



**Town of Surfside
Town Commission Meeting
December 14, 2010
7 p.m.**

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

AGENDA

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks** – Mayor Daniel Dietch
- E. Agenda and Order of Business** Additions, deletions and linkages
- F. Community Notes** – Mayor Daniel Dietch
- G. Special Recognition** – Assistant Chief John DiCenso – Chief David Allen
- H. Legislative Update** – Fausto Gomez, Town Lobbyist
- I. Presentation Traffic Calming on Collins and Harding Avenues** – Luis Ajamil, Bermello Ajamil (linked to 9E)
- J. Census Final Report** – Barbara Cohen

2. Quasi-Judicial Hearings

3. Consent Agenda (Set for approximately 7:35 p.m.)

All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the Consent Agenda and discussed separately.

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

A. Minutes – (Page 1-22)

- September 14, 2010 First Budget Hearing
- September 22, 2010 Second Budget Hearing
- September 22, 2010 Special Commission Meeting
- September 27, 2010 Executive Session
- November 4, 2010 Special Commission Meeting with Planning and Zoning Board
- November 9, 2010 Regular Commission Meeting

**Denotes agenda items as “must haves” which means there will be significant impacts if the item is not addressed tonight. If these items have not been heard by 10 p.m., the order of the agenda will be changed to allow them to be heard.*

- B. **Monthly Budget to Actual Summary as of September 30, 2010 - Martin Sherwood, Finance Support Services Department Head (Page 23-24)**
- C. **Town Manager's Report- "Points of Light" (Page 25-44)**
- D. **Town Attorney's Report- To be delivered under separate cover**
- E. **Projects Progress Report – Calvin, Giordano & Associates, Inc. (Page 45-47)**
- F. **Resolution Certifying Charter Amendment Election Results from November 2, 2010 Election (linked with Administrative Grievance Policy 3G) (Page 48-51)**
- G. **Administrative Grievance Policy on Non-Bargaining Unit Employees (linked with Charter Amendment Election Resolution 3F) (Page 52-55)**
- H. **Communications Ad Hoc Committee Progress Report – Commissioner Michael Karukin (Page 56-60)**
- I. **Code Enforcement Ad Hoc Committee Progress Report – Paul Gioia, Building Official (Page 61)**
- J. **Proclamation – Janice Thomas, Ruth K. Broad Bay Harbor K-8 (Page 62)**
- K. **Code Enforcement Update Report – Michael Garcia, Code Enforcement Officer (Page 63-64)**
- L. **Community Center Concession Report – Tim Milian, Parks and Recreation Director (Page 65)**

4. Ordinances

(Set for approximately 7:55 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Readings (Ordinances and Public Hearing)

***1. Off-Street Parking Ordinance – Shelley Eichner, Town Planner (Page 66-70)**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90, DIVISION 1. OFF-STREET PARKING, SECTION 90-82 "DESIGN STANDARDS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO CLARIFY THE STANDARDS USED FOR VEHICULAR QUEUING, ACCESS TO STATE ROADWAYS; AND ON-SITE CIRCULATION; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

[This Ordinance clarifies the standards utilized by Town Staff to review site plans for onsite and offsite vehicular circulation; it restates Miami-Dade and FDOT standards as well as giving Staff the flexibility to impose stricter standards when County standards do not result in adequate queuing and circulation space.]

B. First Readings Ordinances

***1. Commercial Vehicle Ordinance – Lynn Dannheisser, Town Attorney (Page 71-75)**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 74 AND SPECIFICALLY SECTION 74-1 "COMMERCIAL VEHICLES" CREATING SECTION 74-2 "USE OF COMMERCIAL VEHICLES" AND SECTION 74-3 "ISSUANCE OF COMMERCIAL VEHICLE PARKING PERMIT" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[This Ordinance regulates the parking of commercial vehicles on residential streets, allowing one commercial vehicle to be parked in a residential driveway provided the resident has obtained a commercial vehicle parking permit from the Town and delineating issuance and revocation procedures.]

***2. Amend Town Code to add Psychic Reading and Consultation As a Permitted Use – Lynn Dannheisser, Town Attorney (Page 76-80)**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-41 "REGULATED USES" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADD "PSYCHIC READING AND CONSULTATION" AS PERMITTED USE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[Per the Settlement Agreement approved at the last Commission meeting, we amend the code to allow psychic reading and consultation as a permitted use in SD-B40 (Downtown Business) District as a second floor use and subject to all other regulations.]

