To our knowledge, there are no specific connections between the organization and the elected officials of the town of Surfside.

- **Documents to be submitted with applications from not-for-profit organizations:**
  - State of Florida Certificate of Status, Non-Profit Corporation
  - IRS Ruling or Determination Letter of your charitable status
  - Your most recent annual information return (Form 990 or 990-EZ) or a determination letter stating your organization is exempt from the annual return requirement
  - A letter from the applicant that is signed by an individual authorized to make the request of the Town stating that the application has been authorized by the organization

Commission Approval Date: _____

Commission Approval Amount: _____

Attested by: _____
Sandra Novoa, Town Clerk

*Approved form to be delivered to Finance Department for processing

Town of Surfside, Florida

# Account Detail Actual vs Budget Report

## Account Detail

Date Range: 10/01/2022 - 07/17/2023

| Account | Name | Encumbrances | Fiscal Budget | Beginning Balance | Total Activity | Ending Balance | Budget Remaining | % Remaining |
|---|---|---|---|---|---|---|---|---|
| **001 - GENERAL FUND** | | | | | | | | |
| **Expense** | | | | | | | | |
| **Department: 511 - LEGISLATIVE** | | | | | | | | |
| 001-1000-511-83-00 | OTHER GRANTS AND AIDS | 0.00 | 30,500.00 | 0.00 | 9,112.00 | 9,112.00 | 21,388.00 | 70.12% |

| Post Date | Packet Number | Source Transaction | Pmt Number | Description | Vendor | Project Account | Amount |
|---|---|---|---|---|---|---|---|
| 10/21/2022 | APPKT01563 | 26732 | 120319 | FY-23 TOWN DONATION - NURSE ENHANC... | 3391 - MIAMI BEACH CHAMBER EDUCATION | | 8,112.00 |
| 10/21/2022 | APPKT01563 | RESO-2022-2935 | 120333 | FY-23 TOWN DONATION - SUPPORT WILDL... | 01096 - PELICAN HARBOR SEABIRD STATION | | 1,000.00 |

| | Encumbrances | Fiscal Budget | Beginning Balance | Total Activity | Ending Balance | Budget Remaining | % Remaining |
|---|---|---|---|---|---|---|---|
| **511 - LEGISLATIVE Totals:** | **0.00** | **30,500.00** | **0.00** | **9,112.00** | **9,112.00** | **21,388.00** | **70.12%** |
| **Expense Totals:** | **0.00** | **30,500.00** | **0.00** | **9,112.00** | **9,112.00** | **21,388.00** | **70.12%** |
| **001 - GENERAL FUND Totals:** | **0.00** | **30,500.00** | **0.00** | **9,112.00** | **9,112.00** | **21,388.00** | **70.12%** |
| **Report Total:** | **0.00** | **30,500.00** | **0.00** | **9,112.00** | **9,112.00** | **21,388.00** | **70.12%** |

# Account Summary

| Account | Name | Encumbrances | Fiscal Budget | Beginning Balance | Total Activity | Ending Balance | Budget Remaining | % Remaining |
|---|---|---|---|---|---|---|---|---|
| **001 - GENERAL FUND** | | | | | | | | |
| **Expense** | | | | | | | | |
| **Department: 511 - LEGISLATIVE** | | | | | | | | |
| 001-1000-511-83-00 | OTHER GRANTS AND AIDS | 0.00 | 30,500.00 | 0.00 | 9,112.00 | 9,112.00 | 21,388.00 | 70.12% |
| | **511 - LEGISLATIVE Totals:** | **0.00** | **30,500.00** | **0.00** | **9,112.00** | **9,112.00** | **21,388.00** | **70.12%** |
| | **Expense Totals:** | **0.00** | **30,500.00** | **0.00** | **9,112.00** | **9,112.00** | **21,388.00** | **70.12%** |
| | **001 - GENERAL FUND Totals:** | **0.00** | **30,500.00** | **0.00** | **9,112.00** | **9,112.00** | **21,388.00** | **70.12%** |
| | **Report Total:** | **0.00** | **30,500.00** | **0.00** | **9,112.00** | **9,112.00** | **21,388.00** | **70.12%** |

# Fund Summary

| Fund | Encumbrances | Fiscal Budget | Beginning Balance | Total Activity | Ending Balance | Budget Remaining | % Remaining |
|---|---|---|---|---|---|---|---|
| 001 - GENERAL FUND | 0.00 | 30,500.00 | 0.00 | 9,112.00 | 9,112.00 | 21,388.00 | 70.12% |
| **Report Total:** | **0.00** | **30,500.00** | **0.00** | **9,112.00** | **9,112.00** | **21,388.00** | **70.12%** |

HOLOCAUST HEROES WORLDWIDE

**Organizational Case Statement**
**July 2023**

## MISSION & BACKGROUND

Holocaust Heroes Worldwide (HHW) is dedicated to caring for and empowering Holocaust survivors, and to preventing hate, antisemitism and racism. We harness the powers of volunteering and community-building to bring joy to survivors, offering social and emotional support while acknowledging them as the truest heroes of our society. HHW educates future leaders on survivors' important life lessons and heroism from, and since the Holocaust, inspiring people from all walks of life.

Our vision is of a world where Holocaust survivors live out their last years with basic needs met, wrapped in love and support, and honored by their communities. We seek to inspire future leaders to stand up and act toward a more tolerant future and a more peaceful world.

Holocaust Heroes Worldwide serves survivors in the South Florida tri-county area of Miami-Dade, Broward, and Palm Beach – home to the third third-largest survivor population in the United States, after New York and Los Angeles.

### History & Founding Values

Holocaust Heroes was founded in 2019 in honor of Leah Greiner (b. Wize), a Holocaust survivor who risked her life to nurture and protect three young, orphaned girls while they were imprisoned together at Auschwitz. The girls survived, and built lives in Israel. Greiner's granddaughter, HHW founder Moran Alfasi, says of her grandmother, "She always made a point to tell us about the ones who wouldn't stand by and watch what happened. The ones who took action, even when it was risky for them."

Today, the kindness, commitment, and heroism that led Leah Greiner to risk everything to care for someone else's children, are the lifeblood of our small but powerful organization.

Our unique community of highly trained, committed volunteers nurtures and protects Holocaust survivors. And just like Leah's heroic story inspired a group of local survivors to assist her granddaughter in forming our organization, we now inspire future heroes by ensuring the stories of the Holocaust Heroes in our community touch as many hearts as possible.

Holocaust Heroes was created with support and input from Holocaust survivors. Honorary Board members Julius Eisenstein and Sally Dauman worked with HHW founder Moran Alfasi to shape an organization that would resonate with aging survivors, transmit their legacies, and inspire future generations.

Over the past four years, Holocaust Heroes has built up a large volunteer and survivor community that has enriched the lives of more than 150 survivors; our Events and Education programs, all described within, have impacted more than 6,000 students and other community members.

***"We all have the same right to live and to be free. You don't have to like me, but why do you need to hate me? I will speak about the Holocaust till my last breath, so it will never happen again to anyone!"* – Julius Eisenstein, Holocaust Hero.**

### Holocaust Heroes Today

As the survivor community lives out its last years, Holocaust Heroes is focused on maximizing its impact in the precious time we have left. We have drafted a three-year growth plan, and we are making significant investments in areas like development, planning, and communications, all of which are crucial to securing a donor base that can fuel our work overtime. We aim to professionalize, expand, and make our small but remarkably powerful organization sustainable, all to ensure we can be there for survivors at this critical moment.

## NEEDS OF FLORIDA'S HOLOCAUST SURVIVORS

While the historic population of Holocaust survivors is declining, there are still, according to Claims Conference estimates, around 40,000 survivors living in the US alone.[1] Florida has the third-largest survivor population in the US (after NY and California) and nearly all of the state's survivors live in Holocaust Heroes' tri-county service area of Miami-Dade, Broward, and Palm Beach.[2]

Frail, elderly, traumatized, and disproportionately poor, Holocaust survivors are among the most vulnerable of all Americans. With most living survivors aged well into their 80s and 90s, this population not only faces the common challenges of growing old, but must also deal with physical and mental health challenges rooted in Holocaust trauma, which is triggered and exacerbated by increasing loneliness.

> ***"Loneliness and social isolation in older adults are serious public health risks affecting a significant number of seniors in the United States and putting them at risk for dementia and other serious medical conditions." - Centers for Disease Control and Prevention***

### The Vital Importance of Relationships in Healthy Aging

A wide body of research shows relationships to be vital to healthy aging. As researcher, psychiatrist, and Professor at Harvard Medical School George Vaillant puts it, "the key to healthy aging is relationships, relationships, relationships."[3]

But when advancing age and frailty makes it difficult for older adults to leave home, relationships grow hard to forge and maintain. This is a particular concern for Holocaust survivors, who have long relied on the power of community and storytelling to endure hardship.

[1] Claims Conference: Estimates & Projections: 2010-2030
[2] Claims Conference: Florida
[3] Harvard Gazette, Health & Medicine: Good genes are nice, but joy is better

Stephen Smith, Executive Director of the USC Shoah Foundation, explains that survivors persevered during, and after, the Holocaust, by relying on one another, writing, “the urge to connect, to tell their stories, to help others, to simply be together, is strong among survivors.” [4]

When social isolation threatens the ability to stay connected, threats to health and well-being emerge. The CDC has reported that social isolation increases risk of premature death at rates comparable to obesity and smoking.[5] Not surprisingly, the pandemic, which kept older adults shut inside for the better part of two years, has exacerbated these threats.

> **"I'm 86 years old and I'm all alone. Loneliness is killing everyone. Including me"**
> **– Yosi, a Holocaust Hero**

**An Urgent Situation**

By 2030, the youngest living survivor will be 85, and only 15,000 survivors will remain. In the meantime, fascist and antisemitic views, and Holocaust denying are growing widespread in the US. The stakes feel particularly high in Florida, where hate groups gather in increasing numbers and with increasing boldness.[6]

As the number of living survivors declines and rates of Antisemitism and hatred are increasing, the imperative to preserve and spread their messages of unity and tolerance for the many to absorb and avoid the mistakes of the past, grows all the more urgent.

## HOLOCAUST HEROES: PROGRAMS

In service to its mission to care for and empower Holocaust Survivors, and to prevent the spread of antisemitism and racism, Holocaust Heroes offers the following programs:

- Tribes: We assemble groups of highly trained and committed adult volunteers, who then wrap one Holocaust survivor (the Tribe’s “Hero”) in a family-like structure, providing meaningful connections based on love, companionship, and social-emotional support.
- Events: We create, coordinate and host vibrant Jewish holiday and social events where survivors, volunteers, and others gather in community to bond over food and drink, entertainment, traditions, and storytelling.
- Education: We connect large groups, including hundreds of school-aged youth, to survivors who tell their heroic stories, and engage in dialogue that supports learning and inspires activism.

These programs are described in detail starting below.

[4] Jewish Journal: As Loneliness Grows, What We Can Learn from Holocaust Survivors
[5] Centers for Disease Control: Loneliness and Social Isolation Linked to Serious Health Conditions
[6] Anti-Defamation League: Hate in the Sunshine State: Extremism & Antisemitism in Florida, 2020-2022

**TRIBES Project Program**

Holocaust Heroes' Tribes program is the embodiment of our mission to harness the powers of volunteerism and community-building to nurture and bring joy to Holocaust survivors.

The goal of the Tribes Program is to create meaningful, long-lasting connections for survivors, while also facilitating meaningful volunteer experiences that allow those connections to be sustained, in many cases, until the survivor's last breath.

Each Tribe we form consists of a survivor (the Tribe's "Hero") and at least three adult Traind volunteers, but most often four or five, who interact frequently and continually with their Hero. Each Tribe has one trained Tribe leader, who coordinates with other volunteers to ensure that commitments are being carried out and that survivors' needs are being met in accordance with the goals of the program, and mission of the organization.

Each volunteer calls the Hero weekly, and visits them in person monthly. For the survivor, this results in a total of roughly 9-12 hours of time, per month, connected to people with whom they are engaged in ever-deepening personal relationships.

In addition to providing valuable social benefits, Tribe members wrap around vulnerable survivors, remaining in on-going communication with each other and with HHW, providing updates to the Tribe after interacting with their Heroes, and especially when they observe an issue that may demand a higher level of service or care.

Tribe members regularly:

- Note concerns about medication compliance or nutrition issues;
- Observe changes in mood, physical health, or behavior;
- Drop off meals, cleaning supplies, and other essentials;
- Gather to celebrate birthdays, Shabbat, and/or holidays; and
- Support survivors around life events and challenges, such as the passing of a loved one.

***"I have a group of friends who call me almost every day. They are a gift from G-d for me." – Bella, Holocaust Hero***

**An Intensive Commitment**

There are many excellent Jewish and Holocaust survivor-focused programs in South Florida and elsewhere, some providing socialization, friendly visiting, and other services not completely unlike our own, and at times a volunteer basis. What sets Holocaust Heroes apart is the scope of our volunteer training, and the depth of the commitment our volunteers make.

For new volunteers, the process of onboarding is rigorous. Each volunteer submits to a background check and an agreement, and undergoes 3-4 hours of intensive training, through which they gain the knowledge and tools they will need to be contributing members of a Tribe.

Training covers topics such as the Tribe volunteering structure, volunteering limits, survivor PTSD, senior disability, and more. Because Tribe members make a commitment to remaining with their Hero until he/she passes, training includes education around end-of-life issues.

HHW conducts personal interviews with each new volunteer, getting to know them in order to place them in a Tribe where they can best fit in and contribute.

All volunteers must commit to (at minimum) visiting their survivor in-person once per month, and talking with them on the phone (or virtually) once per week. Volunteers must also confirm their understanding of the expectation that increased interaction may be required when the survivor encounters an unexpected need or crisis.

To track the work and interaction of each Tribe, Tribe members submit a weekly form reviewing their interaction with their Hero and with each other.

If a Tribe member can no longer fulfill their commitment, they are earnestly thanked for their efforts, and removed from the Tribe. This strict commitment ensures the strength, longevity, and continuity of our Tribes. In most cases, departed Tribe members remain in contact with the survivor. And, since they are replaced by a new fully committed Tribe member, the number of relationships actually increases for the Survivor when a volunteer leaves the Tribe.

Turnover is minimal. Approximately 75% of tribe members are still working with their assigned Hero after 3 years.

**EVENTS Program**

Each year, Holocaust Heroes offers a robust series of survivor-focused social events. These events are designed to give survivors the opportunity to form new relationships and deepen existing ones as they bond over food, drink, entertainment, Jewish traditions and storytelling.

We hold approximately 10 community projects and events; four of them are major events annually, each attended by 20-40 survivors, as well as around 60 additional community members, many of whom are Tribe members. The schedule includes events and projects for Rosh Hashana, Hanukkah, Purim, Passover, summer and more.  HHW IS engaging on average a total of 120 survivors annually.

In order to ensure survivors can participate in these events, Holocaust Heroes provides transportation and needed logistical support to get survivors safely and comfortably to and from the events.

While our Tribes program offers survivors a family structure, our social program fuels a robust larger community that keeps survivors connected to each other, to even more people in the community, and to Jewish heritage and traditions.

> ***"This organization has impacted me more than any other organization…they do so much with what they have."*** **– Sally, Holocaust Hero**

**EDUCATION Program**

Experience shows us that meeting a living witness is the most effective tool for educating, connecting, and uniting communities around the trauma and lessons of the Holocaust. That is why Holocaust Heroes has been connecting community groups to survivors for storytelling and testimonials since 2019.

Because of our Tribes program, at any given time we have a group of around 20-30 Holocaust survivors who we know very well, who are eager and willing to come together with people to share their stories, and who trust Holocaust Heroes to facilitate the experience.

To deepen the experience of hearing survivors' testimonies, HHW offers a "Life Lessons" component for schools that guides teachers in follow up activities designed to help students engage further in the themes and topics that arise in the interaction with survivors.

In past years, our educational activities have reached,  annually, an average of 1,500 community members. Around 25% have been reached in classroom or school settings. The remainder have been reached at special events or in other community contexts such as law enforcement agencies, private homes, religious centers, and community centers.

**"Seeing the hurt other people cause others when they bully has taught me not to bully or be mean to others. Being kind towards others is a great way to show compassion. I will continue to be kind to others." – Student, HHW "Life Lessons" Program**

**Documenting Survivor Stories**

In addition to creating a living memory for students and other participants in our education programs, HHW elevates its efforts to preserve the legacy of these Heroes by collaborating and supporting organizations (Ex: Names not Numbers) whose mission is to capture survivor stories for the future. HHW also videos its education sessions and, where possible, videos 1-on-1 interviews to preserve this critically important information for future use.

## OUR PRIORITIES: 2024 & BEYOND

While we impact dozens of survivors and thousands of community members, HHW remains a modestly staffed organization. Like many start-up nonprofits, a strictly limited budget forces us to constantly prioritize short term-needs, leaving us perpetually unable to invest in the kind of organizational development needed to fully achieve our mission. As we prepare to be there for survivors – our heroes – in their final years, we are working to build organizational capacity in key mission areas.

### Caring for Survivors

We are inundated with requests from interested new volunteers, but the comprehensive nature of our volunteer training means that onboarding new ones takes significant time and resources. Without investment, our small organization simply lacks the capacity to grow in this area. In the meantime, while we are performing no active outreach for this program, there are already more than 20 survivors on waiting lists for Tribes, going unserved. To address this challenge:

- We have created a new Survivor Advocate position, to be filled by a trained professional social worker, allowing us to open a Tribe for every survivor on our waiting list, and more than double the number of tribes we are serving by the end of 2024. As a seasoned social worker, the Advocate will also allow us to expand the type of aging-related service and guidance we are able to provide survivors.
- Additionally, we have created a new Volunteer Coordinator position, which will allow us to systematize our volunteer training process, in turn giving us increased ability to respond to interest from new volunteers, and ultimately allowing us to serve more survivors.

### Empowering Survivors & Preventing Hate

Antisemitism and hatred are rising throughout the US, and especially in Florida, where we hear on an increasing basis of antisemitic acts taking place in our local schools. In this climate, survivor stories are more valuable than ever. HHW's Education program projects survivor voices to wide audiences, and it is poised for growth in our South Florida service area. To capitalize on this opportunity:

- We have created a new Education Director position, charged with a goal to expand the Education program and double the number of students we reach.

### Achieving our Mission in Years to Come

Given our priority to develop the human resources to operate and grow our program, we have not been able to address other critical capacity-building needs, including fundraising and communications, in a dedicated way. We acknowledge that the need for these services parallels that of program staff, which is why we have begun investing in consultants to help us pursue new sources of revenue (including public funds and foundation grants) and to expand our pool of major donors. To further address this issue of sustainability:

- HHW is actively fundraising for fundraising and communications assistance to grow and fuel the organization in 2023 and beyond.

## OUR IMPACT

The **annual program objectives** below quantify Holocaust Heroes' pursuit of its mission driven goals to care for and empower Holocaust Survivors, and to prevent antisemitism and racism.

### Tribes Impact

***"I feel so humble for your Friendship and Love you all express to me. Since day one I feel like I'm back to life. I think I didn't do anything to deserve it. Without you guys, I don't know if I would have the strength to hold on, because I was so lost.***

***I'm retired, but I thought my retirement would be different after so many years of not knowing how to conduct (myself) because of the past. Just because of your Friendship, I realize that I've been carrying all my life the results of what happened to me during WW II - and what psychologically left a deep stain on me. If only I could have met people like you earlier, it would have changed the course of the way I saw the world. Thank you - You have no idea. Knowing you and the rest of my Tribe is so refreshing - your Love and friendship make me newly reborn, give me the strength to stand, continue to live and become a Decent person able to take care of my better half.***

***I just realized that the PTSD of the past slowly melts, and that's the direct result of your investments in me. THANK YOU and Shabbat Shalom." – Jean Pierre, Holocaust Hero***

- 1 survivors in Tribes of at least 3-4 volunteers
- Each survivor receives at least 3 physical visits, and 9-12 phone calls from Tribe members per month (in cruises, This engagement often increases substantially)
- 4 Birthday / Holidays / Special occasion tribe interactions
- 75% of volunteers who enter Tribes remain there, meeting their commitments, in year 3

### Events & Projects Impact

***"I appreciate all that the volunteers do, because we never thought there would be people in the world that will do for us and care for us, and I can't thank you enough."*** **Irene, Survivor**

- 10 social events and projects,
- Attended by 120 unduplicated survivors, and 300 other community members
- 125 round-trips to and from events for survivors

## Education Impact

***"I was deeply impacted by the survivor's story and the engaging Q&A. There are times where paths through the dark forest are lit up by flashes of light, and this was one of those times. I believe that this intergenerational conversation between survivors, students, families, and the community is crucial to maintain well-being and security in our society."***

***North Miami Beach Mayor Anthony DeFillipo, in a letter of support for Holocaust Heroes to the Claims Conference.***

- 20-30 Holocaust survivor speaking events and associated learning opportunities
- 2,500 community members reached (of all ages, including students)
- 1,000 public school students reached, on average, per year

## Outcomes

As a result of all of the above:

- Survivors' well-being increases (self-reported or family-reported survey)
- Survivors' social isolation decreases (self-reported or family-reported survey)
- Strengthening Jewish life and identity for future generations.
- Greater segments of Jewish and Non-Jewish community (adults and youth) have opportunities to interact with survivors and create meaningful connections with them
- The lessons and stories of the Holocaust are passed to future generations and are used to empower unity and connections between communities of all walks of life.

HOLOCAUST
HEROES
WORLDWIDE

**If you have provided the intended services to other communities or organizations, please briefly describe them below or attach them to this application:**

Initiating events with or collaborating for events / responds to needs as requested-

Ben Gamla High School
BridgePrep Academy of North Miami Beach
Benjamin School, North Palm Beach County
Miami Beach Nautilus Middle School
Highland Oaks Middle School, Beth Torah Club.
Don Soffer Aventura Charter High School
Broward County Hollywood Library
FBI
Intuit
BBYO
Hillel FIU
Israeli Scouts
IAC Florida
IAC Edge National
IAC Mishelanu
StandWithUs
Forum Nashim
Names, not Numbers
Holocaust Memorial Miami Beach.
Israel and United States Embassies of Uzbekistan
Mania and Max Nudel Holocaust Learning Center, David Posnack JCC.
Kspace
We Are One Kosher Food Bank, Hollywood, FL
Moishe House
Chabad Lubavitch Of MidTown
Aventura Chabad
Yehudi Center, Miami Beach
Chabad of West Boca Raton
Temple Kol Ami Emanu-El
Aventura Arts and Cultural Center

Multicultural Committee of North Miami Beach: working with the City of North Miami Beach, HHW is embarking on a partnership intended to facilitate engagement in their public schools and in the creation of a Holocaust Memorial.

Nautilus Middle School- A Miami Dade public middle school where HHW did a 4-session Life Lesson program..

Greater Miami Jewish Federation - HHW is a grantee of the federation for their social work with the survivors since 2020

The Pentecostal Church of Cooper City- partnered with HHW to hold its first-ever event to honor the Holocaust.

NCSY- Jewish youth organzion with whom HHW did a 4-session Life Lesson program for high schools students.

Zikaron BaSalon- a strategic partnership to increase home pilot programs and facilitate their programs with Survivors to speak as they often request

The city of Cooper City - For Community Service and Contribution, Certificate of Recognition / Award

Israeli Consulate-collaborates in supporting events, promoting events, determining event focus and the like.

FIU Public Health Class- work to research HHW social program - The Tribe Project , where HHW also added value of educating the students on the holocaust and its traumatic impact on the survivors

World Zionist Organizations and Western Wall Heritage Foundation: collaborated with HHW on a special social event for the survivors and communtiy. Got exposure of thousands online.

HOLOCAUST
HEROES
WORLDWIDE

# Detail by Entity Name

Florida Not For Profit Corporation
HOLOCAUST HEROES WORLDWIDE INC

## Filing Information

| | |
|---|---|
| **Document Number** | N19000002546 |
| **FEI/EIN Number** | 83-4405338 |
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| **State** | FL |
| **Status** | ACTIVE |
| **Last Event** | AMENDMENT |
| **Event Date Filed** | 02/03/2020 |
| **Event Effective Date** | NONE |

## Principal Address

3575 NE 207TH ST SUIT B20
AVENTURA, FL 33180

Changed: 01/31/2020

## Mailing Address

3575 NE 207TH ST SUIT B20
AVENTURA, FL 33180

Changed: 01/31/2020

**Registered Agent Name & Address**

ALFASI, MORAN
3575 NE 207TH ST SUIT B20
AVENTURA, FL 33180

Name Changed: 01/31/2020

Address Changed: 01/31/2020

**Officer/Director Detail**

**Name & Address**

Title President

Alfasi, Moran
207th st
B20
aventura 33180 UN

**Annual Reports**

| Report Year | Filed Date |
|---|---|
| 2021 | 03/31/2021 |
| 2022 | 04/21/2022 |
| 2023 | 05/01/2023 |

**Document Images**

05/01/2023 -- ANNUAL REPORT View image in PDF format

| | |
|---|---|
| 04/21/2022 -- ANNUAL REPORT | View image in PDF format |
| 03/31/2021 -- ANNUAL REPORT | View image in PDF format |
| 02/03/2020 -- Amendment | View image in PDF format |
| 01/31/2020 -- ANNUAL REPORT | View image in PDF format |
| 03/04/2019 -- Domestic Non-Profit | View image in PDF format |

Florida Department of State, Division of Corporations

# *State of Florida*
# *Department of State*

I certify from the records of this office that HOLOCAUST HEROES WORLDWIDE INC is a corporation organized under the laws of the State of Florida, filed on March 4, 2019, effective March 3, 2019.

The document number of this corporation is N19000002546.

I further certify that said corporation has paid all fees due this office through December 31, 2023, that its most recent annual report/uniform business report was filed on May 1, 2023, and that its status is active.

I further certify that said corporation has not filed Articles of Dissolution.

***Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the Twentieth day of June, 2023***

GREAT SEAL OF THE STATE OF FLORIDA
IN GOD WE TRUST

***Secretary of State***

**Tracking Number: 6561348617CU**

**To authenticate this certificate,visit the following site,enter this number, and then follow the instructions displayed.**

**https://services.sunbiz.org/Filings/CertificateOfStatus/CertificateAuthentication**

**RESOLUTION NO. 2023-_____**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A DONATION TO HOLOCAUST HEROES WORLDWIDE INC. IN SUPPORT OF THEIR EFFORTS TO COMBAT THE RISE OF ANTI-SEMITISM IN THE UNITED STATES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** in 2022, the Anti-Defamation League reported that anti-Semitic incidents in the United States reached one of the highest recorded levels since the 1970s; and

**WHEREAS,** recent studies also revealed that over 41% of Americans lack basic information about the Holocaust and 22% of American millennials were unaware of the Holocaust; and

**WHEREAS,** in the face of the growing levels of antisemitism in Florida, the Florida Legislature adopted Senate Bill 269 during the 2023 legislative session, which bill makes it a hate crime to willfully and maliciously harass, threaten, or intimidate another person based on the person wearing or displaying any indicia relating to any religious or ethnic heritage; and

**WHEREAS,** approximately 33% of the residents of the Town of Surfside (the "Town") are members of the Jewish community; and

**WHEREAS,** regrettably, the Town has not been immune to the wave of hatred experienced throughout the U.S. and has experienced an increase in anti-Semitic incidents; and

**WHEREAS,** specifically, the Town has experienced numerous incidents of hateful propaganda littered throughout the Town and individuals verbally abusing Jewish parishioners leaving their places of worship; and

**WHEREAS,** the Town desires to make a donation to a nonprofit organization in order to combat the rise of anti-Semitism in the U.S.; and

**WHEREAS,** Holocaust Heroes Worldwide Inc. ("HHW") is a unique 501(c)(3) nonprofit organization that employs Holocaust survivors to educate and enlighten the nation (especially the next generation) about the atrocities committed against various groups during the Holocaust because of hatred exhibited towards those who were different; and

**WHEREAS,** the HHW also provides aid and companionship to the survivors of the Holocaust; and

**WHEREAS,** the Town Commission desires to approve a donation in the amount of $_____ to HHW to combat the rise in anti-Semitism in the U.S.; and

**WHEREAS,** the Town Commission finds that the donation to HHW and this Resolution are in the best interest of the Town and its residents.

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

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

**Section 2. Approval of the Donation.** The Town Commission hereby approves the donation to HHW in the amount of $_____.

**Section 3. Authority to Implement the Donation.** The Town Manager is hereby authorized to take all action necessary to implement the donation and the purposes of this Resolution.

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

**PASSED AND ADOPTED** on this 8th day of August, 2023.

Motion By: _____

Second By: _____

**FINAL VOTE ON ADOPTION:**

| | |
|---|---|
| Commissioner Fred Landsman | _____ |
| Commissioner Marianne Meischeid | _____ |
| Commissioner Nelly Velasquez | _____ |
| Vice Mayor Jeffrey Rose | _____ |
| Mayor Shlomo Danzinger | _____ |

_____
Shlomo Danzinger, 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

# MEMORANDUM

**ITEM NO. 5B.**

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

**From:** Hector Gomez, Town Manager

**Date:** August 8, 2023

**Subject:** **Approval of Cloud Services Agreement with Liftoff, LLC for Use and Subscription to Microsoft Office 365**

Town Administration recommends approval of the resolution authorizing execution of the attached agreement and to expend required funds.

Currently Liftoff, LLC provides cloud-base Microsoft Office 365 Exchange Online services to the Town for Microsoft Outlook (email) and licenses for the remaining Microsoft Office 365 products; including Excel, Word, PowerPoint, Teams, etc. Microsoft is requiring all user platforms to move to cloud base systems. Making this change will reduce security vulnerability and include additional configuration and security features that will also reduce compatibility and integration issues.

Consequently, the Town administration is requesting to engage our current license provider to expand on the new Microsoft Office 365 licensing requirements to be cloud base for all products within Microsoft Office. The following requirements need to be instituted within the current fiscal year to prevent lapse in usage of these critical Microsoft products. Using cloud-based software provide for better reliability, security and disaster recovery.

Below is the detail on costs:

- Additional licensing expense will be $31,613.90 in FY 2023
- Annual recurring costs will increase from $17,004 to $48,618 per year.

Town Administration recommends approval of the resolution authorizing execution of the attached agreement and to expend required funds. The approval is a contract amendment with the existing vendor.

Resolution Approving Purchase of Microsoft Office 365 Licenses from Liftoff v3.DOCX

Exhibit A - Liftoff Quote and Customer Terms for Cloud Services Agreement

**RESOLUTION NO. 2023-_____**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A QUOTE FOR THE PURCHASE OF ADDITIONAL MICROSOFT OFFICE 365 G3 AND RELATED CLOUD-BASED SOFTWARE LICENSES FROM LIFTOFF LLC; FINDING THAT THE PURCHASE IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTIONS 3-13(2) AND 3-13(7)J. OF THE TOWN CODE; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND ENTER INTO A CUSTOMER TERMS FOR CLOUD SERVICES AGREEMENT FOR THE SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** on March 12, 2019, the Town Commission adopted Resolution No. 19-2570 approving the purchase of Microsoft Office 365 Exchange Online subscription licenses for the provision of cloud-based email services (the "Services"); and

**WHEREAS**, on March 29, 2019, the Town entered into a master services agreement with the Vendor for the Services (the "Agreement") and entered into a related Customer Terms for Cloud Services Agreement (the "Terms Agreement"), which Terms Agreement has expired; and

**WHEREAS**, Microsoft is requiring all user platforms to move to cloud-based systems and accordingly, the Town desires to engage the Vendor for the provision of additional Microsoft Office 365 G3 and related cloud-based software licenses for the Services (the "Additional Licenses"); and

**WHEREAS,** the Vendor has submitted a quote attached hereto as Exhibit "A" (the "Quote") for the Additional Licenses in the amount of $31,613.90 for fiscal year 2023 and in the amount of $48,617.90 annually thereafter for a period of three years; and

**WHEREAS,** pursuant to Section 3-13(2) of the Town Code of Ordinances (the "Code"), contracts for professional services, except those governed by the Consultant's Competitive Negotiations Act, are exempt from competitive bidding; and

**WHEREAS,** pursuant to Section 3-13(7)j. of the Town Code, purchases arising out of a renewal of software and hardware licenses and maintenance agreements are exempt from competitive bidding; and

**WHEREAS,** the Town Commission desires to approve the purchase of the Additional Licenses from the Vendor in an amount not to exceed $31,613.90 for fiscal year 2023 and in an amount not to exceed $48,617.90 annually thereafter and authorize the Town Manager to negotiate and enter into a new Terms Agreement for the Additional Licenses based on the Contractor's Quote attached hereto as Exhibit "A"; and

**WHEREAS,** the Town Commission finds that 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 and Authorization to Purchase Additional Licenses; Exemption from Competitive Bidding.** The Town Commission approves and authorizes the purchase of the Additional Licenses for the Services from the Vendor in an amount not to exceed $31,613.90 for fiscal year 2023 and in an amount not to exceed $48,617.90 annually thereafter for a period of three years, in accordance with the Quote attached hereto as Exhibit "A." The Town Manager is authorized to negotiate and enter into a new

Terms Agreement with the Vendor based on the Contractor's Quote attached hereto as Exhibit "A," subject to the approval as to form, content, and legal sufficiency by the Town Attorney and Town Manager. The Town Commission finds that pursuant to Sections 3-13(2) and 3-13(7)j. of the Town's Code, the purchase of the Additional Licenses for the Services are exempt from competitive bidding.

**Section 3. Implementation.** That the Town Manager and Town Officials are hereby authorized to take any and all actions which are necessary to implement the Additional Licenses for the Services and the purposes of this Resolution.

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

PASSED AND ADOPTED this ___ day of_____, 2023.

Motion By: _____
Second By: _____

**FINAL VOTE ON ADOPTION:**
Commissioner Fred Landsman _____
Commissioner Marianne Meischeid _____
Commissioner Nelly Velasquez _____
Vice Mayor Jeffrey Rose _____
Mayor Shlomo Danzinger _____

_____
Shlomo Danzinger, 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

# QUOTE

as of 6/2/2023

**Bill to:**
Town of Surfside, FL
9293 Harding Avenue
Surfside, FL 33154

**Ship to:**
Town of Surfside, FL
9293 Harding Avenue
Surfside, FL 33154

**Reseller (Remit To):**
LiftOff LLC
Attn: Ron Braatz
1667 Patrice Circle
Crofton, MD 21114

**Terms:**
Due on Receipt

**Payment Options:**
ACH Payment (preferred) or check

## Quote Description

| G SKU Item Name | Part Number | Term in Months | Price/User/ Month | Licenses | Cost/Year |
|---|---|---|---|---|---|
| Office 365 Plan G3 | AAA-11894 | 12 | 23.00 | 120 | $33,120.00 |
| Exchange Online Plan 1 | 3MS-00001 | 12 | 4.00 | 55 | $2,640.00 |
| ExchangeOnlineArchiving | 4ES-00001 | 12 | 3.00 | 55 | $1,980.00 |
| Azure AD Prem P2 | MQN-00001 | 11 | 8.50 | 1 | $ 93.50 |
| Azure AD Premium P1 | MQM-00001 | 11 | 5.70 | 172 | $ 10,784.40 |
| LiftOff Licensing Benefits | - | - | - | - | INCLUDED |

SubTotal: 48,617.90
Previously Paid: -17,004.00

**Total: $31,613.90**

*LIFTOFF LICENSING BENEFITS: As a valued licensing customer, LiftOff offers you a range of free, ongoing services to your organization. This includes: Access to our library of Office 365 Admin best practice documents, our library of end-user training videos, AD Connect support including re-installations and troubleshooting, invitations to our Office 365 Security webinars and access to the recordings, limited free consultations on implementation processes like the "Office Deployment Tool", annual Office 365 health check-ups and security check-ups, and support for compliance/re-tention features including ongoing training to staff that need to conduct compliance retention searches.

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**Pricing Information:**

- All prices are displayed in United States Dollars.
- Product and pricing data are updated frequently and may change without notice.
- Pricing is valid for 14 days.
- License orders are paid up front, are non-refundable, and are one-year licenses that renew each year.
- License reductions, upgrades, or cancellations may only occur at the annual renewal date.

**In order to proceed, send a Purchase Order to 365licensing@liftoffonline.com. Once we have the Purchase Order, we will order the licenses from Microsoft. We will immediately invoice the full amount when we place the order.**

# Customer Terms for Cloud Services Agreement
# US Public Sector

This agreement is between **LiftOff LLC** ("we", "us", and "our") and **Town of Surfside, FL** ("you" and "your"). It is effective when we accept it. Key terms are defined in 8.

## *1. General.*

**Right to use**. You may access and use Office 365, and install and use a Client (if any) included with your Subscription, only as described in this agreement. All other rights are reserved.

**Acceptable use**. You will use Office 365 only per the AUP. You will not use Office 365 in any way that infringes a third party's patent, copyright, or trademark or misappropriates its trade secret. You may not reverse engineer, decompile, work around technical limits in, or disassemble Office 365, except if applicable law permits despite this limit. You may not rent, lease, lend, resell, transfer, or host Office 365 to or for third parties.

**Compliance**. You will comply with all laws and regulations applicable to your use of Office 365. In providing Office 365, we and our Providers will comply with all laws and regulations (including applicable security breach notification law) that generally apply to IT service providers. You will obtain any consents required: (1) to allow you to access, monitor, use, and disclose user data; and (2) for us to provide Office 365. If you are an educational institution, you will obtain any parental consent for end users' use of Office 365 as required by applicable law.

**Customer Data**. Customer Data is used only to provide you Office 365. This use may include troubleshooting to prevent, find and fix problems with Office 365's operation. It may also include improving features for finding and protecting against threats to users. Neither we nor our Providers will derive information from Customer Data for any advertising or other commercial purposes. We will enable you to keep Customer Data separate from consumer services. Customer Data will not be disclosed unless required by law or allowed by this agreement. Your contact information may be provided so that a requestor can contact you. If law requires disclosure, we will use commercially reasonable efforts to notify you, if permitted. Customer Data may be transferred to, and stored and processed in, any country we or our Providers maintain facilities, unless you provision your tenant in the United States, If you do, Microsoft will provide Office 365 from data centers in the United States, and storage of the following customer data at rest will be located in data centers only in the United States: (i) Exchange Online mailbox content (e-mail body, calendar entries, and the content of e-mail attachments), and (ii) SharePoint Online site content and the files stored within that site.

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**Changes**. Office 365 may be changed periodically, after which you may need to agree to new terms. You may be required to run a client software upgrade on devices using Office 365 after a change to maintain full functionality.

**Use rights**. Use rights specific to Office 365 are posted online at the link to the AUP.

## *2. Confidentiality and Security.*

We and our Providers will (a) maintain appropriate technical and organizational measures, internal controls, and data security routines intended to protect Customer Data against accidental loss or change, unauthorized disclosure or access, or unlawful destruction and (b) not disclose Customer Data, except as required by law or expressly allowed. Neither party will make any public statement about this agreement's terms without the other's prior written consent.

## *3. Term, Termination, and Suspension.*

**Term and termination.** This agreement will remain in effect for three years subject to your right under applicable law to terminate for convenience.

**Customer Data.** You may extract Customer Data at any time. If your Subscription expires or terminates, we will keep your Customer Data in a limited account for at least 90 days so you may extract it. We may delete your Customer Data after that.

**Regulatory.** If a government rule or regulation applies to us or our Providers, but not generally to other businesses, and makes it difficult to operate Office 365 without change, or we or our Providers believe this agreement or Office 365 may conflict with the rule or regulation, we may change Office 365 or terminate the agreement. If we change Office 365 to come into compliance, and you do not like the change, you may terminate.

**Suspension.** We may suspend use of Office 365: (1) if reasonably needed to prevent unauthorized Customer Data access; (2) if you do not promptly respond under §5 to intellectual property claims; or (3) for non-payment; or (4) if you violate the AUP. A suspension will be in effect only while the condition or need exists and, if under clause (1) or (2), will apply to the minimum extent necessary. We will notify you before we suspend, unless doing so may increase damages. We will notify you at least 30 days before suspending for non-payment. If you do not fully address the reasons for suspension within 60 days after we suspend, we may terminate your Subscription.

## *4. Limited warranty; disclaimer.*

We warrant that Office 365 will meet the SLA terms during the Subscription; your only remedy for breach of warranty is stated in the SLA. *We provide no (and disclaim to the extent permitted by law any) other warranties, express, implied, or statutory, including warranties of merchantability or fitness for a particular purpose.*

## *5. Duty to protect.*

**Defense.** We or our Providers will defend you against any claims made by an unaffiliated third party that Office 365 infringes its patent, copyright, or trademark or misappropriates its trade secret.

**Remedies.** If we or our Providers reasonably believe that a claim under §5 may bar your use of Office 365, we or our Providers will seek to: (1) obtain the right for you to keep using it; or (2) modify or replace it with a functional equivalent and notify you to stop use of the prior version. If these options are not commercially

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reasonable, we or our Providers may terminate your rights to Office 365 and refund any payments for unused Subscription rights.

**Other obligations.** To the extent permitted by law, you will (1) notify us promptly of a claim under this §5 and (2) allow us or our Providers to assist in your defense or settlement. You will provide reasonable help to defend. We or our Providers will reimburse you for reasonable out-of-pocket expenses incurred in giving that help and pay the amount of any resulting adverse final judgment (or settlement the protecting party consents to). Neither we nor our Providers will be bound by any settlement to which we do not agree in writing, this § 5 provides the exclusive remedy for these claims.

**Limits.** The obligations of us and our Providers in this §5 won't apply to a claim or award based on: (1) Customer Data; (2) software not provided by us or our Providers; (3) modifications you make to Office 365, or materials you provide or make available as part of using Office 365; (4) your combination of Office 365 with, or damages based on the value of, a product, data, or business process not provided by us or our Providers; or (5) your use of a Microsoft trademark without their express, written consent, or your use of Office 365 after being notified to stop due to a third-party claim.

## *6. Limited liability.*

Each party's (and our Providers') maximum aggregate liability for any claim related to this agreement is limited to direct damages up to the fees that you paid for Office 365 during the 12 months before the claim arose (or $5,000.00 if you paid no fees). *Neither party nor our Providers will be liable for lost revenues or indirect, special, incidental, consequential, punitive, or exemplary damages, even if the party knew they were possible.* The limits and exclusions in this §6 apply to the extent permitted by law, but do not apply to (1) obligations under §5; or (2) intellectual property infringement or misappropriation.

## *7. Agreement mechanics.*

You must send notice by regular mail, return receipt requested, to the address on the Portal (effective when delivered). We may email notice to your account administrators (effective when sent). You may not assign this agreement, or any right or duty under it. If part of this agreement is held unenforceable, the rest remains in force. Failure to enforce this agreement is not a waiver. The parties are independent contractors. This agreement does not create an agency, partnership, or joint venture. This agreement is governed by the laws applicable to Customer, without regard to conflict of laws. This agreement (including the SLA and AUP) and our price sheet are the parties' entire agreement on this subject and supersedes any concurrent or prior communications. Agreement terms that require performance, or apply to events that may occur, after termination or expiration will survive, including §5. Office 365 and the Client are subject to U.S. export jurisdiction. You must comply with the U.S. Export Administration Regulations, the International Traffic in Arms Regulations, and end-user, end-use, and destination restrictions. For more information, see http://www.microsoft.com/exporting/. Our Providers may deliver Office 365, and the rights granted to us also apply to them.

## *8. Definitions.*

"AUP" means the acceptable use policy at http://www.microsoftvolumelicensing.com/Downloader.aspx?DocumentId=5502.

"Client" means device software that we or our Providers provide you with Office 365.

"Customer Data" means all data, including all text, sound, or image files that are provided to us or our Providers by, or on behalf of, you through your use of Office 365.

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"Office 365" means (1) Exchange Online, Exchange Online Archiving, SharePoint Online, Lync Online, and Office Web Apps included in Office 365 Enterprise Plans E1, E2, E3, E4, K1, and K2; and Office 365 Government Plans G1, G2, G3, G4, K1, and K2; and (2) Exchange Online Archiving; Exchange Online Protection; Exchange Online Plans 1, 2, Basic, and Kiosk; SharePoint Online Plans 1, 2, and Kiosk; Office Web Apps Plans 1 and 2; and Lync Online Plans 1, 2, and 3.

"Portal" means the Online Services Portal for Office 365 (see http://www.microsoft.com/online).

"Providers" means our affiliates, licensors, and suppliers, including Microsoft and its applicable affiliates. "SLA" means the service level commitments we or our Providers make regarding delivery and performance of Office 365 (see http://www.microsoft.com/licensing/contracts).

"Subscription" means an order for a quantity of Office 365.

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# MEMORANDUM

**ITEM NO. 5C.**

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

**From:** Hector Gomez, Town Manager

**Date:** August 8, 2023

**Subject:** **FY 2023 Budget Amendment Resolution No. 9**

Town Administration recommends approval of Budget Amendment Resolution Number 9.

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 2023 annual budget and to recognize changes in revenues and expenditures that differ from the adopted budget. Attachment A - "FY2023 Budget Amendment No.9" represents the amendment that ensures compliance with State law, Town Charter, and sound financial management practices. Staff has reviewed FY 2023 actual revenues and expenditures and recommends a change to the FY 2023 annual budget as follows:

**STORMWATER FUND**

The Stormwater Fund is being amended to:

1. Record the use of $170,400 of Federal Grant American Rescue Plan Act (ARPA) funds.
2. Appropriate $170,400 of those funds for the purchase of a stormwater pump.

Resolution Approving Budget Amendment No. 9

Attachment A - FY2023 Budget Amendment No. 9

**RESOLUTION NO. 2023-_____**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 9 FOR THE FISCAL YEAR 2023 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** on September 28, 2022, the Town of Surfside (the "Town") Commission adopted Resolution No. 2022-2922 approving the budget for Fiscal Year 2023 and establishing revenues and appropriations for the Town; and

**WHEREAS,** the Stormwater Fund is being amended to record the use of $170,400 of American Rescue Plan Act (ARPA) funds and appropriate $170,400 of those funds for the purchase of a stormwater pump**,** as detailed 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; Budget Amendment No. 9.** That the Town Commission approves the 2023 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 the 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 ___ day of July, 2023.

Motion By: _____

Second By: _____

**FINAL VOTE ON ADOPTION:**

| | |
|---|---|
| Commissioner Fred Landsman | ____ |
| Commissioner Marianne Meischeid | ____ |
| Commissioner Nelly Velasquez | ____ |
| Vice Mayor Jeff Rose | ____ |
| Mayor Shlomo Danzinger | ____ |

_____
Shlomo Danzinger, 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 2022/2023 8/8/2023
BA No. 9
Fund Nos. 404 Stormwater Fund

| Account Number | | Account Description | Justification | Original/ Adjusted Budget | Increase | Decrease | Adjusted Budget |
|---|---|---|---|---|---|---|---|
| **STORMWATER FUND** | | | | | | | |
| **REVENUES** | | | | | | | |
| 404-538-331-50-40 | | Federal Grant -Treasury (ARPA) | Use of ARPA funds | $ 1,141,002 | $ 170,400 | | $ 1,311,402 |
| **TOTAL** | | **STORMWATER FUND REVENUES** | | | **$ 170,400** | **$ -** | |
| | | | | | | | |
| | | | | | | | |
| **EXPENDITURES** | | | | | | | |
| 404-5500-538-64-10 | | Machinery & Equipment | Stormwater pump | $ 223,002 | $ 170,400 | | $ 393,402 |
| **TOTAL** | | **STORMWATER FUND EXPENDITURES** | | | **$ 170,400** | **$ -** | |

# MEMORANDUM

**ITEM NO. 7A.**

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

**From:** Hector Gomez, Town Manager

**Date:** August 8, 2023

**Subject:** **Town Manager's Report**

2023 August Town Manager's Report

# TOWN MANAGER'S REPORT

# AUGUST 8, 2023

## I. TOWN DEPARTMENTS

### *Building Department*

**A.** The Main Community Building of the new 96th Street Park has completed the first 5 feet of above grade structural walls and is preparing to pour 60% of the first occupied floor of the building on Wednesday, July 26, 2023.

**B.** The 9 story condominium also known as the Surf House, located at 8995 Collins Avenue is currently undergoing a substantial demolition. Green Safety Netting has been placed over the entire building to insure no demolition debris goes off site onto neighboring buildings. Seismographs have been placed on neighboring properties to monitor vibration. All work will be performed in accordance with our Construction Site Safety Ordinance.

**C.** Deep Soil Mixing, which is a non-vibrational form of below grade construction, continues for the Foundation (only) of the new condominium proposed for the site formerly known as the Hillcrest Condominium. There has been no construction in progress issues with neighboring properties. The new modern 12 story structure, located at 9165 Collins Avenue, will be called Surf Club Residences North.

**D.** Building Department permit and inspection numbers as of July 25, 2023, are as follows:

- Building Permits issued – 70
- Inspections performed – 167
- Lien search – 3
- TCOs/COs/CCs issued – 2

### *Code Compliance Division*

**A.** As of July 25, 2023, the total number of open cases being managed is 182. Of these cases, 85 are actively working towards compliance; 7 cases are on-hold; 11 cases are in the Special Master hearing queue; 15 cases are in post-hearing status; 17 code

cases have been issued liens and remain unpaid; 47 code cases have service liens and remain unpaid. All properties with unpaid liens are sent reminder letters to contact us to reach a resolution. The Code Compliance staff has conducted an approximate of 148 inspections from June 28, 2023, to July 25, 2023.

**B.** The Division did not present any cases to the Special Magistrate on July due to the inability to have any public meetings for the month while the elevator is repaired.

**C.** Collected Civil Penalty Fines – Unresolved cases accrue fines until the code violation is resolved. After the violation is corrected, the property owner is notified to remit the fine amount due, reach a settlement agreement with the Town, or request a Mitigation of Fines Hearing.

The following is a summary by fiscal year of the fine amounts collected by the Town:

- FY 23: As of July 25, 2023, 75 cases have paid/settle for a total monetary collection of $ $56,149.99.
- FY 22: 98 cases paid/settle for a total monetary collection of $95,201.54.
- FY 21: 86 cases paid/settled for a total collection of $39,464.

**D.** The Code Compliance Division has assisted the Finance Department by conducting 19 Code lien searches from June 28, 2023 to July 25, 2023.

**E.** The Code Compliance Division continues to assist the Town Clerk's Office with public records requests.

## *Community Services/Tourism & Public Communications Department*

**A. Successful Surfcastle Royale Event** – Tourism and Communications worked with ACT Productions to coordinate the Surfcastle Royale sandcastle competition event the Tourist Board had added at the July 10 meeting. The event was held on July 23rd and included multiple teams competing to create the best sandcastle in Town and win multiple prizes to downtown businesses. The event was very successful with great participation.

**B. Summer Sundays New Vendor** – Tourism and Communications is assisting new vendor Festival & Event Inc., which was chosen by the Tourist Board at the July meeting to take over the Summer Sundays event for August. The Team has held site visits and discussed all of the components to try and create the best event possible and deliver identified areas for improvement.

**C. Remembrance Torch, Commemorative Video** – Tourism and Communications worked on various items related to Champlain Towers South including an announcement for the July 25 special meeting, photography for the torch extinguishing event as well as a dedicated social media video honoring the victims of the collapse.

**D. Remembrance Publication** – Tourism and Communications has been receiving numerous submissions for the *98 Points of Light Way* publication that will be released towards the end of summer.

**E. Special Events Consultant** – Tourism and Communications will work with the Tourist Board as they select a Special Events Consultant for the following season. RFQ submissions for the position were due August 3, 2023.

**F. Music on the Beach** – Tourism and Communications is continuing to promote the remainder of the summer's Music on the Beach series which features concerts on August 27 (Pop Hits) and September 24 (Tropical).

## *Human Resources*

Human Resources continues to provide support and assistance to the Town Administration, departments and staff in relation to a variety of items/services to include:

**A. Positions Filled** – Community Service Aide – Tourism, Communications Operator, Lifeguard (Seasonal).

**B. Risk Management** – Continue insurance renewal process for all employee related insurance (health, dental, life, vision, short term / long term, life etc). Submitted claims liability related claims, responded to adjuster questions, accepted actual cash value and coordinated pickup of Town vehicle involved in a collision.

**C. Interviews** – Communications Operator, Police Officer, Maintenance Worker II – W & S, Parking Enforcement Officer, and Lifeguard Seasonal were conducted.

**D. Background/Offer/New Hire Orientation** – Prepared offer of employment letters. Conducted/coordinated background investigations, pre-employment physicals, and psychological evaluations when applicable. Facilitated, the employment orientation for new hires, and conducted level 2 background screening (AHCA) of Parks and Recreation new hires and program instructors.

**E. EEOC Complaints** – Awaiting on response from EEOC with regards to complaint filed by former employee, Malarie Dauginikas.

**F. Workers Comp** – Provided assistance to staff, responded to adjuster's questions and FLC's attorney regarding workers comp matters.

**G. Safety and Wellness Initiatives** – Provided staff with information regarding weekly webinars and classes for mental health support, nutrition, fitness, support groups, community health initiatives and exercise classes.

## *Finance Department*

Monthly Budget to Actual Summary as of June 30, 2023 – *Attachment "A"*

## *Parks and Recreation Department*

**A. Facilities/Hours of operation** – Parks and Recreation continues to assist in the oversight of construction of 96th Street Park and the design of the new Tennis Recreation center. P&R is overseeing the following facilities: The Community Center, Tennis Center, the Beach Lifeguard Tower, Hawthorne Tot Lot, and the Dog Park. The Tennis Center continues to operate with court reservations during prime hours. Hours for the pickleball programing have been adjusted and are in place. Hours have been adjusted to maximize tennis and pickleball hours. The pool continues to operate with lap swimming registrations during all hours of operation. Pool hours continue to be adjusted month to month to maximize day light hours. Pool hours are from 7:00 a.m. to 8:00 p.m. for month of August and the Lifeguard Tower form 9:00 a.m. to 6:00 p.m.

**B. YMCA Summer Camp Update** – Summer Camp is now in session 4. At this time the camp had been popular with residents and we look forward to the partnership to continue to grow with the YMCA. Extended camp is scheduled to take place August 7 – 11.

**C. YMCA After School Programming** – Fall After School registration is now open. The Fall program will begin the first day of school August 17, 2023.

**D. Fall Programing** – Dates and registration dates have been announced. Registration for residents is open. Registration for non-residents will commence August 14th.

**E. Junior Lifeguard Camp** – Session I of Jr. Lifeguard Camp was a great success. The campers enjoyed a combination of beach, pool activities and some great, informative and fun trips with the collaboration of our PD Department. Session II is currently ongoing.

**F. Events** – Parks & Recreation hosted a spectacular Independence Day bash at the Community Center with over 1,500 residents. The festivities kicked off with live music and DJ sets, Swimming races, crafts stations and outdoor games and photo booths.

At 9 p.m. an incredible drone show presented by Verge Aero added an extra touch of magic to the night. The synchronized movements of the drones created dazzling formations and patterns in the sky. To close out the day, a stunning firework display by Zambelli lit up the night sky, painting it with brilliant colors and breathtaking patterns.

**G. Beach Chair Service** – Beach Chair Service continues to be very popular with Surfside residents. The hours of operation for the month of August are 9:00 a.m. – 6:00 p.m. Beach Time Max at this time will adjust on day-to-day basis and as needed if more than 2 chairs per family can be provided. The service continues to operate as scheduled.