5. Resolutions and Proclamations

(Set for approximately 9:15 p.m.) (Note: Depends upon length of Good and Welfare)

***A. Employment Agreement for Town Manager - Mayor Daniel Dietch (Page 81-98)**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN EMPLOYMENT AGREEMENT BETWEEN TOWN MANAGER, ROGER M. CARLTON AND THE TOWN; AND PROVIDING AN EFFECTIVE DATE.

B. Keep America Beautiful Report – Tim Milian, Parks and Recreation Director (Page 99-106)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN TO COMPLETE THE TRAINING AND CERTIFICATION TO BECOME AN AFFILIATE OF "KEEP

AMERICA BEAUTIFUL” AND TO BE DESIGNATED AS “KEEP SURFSIDE BEAUTIFUL” AND PROVIDING FOR AN EFFECTIVE DATE.

***C. Parking Trust Fees – Roger M. Carlton, Interim Town Manager (Page 107-117)**

***D. Drug and Alcohol Free Workplace – Roger M. Carlton, Interim Town Manager (Page 118-133)**

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING REVISED ADMINISTRATIVE POLICY NUMBER 102, DRUG AND ALCOHOL FREE WORKPLACE AND SUBSTANCE ABUSE TESTING PROCEDURES; PROVIDING FOR AN EFFECTIVE DATE.

E. Code Enforcement Officers – Roger M. Carlton, Interim Town Manager (Page 134-136)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER TO APPOINT CODE ENFORCEMENT OFFICERS FOR THE TOWN WHO MAY INCLUDE LAW ENFORCEMENT OFFICERS; PROVIDING FOR AN EFFECTIVE DATE.

6. Good and Welfare (Set for approximately 8:15 p.m.)

Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.

7. Town Manager and Town Attorney Reports

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

All items on the Consent Agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the consent agenda and discussed separately.

8. Unfinished Business and New Business - None

9. Mayor, Commission and Staff Communications (Set for approximately 10 p.m.)

***A. Amendments to Agenda Process to Increase Efficiency – Roger M. Carlton, Interim Town Manager, Lynn Dannheisser, Town Attorney and Debra Eastman, Town Clerk (Page 137-140)**

***B. Beautification Committee Appointment, Adam Markow – Commissioner Michael Karukin**

***C. Accounts Payable on Website – Vice Mayor Joe Graubart (Page 141)**

***D. Garbage Collection Reduction of One Day Per Week – Commissioner Marta Olchyk (Page 142)**

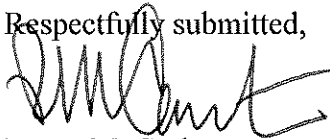
***E. Livable Streets and Pedestrian Safety – Roger M. Carlton, Interim Town Manager (linked to 1I) (Page 143-145)**

F. Countrywide Real Estate Facts and Trends – Roger M. Carlton, Interim Town Manager (Page 146-168)

- *G. **Ensuring the Survival of the Surfside Post Office** – Roger M. Carlton, Interim Town Manager (Page 169-173)
- *H. **Beach Maintenance Report** – Tim Milian, Parks and Recreation Director (Page 174-178)
- *I. **Environment Florida Community Solar Letter** – Mayor Daniel Dietch and Vice Mayor Joe Graubart (Page 179-181)
- *J. **AECOM Modification Number 4 Design and Permit Additional Space for Community Center** – Roger M. Carlton, Interim Town Manager (linked to item 9K) (Page 182-184)
- *K. **West Construction, Inc. Change Order #2 – Approval to construct 1,000 sf of additional multipurpose room space at the Community Center** – Roger M. Carlton, Interim Town Manager (linked to item 9J) (Page 185-187)
- L. **Resolution Sponsored by County Commissioner Carlos Gimenez** - Roger M. Carlton, Interim Town Manager (Page 188-193)
- *M. **Photo/Film Permit Program** – Roger M. Carlton, Interim Town Manager (Page 194-196)

10. Adjournment

Respectfully submitted,



Roger M. Carlton

Interim Town Manager

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

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

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

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

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



TOWN OF SURFSIDE, FLORIDA
FIRST BUDGET HEARING
 TOWN HALL COMMISSION CHAMBERS
 9293 HARDING AVENUE
SEPTEMBER 14, 2010
5:01 PM
MINUTES

1. Opening

A. Call to Order Mayor Daniel Dietch called the meeting to order at 5:01 p.m.

B. Roll Call of Members Town Clerk, Debra Eastman called the roll and the following were present: Commissioner Michael Karukin, Commissioner Edward Kopleman, Commissioner Marta Olchyk, Vice Mayor Joe Graubart and Mayor Daniel Dietch.