**H. Tennis Center Recreation Facility** – The Recreation and Fitness Center is in the design phase. The design concept was presented to the Parks and Recreation Committee during the May 15, P&R Committee meeting. There was also public outreach during this meeting. The design concept was later presented at the Town Commission Meeting on July 11, 2023. The design concept was approved unanimously to advance to the next phase in the project.

## *Planning Department*

Development Application Process (2012 – Present) – *Attachment "B"*

## *Police Department*

### A. Police Department Statistics (July 1 – July 24, 2023)

- Traffic Citations – 264
- Parking Citations – 534
- Arrests – 13
- Dispatch Events – 1,176
- Incident/Crime Reports – 55

### B. Police Events/Community Outreach

o The second session of the Parks and Recreation Junior Lifeguard Camp is from July 31st to August 11th, 2023 The Police Department will participate by incorporating law enforcement and pertinent topics into the program:

- K-9 Demonstration from Aventura Police Department – August 2, 2023
- Marine Patrol Presentation at the Indian Creek Police Department – August 9, 2023

o The Surfside Police Department will host a community blood drive and platelet donation on August 19, 2023 from 11:00 a.m. – 4:30 p.m. in the Town Hall municipal parking lot.

o The monthly Coffee with the Cops – August 31, 2023 at 10:00 a.m. at Starbucks.

## II. SEE CLICK FIX REPORT

Requests filtered by request category that have been created 07/01/2023 - 07/31/2023

| Request Category | Created in period | Closed in period | Average days to close |
|---|---|---|---|
| Beach Issue | 2 | 2 | 0.3 |
| Code Compliance (Violation) | 2 | 2 | 1 |
| Dog Stations (P & R) | 0 | 0 | |
| Drainage/Flooding (PW) | 0 | 0 | |
| Other | 0 | 0 | |
| Police (Safety Concern) | 0 | 0 | |
| Pothole (PW) | 1 | 1 | 0 |
| Solid Waste (Residential) (PW) | 0 | 0 | |
| Street lights (PW) | 0 | 0 | |
| Beach Patrol | 0 | 0 | |
| Parking Issue | 1 | 1 | 5.9 |

## III. TOWN PROJECTS

Projects Detail Sheets – *Attachment "C"*

Respectfully submitted by:

HG

Hector Gomez, Town Manager

**TOWN OF SURFSIDE, FLORIDA**
**MONTHLY BUDGET TO ACTUAL SUMMARY**
**FISCAL YEAR 2023**
**As of JUNE 30, 2023**
**75% OF YEAR EXPIRED (BENCHMARK)**



| GOVERNMENTAL FUNDS | ACTUAL | | ANNUAL BUDGET | % BUDGET |
|---|---|---|---|---|
| ***GENERAL FUND - 001*** | | | | |
| REVENUE | $ 18,400,573 | | $21,344,192 | 86% |
| EXPENDITURES | 16,271,594 | | $21,344,192 | 76% |
| Net Change in Fund Balance | 2,128,979 | | | |
| Fund Balance-September 30, 2022 (Audited) | 17,599,304 | **A** | | |
| Fund Balance-June 30, 2023 (Reserves) | $ 19,728,283 | **B** | | |
| ***TOURIST RESORT FUND - 102*** | | | | |
| REVENUE | $ 4,386,252 | | $7,204,766 | 61% |
| EXPENDITURES | 4,018,695 | | $7,204,766 | 56% |
| Net Change in Fund Balance | $ 367,557 | | | |
| Fund Balance-September 30, 2022 (audited) | 6,766,124 | **C** | | |
| Fund Balance-June 30, 2023 (Reserves) | $ 7,133,681 | **D** | | |
| ***POLICE FORFEITURE FUND - 105*** | | | | |
| REVENUE | $ - | | $84,684 | 0% |
| EXPENDITURES | $ 42,759 | | $84,684 | 50% |
| Net Change in Fund Balance | $ (42,759) | | | |
| Fund Balance-September 30, 2022 (Audited) | 176,457 | | | |
| Fund Balance-June 30, 2023 (Reserves) | $ 133,698 | | | |
| ***TRANSPORTATION SURTAX FUND - 107*** | | | | |
| REVENUE | $ 188,347 | | $528,356 | 36% |
| EXPENDITURES | $ 359,114 | | $528,356 | 68% |
| Net Change in Fund Balance | (170,767) | | | |
| Fund Balance-September 30, 2022 (Audited) | 625,174 | | | |
| Fund Balance-June 30, 2023 (Reserves) | $ 454,407 | | | |
| ***BUILDING FUND - 150*** | | | | |
| REVENUE | $ 1,035,161 | | $1,673,327 | 62% |
| EXPENDITURES | 1,319,072 | | $1,673,327 | 79% |
| Net Change in Fund Balance | (283,911) | | | |
| Fund Balance-September 30, 2022 (Audited) | 3,079,893 | | | |
| Fund Balance-June 30, 2023 (Reserves) | $ 2,795,982 | | | |
| ***CAPITAL PROJECTS FUND - 301*** | | | | |
| REVENUE | $ 5,680,294 | | $18,147,284 | 31% |
| EXPENDITURES | 10,883,323 | | $18,147,284 | 60% |
| Net Change in Fund Balance | (5,203,029) | | | |
| Fund Balance-September 30, 2022 (Audited) | 12,354,395 | | | |
| Fund Balance-June 30, 2023 (Reserves) | $ 7,151,366 | | | |

**NOTES:**

1) Many revenues for June 2023 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** The total fund balance of $17,599,304 includes $7,704,488 committed for operations & maintenance, hurricane/natural disaster, budget stabilization and capital. The balance of $9,894,816 is unassigned fund balance (reserves).

**B** Includes $8,721,494 committed for operations & maintenance, hurricane/natural disaster, budget stabilization, and capital. The balance of $11,006,789 is unassigned fund balance (reserves).

**C** The total fund balance of $6,766,124 includes $720,285 committed for hurricane/natural disaster, budget stabilization, and capital. The balance of $6,045,839 is unassigned fund balance (reserves).

**D** Includes $849,846 committed for hurricane/natural disaster, budget stabilization, and capital. The balance of $6,283,835 is unassigned fund balance (reserves).

| PROPRIETARY FUNDS | ACTUAL | ANNUAL BUDGET | % BUDGET |
|---|---|---|---|
| ***WATER & SEWER FUND - 401*** | | | |
| REVENUE | $ 3,355,430 | $5,131,739 | 65% |
| EXPENDITURES | 2,805,599 | $5,131,739 | 55% |
| Change in Net Position | 549,831 | | |
| Unrestricted Net Position-September 30, 2022 (Audited) | (491,258) | | |
| Unrestricted Net Position-June 30, 2023 (Reserves) | $ 58,573 | | |
| ***MUNICIPAL PARKING FUND - 402*** | | | |
| REVENUE | $ 1,508,041 | $1,616,544 | 93% |
| EXPENDITURES | 890,019 | $1,616,544 | 55% |
| Change in Net Position | 618,022 | | |
| Unrestricted Net Position-September 30, 2022 (Audited) | 2,284,812 | | |
| Unrestricted Net Position-June 30, 2023 (Reserves) | $ 2,902,834 | | |
| ***SOLID WASTE FUND - 403*** | | | |
| REVENUE | $ 1,502,834 | $1,910,784 | 79% |
| EXPENDITURES | 1,522,329 | $1,910,784 | 80% |
| Change in Net Position | (19,495) | | |
| Unrestricted Net Position-September 30, 2022 (Audited) | (18,214) | | |
| Unrestricted Net Position-June 30, 2023 (Reserves) | $ (37,709) | | |
| ***STORMWATER FUND - 404*** | | | |
| REVENUE | $ 734,560 | $5,391,751 | 14% |
| EXPENDITURES | 858,624 | $5,391,751 | 16% |
| Change in Net Position | (124,064) | | |
| Unrestricted Net Position-September 30, 2022 (Audited) | 3,447,087 | | |
| Unrestricted Net Position-June 30, 2023 (Reserves) | $ 3,323,023 | | |
| ***FLEET MANAGEMENT FUND - 501*** | | | |
| REVENUE | $ 1,233,828 | $1,587,222 | 78% |
| EXPENDITURES | 1,424,276 | $1,587,222 | 90% |
| Change in Net Position | (190,448) | | |
| Unrestricted Net Position-September 30, 2022 (Audited) | 1,349,961 | | |
| Unrestricted Net Position-June 30, 2023 (Reserves) | $ 1,159,513 | | |

Andria Meiri

Andria Meiri, Budget Officer

Hector Gomez, Acting Town Manager

# Town of Surfside

## Net Funds Historical Balances

## Period 2019 - June 2023

| FUND | 9/30/2019 | 9/30/2020 | 9/30/2021 | 9/30/2022 | 6/30/2023 | CAGR [(a)] |
|---|---|---|---|---|---|---|
| General | $ 14,984,105 | $ 18,286,748 | $ 21,091,150 | $ 17,599,304 | $ 19,728,283 | 5.5% |
| Tourist Resort | 1,640,525 | 2,109,658 | 4,264,457 | 6,766,124 | 7,133,681 | 60.4% |
| Police Forfeiture | 105,725 | 168,289 | 221,034 | 176,457 | 133,698 | 18.6% |
| Transportation Surtax | 328,377 | 442,856 | 569,453 | 625,174 | 454,407 | 23.9% |
| Building | 2,563,517 | 1,991,388 | 1,904,548 | 3,079,893 | 2,795,982 | 6.3% |
| Capital Projects | 3,048,582 | 4,899,128 | 5,894,823 | 12,354,395 | 7,151,366 | 59.4% |
| Water & Sewer | (2,367,098) | (1,733,610) | (1,389,877) | (491,258) | 58,573 | 68.9% |
| Municipal Parking | 1,198,948 | 1,293,993 | 1,657,883 | 2,284,812 | 2,902,834 | 24.0% |
| Solid Waste | 641,636 | 219,615 | (271,836) | (18,214) | (37,709) | -130.5% |
| Stormwater | 3,200,132 | 3,205,050 | 3,581,622 | 3,447,087 | 3,323,023 | 2.5% |
| Fleet Management | 585,363 | 825,468 | 1,091,020 | 1,349,961 | 1,159,513 | 32.1% |
| **Total** | **$ 25,929,812** | **$ 31,708,583** | **$ 38,614,277** | **$ 47,173,735** | **$ 44,803,651** | **22.1%** |

**(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. Time period presented 9/30/2019 to 9/30/2022.

# Attachment "B"

*Last updated on 7/26/2023*

| DEVELOPMENT APPLICATION PROCESS (2012 - PRESENT) | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **Application Date Location** | **Project Description** | **Zoning Process** | **Density/Intensity** | | **Variances** | | **Building Permit** | | **Status** |
| | | | **Allowed** | **Approved** | **Requested** | **Received** | **Application No.** | **Status** | |
| Original submittal: 7/13/2012<br>Site plan amendment: 4/16/16<br>9011 Collins Avenue | Surf Club - restoration of the famous surf club historic structure and for the construction of new improvements | **DRG** - 7/31/2012, 8/23/12, site plan amendment: 5/16/16, 8/4/16, 3/9/17, 5/11/17<br>**P&Z** - Original site plan: 9/27/12, site plan amendment: 8/31/17<br>**TC** - Original site plan: 10/15/12, site plan amendment: 10/10/17<br>**Site Plan Ext** - | 762 units | 257 units | None | None | 13-727 | Issued | Fort Partners has indicated a desire to obtain a final CO and Landscape approval needs to be resolved. A landscape inspection was performed and comments were provided by the Town Planner on November 5, 2021. Once the comments are addressed a final inspection will be required. Awaiting CO |
| 7/20/2012<br>9450 Collins Ave | The Shul - New multiuse glass atrium and adjoining learning center (3 stories) | **DRG** - 2/11/13, 3/27/13, 7/9/13<br>**P&Z** - 2/27/14<br>**TC** - 10/28/14<br>**Site Plan Ext** - | 3 story expansion of 8,558.9 square feet | | None | None | 14-509 | Issued | Work is well underway as permitted in three phases: Phase I is the new school which is currently substantially complete and operating with a TCO as Phase I. Phase II is the multi-use glass atrium. Phase III is the remodel of the old section of the building. |
| 8/12/2015 12/23/20<br>Site Plan Amendment<br>9133 Collins Ave & 9149 Collins Ave | Surf Club II - Redevelopment of property with a multi-family residential project and renovation of existing historic structure. Reduction of dwelling units and hotel rooms. Revisions to expand underground parking and revisions to balcony design | **DRG** - 9/4/15, 3/9/17, 9/17/17, 2/9/21<br>**P&Z** - 12/7/17, 2/11/21, 4/29/21<br>**TC** - 2/13/2018, 4/13/21, 6/8/21 Scheduled<br>**Site Plan Ext** - Site Plan Extension of approved by TC on 7/28 TC Meeting. Applicant requested extension of site plan due to FL Declaration of Emergency. Additional Covid extension - New Permit Due Date December 26, 2021 | 199 units | Reduced to 31 condo units, 26 hotel rooms | None | None | 20-536 | Permit Issued | Construction of new 12 story condominium is fully underway: Currently pouring upper levels of structure. |
| Original submittal: 2/11/2016<br>Revised submittal: 5/31/18<br>9380, 9372, 9364, 9348, 9340, 9322, 9316 & 9300 Collins Ave | 9300 Collins Ave - demolition of all existing improvements, construction of 3-story building | **DRG** - Original submittal: 3/10/16, 4/27/16 Revised submittal: 6/27/18, 8/28/18, 11/1/18 **P&Z** - Original approval: 7/18/16, Revised approval: 11/29/18<br>**TC** - Original approval: 11/10/16, Approved2/26/19<br>**Site Plan Ext** - Request submitted to extend approval due to emergency declaration (Hurr. Dorian). Additional COVID and TS Elsa extensions - Permit Due Date 2/4/24.<br>**New Request** submitted to extend approval due to emergency declarations Hurricane Ian and Subtropical Storm Nicole) - **New Permit Due Date to 5/28/25** | 250 units | Request is for 205 units | None | None | 21-1412BC | Foundation-Only Permit ready to issue. | Foundation Only permit application has been reviewed and approved for issuance (after extensive reviews to confirm compliance with the Site Plan Approval). Permit issuance awaits selection of a G.C. by Eden South LLC. MDC receipts for impact fees of $1,105,679.93 (Pd. 8/3/21) and 20% Water and Sewer fees (Pd. 10/26/21) have been received. Foundation permit applied for. |
| 5/4/2016<br>8955 Collins Ave | Residential Condominiums | **DRG** - 6/20/16, 7/27/16<br>**P&Z** - 10/27/16 11/10/16<br>**TC** - 11/10/2016<br>**Site Plan Ext** - | 110 units | 16 units | None | None | 16-602 | Issued | The Town Planner signed off on the Landscape Plan on June 17, 2022. Public Works Department is working to resolve a couple of issues so that the Building Department can issue a permanent CO. |
| 3/14/22<br>9309 - 9317 Collins Ave | 93 Ocean - Demolition of 2 existing 3 story buildings and construction of 12 story condominium building with 27 dwelling units. | **DRG** - 8/23/22<br>**P&Z** - 8/25/22<br>**TC** - 11/29/22 | | | None | None | | Applied for on-site management trailer | DRG agreed to send to Planning and Zoning Board. P&Z recommended approval to the Town Commission. Approved at the 11/29/22 Town Commission Meeting. Some clearing of landscaping April 2023. |
| 5/19/2017<br>4/1/22<br>8995 Collins Ave | Surf House - site plan approval for expansion to existing multi-family building deemed architecturally significant per ***Sec. 90-33(3)*** of the Town Code. | **DRG** - 6/19/17, 8/24/17, 9/28/17, May 2022<br>**P&Z** - 2/22/18, 4/26/18, 5/31/18, approved on 10/27/19<br>**TC** - 12/10/19<br>**Site Plan Ext** - 2 COVID Extensions New Permit Deadline 9/27/23<br>**Site Plan Amendment** - P& Z approval May 26, 2022<br>**TC** - Approved Site Plan Amendment June 16, 2022 | 99 units | Resolution # 19-2661 approved by Town Commission on December 10, 2019 for 12 stories, 34 units and 72 parking spaces. | Original application requested 3 Variances. Final application did not include any Variances.<br>**Site Plan Amendment -**<br>Density Reduction from 34 to 19 Units; Other interior, exterior and construction revisions. | None | | Demo permit (retaining NW corner) applied for and issued; Applied for Temp. Const. Fencing; No Building Permit applied for yet. Revising | Planning and Zoning Board recommended approval of Site Plan Amendment with reduction to 19 units and interior and exterior revisions on May 26, 2022. Town Commission approved Site Plan Amendment on June 16, 2022. Pool and pool deck may remain in historic location with repairs as necessary due to the Architecturally Significnat status of the site. |
| Original Submittal: 1/06/2015<br>Revised submittals:<br>8/01/2016, 12/23/2016, 03/09/2018, 10/29/2018<br>9/25/2020<br>8851 Harding Avenue | 18 multi-family units | **DRG** - 01/22/15, 08/18/16, 01/23/17, 03/23/18, 11/29/2018 Meeting Pending, 2/25/21<br>**P&Z** - 01/31/19 P&Z recommended approval (Requires P&Z Recondsider) 2/25/21 P&Z Denied Plan<br>**TC** - Denied by the Commission (requires reconsideration by TC),<br>**TC** Approval 5/26/21<br>**Site Plan Ext** - | 33 units | Current request is for 18 units. Town Planner, DRG recommended approval, P&Z recommended denial | 1 requested: Section 90-82. – Off-street loading requirements (Loading Space Size).<br>Not Required in 2021 Plan | Not needed in 2021 request | | Has not applied for permit; after 5/26/23 the site plan is null and void since no permit has been applied for. | Site Plan Approval 5/26/21; Per Sec. 90-20.3 after 24 months from the date the final site plan is approved a building permit for a principal building has not been issued and remains in effect, the site plan shall be null and void. |

| DEVELOPMENT APPLICATION PROCESS (2012 - PRESENT), Cont. | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **Application Date Location** | **Project Description** | **Zoning Process** | **Density/Intensity** | | **Variances** | | **Building Permit** | | **Status** |
| | | | **Allowed** | **Approved** | **Requested** | **Received** | **Application No.** | **Status** | |
| 7/3/2019<br>9580 Abbott Ave | Young Israel Variance Request to eliminate landscaping to provide for a handicapped accessible ramp | **DRG** - N/A<br>**P&Z** - 8/29/2019<br>**TC** - 10/29/19<br>**Site Plan Ext** - | | | 1 requested: eliminate landscaping along the north side of the building | None | | Complete | Construction of ramp complete |
| 1/7/2020<br>8926 Collins Avenue | Arte request to have FPL vault encroach into landscape buffer. | **DRG** - N/A<br>**P&Z** - 1/30/20<br>**TC** - 2/11/20<br>**Site Plan Ext** - | | | Landscape buffer | Approved | | Complete | This parcel on the west side of Collins Avenue was also inspected along with the residential component on the east side of Collins Avenue. See discussion on first page speadsheet. |
| 11/18/2021 9165 Collins Ave (formerly the Hillcrest) now Surfclub Residences North | Site Plan approval to develop an 11 story, 14 unit MF Bldg with 33 parking spaces in the H120 Zoning District on the north side of the Seaway and south side of the Carlisle. | **DRG** - 1/14/22 - Via Zoom - Approved Proceeding to P & Z<br>**P&Z** - 1/27/22 - Deferred to 2/24/22 P&Z Mtg<br>**P&Z** - 2/24/22 - Recommended approval<br>**TC** - Site Plan Approval received 4/12/22 | 58 units | Proposing 14 units | None | None | | Demolition of Hillcrest is complete. Applied for Foundation-Only Permit. | DRG recommmended on January 14, 2022 proceeding to P&Z on January 27, 2022. After discussion, P&Z decided to continue the item to the February 24, 2022. P&Z recommended approval at the February 24, 2022 meeting. TC approved Site Plan on 4-12-22. Foundation-Only permit has been issued and non vibrational Deep Soil Mixing is underway. |
| 4/27/2022<br>8809 Harding Avenue | Site Plan Application for 8 Townhouse Units | **DRG** - September 27th 2022<br>**P&Z** -September 29, 2022<br>**TC** - Set for 11/29/22 | 33 Units | Proposing 8 units | None.<br>Preliminary review comments were prepared at the request of the Applicant. Actual Site Plan submission for September 29th P & Z. | | | Applied for permit 1/27/23, under review at present. Unity of Title and ROW Dedication to be finalized. FPL transformer location identified, no variance needed. | Site Plan Application received 4/27/22. Applicant requested preliminary review prior to proceeding to formal Site Plan Review. Resubmission for 9/29/22 P & Z with DRG on 9/27/22. P&Z approved site plans with addition of street trees. Met with Development team on 10/27/22. Town Commission approved at 11/29/22 TC meeting. Application for Building Permit is pending applicant's response to plan review comments by Planning and Plumbing. |
| 10/1/2016, 5/6/21 , 9/1/22<br>9116 Harding Ave (AKA 303 Surfside Blvd.) | 303 Surfside - 4 Townhouses (2018)<br>303 Surfside - 6 Townhouses (2021) and (2022) | **DRG** - 11/2/16, 2/7/17, 5/18/17, 6/21 TBD<br>**P&Z** - 6/27/18, 6/21, 10/27/22<br>**TC** - 4/14/2018 New approval 2/14/23<br>**Site Plan Ext -** | 6 units Due to 15% reduction for aggregation | 6 units | None | None | | Has not applied for permit yet | Submitted plans on 9/1/22 and were reviewed at the P&Z on 12/15/22 with a DRG held on 10/17/22. Concerns with density at the site; pulled from 10/27/22 P&Z agenda. Density issues resolved 11/28/22, 6 units allowed. Approved at 12/15/22 P&Z. Approved by TC on February 14th, 2023. |
| 12/15/22 9100 Collins - Market Hall | Part of Surf Club complex - Office space for hotel staff, office/business center for hotel guests, market hall (café and market), underground parking and roof top tennis court | **DRG**- 10/17/22<br>**P&Z** - 12/15/22<br>**TC** - 2/14/2023 | 68 units | No residential | None | None | | Has not applied for permit yet | Approved by P&Z at 12/15/22 meeting. Approved by TC on February 14th, 2023. |
| 8/29/2022<br>200 96th Street | Surf Harbor, LLC. Proposed 3 story Office Building with at grade parking garage. Application for new construction of a 3-story office bldg. including parking garage at grade and roof deck (15,790 SF of office space) | DRG - TBD<br>P&Z - TBD<br>TC - TBD<br>On-hold as office is not an allowable use under the Comp Plan. Project would need ability to use the Parking Trust Fund | | | Will require Zoning Change | | | | Application, plans and check submitted for 3 story Office Building. Proposed plans require possible Land Use Plan Amendment and rezoning. Site will need access to the Parking Trust Fund to comply with parking requirements. Discussions underway to determine needed activities in order to process application. Lawyers discussed plans with Mayor, Commissionser and Town Staff. Aim to seek Zoning change. |
| 6/12/2023<br>8777 Collins Avenue | Site Plan Application proposing 57 unit multi-famliy building | **DRG** - Tentative August<br>**P&Z** - TBD<br>**TC** - TBD<br>Under review | 207 Units | | None | | | | Application, plans and check submitted on June 12th, 2023. Two design options presnted. One attempts to meet current code. The other will need an ordinance change. |

Project Detail Sheet

# Downtown Walkability Improvements

## Current Project Phase

Design procurement phase

## Project Contact Information

| | |
|---|---|
| Department | Planning |
| Director | Judith Frankel |
| Engineer of Record | Marlin Engineering, Inc. |
| Architect of Record | N/A |

## Funding

| | |
|---|---|
| *Total Study Cost* | $50,000 |
| *Design and Implementation strategy cost** | $120,000 |

** Approved by Resolution at Dec. 13th Town Commission meeting*

## Scope

The 2 blocks of Harding Avenue from 94th Street to 96th Street provide the entrance to the Town for those arriving from the north. It is also the commercial hub for residents and is visited by vehicles, pedestrians and bicyclists. The corridor carries through traffic traveling south along busy A1A. An evaluation of the feasibility of providing wider sidewalks in this section of Harding Avenue to support safety, provide a more walkable experience for shoppers and slow vehicle speeds has been conducted. Marlin Engineering presented findings to the Town Commission in September 2022. The second phase will be designing and procurement for the alternative chosen by the Commission.

| Project Timeline | Phase Start | Phase End |
|---|---|---|
| *Notice to Proceed* | *January 2022* | *January 1, 2022* |
| *Planning Study* | *January 2022* | *September 2022* |
| *Design Phase ** | *December 2022* | *September 2023* |
| *Permitting and Implementation** | *October 2023* | *November 2023* |

## Project Update

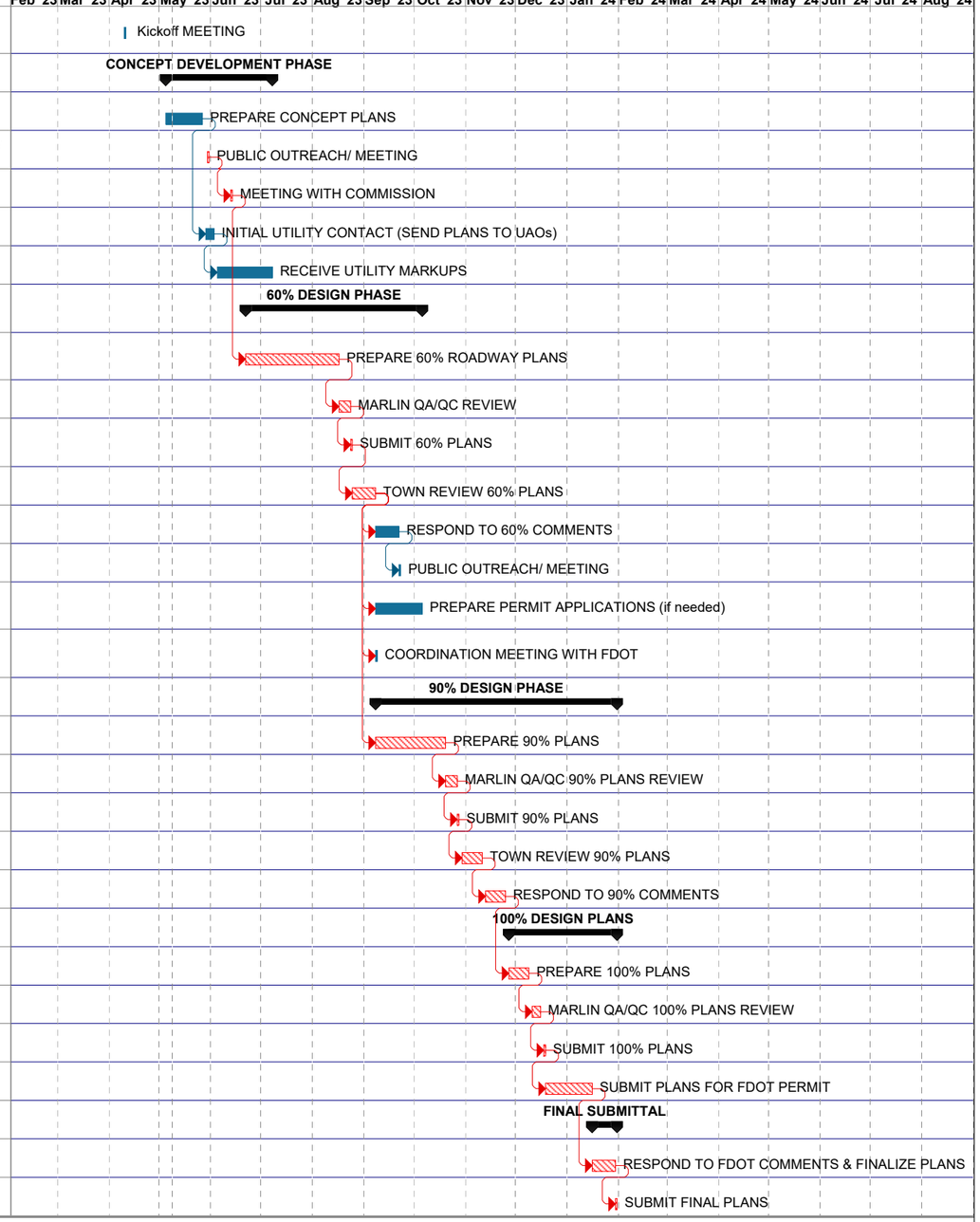
Town Commission approved a total of 16 spaces to be used for sidewalk widening.