C. Pledge of Allegiance Police Chief David Allen led the Pledge of Allegiance.

D. Agenda and Order of Business (Additions, Deletions) None

2. Discussion Regarding Millage Rate and Budget

Town Manager, Gary Word gave an overview of the budget and budget process. Carl Berkey-Abbott, Town budget consultant explained the budget in detail.

3. Millage Rate

A RESOLUTION OF THE TOWN OF SURFSIDE, MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE TENTATIVE LEVYING OF A MILLAGE RATE AGAINST ALL TAXABLE REAL AND PERSONAL PROPERTY IN THE TOWN OF SURFSIDE, FLORIDA FOR THE FISCAL YEAR 2010-2011; AND REAFFIRMING SEPTEMBER 22, 2010 AS THE DATE OF ADOPTION OF THE FINAL MILLAGE RATE.

Town Clerk, Debra Eastman read the title of the resolution. A motion to adopt the resolution was made by Commissioner Edward Kopleman. The motion received a second from Commissioner Michael Karukin.

Commissioner Marta Olchyk stated that previous minutes do not include her strong opposition to an increase in the millage rate and requested that the minutes reflect her opposition of an increase in the millage rate.

Mayor Daniel Dietch opened the public hearing.

Litsa Kyrellis spoke in opposition to a rate increase.

Sasha Plutno encouraged a follow up on grants available and a cut in the Town budget.

Orestes Jimenez encouraged the Town Commission to restore the tax rate to 5.6 and further cuts to the Town budget.

Roger Carlton, Interim Town Manager, explained the difficult position of the Town and expressed his desire to work with the current Town Manager to provide a series of alternatives to the Town Commission.

Heather Oppenheimer asked that the Town Commission consider long term and short term costs.

Commissioner Michael Karukin made a motion to amend the motion on the floor to adjust the budget to a tax rate of 5.6030. The amended motion received a second from Commissioner Edward Kopelman. Town Clerk, Debra Eastman called the roll on the amended motion and it was adopted 4-1 with Commissioner Marta Olchyk voting in opposition.

4. 2010-2011 Proposed Budget

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND ADOPTING THE TENTATIVE ANNUAL BUDGET AND MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2010-2011; ATTACHING A SUMMARY COPY OF SAID BUDGET MARKED EXHIBIT "A"; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the resolution. Commissioner Michael Karukin made a motion to adopt the resolution. The motion received a second from Commissioner Edward Kopelman. Finance Director, Martin Sherwood explained that exhibit A will be adjusted downward based on the prior conversation. Town Clerk, Debra Eastman called the roll and the motion was adopted 4-1 with Commissioner Marta Olchyk voting in opposition.

5. Adjournment The meeting adjourned at 6:40 p.m.

Accepted this ____ day of ____, 2010.

Daniel Dietch, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk



TOWN OF SURFSIDE, FLORIDA
SECOND BUDGET HEARING
TOWN HALL COMMISSION CHAMBERS
9293 HARDING AVENUE

SEPTEMBER 22, 2010
5:01 PM
MINUTES

1. Opening

A. Call to Order Mayor Daniel Dietch called the meeting to order at 5:01 p.m.

B. Roll Call of Members Town Clerk, Debra Eastman called the roll and the following were present: Commissioner Michael Karukin, Commissioner Edward Kopelman, Commissioner Marta Olchyk, Vice Mayor Joe Graubart and Mayor Daniel Dietch.

C. Pledge of Allegiance Police Chief David Allen led the Pledge of Allegiance.

D. Agenda and Order of Business (Additions, Deletions) There were none.

2. Discussion Regarding Millage Rate and Budget

Mayor Daniel Dietch read a statement into the record explaining that in 2011 the Town of Surfside is considering a final levy of 5.6030 which is 10.49% increase over the rolled-back rate of 5.0710. The increase results from the need to compensate for the decline in property valuations and the anticipated re-opening of the new Community Center and Aquatics facility, employee pay adjustments and other priority projects.