**Town of Surfside**

# Downtown Walkability-Harding Avenue

**MARLIN Engineering**
**Project Manager: Walter Keller, PE**

| ID | Task Name | Duration | Start | Finish | Predecessors | Successors |
|---|---|---|---|---|---|---|
| 1 | Kickoff MEETING | 1 day | Mon 4/10/23 | Mon 4/10/23 | | |
| 2 | **CONCEPT DEVELOPMENT PHASE** | **46 days** | **Fri 5/5/23** | **Fri 7/7/23** | | |
| 3 | PREPARE CONCEPT PLANS | 16 days | Fri 5/5/23 | Fri 5/26/23 | | *6* |
| 4 | ***PUBLIC OUTREACH/ MEETING*** | *1 day* | *Tue 5/30/23* | *Tue 5/30/23* | | *5FS+9 days* |
| 5 | ***MEETING WITH COMMISSION*** | *1 day* | *Tue 6/13/23* | *Tue 6/13/23* | *4FS+9 days* | *9FS+6 days* |
| 6 | INITIAL UTILITY CONTACT (SEND PLANS TO UAOs) | 5 days | Mon 5/29/23 | Fri 6/2/23 | 3 | 7 |
| 7 | RECEIVE UTILITY MARKUPS | 25 days | Mon 6/5/23 | Fri 7/7/23 | 6 | |
| 8 | **60% DESIGN PHASE** | **76 days** | **Thu 6/22/23** | **Thu 10/5/23** | | |
| 9 | PREPARE 60% ROADWAY PLANS | 40 days | Thu 6/22/23 | Wed 8/16/23 | *5FS+6 days* | *10* |
| 10 | *MARLIN QA/QC REVIEW* | *5 days* | *Thu 8/17/23* | *Wed 8/23/23* | 9 | *11* |
| 11 | **SUBMIT 60% PLANS** | **1 day** | **Thu 8/24/23** | **Thu 8/24/23** | ***10*** | *12* |
| 12 | TOWN REVIEW 60% PLANS | *10 days* | *Fri 8/25/23* | *Thu 9/7/23* | *11* | *13,18,15,16* |
| 13 | RESPOND TO 60% COMMENTS | 10 days | Fri 9/8/23 | Thu 9/21/23 | 12 | 14 |
| 14 | **PUBLIC OUTREACH/ MEETING** | 1 day | Fri 9/22/23 | Fri 9/22/23 | 13 | |
| 15 | PREPARE PERMIT APPLICATIONS (if needed) | 20 days | Fri 9/8/23 | Thu 10/5/23 | 12 | |
| 16 | **COORDINATION MEETING WITH FDOT** | **1 day** | **Fri 9/8/23** | **Fri 9/8/23** | 12 | |
| 17 | **90% DESIGN PHASE** | **103 days** | **Fri 9/8/23** | **Tue 1/30/24** | | |
| 18 | PREPARE 90% PLANS | 30 days | Fri 9/8/23 | Thu 10/19/23 | *12* | *19* |
| 19 | MARLIN QA/QC 90% PLANS REVIEW | 5 days | Fri 10/20/23 | Thu 10/26/23 | 18 | 20 |
| 20 | **SUBMIT 90% PLANS** | **1 day** | **Fri 10/27/23** | **Fri 10/27/23** | **19** | **21** |
| 21 | TOWN REVIEW 90% PLANS | 10 days | Mon 10/30/23 | Fri 11/10/23 | 20 | 22 |
| 22 | RESPOND TO 90% COMMENTS | 10 days | Mon 11/13/23 | Fri 11/24/23 | 21 | 24 |
| 23 | **100% DESIGN PLANS** | **47 days** | **Mon 11/27/23** | **Tue 1/30/24** | | |
| 24 | *PREPARE 100% PLANS* | *10 days* | *Mon 11/27/23* | *Fri 12/8/23* | *22* | *25* |
| 25 | *MARLIN QA/QC 100% PLANS REVIEW* | *5 days* | *Mon 12/11/23* | *Fri 12/15/23* | *24* | *26* |
| 26 | **SUBMIT 100% PLANS** | **1 day** | **Mon 12/18/23** | **Mon 12/18/23** | 25 | 27 |
| 27 | ***SUBMIT PLANS FOR FDOT PERMIT*** | *20 days* | *Tue 12/19/23* | *Mon 1/15/24* | *26* | *29* |
| 28 | **FINAL SUBMITTAL** | **11 days** | **Tue 1/16/24** | **Tue 1/30/24** | | |
| 29 | *RESPOND TO FDOT COMMENTS & FINALIZE PLANS* | *10 days* | *Tue 1/16/24* | *Mon 1/29/24* | *27* | *30* |
| 30 | **SUBMIT FINAL PLANS** | **1 day** | **Tue 1/30/24** | **Tue 1/30/24** | 29 | |

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*Page 1*

Task — Summary — Inactive Summary — Manual Summary Rollup — Finish-only
Critical Task — Inactive Task — Manual Task — Manual Summary — Manual Progress
Milestone — Inactive Milestone — Duration-only — Start-only

# 96th Street Park

## Picture

## Current Project Phase

Construction phase

## Project Contact Information

| | |
|---|---|
| Department | Public Works |
| Director | Randy Stokes |
| Architect of Record | Savino Miller Design |
| Project Management | 300 Engineering |
| General Contractor | Lunacon Construction |

## Funding

| | |
|---|---|
| *Contract Amount (contracted)** | $7,800,000 |
| *Budget Approval Date* | September 28, 2022 |
| *Commission Authorization to Expend Date* | November 15, 2022 |

## Scope

The Town has finalized the design of 96th Street Park and is currently finalizing the permits required to commence the construction phase. RFP 2022-05 was advertised with bids received and evaluated.

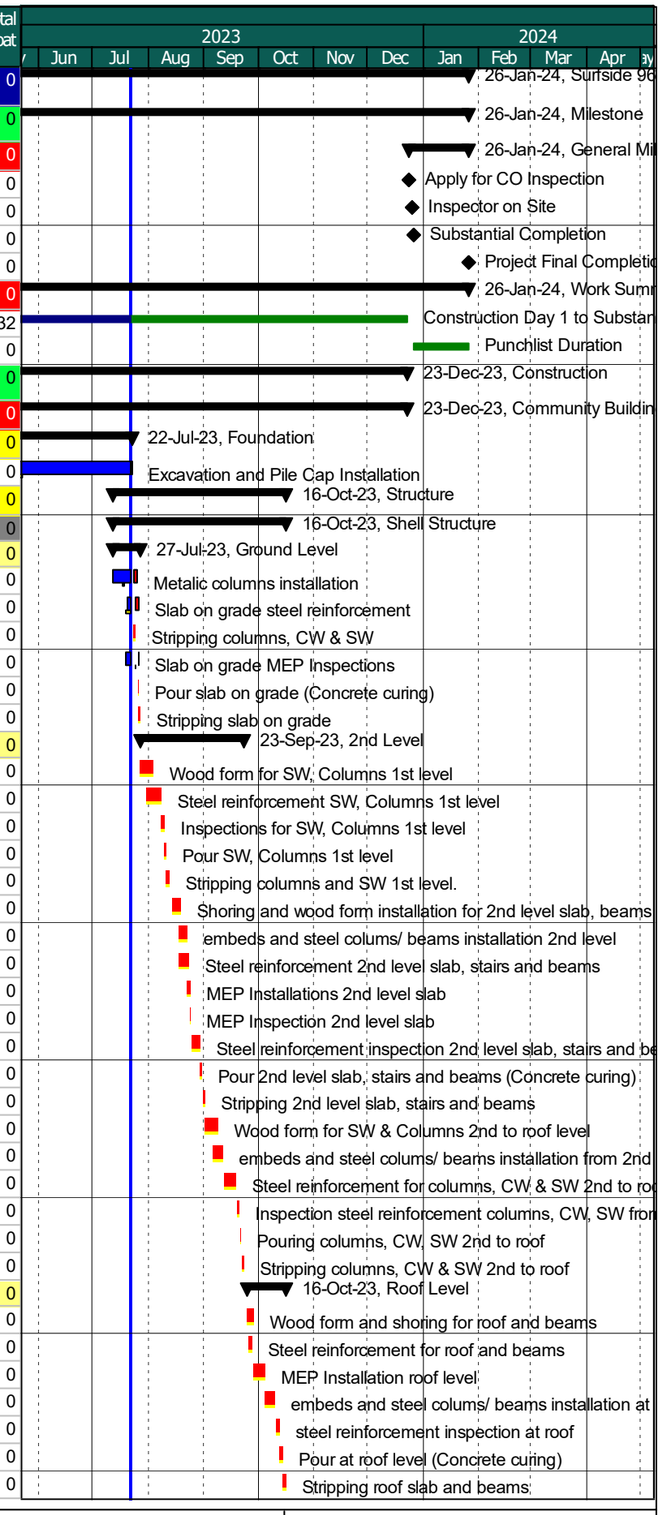
The project is a full park re-development with a 2-story multi-use structure, an artificial turf field, and play ground area. A kayak launch component has also been incorporated.

| Project Timeline | Phase Start | Phase End |
|---|---|---|
| *Procurement and Selection* | *August 2022* | *November 2022* |
| *Permitting* | *March 2022* | *January 2023* |
| *Construction (est.)* | *January 2023* | *January 2024* |
| *Commissioning (est.)* | *January 2024* | *March 2024* |

## Project Update

The main building of the new 96th Street Park has completed the first 5 feet of above grade structural walls and is preparing to pour 60% of the first occupied floor of the building.

| Activity ID | Activity Name | Activity Status | Original Duration | Recovery BL Start | Recovery BL Finish | Start | Finish | Cur. Duration | Remaining Duration | Total Float |
|---|---|---|---|---|---|---|---|---|---|---|
| **Surfside 96th Street Park_Recovery Schedule R1** | | | 324 | 06-Mar-23 | 26-Jan-24 | 28-Feb-23 A | 26-Jan-24 | 144 | 186 | 0 |
| **Milestone** | | | 324 | 06-Mar-23 | 26-Jan-24 | 28-Feb-23 A | 26-Jan-24 | 144 | 186 | 0 |
| **General Milestones** | | | 32 | 24-Dec-23 | 26-Jan-24 | 24-Dec-23 | 26-Jan-24 | 0 | 32 | 0 |
| BL011060 | Apply for CO Inspection | Not Started | 0 | 24-Dec-23 | | 24-Dec-23 | | 0 | 0 | 0 |
| BL011062 | Inspector on Site | Not Started | 0 | 26-Dec-23 | | 26-Dec-23 | | 0 | 0 | 0 |
| BL011070 | Substantial Completion | Not Started | 0 | | 26-Dec-23 | | 26-Dec-23 | 0 | 0 | 0 |
| BL011080 | Project Final Completion | Not Started | 0 | | 26-Jan-24 | | 26-Jan-24 | 0 | 0 | 0 |
| **Work Summary** | | | 324 | 06-Mar-23 | 26-Jan-24 | 28-Feb-23 A | 26-Jan-24 | 144 | 186 | 0 |
| BL14710 | Construction Day 1 to Substantial Completion | In Progress | 300 | 06-Mar-23 | 02-Jan-24 | 28-Feb-23 A | 23-Dec-23 | 144 | 154 | 32 |
| BL14720 | Punchlist Duration | Not Started | 30 | 27-Dec-23 | 26-Jan-24 | 27-Dec-23 | 26-Jan-24 | 0 | 30 | 0 |
| **Construction** | | | 224 | 13-May-23 | 23-Dec-23 | 10-May-23 A | 23-Dec-23 | 73 | 154 | 0 |
| **Community Building** | | | 224 | 13-May-23 | 23-Dec-23 | 10-May-23 A | 23-Dec-23 | 73 | 154 | 0 |
| **Foundation** | | | 8 | 13-May-23 | 22-May-23 | 10-May-23 A | 22-Jul-23 | 60 | 1 | 0 |
| BL13855 | Excavation and Pile Cap Installation | In Progress | 8 | 13-May-23 | 22-May-23 | 10-May-23 A | 22-Jul-23 | 60 | 1 | 0 |
| **Structure** | | | 92 | 17-Jul-23 | 16-Oct-23 | 12-Jul-23 A | 16-Oct-23 | 10 | 85 | 0 |
| **Shell Structure** | | | 92 | 17-Jul-23 | 16-Oct-23 | 12-Jul-23 A | 16-Oct-23 | 10 | 85 | 0 |
| **Ground Level** | | | 10 | 17-Jul-23 | 27-Jul-23 | 12-Jul-23 A | 27-Jul-23 | 9 | 4 | 0 |
| RSBL1130 | Metalic columns installation | In Progress | 2 | 17-Jul-23 | 18-Jul-23 | 12-Jul-23 A | 25-Jul-23 | 9 | 2 | 0 |
| RSBL1170 | Slab on grade steel reinforcement | In Progress | 3 | 19-Jul-23 | 22-Jul-23 | 20-Jul-23 A | 26-Jul-23 | 2 | 2 | 0 |
| RSBL1120 | Stripping columns, CW & SW | Not Started | 1 | 24-Jul-23 | 24-Jul-23 | 24-Jul-23 | 24-Jul-23 | 0 | 1 | 0 |
| RSBL1190 | Slab on grade MEP Inspections | In Progress | 1 | 24-Jul-23 | 24-Jul-23 | 19-Jul-23 A | 26-Jul-23 | 3 | 0 | 0 |
| RSBL1200 | Pour slab on grade (Concrete curing) | Not Started | 1 | 26-Jul-23 | 26-Jul-23 | 26-Jul-23 | 26-Jul-23 | 0 | 1 | 0 |
| RSBL1210 | Stripping slab on grade | Not Started | 1 | 26-Jul-23 | 27-Jul-23 | 26-Jul-23 | 27-Jul-23 | 0 | 1 | 0 |
| **2nd Level** | | | 59 | 27-Jul-23 | 23-Sep-23 | 27-Jul-23 | 23-Sep-23 | 0 | 59 | 0 |
| RSBL1220 | Wood form for SW, Columns 1st level | Not Started | 6 | 27-Jul-23 | 03-Aug-23 | 27-Jul-23 | 03-Aug-23 | 0 | 6 | 0 |
| RSBL1230 | Steel reinforcement SW, Columns 1st level | Not Started | 7 | 31-Jul-23 | 08-Aug-23 | 31-Jul-23 | 08-Aug-23 | 0 | 7 | 0 |
| RSBL1240 | Inspections for SW, Columns 1st level | Not Started | 1 | 08-Aug-23 | 09-Aug-23 | 08-Aug-23 | 09-Aug-23 | 0 | 1 | 0 |
| RSBL1250 | Pour SW, Columns 1st level | Not Started | 1 | 10-Aug-23 | 10-Aug-23 | 10-Aug-23 | 10-Aug-23 | 0 | 1 | 0 |
| RSBL1260 | Stripping columns and SW 1st level. | Not Started | 2 | 11-Aug-23 | 12-Aug-23 | 11-Aug-23 | 12-Aug-23 | 0 | 2 | 0 |
| RSBL1270 | Shoring and wood form installation for 2nd level slab, beams & stairs | Not Started | 5 | 14-Aug-23 | 18-Aug-23 | 14-Aug-23 | 18-Aug-23 | 0 | 5 | 0 |
| RSBL1280 | embeds and steel colums/ beams installation 2nd level | Not Started | 4 | 18-Aug-23 | 22-Aug-23 | 18-Aug-23 | 22-Aug-23 | 0 | 4 | 0 |
| RSBL1290 | Steel reinforcement 2nd level slab, stairs and beams | Not Started | 5 | 18-Aug-23 | 23-Aug-23 | 18-Aug-23 | 23-Aug-23 | 0 | 5 | 0 |
| RSBL1300 | MEP Installations 2nd level slab | Not Started | 3 | 22-Aug-23 | 24-Aug-23 | 22-Aug-23 | 24-Aug-23 | 0 | 3 | 0 |
| RSBL1310 | MEP Inspection 2nd level slab | Not Started | 1 | 24-Aug-23 | 24-Aug-23 | 24-Aug-23 | 24-Aug-23 | 0 | 1 | 0 |
| RSBL1320 | Steel reinforcement inspection 2nd level slab, stairs and beams | Not Started | 4 | 25-Aug-23 | 29-Aug-23 | 25-Aug-23 | 29-Aug-23 | 0 | 4 | 0 |
| RSBL1330 | Pour 2nd level slab, stairs and beams (Concrete curing) | Not Started | 1 | 30-Aug-23 | 30-Aug-23 | 30-Aug-23 | 30-Aug-23 | 0 | 1 | 0 |
| RSBL1340 | Stripping 2nd level slab, stairs and beams | Not Started | 2 | 31-Aug-23 | 01-Sep-23 | 31-Aug-23 | 01-Sep-23 | 0 | 2 | 0 |
| RSBL1350 | Wood form for SW & Columns 2nd to roof level | Not Started | 6 | 01-Sep-23 | 08-Sep-23 | 01-Sep-23 | 08-Sep-23 | 0 | 6 | 0 |
| RSBL1360 | embeds and steel colums/ beams installation from 2nd to roof | Not Started | 6 | 06-Sep-23 | 11-Sep-23 | 06-Sep-23 | 11-Sep-23 | 0 | 6 | 0 |
| RSBL1370 | Steel reinforcement for columns, CW & SW 2nd to roof level | Not Started | 6 | 12-Sep-23 | 18-Sep-23 | 12-Sep-23 | 18-Sep-23 | 0 | 6 | 0 |
| RSBL1380 | Inspection steel reinforcement columns, CW, SW from 2nd to roof | Not Started | 2 | 19-Sep-23 | 20-Sep-23 | 19-Sep-23 | 20-Sep-23 | 0 | 2 | 0 |
| RSBL1390 | Pouring columns, CW, SW 2nd to roof | Not Started | 1 | 21-Sep-23 | 21-Sep-23 | 21-Sep-23 | 21-Sep-23 | 0 | 1 | 0 |
| RSBL1400 | Stripping columns, CW & SW 2nd to roof | Not Started | 2 | 22-Sep-23 | 23-Sep-23 | 22-Sep-23 | 23-Sep-23 | 0 | 2 | 0 |
| **Roof Level** | | | 18 | 25-Sep-23 | 16-Oct-23 | 25-Sep-23 | 16-Oct-23 | 0 | 18 | 0 |
| RSBL1410 | Wood form and shoring for roof and beams | Not Started | 4 | 25-Sep-23 | 28-Sep-23 | 25-Sep-23 | 28-Sep-23 | 0 | 4 | 0 |
| RSBL1420 | Steel reinforcement for roof and beams | Not Started | 2 | 26-Sep-23 | 27-Sep-23 | 26-Sep-23 | 27-Sep-23 | 0 | 2 | 0 |
| RSBL1430 | MEP Installation roof level | Not Started | 6 | 28-Sep-23 | 04-Oct-23 | 28-Sep-23 | 04-Oct-23 | 0 | 6 | 0 |
| RSBL1440 | embeds and steel colums/ beams installation at roof | Not Started | 4 | 05-Oct-23 | 10-Oct-23 | 05-Oct-23 | 10-Oct-23 | 0 | 4 | 0 |
| RSBL1450 | steel reinforcement inspection at roof | Not Started | 2 | 11-Oct-23 | 13-Oct-23 | 11-Oct-23 | 13-Oct-23 | 0 | 2 | 0 |
| RSBL1460 | Pour at roof level (Concrete curing) | Not Started | 1 | 13-Oct-23 | 14-Oct-23 | 13-Oct-23 | 14-Oct-23 | 0 | 1 | 0 |
| RSBL1470 | Stripping roof slab and beams | Not Started | 1 | 14-Oct-23 | 16-Oct-23 | 14-Oct-23 | 16-Oct-23 | 0 | 1 | 0 |

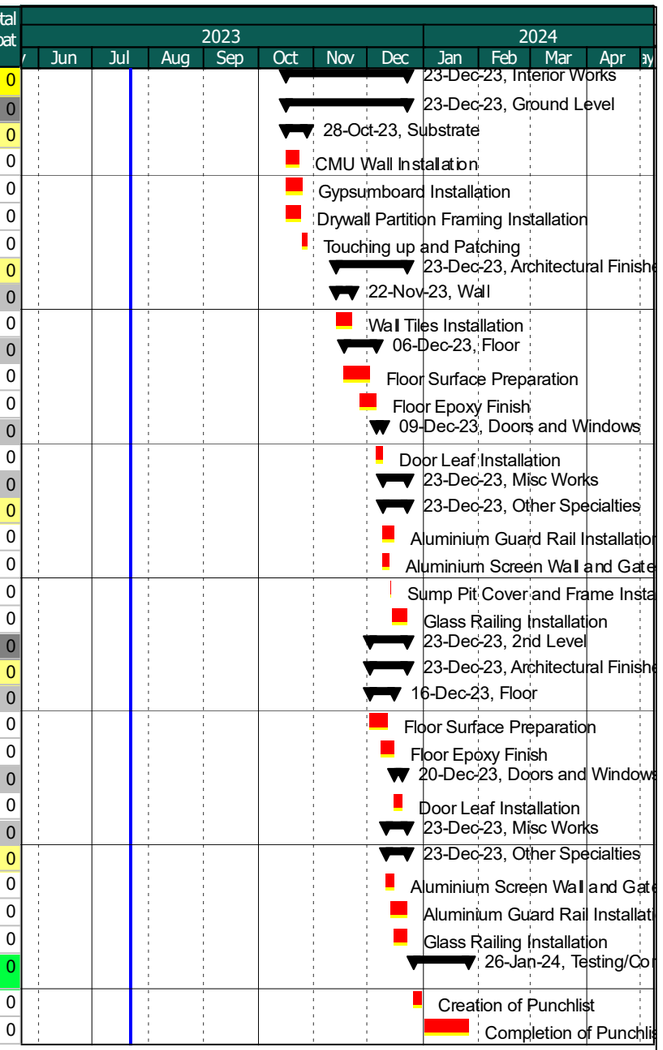



Remaining Level of Effort
Actual Level of Effort
Primary Baseline
Second Baseline
Actual Work
Remaining Work
Critical Remaining Work
Milestone
Summary

**LCG-Project Layout_Critical**

**Surfside 96th Street Park_Recovery Schedule R1**

| Activity ID | Activity Name | Activity Status | Original Duration | Recovery BL Start | Recovery BL Finish | Start | Finish | Cur. Duration | Remaining Duration | Total Float |
|---|---|---|---|---|---|---|---|---|---|---|
| **Interior Works** | | | 56 | 16-Oct-23 | 23-Dec-23 | 16-Oct-23 | 23-Dec-23 | 0 | 56 | 0 |
| **Ground Level** | | | 56 | 16-Oct-23 | 23-Dec-23 | 16-Oct-23 | 23-Dec-23 | 0 | 56 | 0 |
| **Substrate** | | | 11 | 16-Oct-23 | 28-Oct-23 | 16-Oct-23 | 28-Oct-23 | 0 | 11 | 0 |
| BL14020 | CMU Wall Installation | Not Started | 6 | 16-Oct-23 | 23-Oct-23 | 16-Oct-23 | 23-Oct-23 | 0 | 6 | 0 |
| BL14030 | Gypsumboard Installation | Not Started | 8 | 16-Oct-23 | 25-Oct-23 | 16-Oct-23 | 25-Oct-23 | 0 | 8 | 0 |
| BL14025 | Drywall Partition Framing Installation | Not Started | 7 | 16-Oct-23 | 24-Oct-23 | 16-Oct-23 | 24-Oct-23 | 0 | 7 | 0 |
| BL14050 | Touching up and Patching | Not Started | 3 | 25-Oct-23 | 28-Oct-23 | 25-Oct-23 | 28-Oct-23 | 0 | 3 | 0 |
| **Architectural Finishes** | | | 33 | 13-Nov-23 | 23-Dec-23 | 13-Nov-23 | 23-Dec-23 | 0 | 33 | 0 |
| **Wall** | | | 8 | 13-Nov-23 | 22-Nov-23 | 13-Nov-23 | 22-Nov-23 | 0 | 8 | 0 |
| BL14250 | Wall Tiles Installation | Not Started | 8 | 13-Nov-23 | 22-Nov-23 | 13-Nov-23 | 22-Nov-23 | 0 | 8 | 0 |
| **Floor** | | | 12 | 18-Nov-23 | 06-Dec-23 | 18-Nov-23 | 06-Dec-23 | 0 | 12 | 0 |
| BL14260 | Floor Surface Preparation | Not Started | 9 | 18-Nov-23 | 02-Dec-23 | 18-Nov-23 | 02-Dec-23 | 0 | 9 | 0 |
| BL14280 | Floor Epoxy Finish | Not Started | 8 | 27-Nov-23 | 06-Dec-23 | 27-Nov-23 | 06-Dec-23 | 0 | 8 | 0 |
| **Doors and Windows** | | | 3 | 06-Dec-23 | 09-Dec-23 | 06-Dec-23 | 09-Dec-23 | 0 | 3 | 0 |
| BL14310 | Door Leaf Installation | Not Started | 3 | 06-Dec-23 | 09-Dec-23 | 06-Dec-23 | 09-Dec-23 | 0 | 3 | 0 |
| **Misc Works** | | | 13 | 09-Dec-23 | 23-Dec-23 | 09-Dec-23 | 23-Dec-23 | 0 | 13 | 0 |
| **Other Specialties** | | | 13 | 09-Dec-23 | 23-Dec-23 | 09-Dec-23 | 23-Dec-23 | 0 | 13 | 0 |
| BL14380 | Aluminium Guard Rail Installation | Not Started | 6 | 09-Dec-23 | 16-Dec-23 | 09-Dec-23 | 16-Dec-23 | 0 | 6 | 0 |
| BL14390 | Aluminium Screen Wall and Gate | Not Started | 4 | 09-Dec-23 | 13-Dec-23 | 09-Dec-23 | 13-Dec-23 | 0 | 4 | 0 |
| BL14400 | Sump Pit Cover and Frame Installation | Not Started | 1 | 14-Dec-23 | 14-Dec-23 | 14-Dec-23 | 14-Dec-23 | 0 | 1 | 0 |
| BL14420 | Glass Railing Installation | Not Started | 8 | 15-Dec-23 | 23-Dec-23 | 15-Dec-23 | 23-Dec-23 | 0 | 8 | 0 |
| **2nd Level** | | | 19 | 02-Dec-23 | 23-Dec-23 | 02-Dec-23 | 23-Dec-23 | 0 | 19 | 0 |
| **Architectural Finishes** | | | 19 | 02-Dec-23 | 23-Dec-23 | 02-Dec-23 | 23-Dec-23 | 0 | 19 | 0 |
| **Floor** | | | 12 | 02-Dec-23 | 16-Dec-23 | 02-Dec-23 | 16-Dec-23 | 0 | 12 | 0 |
| BL15030 | Floor Surface Preparation | Not Started | 8 | 02-Dec-23 | 12-Dec-23 | 02-Dec-23 | 12-Dec-23 | 0 | 8 | 0 |
| BL15050 | Floor Epoxy Finish | Not Started | 7 | 08-Dec-23 | 16-Dec-23 | 08-Dec-23 | 16-Dec-23 | 0 | 7 | 0 |
| **Doors and Windows** | | | 3 | 16-Dec-23 | 20-Dec-23 | 16-Dec-23 | 20-Dec-23 | 0 | 3 | 0 |
| BL15080 | Door Leaf Installation | Not Started | 3 | 16-Dec-23 | 20-Dec-23 | 16-Dec-23 | 20-Dec-23 | 0 | 3 | 0 |
| **Misc Works** | | | 12 | 11-Dec-23 | 23-Dec-23 | 11-Dec-23 | 23-Dec-23 | 0 | 12 | 0 |
| **Other Specialties** | | | 12 | 11-Dec-23 | 23-Dec-23 | 11-Dec-23 | 23-Dec-23 | 0 | 12 | 0 |
| BL15160 | Aluminium Screen Wall and Gate | Not Started | 5 | 11-Dec-23 | 16-Dec-23 | 11-Dec-23 | 16-Dec-23 | 0 | 5 | 0 |
| BL15150 | Aluminium Guard Rail Installation | Not Started | 9 | 14-Dec-23 | 23-Dec-23 | 14-Dec-23 | 23-Dec-23 | 0 | 9 | 0 |
| BL15190 | Glass Railing Installation | Not Started | 7 | 16-Dec-23 | 23-Dec-23 | 16-Dec-23 | 23-Dec-23 | 0 | 7 | 0 |
| **Testing/Commissioning and Punchout** | | | 30 | 27-Dec-23 | 26-Jan-24 | 27-Dec-23 | 26-Jan-24 | 0 | 30 | 0 |
| BL14680 | Creation of Punchlist | Not Started | 5 | 27-Dec-23 | 31-Dec-23 | 27-Dec-23 | 31-Dec-23 | 0 | 5 | 0 |
| BL14690 | Completion of Punchlist Rectifications | Not Started | 25 | 02-Jan-24 | 26-Jan-24 | 02-Jan-24 | 26-Jan-24 | 0 | 25 | 0 |



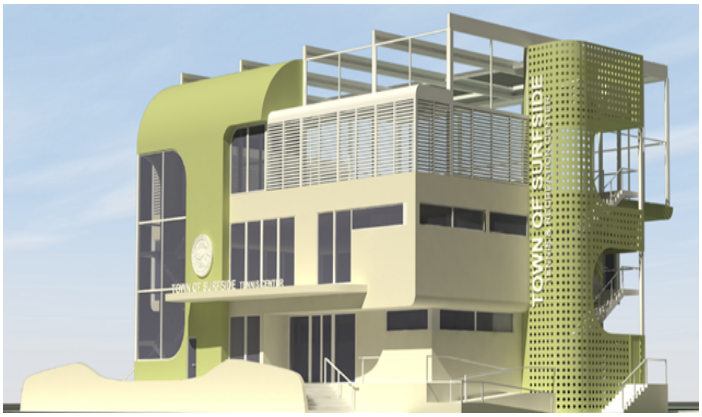

Remaining Level of Effort
Actual Level of Effort
Primary Baseline
Second Baseline
Actual Work
Remaining Work
Critical Remaining Work
Milestone
Summary

**LCG-Project Layout_Critical**

**Surfside 96th Street Park_Recovery Schedule R1**

# Tennis and Recreation Center Project

## Picture




## Current Project Phase

Design and Engineering

## Project Contact Information

| | |
|---|---|
| Department | Public Works |
| Director | Randy Stokes |
| Engineer of Record* | The Corradino Group |
| Architect of Record* | William Lane Architect |

## Funding

| | |
|---|---|
| *Total Budgeted* | $2,045,000 |
| *Budget Approval Date* | September 28, 2022 |
| *Commission Authorization to Expend Date* | November 2022 Commission Meeting |

* - Additional funding will be required at a later date.

## Scope

Design and build a 2-story Tennis and Recreation Center facility where the current Tennis center is located. The project is to include a roof level pickleball courts, community gymnasium with equipment, office space and flex space for community programming.

| Project Timeline | Phase Start | Phase End |
|---|---|---|
| *Design Team Procurement* | *September 2022* | *November 2022* |
| *Design and Engineering (est.)* | *December 2022* | *December 2023* |
| *Construction Procurement (est.)* | *October 2024* | *February 2025* |
| *Construction (est.)* | *March 2026* | *March 2027* |

## Project Update

The Corradio Group and the architect of record presented the design of the Tennis and Recreation Center at the July 13th, 2023 Town Commission meeting. The design concept was approved unanimously to advance to the next phase of the project.

# Town-wide Traffic Study

## Picture

## Current Project Phase

Planning Phase

## Project Contact Information

| | |
|---|---|
| Department Director | Public Works Randy Stokes |
| Engineer of Record | The Corradino Group |
| Architect of Record | N/A |
| Project Management | The Corradino Group |

## Funding

| | |
|---|---|
| *Total Budgeted* | $204,500 |
| *Budget Approval Date* | FY22 Budget Amd. No. 7 |
| *Commission Authorization to Expend Date* | July 12, 2022 |

## Scope

An objective of the Town Commission and Town Administration is to increase traffic calming throughout the Town and increase pedestrian safety. The previous Town-wide traffic study was performed in 2012 and it warranted various safety features to be installed. For example, the majority of the speed control traffic bumps and traffic roundabouts were a result of recommendations from the 2012 traffic study. It is recommended to update the traffic study every ten years in order to capture new conditions as a result of changes in population growth and development. The Corradino Group has previously provided traffic engineering services to the Town and was retained for negotiations in order to provide a scope of services for a Town-wide traffic study.

| Project Timeline | Phase Start | Phase End |
|---|---|---|
| *Traffic Data Collection* | *September 2022* | *November 2022* |
| *Traffic Operation Analysis* | *December 2022* | *January 2023* |
| *Traffic Calming Analysis* | *December 2022* | *October 2023* |
| *Safety Review* | *December 2022* | *October 2023* |
| *Traffic Calming Improvement Plan* | *March 2023* | *November 2023* |
| *Community Outreach Meeting* | *October 2023* | *November 2023* |

## Project Update

During September 2022, the first set of traffic data collection occurred with a second set to occur for other areas in 2023. Currently, consultant is obtaining crash report data records for all agencies. Consultant was brought in for a project update to be provided to the Town Commission in November 2022. Refer to the project schedule provided. Bay Drive & 96th Street exit is closed due to the commencement of the 96th St Park project.

| MONTHS FROM NTP | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Task | Task Name | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 1 | Traffic Data Collection | | | ** | | | | | | | | | | | | |
| 2 | Traffic Data Collection- Supplemental | | | | | ** | | | | | | | | | | |
| 3 | Traffic Operational Analysis | | | | | | | | | | | | | | ** | |
| 4 | Traffic Calming Analysis | | | | | | | | | | | ** | | | | |
| 5 | Safety Review | | | | | | | | | | | | | | ** | |
| 6 | Traffic Calming Improvement Plan | | | | | | | | | | | | | | | ** |
| 7 | Community Outreach Meeting | | | | | | | | | | | | | | ** | |
| 8 | Traffic Study Technical Memorandum | | | | | | | | | | | | | | | ** |

* Purchase Order was issued on 08/05/2022. NTP month one is September 2022 when the traffic data collection commenced.

**Project Detail Sheet**

# 91st Street - "Surfside Boulevard" Beautification Project

## Picture

## Current Project Phase

Design Buyout

## Project Contact Information

| | |
|---|---|
| Department | Public Works |
| Director | Randy Stokes |
| Engineer of Record | TBD |
| Architect of Record | TBD |
| Project Management | TBD |

## Funding

| | |
|---|---|
| *Total Budgeted* | $1,050,000 |
| *Budget Approval Date* | September 28, 2022 |
| *Commission Authorization to Expend Date* | |

## Scope

Through various sources, the Town has obtained funds with the intent to beautify the current 91st Street also known as Surfside Boulevard. The project beautification scope of services is to be determined but will follow after major utilities project occur in the area.

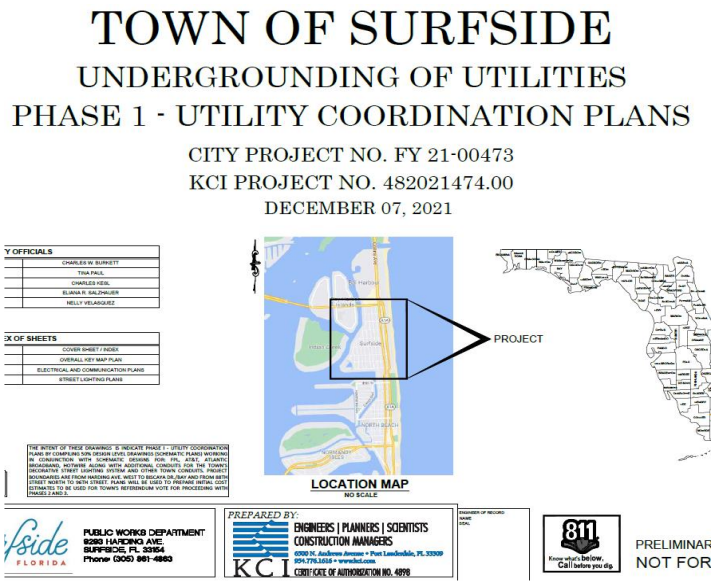
| Project Timeline | Phase Start | Phase End |
|---|---|---|
| *Procuring of Engineering (est.)* | *December 2022* | *January 2023* |
| *Plan and Study* | *February 2023* | *October 2023* |
| *Engineering & Design (est.)* | *October 2023* | *November 2023* |
| *Permitting (est.)* | *November 2023* | *Janaury 2024* |
| *Grant Agreement and Funding* | *December 2022* | *February 2024* |

## Project Update

Town Commission at its July meeting approved Kimley-Horn and Associates, Inc. for design services.

# Town-Wide Utilities Undergrounding Project

## Picture




## Current Project Phase

Engineering and Design Phase

## Project Contact Information

| | |
|---|---|
| Department | Public Works |
| Director | Randy Stokes |
| Engineer of Record | |
| Architect of Record | N/A |
| Project Management | Town of Surfside |

## Funding

| | |
|---|---|
| *Total Budgeted** | $37,178,512 |
| *Budget Approval Date*** | Varies |
| *Commission Authorization to Expend Date* | Various agreements have been approved to date |

** - Budget figure is based on Surfside Executive Summary estimate*

*** - Various agreements have been approved to date.*

## Scope

The project consists of the undergrounding all current above ground utilities throughout Town. These utilities include electrical mains, feeders, communications and residential drop connections. The project debt issuance was approved through voter referendum during the 2022 General Elections. The Town has executed various agreements with different providers in order to perform the design phase of the project.

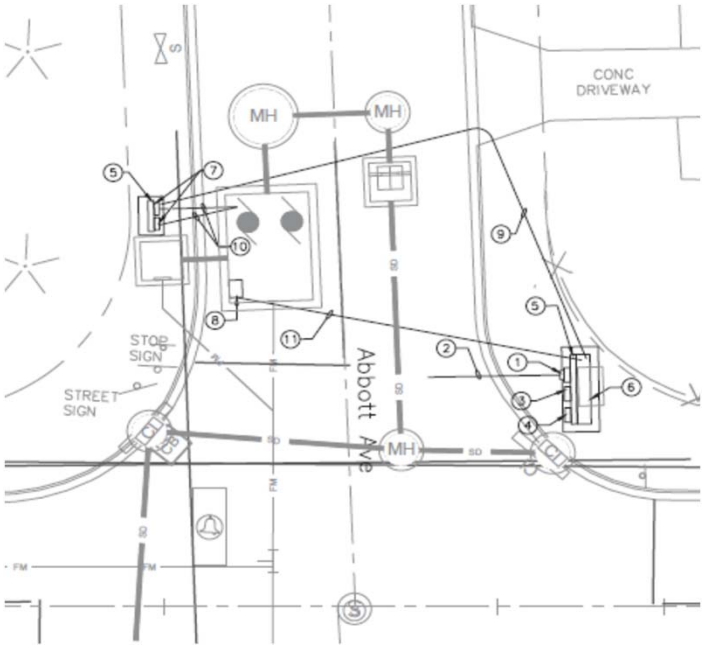
| Project Timeline | Phase Start | Phase End |
|---|---|---|
| *Design Phase (Phase II)* | *May 2022* | *December 2024* |
| *Procurement (est.)* | *January 2024* | *July 2025* |
| *Construction Phase I (est.)* | *August 2026* | *TBD* |

## Project Update

The Town will enter into negotiations with Kimley Horn for Utilities Undergrounding Project Management Support per evaluation committee recommendation. A resolution will be brought before the Town Commission in the near future.

# Abbott Avenue Drainage Improvements

## Picture




## Current Project Phase

Procurement Phase

## Project Contact Information

| | |
|---|---|
| Department | Public Works |
| Director | Randy Stokes |
| Engineer of Record | Keith Engineering |
| Architect of Record | NA |
| Project Management | NAis |

## Funding

| | |
|---|---|
| *Total Budgeted** | $3,850,000 |
| *Budget Approval Date* | September 28, 2022 |
| *Commission Authorization to Expend Date* | TBD - Administration will seek authorization to expend upon awarding work to contractor |

** - Construction and CEI budget*

## Scope

The project is currently in its design and permitting phase. The construction will entail the addition of two new pump stations with respective force main in order to alleviate flooding on Abbott Avenue from 90th Street to 94th Street.

| Project Timeline | Phase Start | Phase End |
|---|---|---|
| *Engineering and Design* | *March 2022* | *December 2022* |
| *Permitting* | *August 2022* | *January 2023* |
| *Procurement (est.)* | *March 2023* | *June 2023* |
| *NTP for Construction (est.)* | *July 2023* | *NA* |
| *Construction (est.)* | *July 2023* | *May 2024* |

## Project Update

Project cost is beyond Town budgeted value. A redesign is being proposed to Town Commission in September 2023.

# Town Drainage Improvement and Flood Hazard Mitigation Plan

## Picture

## Current Project Phase

Planning Phase information gap alignment and modeling

## Project Contact Information

| | |
|---|---|
| Department | Public Works |
| Director | Hector Gomez |
| Engineer of Record | Kimley Horn |
| Architect of Record | N A |
| Project Management | Kimley Horn |

## Funding

| | |
|---|---|
| *Total Budgeted* | 255,000 |
| *Budget Approval Date* | September 23, 2021 |
| *Commission Authorization to Expend Date* | June 14, 2022 Commission Meeting |

## Scope

The stormwater master plan, which is partially grant funded, will create a comprehensive Town infrastructure planning document geared towards understanding Town localized flooding issues and provide a project bank of projects for the Town to implement as part of the Capital Improvement Plan.

| Project Timeline | Phase Start | Phase End |
|---|---|---|
| *Data Collection and Analysis* | *July 2022* | *November 2022* |
| *Stormwater Model* | *November 2022* | *February 2023* |
| *Adaptation Strategy* | *March 2023* | *May 2023* |
| *Master Plan* | *May 2023* | *October 2023* |

## Project Update

A public outreach workshop was held on July 13, 2023. Refer to engineer schedule provided for deliverables.

## PROJECT SCHEDULE (7/27/2022)

**Town of Surfside Stormwater Master Plan**

Kimley»Horn

| | | 2022 | | | | | | | | | | | | | | | | | | | | | | | 2023 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | July | August | | | | | September | | | | October | | | | | November | | | | December | | | | January | | | | | February | | | | March | | | | April | | | | May | | | | | June | | | | July | | | | | August | | | |
| | | 25 | 1 | 8 | 15 | 22 | 29 | 5 | 12 | 19 | 26 | 3 | 10 | 17 | 24 | 31 | 7 | 14 | 21 | 28 | 5 | 12 | 19 | 26 | 2 | 9 | 16 | 23 | 30 | 6 | 13 | 20 | 27 | 6 | 13 | 20 | 27 | 3 | 10 | 17 | 24 | 1 | 8 | 15 | 22 | 29 | 5 | 12 | 19 | 26 | 3 | 10 | 17 | 24 | 31 | 7 | 14 | 21 | 28 |
| **Task 1.0 Collect, Review, and Analyze Current Mapping Data** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **1.1** | ***Project Administration*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1.1.1 | *Project Kickoff Meeting* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1.1.2 | *Progress Meetings* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1.1.3 | *Town Council Meetings (TBD)* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **1.2** | ***Policy Planning And Public Coordination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **1.3** | ***Data Collection and Documentation*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1.3.1 | *Initial Data Collection and Review* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1.3.2 | *Preliminary Data Gaps Map* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1.3.3 | *Field Visits (4 weeks field time)* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **1.4** | ***Model Recommendations And Analysis*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1.4.1 | *Analysis and Technical Memorandum* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1.4.2 | *Project DEM* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Task 2.0 Produce a Stormwater Model** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **2.1** | ***Existing Conditions Model*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2.1.1 | *Model Development* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2.1.2 | *Design Storm Model Runs* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Task 3.0 Develop the Adaptation Strategy** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **3.1** | ***Alternatives Analysis*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3.1.1 | *Needs Assessment* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3.1.2 | *Alternatives Analysis* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3.1.3 | *Design Storm Model Runs* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **3.2** | ***Future Conditions Analysis*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3.2.1 | *Baseline Future Conditions Model* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3.2.2 | *Improvements Future Conditions Models* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Task 4.0 Stormwater Master Plan** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4.1 | *Alternatives Selection* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4.2 | *Preliminary Opinion of Probable Costs* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4.3 | *Capital Improvement Plan* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4.4 | *Final Technical Memo* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

# Collins Avenue Water Main Design and Permitting

## Picture

## Current Project Phase

Engineering and Design Phase

## Project Contact Information

| | |
|---|---|
| Department | Public Works |
| Director | Hector Gomez |
| Engineer of Record | Nova Consulting |
| Architect of Record | N/A |
| Project Management | Nova Consulting |

## Funding

| | |
|---|---|
| *Total Budgeted* | $340,206 |
| *Budget Approval Date* | September 28, 2022 |
| *Commission Authorization to Expend Date* | August 9, 2022 |

## Scope

The current undersized water main on Collins Avenue is past its use life and requires upsizing with replacement. The Town sought and obtained a grant for design services for the project. The water main currently services all the facilities along the Collins Avenue corridor.

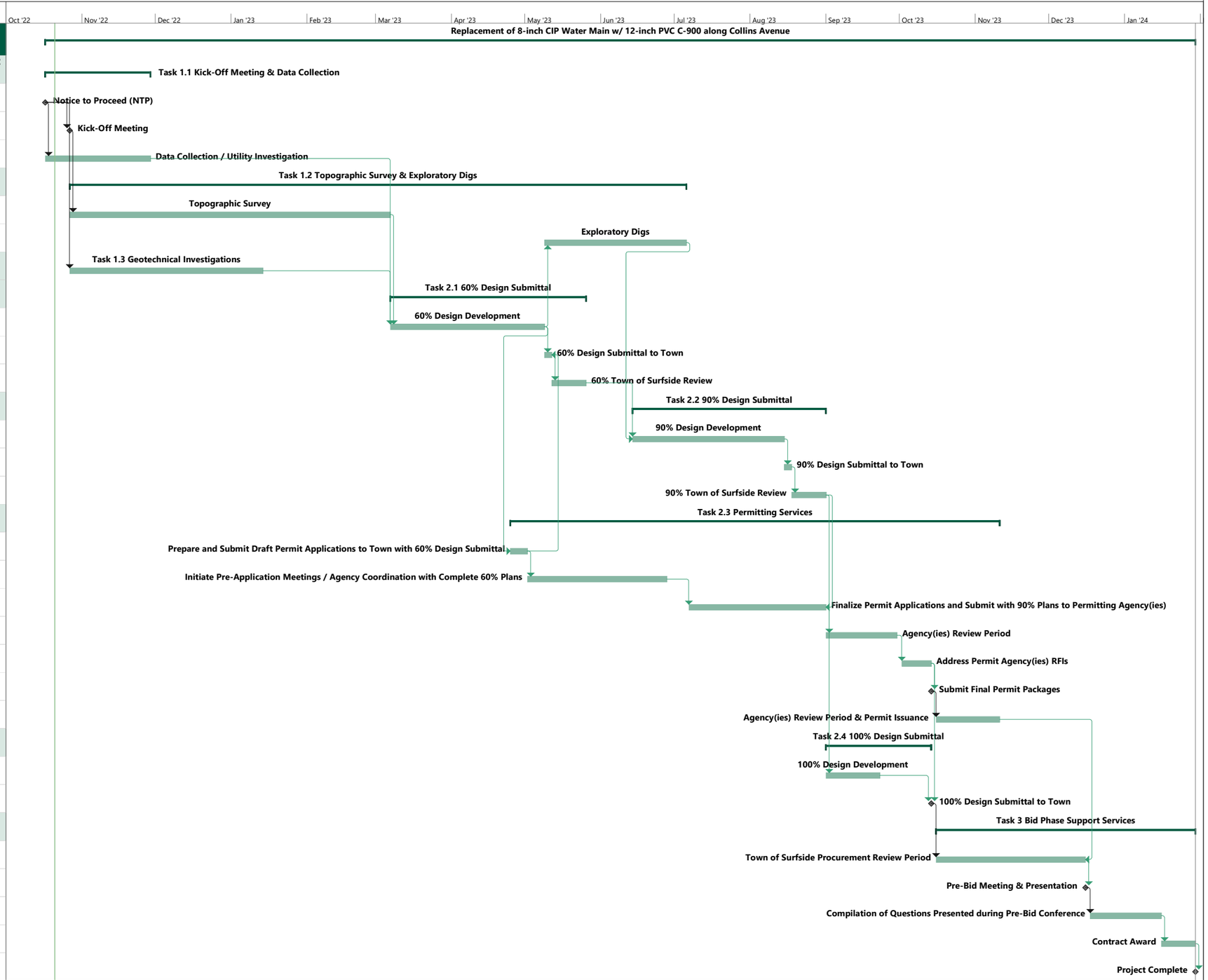
| Project Timeline | Phase Start | Phase End |
|---|---|---|
| *Survey and Geotechnical* | *November 2022* | *July 2023* |
| *60% Design* | *March 2023* | *May 2023* |
| *90% Design* | *June 2023* | *September 2023* |
| *Permitting* | *April 2023* | *November 2023* |
| *Procurement Phase (est.)* | *TBD* | *TBD* |
| *Constuction (est) - TBD* | *TBD* | *TBD* |

## Project Update

The Town provided Nova Consulting a Purchase Order to commence work during October 2022. The purchase order and funding is only up to the procurement phase of the project. No construction funding has been allocated at this time. Construction phase can not be estimated until construction funding is secured. Nova Consulting commenced survey and is verifying field conditions scope of work.

**Town of Surfside: Public Works Division - Replacement of Approximately 5,920 LF of Existing 8-inch CIP Water Main with 12-inch PVC C-900 Pipe along Collins Avenue**

| Task ID | Task Name | Duration (Business Days) | Start | Finish |
|---|---|---|---|---|
| 1 | **Replacement of 8-inch CIP Water Main w/ 12-inch PVC C-900 along Collins Avenue** | **329 days** | **Mon 10/17/22** | **Mon 1/29/24** |
| 2 | **Task 1.1 Kick-Off Meeting & Data Collection** | **30 days** | **Mon 10/17/22** | **Mon 11/28/22** |
| 3 | Notice to Proceed (NTP) | 0 days | Mon 10/17/22 | Mon 10/17/22 |
| 4 | Kick-Off Meeting | 0 days | Thu 10/27/22 | Thu 10/27/22 |
| 5 | Data Collection / Utility Investigation | 30 days | Mon 10/17/22 | Mon 11/28/22 |
| 6 | **Task 1.2 Topographic Survey & Exploratory Digs** | **175 days** | **Thu 10/27/22** | **Wed 7/5/23** |
| 7 | Topographic Survey | 90 days | Thu 10/27/22 | Mon 3/6/23 |
| 8 | Exploratory Digs | 40 days | Tue 5/9/23 | Wed 7/5/23 |
| 9 | **Task 1.3 Geotechnical Investigations** | **55 days** | **Thu 10/27/22** | **Fri 1/13/23** |
| 10 | **Task 2.1 60% Design Submittal** | **58 days** | **Tue 3/7/23** | **Thu 5/25/23** |
| 11 | 60% Design Development | 45 days | Tue 3/7/23 | Mon 5/8/23 |
| 12 | 60% Design Submittal to Town | 3 days | Tue 5/9/23 | Thu 5/11/23 |
| 13 | 60% Town of Surfside Review | 10 days | Fri 5/12/23 | Thu 5/25/23 |
| 14 | **Task 2.2 90% Design Submittal** | **56 days** | **Wed 6/14/23** | **Thu 8/31/23** |
| 15 | 90% Design Development | 43 days | Wed 6/14/23 | Mon 8/14/23 |
| 16 | 90% Design Submittal to Town | 3 days | Tue 8/15/23 | Thu 8/17/23 |
| 17 | 90% Town of Surfside Review | 10 days | Fri 8/18/23 | Thu 8/31/23 |
| 18 | **Task 2.3 Permitting Services** | **141 days** | **Tue 4/25/23** | **Fri 11/10/23** |
| 19 | Prepare and Submit Draft Permit Applications to Town with 60% Design Submittal | 5 days | Tue 4/25/23 | Mon 5/1/23 |
| 20 | Initiate Pre-Application Meetings / Agency Coordination with Complete 60% Plans | 40 days | Tue 5/2/23 | Tue 6/27/23 |
| 21 | Finalize Permit Applications and Submit with 90% Plans to Permitting Agency(ies) | 40 days | Fri 7/7/23 | Thu 8/31/23 |
| 22 | Agency(ies) Review Period | 20 days | Fri 9/1/23 | Fri 9/29/23 |
| 23 | Address Permit Agency(ies) RFIs | 10 days | Mon 10/2/23 | Fri 10/13/23 |
| 24 | Submit Final Permit Packages | 0 days | Fri 10/13/23 | Fri 10/13/23 |
| 25 | Agency(ies) Review Period & Permit Issuance | 20 days | Mon 10/16/23 | Fri 11/10/23 |
| 26 | **Task 2.4 100% Design Submittal** | **30 days** | **Fri 9/1/23** | **Fri 10/13/23** |
| 27 | 100% Design Development | 15 days | Fri 9/1/23 | Fri 9/22/23 |
| 28 | 100% Design Submittal to Town | 0 days | Fri 10/13/23 | Fri 10/13/23 |
| 29 | **Task 3 Bid Phase Support Services** | **75 days** | **Mon 10/16/23** | **Mon 1/29/24** |
| 30 | Town of Surfside Procurement Review Period | 45 days | Mon 10/16/23 | Fri 12/15/23 |
| 31 | Pre-Bid Meeting & Presentation | 0 days | Fri 12/15/23 | Fri 12/15/23 |
| 32 | Compilation of Questions Presented during Pre-Bid Conference | 20 days | Mon 12/18/23 | Mon 1/15/24 |
| 33 | Contract Award | 10 days | Tue 1/16/24 | Mon 1/29/24 |
| 34 | Project Complete | 0 days | Mon 1/29/24 | Mon 1/29/24 |




Project: Replacement of 8-inch CIP w/ 12-inch PVC C-900 along Collins Avenue
Date: Fri 10/21/22

Task | Split | Milestone | Summary

# A/C Replacement Units - Community Center

## Picture

## Current Project Phase

Procurement phase

## Project Contact Information

| | |
|---|---|
| Department | Parks and Recreation |
| Director | Tim Milian |
| Contractor | Smart Air |

## Funding

| | |
|---|---|
| *Total Budgeted* | |
| *Budget Approval Date* | $140,000 |
| | September 28, 2022 |
| *Commission Authorization to Expend Date* | TBD |

## Scope

The current AC units at the Community Center has a lifespan of over 10 years. The units are heavily corroded and has extensive wear and tear. The units often breaks down resulting high repair costs. The Town will be procuring new units for the entire community center including the concession stand, lifeguard office, fish bowl, and shark tank. These new units will meet EPA regulations. The cost includes: new Trane condensers with coal coatings, climate changing AHU with SS Drain pan, Coil casing, energy recovery ventilators, new aluminum I-beams to help prevent dirt and debris from corroding the units.