2. Millage Rate

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF A MILLAGE RATE AGAINST ALL TAXABLE REAL AND PERSONAL PROPERTY IN THE TOWN OF SURFSIDE, FLORIDA FOR THE FISCAL YEAR 2010-2011; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the resolution. Town budget consultant, Carl Berkey-Abbott gave a presentation on the decreases made since the first budget hearing held on September 14, 2010.

A motion to adopt the resolution was made by Commissioner Edward Kopelman. The motion received a second from Commissioner Michael Karukin. There was no public comment.

Town Clerk, Debra Eastman called the roll and the motion carried 3-2 with Vice Mayor Graubart and Commissioner Marta Olchyk voting in opposition.

4. 2010-2011 Proposed Budget

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND ADOPTING THE FINAL ANNUAL BUDGET AND MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2010-2011; ATTACHING A SUMMARY COPY OF SAID BUDGET MARKED EXHIBIT "A"; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the resolution. A motion to adopt the resolution was made by Commissioner Michael Karukin. The motion received a second from Commissioner Edward Kopelman.

Commissioner Michael Karukin spoke of the need to build reserves. Interim Town Manager, Roger Carlton stated he will be working on a five year financial strategic plan that will include reserves in general fund and enterprise funds. He stated that the budget appears to be fair and reasonable.

Commissioner Marta Olchyk expressed her concern with spending.

Mayor Daniel Dietch opened the public hearing. Orestes Jimenez asked about the CITT funds. He stated that he is not in favor of 5.603 and for any increase in sewer and water fees. There being no further public comment. The Mayor closed the public hearing.

Town Clerk, Debra Eastman called the roll and the motion was adopted 3-2 with Vice Mayor Joe Graubart and Commissioner Marta Olchyk voting in opposition.

5. Adjournment The meeting adjourned at 5:50 p.m.

Accepted this ____ day of ____, 2010.

Daniel Dietch, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk



**Town of Surfside
Special Town Commission Meeting
September 22, 2010**

6:00 p.m.

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

MINUTES

1. Opening

- A. Call to Order Mayor Daniel Dietch called the meeting to order at 6:05 p.m.
- B. Roll Call of Members Town Clerk, Debra Eastman called the roll with the following members present: Commissioner Michael Karukin, Commissioner Edward Kopelman, Commissioner Marta Olchyk, Vice Mayor Joe Graubart and Mayor Daniel Dietch.
- C. Pledge of Allegiance Police Chief David Allen led the Pledge of Allegiance.

Town Attorney Lynn Dannheisser called for the setting of an Executive Session to discussion litigation regarding Candy Miller v. City of Surfside.

- D. Public Comments: There were no public comments.

2. Employee Benefits Contract Ratification for Fiscal Year 2010-2011

Town Manager, Gary Word explained the process of evaluation of the insurance contract. Vice Mayor Joe Graubart asked if the employees are in favor of the contract and about the cost of insurance.

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA APPROVING GROUP HEALTH, DENTAL, LIFE AND DISABILITY PLANS BETWEEN THE TOWN OF SURFSIDE, FLORIDA AND UNITED HEALTHCARE/NEIGHORHOOD HEALTH PLAN AND MUTUAL OF OMAHA.

Town Clerk, Debra Eastman read the title of the resolution. Commissioner Michael Karukin made a motion to adopt the resolution. The motion received a second from Commissioner Edward Kopelman. Town Clerk, Debra Eastman called the roll and all were in favor.

3. Town Manager Separation Agreement

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURSIDE, FLORIDA AMENDING THE ANNUAL APPROPRIATIONS RESOLUTIONS ADOPTED FOR THE FISCAL YEAR OCTOBER 1, 2009 TO SEPTEMBER 30, 2010; FOR THE PURPOSE OF AMENDING THE CURRENT YEARS'S BUDGET UPWARD; AND OTHER BUDGETARY ADJUSTMENTS REQUIRED TO THE FISCAL YEAR ENDED SEPTEMBER 30, 2010 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the resolution. Commissioner Edward Kopelman made a motion to adopt the resolution. The motion received a second from Commissioner Michael Karukin.