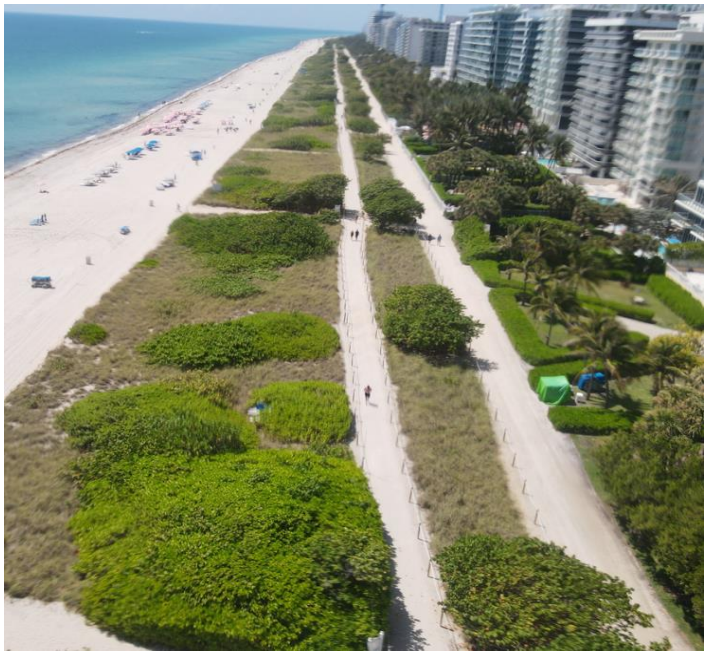
| Project Timeline | Phase Start | Phase End |
|---|---|---|
| *Procurement* | *April 2023* | *June 2023* |
| *Notice to Proceed and Kick off (est.)* | *July 2023* | *July 2023* |
| *Construction/Replacement (est.)* | *August 2023* | *October 2023* |

## Project Update

Contract has been issued to Smart Air.

# Dune Resiliency and Beautification Project

## Picture



## Current Project Phase

Scoping Phase

## Project Contact Information

| | |
|---|---|
| Department | Public Works |
| Director | Hector Gomez |
| Engineer of Record | TBD |
| Architect of Record | TBD |
| Project Management | TBD |

## Funding

| | |
|---|---|
| *Total Budgeted* | $72,000 |
| *Budget Approval Date* | September 28, 2022 |
| *Commission Authorization to Expend Date* | TBD |

## Scope

The Commission tasked Town administration to promote both dune beautification and resiliency improvements. Town administration is seeking engineering and design services in order to meet the objective in a manner that is Florida Friendly and promotes the natural plant diversity of the dunes.

| Project Timeline | Phase Start | Phase End |
|---|---|---|
| *Procuring of Engineering* | *December 2022* | *March 2023* |
| *Plan and Study (est.)* | *March 2023* | *October 2023* |
| *Design (est.)* | *October 2023* | *November 2023* |
| *Permitting (est.)* | *November 2023* | *January 2024* |
| *Grant Agreement and Grant Funding (est.)* | *December 2022* | *February 2024* |
| *Construction (est.)* | *March 2024* | *December 2024* |

## Project Update

Survey is complete. Town is pursuing another FDEP grant to assist with funding.

| Dune Resiliency and Beautification Project Schedule | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Task | Apr-23 | May-23 | Jun-23 | Jul-23 | Aug-23 | Sep-23 | Oct-23 | Nov-23 | Dec-23 |
| Task 1 - Kickoff Meeting | | | | | | | | | |
| Task 2 - Topographic Survey | | | | | | | | | |
| Task 3 - Construction Plans | | | | | | | | | |
| 60% Plan preparation | | | | | | | | | |
| Final Plan preparation | | | | | | | | | |
| Task 4 - Permit Coordination | | | | | | | | | |
| Project Coordination | | | | | | | | | |

**Town of Surfside**
**Regular Town Commission Meeting**
**August 8, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 7B.
**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission

**From:**

**Date:** August 8, 2023

**Subject: Town Attorney's Report**

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**Background** -

**Analysis** –

**Budget Impact** -

**Programming** –

**Commission Direction** –

**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 and Tony Recio, Town Attorney**
**Weiss Serota Helfman Cole & Bierman, P.L.**

**CC:** **Hector Gomez, Town Manager**

**DATE:** **August 2, 2023**

**SUBJECT:** **Office of the Town Attorney Report for August 8, 2023 Regular Commission Meeting**

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**This Firm attended/prepared and/or rendered advice for the following Commission meetings and workshops, public meetings and workshops, and Board and Committee meetings during the past month:**

July 10, 2023 – Tourist Board Meeting

July 11, 2023 – Special Town Commission Meeting

July 11, 2023 – Regular Town Commission Meeting

July 25, 2023 – Special Town Commission Meeting

August 2, 2023 – Special Town Commission Meeting

Members of the firm assisted with the agendas and drafted the resolutions and ordinances where necessary for the above noted 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 contracts, agreements and supporting documents.

Various members of the Firm have and continue to assist the Town in the aftermath of the CTS Collapse, including ongoing causation investigations at the CTS Site and off-site facilities, and interaction with KCE Engineering (Allyn Kilsheimer) and NIST representatives. Efforts also include legal assistance with a CTS memorial site.

**Commission Support:**

Attorneys of the firm have continued to work with the members of the Town Commission, and Board and Committee members, to provide Ethics guidance and opinions, including Sunshine Law and Public Records, and address concerns and research specific issues and legislative and policy initiatives, and are always available, either in the office or by phone or email. We appreciate your support as we continue our sixth year of service and work in implementing the Mayor and Town Commission's policy directives.

**Staff Support:**

Members of the Firm continue to assist the Town administration and staff, as well assist boards and committees, with application review, contract and agreement review; preparation of ordinances as directed by the Commission; procurement and purchasing, various solicitations for Town services and providers (RFQs and RFPs) and agreements; IT related agreements; Parks & Recreation Department contracts and services; Tourist Board purchases and agreements; Code enforcement and interpretation, and attendance at Special Master Hearings upon request; beach furniture operator permits and administration; ethics issues and complaints; police funding, matters and agreements, forfeiture, public records and complaints; building permit and enforcement issues; public records and media requests; litigation representation and support, subpoenas, oversight and case management; Town Code interpretation and application; labor, employment and pension matters; assistance with implementation of the AFSCME Florida Council 79 for Town civilian employees; collective bargaining negotiations and agreement with the FOP; Town Manager recruitment process and employment agreement; EEOC complaints; ethics complaints and inquiries; various procurements and service provider contracts for Town Departments and the Tourist Board; Zoning Code clarifications and ordinances; and implementation of utilities undergrounding project.

**Key Issues and Action Items:**

The workload has been diverse and has included specific issue support to every department. Key issues and action items since the Commission's election have included:

- Resolution Certifying and Declaring Results of the Surfside General and Special Municipal Elections Held On March 15, 2022 for Election of Mayor and Four (4) Town Commissioners and Five Referendum/Ballot Questions
- Resolution Selecting and Approving the Quote from CDW Government, LLC for the Purchase of Thirty-Seven (37) Fully-Integrated Police Mobile Laptop Computers In an Amount Not to Exceed $113,309.17

- Ordinance Amending Section 90-47. - “Yards, Generally Allowable Projections”, Specifically Sub-Section 90-47.1 to Restrict Projections for Certain Architectural Elements and to Prohibit Combining Allowed Encroachments
- Resolution Approving Purchase and Installation of Video Surveillance and Recording Camera System Equipment for Town Hall from Streamline Voice & Data Inc.
- Resolution Amending Resolution No. 2021-2827 to Revise the Fiscal Year 2022 Police Forfeiture Fund Expenditures
- Resolution Amending Resolution No. 2021-2827 to Revise the Fiscal Year 2022 Police Forfeiture Fund Expenditures
- Resolution Approving the Fifth Amendment to the Agreement with Limousines of South Florida, Inc. for Municipal Bus Services
- Resolution Adopting Proclamation Honoring the Importance of Trees for Surfside’s Community Environment and Encouraging the Planting of Trees; Proclaiming April 29, 2022, in Surfside As “Arbor Day”
- Resolution Approving an Appeal of Application of Zoning In Progress to Rooftop Amenities; Approving a Site Plan Application to Permit the Development of Property Located at 9165 Collins Avenue, Surfside, Florida, for a Multifamily Residential Development Consisting of 14 Dwelling Units and 32 Parking Spaces Subject to Conditions
- Resolution Approving a First Amendment to Employment Agreement between Town of Surfside and Town Manager, Andrew Hyatt; First Amendment to Employment Agreement
- Resolution Approving a First Amendment to Professional Services Agreement with HPF Associates, Inc. for Project Management Support Services for Phase II of the Undergrounding of Utilities Project; First Amendment to Professional Services Agreement
- Resolution Approving Budget Amendment No. 5 for the Fiscal Year 2022 Budget
- Resolution Approving a Project Agreement with KCI Technologies, Inc. for Undergrounding of Utilities - Phase II Pursuant to the Continuing Services Agreement for Professional Engineering Services
- Resolution Abolishing the Downtown Vision Advisory Committee; Establishing a Downtown Visioning Taskforce; Adopting a Charter and Organizational Structure for the Taskforce
- Resolution Approving Amendment No. 5 to the Memorandum of Understanding Between the Town of Surfside, City of Miami Beach, North Bay Village, Town of Bay Harbor Islands, Bal Harbour Village, and Miami Beach Chamber Education Foundation, Inc. to Fund a Nurse Enhancement Initiative for School Year 2022/2023 for Ruth K. Broad Bay Harbor K-8 Center
- Resolution Abolishing the Town of Surfside Budget Advisory Committee
- Resolution Approving an Engagement Letter with Marcum LLLP for Financial Auditing Services for Fiscal Year Ending September 30, 2022
- Resolution Approving an Interlocal Agreement Between Miami-Dade County and Co-Permitees Named in the National Pollutant Discharge Elimination System Permit No.Fls000003 for Pollution Identification and Control Services in Municipal Separate Storm Sewer Systems (MS4S)

- Ordinance Amending the Town Code by Amending Section 90-2. - “Definitions” to Amend the Definition of “Story” and to Create A Definition of “Nonhabitable Understory;” Creating a New Section 90-49.5. – “Nonhabitable Understory” to Regulate Nonhabitable Understories in Low-Rise Residential
- Contract for Construction – Building Department/First Floor Interior Remodeling
- RFP Disaster Debris Removal and Agreement
- Contract with Badger Meter for Water Encoder Meters
- Agreement with AA Musicians LLC for Jazz Events
- Resolution and Contract of Construction for Town Hall first floor renovations
- Resolution and Title VI Program Plan for the Town Regarding Town’s Transit Services Funding
- Resolution Adopting the Town’s Fund Balance Policy
- Resolution Approving Binding Costs Estimates with Florida Power & Light Company and Underground Facilities Conversion Agreements for undergrounding electric facilities conversion
- Resolution and Agreement with GRM Information Management for document storage, handling, scanning and digitization services for the Building Department
- Resolution and Revised Surfside Social Media Policy
- Resolution Authorizing Award and Agreement for Engineering Services to Kimley-Horn & Associates for Engineering Services Related to the CDBG-MIT Town-wide Drainage Improvements and Flood Hazard Mitigation Plan
- Resolution Authorizing Award and Agreement for Disaster Debris Monitoring Services to Whitt O’Brien per RFP No. 2022-01
- Resolution and Second Amendment to Limited Revocable License Agreement with Wavey Acai Bowls LLC for Surfside’s Farmer’s Market
- Resolution Approving Budget Amendment No. 6 for FY 2022 Budget
- Ordinance Amending Section 54-78 of Town Code “Prohibited Noises” relating to Permitted Hours of Operation for Personal and Resident Landscaping Equipment
- Ordinance Amending Section 90-57 of the Town Code “Marine Structures” to Amend Regulations for Construction of Docks, Piers and Moorings on Waterfront Lots to Modify Allowable Dock Projections into Waterways
- Ordinance Amending Section 90-47 of the Town Code “Yards, Generally Allowable Projections” to Clarify Allowances for Projections into Required Setbacks
- Resolution Commemorating and Humoring Victims, Family and Friends, First Responders and Search and Rescue Teams to the Champlain Towers South Collapse, and Declaring June 24th “Surfside Champlain Towers South Remembrance Day”
- Resolution in Support of the Establishment of a New High School to Service Surfside and Neighboring Communities
- Resolution Approving a Memorandum of Understanding between Surfside, Bal Harbour, and Bay Harbor Islands, to Fund a School Resource Officer School Year 2022/2023 for Ruth K. Broad Bay Harbor K-8 Center
- Resolution and Agreement Awarded to DRC Emergency Services, LLC for Disaster Debris Removal Services Pursuant to RFP No. 2022-03

- Resolution Approving and Accepting a Matching Grant from the Florida Department of Environmental Protection for the Surfside Collins Avenue Water Main Replacement Design Phase Project
- Resolution and First Amendment to the Agreement with SFM Services, Inc. for Comprehensive Landscape Maintenance and Related Services
- Resolution Ratifying an Amendment to the Off-Street Variable Parking Rates and Time Limitation Schedule for Municipal Parking Lots
- Ordinance Amending Section 90-2 “Definitions” to Revise the Definition for “Lot Coverage” and Section 90-49 “Lot Standards” to Increase the Maximum Lot Coverage Allowed for Single-Story Homes that Do Not Exceed 22 Feet in Height to 50%
- Ordinance Amending Section 54-78(15) “Prohibited Noises,” and Section 66-7 “Disposal of Grass Cuttings and Hedge Trimmings” to Allow Operation of Landscaping Equipment and Other Noise-Producing Mechanical Devices During Permitted Hours
- Ordinance Amending Sections 90-90 and 90-95 of Article VIII, “Landscape Requirements” of Chapter 90 of the Town Code, to Increase Florida Friendly Landscaping in the Previous Areas of Single Family and Duplex Dwellings
- Ordinance Amending Section 90-67.3 Relating to the Location and Requirements for Ground-Level Mechanical Equipment and Creating Section 90-67.3 Relating to the Location and Requirements for Rooftop Mechanical Equipment, on Properties in the Single-Family H30A and H30B Zoning Districts
- Resolution Relating to Preliminary Solid Waste Assessments, Including Collection, Disposal and Recycling of Residential Solid Waste
- Resolution Approving and Adopting an Increase in Commercial Solid Waste Rates
- Resolution Authorizing Expenditure of Funds to K.C.E. Structural Engineers, P.C., for the Champlain Towers South Collapse Continued Engineering Analysis and Destructive Testing Investigation
- Resolution and Project Agreement with the Corradino Group for the Townwide Traffic Study
- Resolution Approving Budget Amendment No. 7 for FY 2022 Budget
- Resolution Approval and Project Agreement with Nova Consulting, Inc. for Collins Avenue Water Main Design Phase Project Contingent Fiscal Year 2023 Budget Approval
- Resolution Approval and Piggyback Agreement for Stand-By Disaster Cost Recover Services Competitively Awarded Pursuant to Miami-Dade County RFP No. 01488
- Resolution Approving Employee Health Benefits Contract Renewal for FY 2023
- Resolution Approving Budget Amendment No. 8 for FY 2022
- Beach Furniture Ordinance
- Resolution Adopting a Proposed Millage Rate of 4.2000 Mills for the Fiscal Year 2023, Greater than the Rolled Back Rate of 3.7102 Mills Computed Pursuant to State Law by 13.20%
- Resolution Adopting a Tentative Budget for the Fiscal Year Commencing October 1, 2022 and Ending September 30, 2023
- Resolution Approving and Adopting Multi-Year Water and Sewer Rates and Service Charges Effective October 1, 2022 for Fiscal Years 2023 to 2026

- Resolution Supporting the Designation and Renaming of State Road A1A/Collins Avenue Between 87th Terrace and 88th Street as "98 Points Of Light Way" to Honor and In Remembrance of the Victims of the Champlain Towers South Building Collapse
- Resolution Approving an Agreement with SimpleView, LLC for Website Consulting, Development, and Hosting Services for the Redesign and Relaunch of the Town's "Visit Surfside" Visitor Website
- Resolution Supporting the Town's Florida Department of Environmental Protection (FDEP) Grant Application for the Dune Restoration Project; Confirming the Town's Ability to Fund and Support the Permitting, Design, Construction, and Monitoring of the Town's Dune Restoration Project
- Resolution Approving and Supporting the Submission of Grant Applications for Town's Priority Projects Between October 1, 2022, and September 30, 2023, Subject to and Pending Final Acceptance of Awarded Funds and Approval of Grant Agreements by the Town Commission
- Resolution Approving an Agreement With Beach Raker, LLC for Beach Cleaning and Maintenance Services in an Amount not to Exceed $171,000 Annually Utilizing the Terms and Conditions of Village of Key Biscayne Contract No.2021-11-29
- Agreement with Beach Raker LLC for Beach Cleaning and Maintenance Services
- Resolution Approving Budget Amendment No. 9 for the Fiscal Year 2022 Budget
- Resolution Relating to Solid Waste Management Services, Including Collection, Disposal and Recycling of Residential Solid Waste; Reimposing Solid Waste Service Assessments Against Assessed Residential Property for The Fiscal Year Beginning October 1, 2022
- Ordinance Amending the Town Code of Ordinances by Amending Section 90-67 – "Emergency Power Generators" to Permit the Installation of Emergency Power Generators on the Rooftop of Residential Structures in the H30A and H30B Zoning Districts
- Resolution Providing for Ratification of the Collective Bargaining Agreement between AFSCME Florida Council 79, American Federation of State, County, and Municipal Employees, AFL-CIO and the Town of Surfside in effect from October 1, 2022 through September 30, 2025
- Resolution Adopting the Final Millage Rate For the Fiscal Year commencing October 1, 2022 and ending September 30, 2023
- Resolution Adopting A Final Budget for the Fiscal Year commencing October 1, 2022 and ending September 30, 2023
- Resolution Establishing A Sister City Relationship with the Region Of Shomron, Israel to Promote Educational, Informational, Cultural and Economic Exchanges
- Resolution Approving A Utility Work By Highway Contractor Agreement with the State of Florida Department Of Transportation (FDOT) for Utility Valve Adjustments to Town-Owned Utility Facilities on State Road A1A in Connection with FDOT Project No. 443899
- Resolution Approving and Authorizing Expenditure of Funds to AT&T for Quotation Development and Engineering Preparation Charges required in connection with Preparation of Special Construction Estimates for the Utilities Undergrounding Project

- Resolution Approving Budget Amendment No. 1 for FY 2023 Budget
- Resolution Approving an Agreement with Atlantic Pipe Services, LLC For Pipe and Manhole Lining, Renewal, And Rehabilitation Services Utilizing the Terms and Conditions of the St. Johns County, Florida, Contract No. 21-Mcc-Atl-13188
- Resolution Approving an Agreement with GM Sports Tennis, LLC for the Town's Youth Tennis Program
- Resolution Approving an Agreement with Alves Sports Group LLC for the Town's Youth Soccer Program
- Resolution Approving the Purchase of Printing and Mailing Services for the Town Gazette
- Resolution Approving a Project Agreement with 300 Engineering Group, P.A. for Manhole Rehabilitation Construction Administration and Inspection Services pursuant to the Continuing Services Agreement for Professional Engineering Services
- Resolution Approving and Authorizing the Purchase of Four (4) 2022 Ford F-150 Vehicles from Walker Ford Co Inc. for the Town's Public Works and Parks and Recreation Departments
- Resolution Approving and Authorizing the Purchase of Stormwater Pump Repair Services from the Florida Department of Transportation (FDOT) Approved Vendor Xylem Water Solutions USA, Inc.
- Resolution Approving the Appointment of Richard Gendler LLC as the Special Master for the Town and the Code Compliance Department
- Resolution Approving a Donation to the Pelican Harbor Seabird Station in Support and Sponsorship of Their Program
- Resolution Approving State Legislative Priorities for 2023
- Ordinance Amending Section 90-15 of Zoning Code to Modify Membership Qualification Requirements for Planning & Zoning Board
- Resolution Approving the Purchase of Portable Radios and Related Services from Motorola Solutions, Inc. for the Town's Police Department
- Resolution Approving and Authorizing the Expenditure of Funds in an Amount Not To Exceed $40,000 to Engage Marlin Engineering for a Zoning Code and Design Guidelines Update
- Resolution Approving the Purchase of a Schwarze Industries Street Sweeper Model A4 Storm from Tampa Crane & Body Acquisition, LLC using Sourcewell Contract No. 093021-SWZ
- Resolution Approving and Authorizing the Purchase of Nine (9) 2023 Ford Police Interceptor Utility Vehicles, Together With (I) Emergency Lighting Equipment, (Ii) Graphics, (Iii) Radio Equipment, and (Iv) Radio Programming for Each Police Vehicle
- Resolution Approving and Accepting a Grant Award Agreement with the State of Florida Department of State, Division of Arts and Culture, for the Champlain Towers South Memorial
- Resolution Approving and Accepting a Matching Grant Agreement with the State of Florida Department of Environmental Protection (FDEP) for the Surfside Abbott Avenue Stormwater Improvements Project

- Resolution Approving the Purchase of Phase 2 Services From Kofile Technologies, Inc. for Preservation, Archival, and Digitization of Historical Town Documents
- Resolution Approving an Agreement with Beachside Events LLC for Third Thursdays Event Series Production Services
- Resolution Approving an Agreement with Beachside Events LLC for Music of the Beach Event Series Production Services
- Resolution Approving and Authorizing the Town Manager to enter into an Agreement with Playcore Wisconsin, Inc. D/B/A Gametime for Purchase and Installation of New Playground Equipment and Related Surfacing and Outdoor Fitness Equipment for Hawthorne Tot Lot Park
- Resolution Approving a Project Agreement with The Corradino Group, Inc. to Provide Building Design and Permitting Services for the Surfside Tennis Center Reconstruction Project
- Resolution Approving and Authorizing the Town Manager to Enter into an Agreement with Playcore Wisconsin, Inc. D/B/A Gametime for the Purchase and Installation of Outdoor Fitness Equipment at Town Beach Ends
- Resolution Approving an Agreement with Beach Time Max, LLC for Beach Furniture Service Operations at the Community Center
- Resolution Approving the Purchase and Expenditure of Turtle-Friendly Solar Powered Bollards from First Light Technologies LTD for Hardpack
- Resolution Selecting and Awarding a Contract for Construction to Lunacon Engineering Group, Corp. for Construction of 96th Street Park Pursuant to RFP No. 2022-05
- Resolution Approving a Project Agreement with 300 Engineering Group, P.A., Pursuant to the Continuing Services Agreement for 96th Street Park Construction Management and Owner Representation Services
- Resolution Approving and Authorizing the Expenditure of Funds in an Amount Not To Exceed $120,000 to Engage Marlin Engineering, Inc. for Phase 2 of the Downtown Walkability and Design Study
- Resolution and License Agreement with the State of Florida Department of Transportation (FDOT) for Use of the Town Right-of-Way on 88th Street and Veterans Park in Connection with Crosswalk Improvements at the Intersection of 88th Street and State A1A Harding Avenue (FDOT Project No. 443899
- Resolution Approving Budget Amendment No. 3 for The Fiscal Year 2023 Budget
- Resolution Approving and Authorizing the Pump Station Purchase from Barney's Pumps Inc. in an amount not to exceed $26,507.00.
- Resolution Incorporating Decorative Street Signs and Traffic Control Poles into the Town's Utility Undergrounding Project, and Selecting Design Option
- Resolution Approving Purchase of Supplementation Services from CiviPlus LLC for Codification of Town Ordinances in Municode

- Resolution Approving and Authorizing the Purchase of Nine (9) 2023 Police Vehicles, Together with Emergency Lighting Equipment, Graphics, Radio Equipment and Radio Programing
- Resolution Approving an Agreement and Addendum with Zambelli Fireworks Manufacturing Co. for Fourth of July Fireworks Display Services
- Ordinance Amending the Town of Surfside Code Of Ordinances by Amending Section 90.61.1(C) of Article V. – Design Standards of Chapter 90 of The Town
- Resolution Approving a Site Plan Application to Permit the Development of Property Located at 9116 Harding Avenue and 303 Surfside Boulevard, Surfside, Florida, For a Multifamily Residential Development Consisting of Up To 6 Townhouse Dwelling Units and Up To 14 Parking Spaces
- Resolution Approving a Site Plan Amendment Application for Property Generally Located at 9100 Collins Avenue, Surfside, Florida, to Modify the Design and Uses Approved for 9100 Collins Avenue Pursuant to Resolution Nos. 13-Z-06 And 17-Z-2458
- Resolution and Agreement with Premier Bounce N Slide Party Rentals, LLC for the Town's Parks and Recreation Special Events
- Resolution Approving Budget Amendment No. 4 for The Fiscal Year 2023 Budget
- Resolution and Multi-Year Agreement with JustFOIA for Town's Public Records Request Platform
- Resolution and Agreement with Verge Aero for Fourth of July Drone Light Show Services
- Resolution Supporting House Bill 269 Relating To Public Nuisances and Enhanced Criminal Penalties for Persons who Commit Certain Violations while Evidencing Religious or Ethnic Animus
- Resolution Declaring as Surplus Property Two Vehicles of the Town of Surfside Public Works Department; Authorizing The Town Manager To Provide For The Sale Or Disposition Of The Surplus Vehicles
- Resolution in Support of the Earthquake Victims in Turkey and Syria; Recognizing the Work of Humanitarian Aid, Rescue Workers, and Civilian Volunteers on the Ground
- Resolution Approving a Project Agreement with Kimley-Horn And Associates, Inc. Pursuant to the Continuing Services Agreement for Professional Engineering Services, for Design and Permitting Services Related to the Dune Resiliency and Beautification Project
- Resolution Approving a First Amendment to the Professional Services Agreement with in Alignment Consulting, LLC for Grant Administration and Consulting Services
- Resolution Strongly Opposing Cashless Bail Reform Allowing Criminals To Be Released On Their Own Recognizance
- Resolution Approving Budget Amendment No. 5

- Ordinance Amending Section 90-48.3 of Section 90-48. -- “Modification Of Side And Rear Yard Regulations” To Clarify Applicability of Waterfront Setbacks; And Section 90-54.1 Of Section 90-54. – “Modification Of Side And Rear Yard Regulations” To Address Buildings And Structures Within The Waterfront Setback Area For H30a Properties
- Ordinance Amending Section 90-2. - “Definitions”, By Amending The Definitions Of “Setback” And “Yard” To Reflect That They Are Synonymous And Equivalent Terms
- Ordinance Amending Section 90-2. - “Definitions” By Amending The Definition Of “Density” To Delete The Reference To “Gross” Acre; Amending Section 90-45.1. - “Aggregation Of Lots” To Delete The Reference To “Gross” Density; And Amending Section 90-86.2 Of Section 90-86. – “Landscape Permit Plans” To Delete The Reference To “Gross” Acreage
- Amending Section 90-50.2 “Roof Decks Provisions” of Section 90-50. -- “Architecture And Roof Decks” To Clarify The Allowable Height For Stairway Railings For Access To The Roof Of Single Family Residential Properties
- Ordinance Amending Chapter 54, “Offenses And Miscellaneous Provisions,” Article III, “Offenses Involving Public Peace And Order,” By Adding Section 54-65, “Obstruction Of Public Right-Of-Way Prohibited
- Ordinance Amending Chapter 54, “Offenses And Miscellaneous Provisions,” Of The Town Of Surfside Code Of Ordinances, By Adding Section 54-66, “Public Urination And Defecation Prohibited
- Resolution Adopting a Proclamation Honoring the Importance of Trees for the Town of Surfside's Community and Environment and Encouraging the Planting of Trees; Proclaiming April 29, 2023, as "Arbor Day"
- Resolution Approving a Fiscal Year 2023 Police Forfeiture Fund Expenditure for Police Gym Equipment
- Resolution Approving the Purchase of Fitness Equipment from Matrix Fitness and Rogue Fitness for New Police Gym and Training Facility
- Resolution Approving Budget Amendment No. 6
- Resolution and Project Agreement with The Corradino Group, Inc. to Provide Landscape Architectural Services Relating to the Tennis Recreation Center Building Improvements Project
- Resolution Approving Additional Services with Savino & Miller for Construction Phase Design and Landscape Architectural Services Pursuant to the Professional Services Agreement for the 96th Street Park
- Resolution And Agreements For Purchase of Fully Integrated Computer Aided Dispatch System and Related Ancillary Services from CentralSquare; A Citation System from LexisNexis; and Vehicle Printers from CDW Government LLC for the Police Department

- Resolution Approving the Purchase of Turtle-Friendly Solar Powered Amber Led Bollards from First Light Technologies Ltd. for Phase II of the Turtle-Friendly Solar Bollards Project
- Resolution and Second Amendment to the Professional Services Agreement with HPF Associates, Inc. for Project Management Support Services in Connection With Phase IIA of the Undergrounding of Utilities Project
- Ordinance Amending Chapter 2. – Administration, Article V. – Employee Benefits, Division 2. - Pension Plan, Regarding the Retirement Plan for Employees of the Town; Amending Section 2-176 to Clarify Normal and Early Retirement Ages; Amending Section 2-182(A) to Permit Terminated 100% Vested Members to Receive Benefits Beginning at Age Fifty-Five; And Amending Section 2-193 Governing the Drop Plan
- Ordinance Amending 90-50.2 "Roof Deck Provisions of Section 90-50 "Architecture and Roof Decks" to Clarify Regulations Applicable to Rooftop Structures
- Ordinance Amending Section 90-61. – "Paving in Front and Rear Yards in H30 and H40 Districts" By Amending Landscape Requirements
- Ordinance Amending Section 101, "Qualifying For Elected Office" of the Town Charter Pursuant To Sections 100.3605(2) and 166.021(4), Florida Statutes, with Limited Applicability to Establish Qualifying Dates and Supplemental Qualifying Dates for the Town's March 19, 2024 General Election
- Ordinance Regarding Stormwater Management Regulatory Mechanism for Enforcement
- Resolution Approving And Authorizing The Purchase Of One (1) 2023 Kubota RTV X900G-A Utility 4WD Vehicle
- Resolution Approving Budget Amendment No. 7
- Resolution Approving And Authorizing the Purchase of One (1) 2023 GMC Terrain AWD Vehicle
- Resolution Approving First Amendment To The Professional Services Agreement With Badger Meter, Inc. For The Purchase Of New Cellular Encoders To Implement Phase Ii Of The Town's Cellular Water Meter Plan
- Resolution Approving Memorandum Of Understanding (MOU) Between the Town of Surfside and the Florida State Lodge, Fraternal Order of Police, Regarding Retirement Benefits
- Resolution Approving Memorandum Of Understanding (MOU) Between the Town of Surfside and the American Federation of State, County and Municipal Employees (AFSCME) Regarding Retirement Benefits
- Ordinance Amending the Town of Surfside Code of Ordinances By Amending Section 90-47 "Yards Generally Allowable Projects" To Clarify That Balcony Overhang Limitations Apply Only To Inclined Side Setbacks In H120

- Ordinance Amending the Town of Surfside Code of Ordinances By Amending Section 90-56 “Fences, Walls And Hedges” To Modify Approval Procedure And Requirements For Fences And Walls
- Ordinance Amending the Town of Surfside Code of Ordinances By Amending Section 90-50. – “Architecture And Roof Decks” To Modify Requirements For Garage Conversions
- Amending the Town of Surfside Code of Ordinances By Amending Section 90-19.7 Of Section 90-19 “Single-Family And Two-Family Development Review Process” To Modify The List Of Applications Exempted From Planning And Zoning Board Review
- Resolution Approving Proposal and Project Agreement with Kimley-Horn and Associated Inc. for the Surfside Boulevard Beautification Project.
- Ordinance Amending Section 90-41 “Regulated Uses” to Allow a Restaurant Accessory to a Multifamily Use in the H120 District as a Conditional Use Subject To Requirements.
- Ordinance Amending Article VIII “Landscape Requirements” of Chapter 90, to Address Synthetic Turf, Specifically Sections 90-85.2 “Definitions”; 90-87 “Installation of Landscaping and Irrigation”; 90-90.1 “Florida Friendly”; and 90-95 “Single-Family H30A and H30B District Landscape Requirements”; Further Providing Requirements for Properties with Previously Installed Synthetic Turf.
- Ordinance Creating a New Chapter 76 “Public Rights-of-Way” to Establish Rules and Regulations to Manage the Placement and Maintenance of Non-Utility Facilities, Improvements, and Encroachments within Public Rights-of-Way; Amending Section 90-56.11 of Section 90-56 “Fences, Walls, and Hedges” to Consolidate Regulations for Fences, Walls, Hedges, Plant Materials, and Improvements within the Right-of-Way in the New Chapter 76.
- Resolution Ratifying the Collective Bargaining Agreement between the Town and Florida State Lodge Fraternal Order of Police In Effect from October 1, 2022 through September 30, 2025
- Resolution Approving Emergency Repair Work for the Replacement of the Mechanical Air Conditioner Unit Located in the Town Community Center from Smart Air Systems, Inc.
- Resolution Approving the Purchase of a Stormwater Pump and Motor for the 89th Street Pump Station From Lift Stations “R” US Corp.
- Resolution Approving Public Works Department Fee Schedule for Permits and Related Services
- Resolution Approving Budget Amendment No. 8
- Resolution Relating to Solid Waste Management Services, Including Collection, Disposal and Recycling of Residential Solid Waste in the Town of Surfside, Florida; Establishing the Estimated Assessment Rate for Solid Waste Service Assessments Against Assessed Property Located within the Town of Surfside,

Florida, For The Fiscal Year Beginning October 1, 2023; Directing the Preparation of an Updated Assessment Roll

August 2023

- Resolution Approving an Amended and Restated Interlocal Agreement with Miami-Dade County Relating to the Reestablishment of the Six-Cent Local Option Gas Tax
- Resolution Approving and Adopting a Multi-Year Commercial Recycling Rates Schedule Effective October 1, 2023 for Fiscal Years 2024 to 2028; Approving a Recyclable Materials List
- Resolution Approving and Authorizing the Purchase of a FLYGT CP 3531 Stormwater Pump from Vendor Xylem Water Solutions USA, Inc.; Finding that the Purchase is Exempt from Competitive Bidding Pursuant to Sections 3-13(6) and (7)F of the Town Code as Equipment Available from a Sole Source and as a Public Works or Utilities Purchase of Equipment Related to Town Facilities
- Approving a Donation to Holocaust Heroes Worldwide Inc. in Support of Their Efforts to Combat the Rise of Anti-Semitism in The United States
- Resolution Approving Budget Amendment No. 9
- Ordinance Amending Section 66-36 "Recycling", of Division 1. – General, of Article II. – "Collection and Disposal", of Chapter 66 – "Solid Waste", Including Providing for Mandatory Recycling, Providing for Recycling Rates and Fees to be Established by Resolution, and to Update and Define Recyclable Materials to be Established by Resolution
- Ordinance Amending the Town of Surfside Code of Ordinances By Amending Section 90-61, "Paving In Front And Rear Yards in H30 and H40 Districts", By Amending the Front Yard Paving Allowance for Properties Fronting Harding Avenue
- Ordinance Amending the Town of Surfside Code of Ordinances By Amending and Re-Titling Section 90-58, "Carport Canopies", To Modify the Regulations for Carports
- Ordinance Amending the Town of Surfside Code of Ordinances By Amending Section 90-41, "Regulated Uses", to Change the List of Retail and General Commercial Uses to Allow Smoke Shops as a Conditional Use in the SD-B40 Zoning District, Differentiating Such Uses from Cigars and Tobacco Lounges, and Providing For Related Regulations; Providing For Inclusion in the Code; Providing for Conflicts; And Providing for an Effective Date

New or supplemental information is provided for the following cases:

*Solimar Condominium Association, Inc. v. Town of Surfside*, Case No. 2019-025481-CA-01 in the Circuit Court 11th Judicial Circuit, Miami-Dade County, Florida. On September 18, 2019, the Town was served with a Complaint for Declaratory Judgment, Injunctive Relief, and Restitution in connection with the Town's implementation of its 1998 stormwater fee ordinance. The plaintiff contends that the method of calculating stormwater fees is not fair to condominium unit owners, who are charged 1.0 equivalent residential units ("ERU"), the same as a single family home. The Town moved for dismissal of the Complaint on March 12, 2020, which was denied. The Town then moved for summary judgment on October 27, 2020, which remains pending. The summary

judgment motion was delayed due to the COVID pandemic, court availability for a hearing, and the plaintiff's desire to conduct expert witness discovery. The Town engaged its own expert witness to rebut the opinions of the plaintiff's expert. Expert discovery is completed. Mediation of the dispute occurred on December 6, 2021 with Retired Judge Joseph Farina, but with no result. An Executive Session with the Town Commission occurred on January 6, 2022 as part of the mediation process, but no agreement was reached. No further attempts to resolve the matter have occurred. The parties have stipulated to a set of undisputed facts to permit the action to resolve by summary judgment and agreed to a briefing schedule. On June 16, 2022, Solimar filed its cross motion for summary judgment and responded to the Town's summary judgment motion. On July 5, 2022, the Town responded to Solimar's motion for summary judgment and replied to Solimar's response to the Town's motion. Solimar replied to the Town's response on July 15, 2022, as provided in the Court's order. The summary judgment motions were heard by the Court at a hearing on October 7, 2022. At the Court's request, proposed orders were submitted by both parties within 15 days thereafter. For case management purposes, the Court held a special set hearing for case status on April 27, 2023 and on May 24, 2023, and has scheduled a calendar call for June 16, 2023. The Court granted the Town's summary judgment motion and found no basis to review Surfside's legislative determination. An Agreed Order Granting the Motion for Entry of Final Judgment has been submitted to the Court. We expect the decision will be appealed.

*Shannon Gallagher, Petitioner, vs. The Town Of Surfside and 9165 Surfside LLC, Respondents;* Case No. 2022-000028-AP-01 in the Circuit Court 11th Judicial Circuit, Miami-Dade County, Florida. A Petition for Certiorari was filed on May 20, 2022 by Shannon Gallagher alleging failure to comply with provisions of Surfside's Zoning Ordinance and Town Charter and asking certiorari review of a quasi-judicial order by the Town Commission approving plans submitted by the Applicant, Fort Point Capital, to construct a 14-unit building at 9165 Collins Avenue (Hillcrest). Gallagher moved to amend the Petition on June 10, 2022, refiled on June 15, 2022. On June 27, 2022, the Town filed its Response in Opposition to Gallagher's Motion for Leave to File and Amend Petition and Appendix. On August 26, 2022, the Court issued its order granting Petitioner Gallagher's Motion to File an Amended Petition for Certiorari and Amended Appendix. Pursuant to the Court's Order, Petitioner shall have ten (10) days from the date of the Order or by September 6, 2022 to file a corrected amended petition and appendix, which shall not include items or arguments that are not included in the record below, and Respondents are directed to file an original of their responses to the amended petition for writ of certiorari with this Court within twenty (20) days of the date of filing of the amended petition and appendix and show cause why the amended petition should not be granted. Because Gallagher did not comply with the August 26, 2022 order, on September 12, 2022, the Town and Fort Point Capital jointly moved the Court for an order compelling Gallagher to file her corrected petition and appendix. On September 23, 2022, the Court issued an order granting the joint motion and directing Gallagher to file a corrected amended petition and appendix within 10 days, failing which, the parties shall proceed on the basis of the original petition and appendix. Gallagher's corrected amended petition and amended appendix is therefore due on October 3, 2022. The Town's response to the corrected amended petition, if filed on October 3, 2022, or to the original petition, was due on October 23, 2022. Gallagher timely filed an amended petition and amended appendix. The Town and Fort Point Capital jointly moved for an extension of time to file

responses to the amended petition to January 5, 2023 and filed their responses on that date. Gallagher did not file a reply and the time for such has lapsed. On February 23, 2023, the Court issued a Notice of Review setting a panel review of three judges where on April 13, 2023, where the merits of the case were internally reviewed and decided. On April 21, 2023, the Court denied the Developer's motion for sanctions, and the Petitioner, Gallagher, filed a motion to reopen the review hearing. On May 8, 2023, Fort Point Capital and the Town filed a joint motion in response to Gallagher's motion to reopen the review hearing. On July 19, 2023, the Court issued a comprehensive Order denying Gallagher's Petition for Writ of Certiorari from the Town Commission's decision on the Hillcrest development in Resolution 2022-2870, which approved with conditions the site plan for 9165 Surfside LLC. The Court found that Gallagher lacked standing because there was no record evidence that she owned or had any interest in the unit at the Carlisle, and that the Carlisle unit was owned by a different owner. Despite the lack of Gallagher's standing, the Court then went on to address the merits of Gallagher's petition and found that she failed to meet any of the three prongs for the applicable standard of review: (1) Gallagher was afforded due process, notice and an opportunity to be heard, and the Commission's written decision did include factual findings and comply with the law; (2) the Commission followed the essential requirements of the law and applied the correct law (compliance with the Charter, setbacks, rooftop development, balcony projections and pervious area requirements); and (3) that the Commission's decision was supported by substantial competent evidence. Gallagher could move for rehearing within 15 days of the Court's Order (August 3, 2023), or file a second-tier petition with the Third District Court of Appeal within 30 days (August 18, 2023).

Victor May v. Town of Surfside, In Circuit Court of the 11th Judicial Circuit (Appellate Division), Case No. 2023-6-AP-01

On February 23, 2023, Victor May initiated an appeal of a code enforcement order entered by the Special Master concerning a citation issued to Kamil Karter, Victor May and Laila May for removing a driveway and elevating the grade on the front of the property without permits. On that date, Mr. May filed three different documents with the Court: a single page titled "Petition to Review/Civil Fines," a short initial brief, and a two-page document entitled "Motion to Eliminate." Notwithstanding that the filings were deficient, the Court entered an order to show cause to the Town on March 8, 2023, directing the Town to file a response. On March 27, 2023, the Town filed its response to the petition. Mr. May had the right to file a reply brief by April 26, 2023, and did file a reply on April 17, 2023. On May 31, 2023, the Court issued a Notice of Review setting a panel review of three judges on July 13, 2023. On July 14, 2023, the Court issued an Order without a written opinion affirming the Town's code enforcement order entered by the Special Master where the merits of the appeal were decided. Mr. May could move for rehearing within 15 days of the Court's Order (July 29, 2023), or file a second-tier petition with the Third District Court of Appeal within 30 days (August 13, 2023).

Information on other pending litigation matters, including matters handled by the FMIT appointed defense counsel, has or will be provided individually to members of the Town Commission, as needed or requested.

**Special Matters:**

Continued assessment of the impacts of new case law and legislation from Federal, State and County, challenging local home rule authority and analysis of legislation proposed in the 2023 Florida Legislative Session. Matters which we will continue to work on and anticipate in the upcoming months include: continued efforts to inspect the CTS Off-Site Facilities for investigations as to the cause of the collapse in connection with the CTS Building Collapse; CTS memorial site and 88th Street closure to vehicular traffic; public records requests and ethics complaints, inquiries and opinions; implementation of various policy directives from the Mayor and Town Commissioners; implementation of agreement for beach furniture services at the Community Center; Design/engineering and construction for the tennis center, resident gym and rooftop pickle ball court; Hawthorne Tot Lot Park upgrades, new playground and fitness equipment and resurfacing; implementation and agreement for purchase and installation of new fitness equipment at beach street ends; contract for construction and administration of for 96th Street Park construction; implementation and purchase of solar ballards lighting for hardpack (phase II); implementation and Interlocal Agreement with Miami-Dade County for residential street signs; continued review and monitoring of all Development Orders and approvals; police matters and mutual aid and other agreements; purchases of fitness equipment and implementation of police gym and training facility; various procurements and service or provider agreements for Town improvements, equipment, facilities and programs, including purchase of police vehicles, radios and equipment; A/C Replacement at Community Center, Bus Shelters ADA Compliant, Dune Resiliency and Beautification, Collins Avenue Water Main Design and Permitting, Stormwater Masterplan, Transportation Masterplan; Commission Chambers Audio/Visual Upgrades; Tourist Board Programs and Events Vendors; Upgrades to Zoning Code Design Standards; Zoning Code ordinances addressing ambiguities and revisions; Synthetic Turf Ordinance; Ordinance Regulation Public Rights-of-Way and R/W Encroachment Agreement; Ordinance Permitting Restaurants in the H120 as Accessory and Conditional Use; continued assistance with implementation of AFSCME Florida Council 79 Union for Town civilian employees; collective bargaining negotiations and agreement with FOP; Invitation to Bid and Contract negotiations for the Abbott Avenue Drainage Improvements project, including grant funding; implementation and funding for Surfside Boulevard improvement; purchase and implementation of Police Computer Aided Dispatch (CAD) software and related services; implementation of undergrounding of utilities project, bond financing, and alley and easement issues; implementation of walkability initiatives and traffic directives; grant funding and implementation of CTS Memorial Site, including assistance with RFQ and RFP for design of CTS Memorial Site; legislation regarding public places; Charter Review Board process and referendum, including any charter changes and referendum approved by the Commission; updates to telecommunications ordinance, People's Gas System (TECO) Franchise Agreement renewal; updates to the recycling ordinance and accompanying Resolution approving rates and recyclable materials list; RFQ for CCNA specialized engineering services; and RFP for stormwater maintenance services.

**Town of Surfside**
**Regular Town Commission Meeting**
**August 8, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 9A.
**Date:** August 8, 2023
**From:** Commissioner Marianne Meischeid
**Subject: Storefront Facade Improvement Grant Program**

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**Background/Analysis:** – On June 6, 2023, the Downtown Advisory Committee meeting discussed the Storefront Façade Improvement Grant Program (see Exhibit A).

## Storefront Façade Improvement Grant Program

**Purpose:**
To provide the incentive for property owners to upgrade their storefronts in the Harding Avenue business corridor, according to adopted design principles:

**Key Components:**
- Funding
- Design Principles

**Funding:**
- Grants to be funded by partial tourist board revenues.
- Eligibility to be open to all properties on Harding between 94th and 96th Streets.
- Eligible funds to be allocated on a share per frontage, say, $1000 per lineal foot.
- Approved work shall be reimbursed upon completion and acceptance.
- Reimbursement shall be for 90% of cost of work. (10% copay)
- In any fiscal year, the size of the fund is capped and used until exhausted.

**Design principles:**
- To be determined
- Exceed zoning requirements
- Create updated design character for downtown
- Resolve issues, including:
  - uniformity vs. individuality
  - lighting
  - signage
  - shade
  - activities and pedestrian experience

**Requirements of the property owner:**
- Work must adhere to the enhanced Harding Avenue design principles.
- Proposal for eligible work must be presented to town planner for approval

**Eligible work:**
- Any feature visible on a storefront façade, including:
- actual storefront and entrance (glass and metal enclosure)
- awnings and canopies
- exterior paint and cladding
- signage
- lighting
- private property paving

**Example:**
Typical 12'-6" storefront –
- $1000 per lineal foot
- $12,500 total
- $11, 250 grant
- $1250 copay by property owner

**Town of Surfside**
**Regular Town Commission Meeting**
**August 8, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 9B.
**Date:** August 8, 2023
**From:** Commissioner Fred Landsman
**Subject: Amendment to Section 90-41 Regulated Uses of the Town Code**

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**Suggested Action:** – For the Town Commission to discuss and provide directions to the Town Attorneys to draft an ordinance amending section 90-41 as it relates to coin-operated machines including amusement centers.

**Background/Analysis:** – Currently section 90-41 only allows for limited coin-operated machines in our business district. a maximum of three coin operated machines are allowed solely in establishments that dispense liquor.

By amending this section, the Town can permit a contemporary coin operated amusement business. A possible proposed amendment can read as follows:

(15) Coin- or credit-operated machines for dispensing goods or services are permitted, except that washing machines, dryers and other laundry-related equipment are prohibited. Any indoor place or enclosure that contains three or more amusement devices of any description, including, but not limited to, pinball amusement games, computer amusement games and/or games of chance for the public amusement, patronage or recreation. No coin-operated games of chance are permitted~~, but coin-operated games of skill are permitted within establishments solely dispensing liquor, for consumption on the premises only; provided, however, that not more than three such games of skill are permitted in any such establishment, and that such~~ and no permitted games shall ~~not~~ be used for wagering ~~n~~or for the awarding of prizes of any value.

**Town of Surfside**
**Regular Town Commission Meeting**
**August 8, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 9C.
**Date:** August 8, 2023
**From:** Hector Gomez, Town Manager
**Subject: Collins Avenue Monument Sign**

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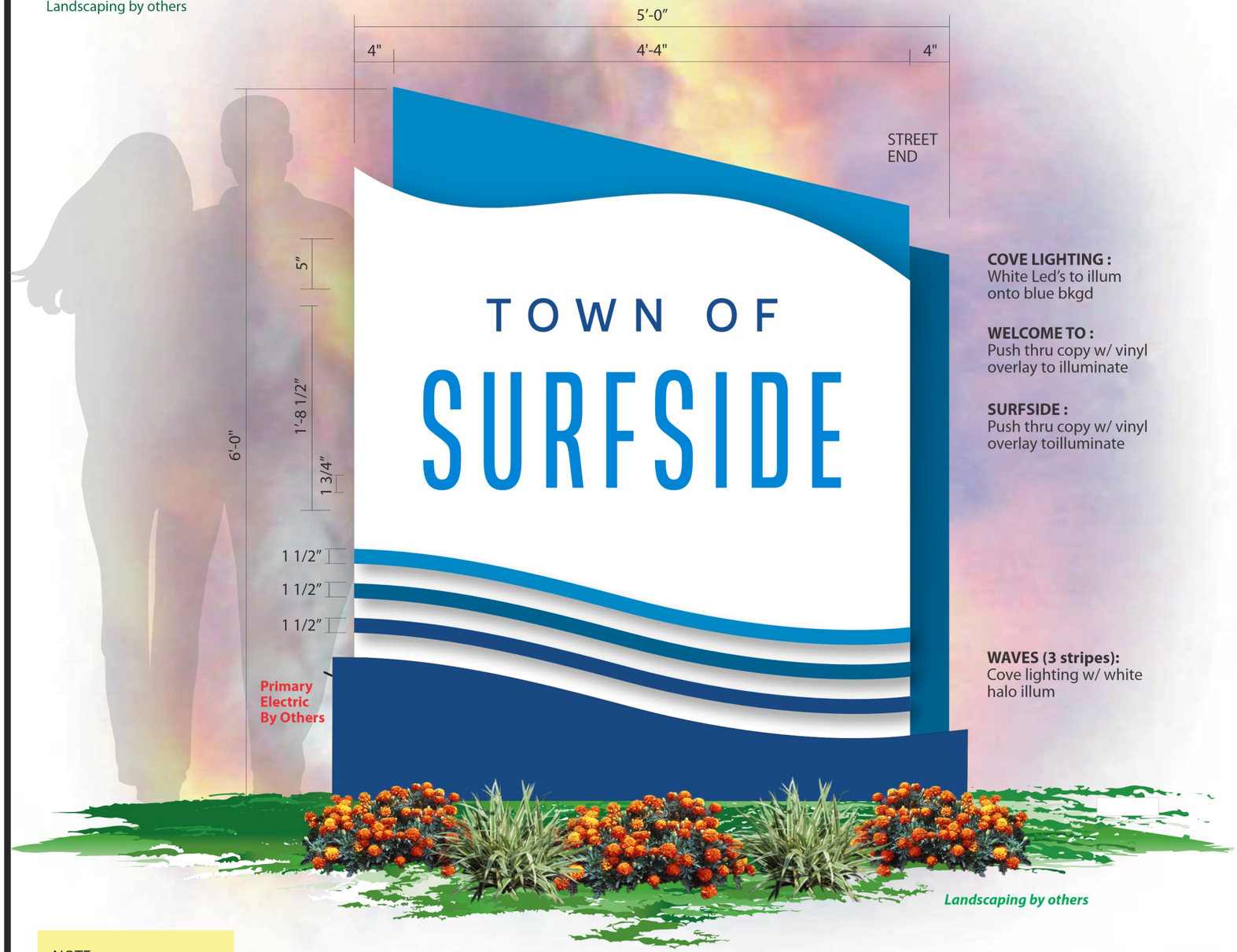
**Background/Analysis:** – The Tourist Board has discussed replacing the monument sign on Collins Avenue and 88th Street. Vendor Don Bell Signs has an available frame that would complement the Town's existing signs. The following design options were developed by the Town administration. Options feature two different styles for the lettering - the block style currently found in the existing signs, and the Town's cursive, Surfside brand logo. Attachment A - "Don Bell Updated Surfside Deck" contains the vendor's design specifications and describes illumination while Attachment B - "Collins Avenue Mockup" features in house mockups on Collins Avenue.

**Budget Impact:** – Please see Attachment C. Estimates for the two styles are $12,467 and $12,976.

## Scope of Work: A OPTION 1

Don Bell Signs to fabricate & install:
(1) S/F ILLUMINATED MONUMENT SIGN AS NOTED

**NOTES:**
All hardware to be non-corrosive.
Landscaping by others




**COVE LIGHTING :**
White Led's to illum onto blue bkgd

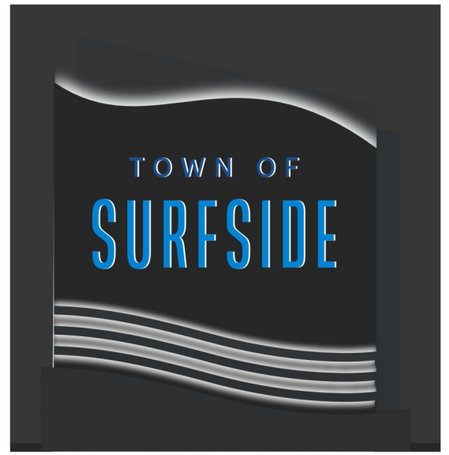
**WELCOME TO :**
Push thru copy w/ vinyl overlay to illuminate

**SURFSIDE :**
Push thru copy w/ vinyl overlay toilluminate

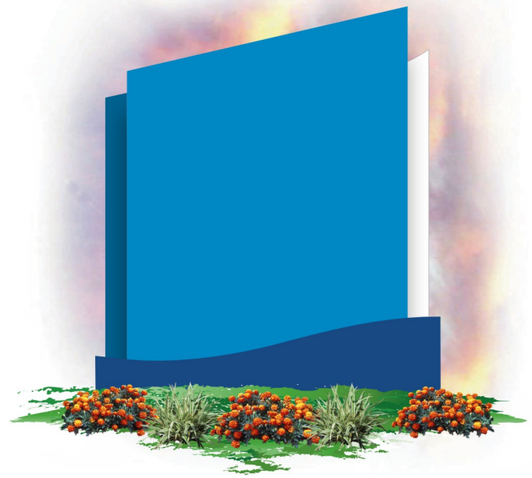
**WAVES (3 stripes):**
Cove lighting w/ white halo illum

NOTE:
Allowed Max Sq Ft = NA
Proposed Sq Ft = 30

**S/F ILLUMINATED MONUMNT SIGN** Scale: 1" = 1'
**30 Sq. Ft.**




PROPOSED NIGHT LOOK



**OPPOSITE SIDE:**

**COLOR SPEC'S**

- MP 09133 Process Cyan U
- MP 13728 Blue Hawaii
- MP 11584 Puget Sound Blue
- White
- 3M 3630-337 Process Blue
- 3M 3630-157 Sultan Blue

All signage to be installed in compliance with National Electrical Code - NEC 2017

All signage to be constructed and installed according to ETL standards.