Commissioner Marta Olchyk stated she is in favor of the motion because it is the best solution for all parties involved.

Town Clerk, Debra Eastman called for the vote and the motion passed 4-1 with Vice Mayor Joe Graubart voting in opposition.

Executive Session

Town Attorney, Lynn Dannheisser requested an Executive Session of the Town Commission in order to gather advice on litigation on Candy Miller v. City [SIC] of Surfside Case No.10-49676-CA (01); filed in Circuit Court of the 11th Judicial Circuit, in and for Miami Dade County, Florida. Ms. Dannheisser proposed Monday, September 27, 2010 at 6:30 p.m. The Town Clerk will send out a save the date to the Town Commission.

4. Adjournment The meeting adjourned at 6:30 p.m.

Accepted this ____ day of ____, 2010.

Daniel Dietch, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk



Town of Surfside
Town Commission Executive Session
September 27, 2010

6:30 p.m.

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

MINUTES

1. Opening

A. Call to Order Mayor Daniel Dietch called the meeting to order at 6:30 p.m.

B. Roll Call of Members Town Clerk Debra Eastman called the roll with the following in attendance: Commissioner Michael Karukin, Commissioner Edward Kopelman, Commissioner Marta Olchyk, and Mayor Daniel Dietch. Vice Mayor Joe Graubart arrived at 6:35 p.m.

C. Pledge of Allegiance Police Chief David Allen led the Pledge of Allegiance.

2. Adjourn Into Executive Session – Meet with legal counsel to discuss Candy Miller v. City [SIC] of Surfside Case No.10-49676-CA (01); filed in Circuit Court of the 11th Judicial Circuit, in and for Miami Dade County, Florida.

Town Attorney, Lynn Dannheisser explained the reason for the Executive Session. All concurred and retired to discuss in private.

3. Reconvene

Mayor Daniel Dietch, Vice Mayor Joe Graubart and members of the Town Commission reconvened at 7:25 p.m.

Town Attorney, Lynn Dannheisser asked for direction from the Town Commission regarding Candy Miller v. City of Surfside. Commissioner Edward Kopelman made a motion to direct the Town Attorney to resolve the matter amicably. The motion received a second from Commissioner Michael Karukin. Town Clerk, Debra Eastman called the roll and all were in favor.

4. Adjournment The meeting adjourned at 7:30 p.m.

Accepted this ____ day of ____, 2010.

Daniel Dietch, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk



**Town of Surfside
Town Commission Special Meeting with
Planning and Zoning Board
November 4, 2010
7 p.m.**

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

MINUTES

1. Opening

A. Call to Order Mayor Daniel Dietch called the meeting to order at 7:01 p.m.

B. Roll Call of Members Town Clerk, Debra Eastman called the roll with the following members of the Town Commission present: Michael Karukin, Edward Kopelman, Marta Olchyk, Vice Mayor Joe Graubart and Mayor Daniel Dietch. Planning and Zoning Board members present were Galen Bakken, Armando Castellanos, Peter Glynn, Sheldon Lisbon and Scarlet Tenen. Town Attorney, Lynn Dannheisser and Interim Town Manager, Roger Carlton were also present.

C. Pledge of Allegiance Police Chief David Allen led the Pledge of Allegiance. Mayor Daniel Dietch explained that the Town Commission is not married to the current Town Code. He pointed out that the Code can be changed to reflect the sensibilities of the community.

D. Overall Vision and Issues for reconsideration in the 2010 Zoning Code

Galen Bakken explained his concern about the scale of buildings allowed in tourist district and gave an example that would allow for a much higher density. Town Planner Sarah Sinatra explained that for every 100 feet there would need to be a wall change. Town Attorney, Lynn Dannheiser explained that the design guidelines would prevent one continuous building line. Peter Glynn expressed concern with the lack of authority of the Design Review Board.

Galen Baken presented another example of where a larger building could be built on the lot providing for greater density. Mayor Daniel Dietch pointed out that density is governed by the Comp plan. Lynn Dannheisser, Town Attorney pointed out that in this case apartments could be larger, but would be limited to the same number of units.

Vice Mayor Joe Graubart brought forth concerns of parking, setbacks, unit size and use.

Upon a question from Galen Bakken, Town Planner, Shelley Eichner explained floor area ratio. Lynn Dannheisser, Town Attorney explained that density refers to the number of units you can achieve and intensity is the number of square feet you can achieve. Galen Bakken stated he believes the town needs to be more mindful of the possible scale of buildings.

Vice Mayor Joe Graubart stated that the residents passed amendment 4 to restrict and that something transpired to upset the residents. Mayor Daniel Dietch stated that it appears they are dealing with a perception gap between how the town is governed and what some people think that means. There was no erosion until earlier this year. However, there is no issue that is insurmountable.

E. Public Comments

Eli Tourgeman asked about the vision for Harding and Collins Avenue. Mayor Daniel Dietch explained that the Comp plan is a good framework to allow residential, commercial and tourist districts. Mayor Dietch so noted the area as an issue of concern. Eli Tourgeman urged the Planning and Zoning Board to be more aggressive in attracting tourism business and pointed out the burden on homeowners if this should not happen.

Richard Iacobacci spoke in favor of the proposed hotel and asked that it go forward.

Eli Tourgeman spoke of lost tourism and businesses over the last thirty years.

Lou Cohen spoke in favor of moving forward with the proposed hotel and asked that a decision be made and the delays stopped.

Mark Blumstein urged the Commission and Planning Board to go forward and not leave the taxation burden to the residents.

Mayor Daniel Dietch pointed out that both the old and new code and both the old and new comp plan sets out having tourist facilities East of Harding Avenue and asked if something changed with the elected officials and Planning and Zoning Board that would be cause for thinking that was not in the Town's best interest.

Vice Mayor Joe Graubart stated he is convinced that a decision has to be made and that some people will be happy and some people will be unhappy.

Mayor Dietch asked for those in favor of hotels East of Harding Avenue.

Commissioner Marta Olchyk responded she is in favor of hotels. Commissioner Edward Kopelman agreed. Vice Mayor Joe Graubart responded that he is in favor of hotels East of Collins and small boutique, perhaps 50 units on a nice size lot. He stated he is against tandem parking and things that would affect the quality of life of the abutting property. Commissioner Michael Karukin stated he is in favor of hotels East of Harding. Peter Glynn stated he is in favor of hotels. Scarlet Tenen stated she is in favor of hotels East of Harding.

Town Attorney, Lynn Dannheisser pointed out that both the new and old codes allowed hotels East and west of Harding and asked where was the shift in philosophy.

Galen Bakken stated that he is concerned about massing of buildings and where they are located and what we have for comp plan controls in terms of density and intensity.

Armando Castellanos stated he is in favor of hotels, but is not in favor of large size buildings. Sheldon Lisbon explained that he is concerned with the economic vitality of the community and is therefore, in favor of hotels.

Interim Town Manager, Roger Carlton explained the current tax burden on the taxpayers and stated that he is developing a five year financial plan and will be able to simulate the shift in burden if there was a hotel to assist in the tax burden.

Mayor Daniel Dietch stated that he would like to give direction to the Town Planner to take a hard look at the H40 district, old and current code provisions and come to the next meeting and let that be the framework for discussion. Commissioner Marta Olchyk stated that there needs to be a decision.

Barbara McLaughlin asked that everyone come together on this and keep the best interest of the town in mind. Silvia Coltrane urged all to listen to the experts and consider the possible revenue from a 183 room hotel. Neisen Kasdin representing Transacta spoke in favor of the hotel. Bill Spencer, representing Transacta stated he sent a letter to the Town Attorney explaining the rights of hotel developers. Mayor Daniel Dietch asked Mr. Spencer to refrain from details and that his letter will be addressed in due time. Town Attorney, Lynn Dannheisser pointed out again that the focus of the meeting tonight is not on the proposed hotel but that the meeting was called to review the old and current Town Codes. Cecilia Ward of JC Consulting also spoke on behalf of Transacta and pointed out the need for the Town to rely on the comp plan and land use map.

Commissioner Michael Karukin pointed out that he communicated with the petition committee, offered eight different times and dates to meet with them and he has not had a specific response.

Mayor Dietch proposed that there be a revisit of hotels within that district, make sure they have the right kind of constraints, buffering, measures for traffic, parking and design. It appears that philosophically the Town is not opposed to hotels.