Electrical Requirements ( ) 20 AMP Circuit(s) @ 120v

**PRIMARY ELECTRIC BY OTHERS**

Note: This design pending engineering.

TOWN OF Surfside

DESIGN #: 1800275 R3
DATE: 7.20.23
DRAWN BY: Julie

Revisions / Date / Initials

ETL Acct. #115459
UL 48 Listed Signage
All Sign Components shall be UL listed and Recognized in the SAM Manual
All Wiring shall be at least 90° C rated

ACCOUNT #115459 ☐ 120 Volt ☐ 277 Volt

**SHEET 1**

ACCOUNT: SURFSIDE
STREET: BYRON AVE & 88TH ST
CITY: SURFSIDE STATE: FL
SALES REP.: SALES
SCALE: As Noted
FILE NAME:
PROGRAM: CorelDRAW
FONTS USED:
CUSTOMER APPROVAL DATE

Note: Primary power & signage lighting control by others. The primary power must be located within 5' of applicable signs installation location.

All penetrations to have bushings

PRIMARY ELECTRIC BY OTHERS

This design (except registered or existing trademarks) is the property of DON BELL SIGNS LLC and shall not be reproduced or copied in whole or in part without the written permission of the above named owner.

DON BELL SIGNS LLC
365 OAK PLACE
PORT ORANGE, FL 32127
386-788-8084
800-824-0080

## Scope of Work: A OPTION 2

Don Bell Signs to fabricate & install:
(1) S/F ILLUMINATED MONUMENT SIGN AS NOTED

**NOTES:**
All hardware to be non-corrosive.
Landscaping by others

**COVE LIGHTING :**
White Led's to illum on blue bkgd

**WELCOME TO :**
Push thru copy to illuminate

**SURFSIDE :**
Push thru copy to illuminate

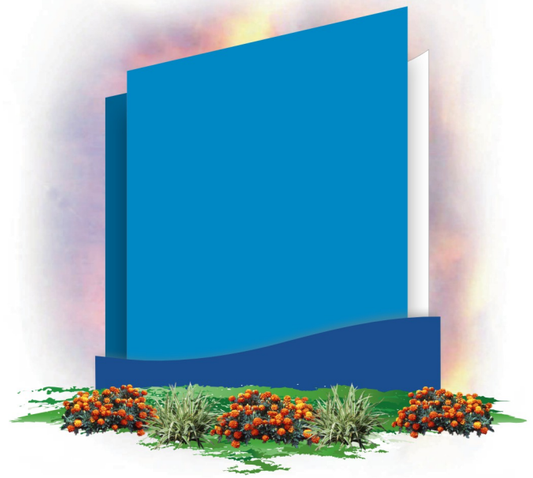
**FLORIDA:**
1/4" FCO acrylic copy to stud mount

**WAVES (3 stripes):**
Cove lighting w/ white halo illum

NOTE:
Allowed Max Sq Ft = NA
Proposed Sq Ft = 30

**S/F ILLUMINATED MONUMNT SIGN** Scale: 1" = 1'
**30 Sq. Ft.**

PROPOSED NIGHT LOOK



**OPPOSITE SIDE:**

**COLOR SPEC'S**

- MP 09133 Process Cyan U
- MP 13728 Blue Hawaii
- MP 11584 Puget Sound Blue
- PMS 7416c
- White
- 3M 3630-337 Process Blue
- 3M 3630-157 Sultan Blue

All signage to be installed in compliance with National Electrical Code - NEC 2017

All signage to be constructed and installed according to ETL standards.

Electrical Requirements ( ) 20 AMP Circuit(s) @ 120v

**PRIMARY ELECTRIC BY OTHERS**

Note: This design pending engineering.

TOWN OF Surfside

DESIGN #: 1800275 R3
DATE: 7.20.23
DRAWN BY: Julie

Revisions / Date / Initials

ETL Acct. #115459
UL 48 Listed Signage
All Sign Components shall be UL listed and Recognized in the SAM Manual
All Wiring shall be at least 90° C rated

ACCOUNT #115459 ☐ 120 Volt ☐ 277 Volt

**SHEET 2**

ACCOUNT: SURFSIDE
STREET: BYRON AVE & 88TH ST
CITY: SURFSIDE STATE: FL
SALES REP.: SALES
SCALE: As Noted
FILE NAME:
PROGRAM: CorelDRAW
FONTS USED:
CUSTOMER APPROVAL DATE

Note: Primary power & signage lighting control by others. The primary power must be located within 5' of applicable signs installation location.

All penetrations to have bushings

PRIMARY ELECTRIC BY OTHERS

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DON BELL SIGNS LLC
365 OAK PLACE
PORT ORANGE, FL 32127
386-788-8084
800-824-0080

## Scope of Work: A OPTION 3

Don Bell Signs to fabricate & install:
(1) S/F ILLUMINATED MONUMENT SIGN AS NOTED

**NOTES:**
All hardware to be non-corrosive.
Landscaping by others

**COVE LIGHTING :**
White Led's to illum on blue bkgd

**WELCOME TO :**
Push thru copy to illuminate

**SURFSIDE :**
Push thru copy to illuminate

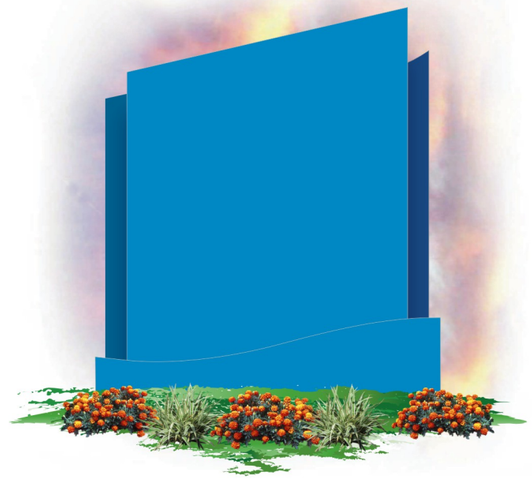
**FLORIDA:**
1/4" FCO acrylic copy to stud mount

**WAVES (3 stripes):**
Cove lighting w/ BLUE halo illum

NOTE:
Allowed Max Sq Ft = NA
Proposed Sq Ft = 30

**S/F ILLUMINATED MONUMNT SIGN** Scale: 1" = 1'
**30 Sq. Ft.**

PROPOSED NIGHT LOOK



**OPPOSITE SIDE:**

**COLOR SPEC'S**

- MP 09133 Process Cyan U
- MP 13728 Blue Hawaii
- MP 11584 Puget Sound Blue
- PMS 7416c
- White

All signage to be installed in compliance with National Electrical Code - NEC 2017

All signage to be constructed and installed according to ETL standards.

Electrical Requirements ( ) 20 AMP Circuit(s) @ 120v

**PRIMARY ELECTRIC BY OTHERS**

Note: This design pending engineering.

TOWN OF Surfside

DESIGN #: 1800275 R3
DATE: 7.20.23
DRAWN BY: Julie

**Revisions / Date / Initials**

ETL Acct. #115459
UL 48 Listed Signage
All Sign Components shall be UL listed and Recognized in the SAM Manual
All Wiring shall be at least 90° C rated

ACCOUNT #115459
US
☐ 120 Volt
☐ 277 Volt

**SHEET 3**

ACCOUNT: SURFSIDE
STREET: BYRON AVE & 88TH ST
CITY: SURFSIDE STATE: FL
SALES REP.: SALES
SCALE: As Noted
FILE NAME:
PROGRAM: CorelDRAW
FONTS USED:
CUSTOMER APPROVAL DATE

**Note: Primary power & signage lighting control by others. The primary power must be located within 5' of applicable signs installation location.**

All penetrations to have bushings

**PRIMARY ELECTRIC BY OTHERS**

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DON BELL SIGNS LLC
365 OAK PLACE
PORT ORANGE, FL 32127
386-788-8084
800-824-0080

TOWN OF
SURFSIDE
SPEED LIMIT 30
88 Street

WELCOME TO

Surfside

FLORIDA

SPEED LIMIT 30

88 Street

# ADVERTISING DISPLAY SYSTEM PURCHASE AGREEMENT

DON BELL SIGNS LLC
365 Oak Place
Port Orange, FL 32127
800-824-0080
Fx: 386-763-4762
License: Florida ES#0000146

**"Customer":**
TOWN OF SURFSIDE
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154

**Project:**
BYRON AVENUE @ 88TH STREET SIGN
SURFSIDE, FLORIDA

Prepared by: VALERI GRUB  Date: 8/1/2023  Contract: 1800275R3

***Don Bell Signs, LLC, (the "Company") Will Supply Labor, Materials & Necessary Equipment to Perform the Following for the "Customer":***

DON BELL SIGNS TO FABRICATE AND INSTALL:

OPTION ONE--ONE SINGLE FACE INTERNALLY ILLUMINATED ENTRANCE SIGN 6' X 5' ALUMINUM FACE WITH ROUTED OUT COPY WITH PUSH THROUGH ACRYLIC LETTERS. COVE LIGHTING AT THE TOP AND 3 AT THE BOTTOM. $12,467.00

OPTION TWO--ONE SINGLE FACE ILLUMINATED ENTRANCE 6' X 5' WITH AN ALUMINUM FACE. THE LETTERS ARE ROUTED OUT AND BACKED WITH PUSH THROUGH ACRYLIC LETTERS. THE "FLORIDA" LETTERS ARE FLAT CUT OUT ALUMINUM STUD MOUNTED. COVE LIGHTING AT THE TOP AND 3 COVE LIGHTING STRIPS AT THE BOTTOM. $12,976.00

ENGINEERING AND PERMITTING ARE ADDITIONAL

50% DOWN

*Specifications and customer approved print # (if applicable and is attached hereto).* 1800275R3 *as of* 05/23/23 *hereby becomes a part of this contract*

***SALES PRICE: $*** _____
(One of the following boxes must be checked)

**A.** ☑ *The project attaches to and becomes a part of Real Property and is not subject to Florida Sales Tax.*

**B.** ☐ *The project is considered Tangible Personal Property and Florida Sales Tax is not included in the Sales Price. Tax to be billed on final invoice.*

**C.** ☐ *The project has BOTH Real Property and Tangible Personal Property. Florida Sales Tax breakdown is needed above.*

***Customers outside of Florida are responsible for the payment of applicable sales tax in their appropriate state.***

The cost of permits, permit acquisition and engineering fees will be added to the sales price, unless specified above. All changes and/or modifications made to the referenced customer approved prints or scope of work will incur applicable material and labor charges specific to the change. All overdue invoices shall bear interest at 1.5% per month.

***Terms:*** *Down Payment Percentage:* 50% *Down Payment Due: $* 0.00 *Balance due upon completion.*
***Down Payment is non-refundable***

This proposal does not include changeable copy letters (unless specified above) or de-energizing of overhead power lines where applicable. Additional foundation costs incurred as a result of abnormal soil conditions; rock, caliche, water intrusion and/or underground obstructions including utilities will be billed additional to the amount of this contract. Should the permit issuing entity revoke or rescind the permit for any reason beyond our control, after the aforementioned display has been built and their action or the action of the CUSTOMER prevents completion of the installation, the CUSTOMER is still obligated to the terms of this contract. **IT IS EXPRESSLY AGREED AND UNDERSTOOD THAT PRIMARY ELECTRIC SERVICE, PHONE LINES, COMMUNICATION LINES AND HOOK UPS ARE THE CUSTOMER'S RESPONSIBILITY. THE CONTRACT BALANCE OF PAYMENT BECOMES DUE AND PAYABLE UPON INSTALLATION OF THE SIGN DISPLAY.** (In the event, however, that electrical and/or phone service is not in place at the time of display installation a ten (10%) percent retainage may be held by Customer until such service is installed. In no event may such retainage holdback exceed forty five (45) days from date of display installation).**IF THIS CONTRACT INCLUDES AN ELECTRONIC MESSAGE CENTER OR TIME AND TEMPERATURE DISPLAY, CUSTOMER AGREES TO INSTALL, AT CUSTOMER'S EXPENSE, PRIMARY ELECTRICAL SURGE SUPPRESSION AND DISPLAY GROUNDING DEVICES SPECIFIED BY THE COMPANY.**

The Company warrants this display to be free of defects in material and/or workmanship for a period of one year from the installation date. **THERE ARE NO WARRANTIES MADE BY THE COMPANY EXCEPT AS EXPRESSLY SET FORTH HEREIN. WARRANTIES OF MERCHANTIBILITY & FITNESS FOR A PARTICULAR PURPOSE ARE EXPRESSLY EXCLUDED.** All work will be completed in a workmanlike manner. All agreements are contingent upon strikes, accidents or delays beyond the control of the Company. Our workers are fully covered by workman's compensation insurance.

This Agreement shall be construed and interpreted under and according to the laws of the State of Florida. The parties to this Agreement consent to the exclusive jurisdiction and venue of the courts of the State of Florida in the County of Volusia in connection with any and all actions arising out of this Agreement. In the event that there is any litigation concerning this Agreement, the prevailing party, in such litigation, shall be entitled to recover it's attorney's fees, costs, and expenses incurred in connection with the litigation at trial court, appellate court or bankruptcy court.

This Agreement, along with any exhibits, appendices, addendums, schedules, and amendments hereto, encompasses the entire agreement of the Parties and supersedes all previous understandings and agreements between the Parties, whether oral or written. The Parties hereby acknowledge and represent by affixing their hands and seals hereto, that said Parties have not relied on any representation, assertion, guarantee, warranty, collateral contract or other assurance, except those set out in the Agreement made by or on behalf of any other party or any other person or entity whatsoever, prior to the execution of this Agreement. The Parties hereby waive all rights and remedies, at law or in equity, arising or which may arise as the result of a party's reliance on such representation, assertion, guarantee, warranty, collateral contract or other assurance, provided that nothing herein contained shall be construed as a restriction or limitation of said party's right to remedies associated with the gross negligence, willful misconduct of fraud or any person or party taking place prior to, or contemporaneously with, the execution of this Agreement.

In the event the sign display cannot be installed due to any delay for causes beyond the control of COMPANY or is not installed due to CUSTOMER'S request, the Contract Balance shall become immediately due and payable, less the cost for installation. CUSTOMER will be responsible for storage charges in the amount of 1/2 of 1 percent of the purchase price per month until installed. In the event of any default or failure of performance hereunder by COMPANY, including but not limited to a breach of this agreement or the direct, active negligence or other wrongful act or omission of COMPANY generating a cause of action in favor of CUSTOMER, COMPANY's liability shall be limited to the total amount of the payments actually made by CUSTOMER to COMPANY hereunder as of the time of the accrual of such cause of action. In no event shall COMPANY have any liability or legal responsibility to CUSTOMER or to any third person, whether for damage to person or property, business or economic damages, damages to products, goods or any other thing or legal or property right or interest, in excess of such amounts actually paid by CUSTOMER to COMPANY hereunder as of the time such cause of action accrues. CUSTOMER hereby indemnifies COMPANY, holds COMPANY harmless, and shall defend at its own expense and thereafter satisfy and discharge from its own funds and resources, any and all such claims against the COMPANY arising of, from or through its actions or inactions or the products, services or materials taken, delivered or installed by the COMPANY, its agents or its independent contractors pursuant to this contract, whether made by or on behalf of itself, its employees, agents, privies, successors or assigns, or any third person, for all time and anywhere in the world.

Customer Signature _____ Date  Accepted by _____ Date

Customer Name/Title _____ Please Print  DBS Officer _____ Please Print

*A Notice to Proceed from the CUSTOMER will bind the terms and conditions of this contract*

**Town of Surfside**
**Regular Town Commission Meeting**
**August 8, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 9D.
**Date:** August 8, 2023
**From:** Commissioner Marianne Meischeid
**Subject: Review Chapter 70 of the Town Code as it Relates to the Resort Tax Board a.k.a. "Tourist Board"**

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**Suggested Action:** – Create new language in Chapter 70 that addresses the use of funds, board composition and commission oversight. Language is attached.

**Background/Analysis:** – Since 2015 the resort tax income has tripled from $1.7 million to $5.2 million, and the 34% dedicated to promotion has also tripled. This 34% now far exceeds what can be reasonably and responsibly spent on promotion. There may be The Resort Board at times has tried to spend funds on permanent placements that should be the commission's responsibility.

## *DIVISION 1. RESORT TAX*

### Sec. 70-122. Taxes to constitute special fund.

The total receipts of the resort tax portion from the tax imposed and levied pursuant to this article shall be kept and maintained in a separate fund and shall in no event be transferred to the general fund. The use of this fund is subject to the budgetary process of the town on a fiscal year basis. A budget for the utilization of this fund must be submitted for the town commission approval as a part of the budget adoption process. ~~A minimum of 34~~ maximum of 17 percent of the fund shall be used for the promotion of the tourist industry under the annual tourist bureau budget, which shall include but not be restricted to the following: publicity, advertising, promotional events, tourist bureau activities. The remaining 17 percent of the fund shall be dedicated to a capital improvements fund for improvements to tourist based public rights-of-way, limited to Harding Avenue between 94th and 96th Streets, the beach facing street ends between 88th and 96th streets, and beach nourishment. Unspent capital improvement funds shall remain in the fund and accumulate from year to year until spent on specific, qualifying projects. They shall not be transferred to reserves. Capital improvement projects shall be reviewed by the Resort Tax Board and Planning and Zoning Board with recommendations to the town commission. The Commission shall have final approval.

### Sec. 70-124. Composition; appointment; vacancies; compensation; removal from office, etc.

(a) *Number, term and qualification of members.* The board shall consist of five members. Each commissioner shall appoint one board member. All appointed board members must be ratified by a vote of the town commission. Any newly elected commissioner has the right to appoint a resort tax board member unless the corresponding appointment has yet to reach the end of their two-year term. Each of the five members shall be persons who reside or work in Surfside. ~~and at~~ At least three of the five members shall be persons who have shall have specific employment or professional experience in any of the following areas: tourism, public relations, marketing, and/or event planning ~~and/or tourism related activities.~~ Such experience shall be clearly demonstrated on the application for appointment. One town commissioner shall serve as a non-voting ex-officio member of the board.

(b) ~~*Resiliency member.* One board member shall also possess education and/or experience in sustainability and resiliency, which may include environmental science.~~

(c) *Vacancies.* Any vacancies occurring on the board shall be filled at the earliest, possible date by the town commission for the remainder of the unexpired term.

(d) *Reappointment.* Board members shall be eligible for reappointment and shall hold office until their successors have been duly appointed and qualified.

(e) *Compensation of members.* Members of the board shall serve without compensation but shall be reimbursed for necessary expenses occurred in the performance of the official duties, as shall be determined and pre-approved by the town commission.

(f) *Acceptance of appointment.* Before entering upon the duties of office, each board member shall file a written acceptance of appointment and take and subscribe to the oath of office prescribed by law, which shall be filed in the office of the town clerk. Each appointed member is required to provide the town clerk with a Form 1-Statement of Financial Interests, within three business days of being appointed to the board.

(g) *Removal of members from office; attendance.* A board member may be removed from office only by a majority vote of the entire membership of the town commission; however, whenever a board member shall fail to attend three consecutive meetings without prior notification to the director or town manager, the chairman shall certify such non-attendance to the town commission, and, upon such certification, the board

member shall be deemed to have been removed and the Town Commission shall fill the vacancy pursuant to paragraph (c) above.

## *DIVISION 1. RESORT TAX*

### Sec. 70-126. Power and duties.

The board shall have the following enumerated powers and duties.

(1) To adopt and/or amend procedures as it related to publicity, advertising, promotional events, tourist board activities.

(2) To expend resort tax funds collected pursuant to Chapter 70 of the Town Code. Specifically, those amounts allocated by the commission during their annual budgetary process, the ~~minimum~~ maximum being ~~34~~ 17 percent of the resort tax collected, to advertising promotion and special events as part of the tourist bureau budget.

(3) To employ or retain an advertising and/or public relations consultant and/or firm as it relates to specific tourist board activities. The tourist board shall designate a member to assist the town manager, upon request, in the process of selecting a director for the department.

(4) To authorize placement of advertising in various media.

(5) To organize special events for the promotion of Surfside as a tourist destination.

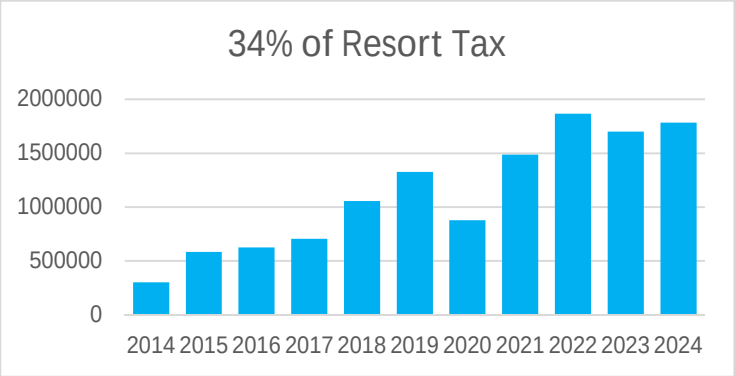
(6) To create a formalized budget plan with staff in consultation with the town manager designee and to submit the budget plan to the town manager every year as part of the budgetary process.

(7) To recommend and submit for town commission approval any physical improvements that are permanent or semi-permanent. Semi-permanent shall mean any period longer than four months. All improvements that are affixed to buildings or rights-of-way, are considered permanent no matter the duration of their implementation.

| Year | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 |
|---|---|---|---|---|---|---|
| Resort Tax | $892,000 | $1,716,000 | $1,844,000 | $2,079,000 | $3,104,000 | $3,902,000 |
| 34% | $303,280 | $583,440 | $626,960 | $706,860 | $1,055,360 | $1,326,680 |
| 66% | $588,720 | $1,132,560 | $1,217,040 | $1,372,140 | $2,048,640 | $2,575,320 |
| 17% | $151,640 | $291,720 | $313,480 | $353,430 | $527,680 | $663,340 |

| 2020 | 2021 | 2022 | 2023 | 2024 |
|---|---|---|---|---|
| $2,584,000 | $4,373,000 | $5,491,734 | $5,003,912 | $5,245,057 |

| | | | | |
|---|---|---|---|---|
| $878,560 | $1,486,820 | $1,867,190 | $1,701,330 | $1,783,319 |
| $1,705,440 | $2,886,180 | $3,624,544 | $3,302,582 | $3,461,738 |
| $439,280 | $743,410 | $933,595 | $850,665 | $891,660 |




Town Charter
Article IV
Section 69-A

> Said fund shall be used for the following purposes only: payment of necessary expenses of collecting, handling and processing of said tax; creating and maintenance of convention and publicity bureaus, cultural and art centers; enhancement of tourism; publicity and advertising purposes; for the future cost, purchase, building, designing, engineering, planning, repairing, reconditioning, altering, expanding, maintaining, servicing and otherwise operating auditoriums, community houses, convention halls, convention buildings or other structures; and other related purposes, including relief from ad valorem taxes heretofore levied for such purposes.

The yellow highlights show that :
1) funds can be used for
2) “building design, engineering, etc.”—capital improvements
3) “Related purposes”, such as Harding Avenue SD-B40 business district ROW improvements

**Town of Surfside**
**Regular Town Commission Meeting**
**August 8, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 9E.
**Date:** August 8, 2023
**From:** Commissioner Marianne Meischeid
**Subject: Outdoor Lighting in Single-Family Residential Zone**

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**Suggested Action:** – Modify Section 90-62 Outdoor Lighting so that addresses the specific requirements of the single-family district. A sample is attached.

**Background/Analysis:** – At the July 11, 2023 Regular Commission meeting, a resident brought to our attention that a new, two-story home had very bright and visible lights encircling the eave at about 30 feet above. Photos of the same house confirmed this situation. It also became apparent that, while the town has ample code regulating multi-family lighting, it has none addressing single-family lighting. This issue will become greater as more larger homes are built.

## Sec. 90-62. Outdoor lighting.

The following are applicable to all single-family dwellings:

(a) Building Permit Plans indicating the location of the lighting fixtures; type of lights, height of lights and levels of illumination; shade, type and height of lighting poles; and bases, deflectors and beam directions shall be submitted to the town manager or designee for approval.

(b) Outdoor lighting shall be designed so that any overspill of lighting onto adjacent properties shall not exceed one-half foot-candle (vertical) and one-half foot-candle (horizontal) illumination on adjacent properties.

(c) Outdoor lighting higher than nine feet above grade shall be shielded or employ shielded fixtures so that light sources are not visible from adjacent properties or rights-of-way.

(d) An outdoor lighting installation shall not be placed in permanent use until a letter of compliance from a registered architect or engineer is provided to the town manager or designee, certifying that the installation has been field-checked and meets the requirements set forth above.

(e) The town manager or designee may issue a permit for such proposed outdoor lighting, if, after review of the plans and after consideration of the design characteristics of the lighting fixtures and lighting poles and bases, they are found to be in harmony with the site architecture design, the adjacent area and the neighborhood, will be deflected, shaded and focused away from adjacent properties; and will not be a nuisance to adjacent properties and traffic.

(f) All of the foregoing installations shall conform to the Florida Building Code.

The following are applicable to all multi-dwelling and non-residential properties:

(a) Plans indicating the location of the lighting fixtures; type of lights, height of lights and levels of illumination; shade, type and height of lighting poles; and bases, deflectors and beam directions shall be submitted to the town manager or designee for approval.

(b) Lighting fixtures and lighting poles, including mounting bases, shall not exceed 18 feet in height from grade, shall be of decorative nature and shall be in harmony with the site architecture design, the adjacent area and the neighborhood. Decorative lighting poles and bases shall be constructed of anodized aluminum, pigmented concrete, fiberglass or other materials of similar characteristics as approved by the town manager or designee.

(c) Outdoor lighting shall be designed so that any overspill of lighting onto adjacent properties shall not exceed one-half foot-candle (vertical) and one-half foot-candle (horizontal) illumination on adjacent properties. An outdoor lighting installation shall not be placed in permanent use until a letter of compliance from a registered architect or engineer is provided to the town manager or designee, certifying that the installation has been field-checked and meets the requirements set forth above.

(d) The town manager or designee may issue a permit for such proposed outdoor lighting, if, after review of the plans and after consideration of the design characteristics of the lighting fixtures and lighting poles and bases, they are found to be in harmony with the site architecture design, the adjacent area and the neighborhood, will be deflected, shaded and focused away from adjacent properties; and will not be a nuisance to adjacent properties and traffic.

(e) All of the foregoing installations shall conform to the Florida Building Code.

(f) Lighting on properties designated H120 shall provide fixtures and shields to maintain light shed cut offs in accordance with regulations of the Department of Environmental Protection, specifically as it relates to properties fronting or adjacent to turtle nesting habitats.

(g) All lighting shall be controlled by photocell controls.

**Town of Surfside**
**Regular Town Commission Meeting**
**August 8, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 9F.
**Date:** August 8, 2023
**From:** Commissioner Nelly Velasquez
**Subject: Clarify the Correct Interpretation of Sections 90-45 and 90-48.5(2)**

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**Suggested Action:** – Specifically, a 200-foot lot equals a 20-foot setback, a 150-foot lot equals 150 feet, a 100-foot, 75-foot and 50-foot lots all equal 10 feet. The Wedding cake setback has been 10% since 2014. In the Fall of 2021, when the previous commission amended the inclined setback ordinance, it never intended to lessen the setback of the wedding cake. It intended for the setback to remain 10%.

**Background/Analysis:** – In the Spring of 2023 the town attorney, Tony Recio, reinterpreted the ordinance to mean 10 feet. This reinterpretation stems from a phrase he inserted in 90-48.5(2) in 2021: “a minimum side setback of ten feet.” This phrase is a restatement of the setback found in 90-45 “no less than 10 feet.” Anything else is a change to the wedding cake setback.

Everything points to the intent of the previous commission and the ordinance it approved to mean what we intended, 10%. This discrepancy has major consequences for property widths of 200 feet: a setback of 20 feet versus 10 feet and must be resolved.