Barbara McLaughlin asked Vice Mayor Joe Graubart as a petition circulator to obtain the questions of concern to the community. Commissioner Marta Olchyk implored Mayor Dietch to set a deadline as no matter what decision is made there will be some in favor and some opposed. Mayor Daniel Dietch stated that we are working together as efficiently and effectively as possible to put together a framework and work toward the best interest of the Town.

Commissioner Marta Olchyk stated her concern regarding a divided community and asked that there be no postponement. She asked if this issue could go to a vote.

Commissioner Edward Kopelman made a motion to adjourn the meeting. The motion received a second from Vice Mayor Joe Graubart. Mayor Daniel Dietch called for the vote and all were in favor.

F. Other Business

2. Adjournment The meeting adjourned at 9:45 p.m.

Accepted this ____ day of ____, 2010.

Daniel Dietch, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk



**Town of Surfside
Town Commission Meeting
November 9, 2010
7 p.m.**

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

MINUTES

1. Opening

A. Call to Order Mayor Daniel Dietch called the meeting to order at 7:04 p.m.

B. Roll Call of Members Town Clerk, Debra Eastman called the roll and the following members were present: Commissioner Michael Karukin, Commissioner Marta Olchyk, Vice Mayor Joe Graubart and Mayor Daniel Dietch. Commissioner Edward Kopelman was absent.

C. Pledge of Allegiance Chief David Allen led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch
Mayor Daniel Dietch explained that there is a long agenda and asked that everyone keep that in mind when speaking and set a goal to end the meeting at 11 p.m. He announced that the 3 minute rule for speakers will be enforced.

E. Agenda and Order of Business (Additions, Deletions and Linkages)
Town Clerk, Debra Eastman requested on behalf of Commissioner Edward Kopelman to change item 9H, Commissioner Kopelman's appointment to the Communication Ad Hoc Committee from Marc Imberman to Kathy Imberman.
Vice Mayor Joe Graubart requested to have the Town Attorney's report pulled from the consent agenda. He asked that Item H precede Item G under special presentations.
Commissioner Michael Karukin requested to pull item 42 from the Manager's report.

F. Community Notes – Mayor Daniel Dietch
Mayor Daniel Dietch thanked County Commissioner Sally Heyman and Vice Mayor Joe Graubart for the emergency ocean stations that are now installed. He announced information regarding bike registration and parking passes and the reimbursement of library cards for Miami Dade County Library.
Vice Mayor Joe Graubart gave a reminder of the upcoming third Thursday events and the Veteran's Day celebration.

G. Special Presentation – Eagle Scout, Joseph Coto – Mayor Dietch
Mayor Daniel Dietch recognized 17 year old Joseph Coto for his leadership and service projects and most recently his Eagle Scout project of refurbishing Veteran's

Park. Mayor Dietch also recognized the several residents who assisted with the project.

H. Special Recognition – Paul Gioia, Lifetime Achievement Award, Interim Town Manager Roger Carlton

Interim Town Manager Roger Carlton recognized Paul Gioia who was recently honored with the Robert K. Becker Lifetime Achievement Award for his contribution to the Building Officials of Florida.

I. Special Presentation – Dr. Martin Karp, Miami-Dade School Board, District 3

Dr. Karp thanked Mayor Daniel Dietch for bringing forward the resolution to enforce residency requirements and pointed out that due to the economy 7,000 children have left private schools to come back to public schools.

2. Quasi-Judicial Hearings *None*

3. Consent Agenda

A. Minutes – October 12, 2010 Regular Commission Meeting

B. Town Manager's Report

There are 71 items, of which 41 are carried over, from the October 12, 2010 Town Commission meeting. Thirty items have been added during the last month. The status of each item is included in the After Action document in the agenda packet.

C. Town Attorney's Report – *Will be provided under separate cover.*

D. Projects Progress Report and Community Center Update – Calvin, Giordano & Associates, Inc.

E. Quality Control/Quality Assurance Procedures – Shelley Eichner, Calvin, Giordano and Associates, Inc.

F. Agreement with Miami-Dade State Attorney – Chief David Allen

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER OF THE TOWN OF SURFSIDE TO EXECUTE AN AGREEMENT WITH THE MIAMI-DADE STATE ATTORNEY'S OFFICE TO PROSECUTE CRIMINAL MUNICIPAL ORDINANCE VIOLATIONS IN SURFSIDE; AND PROVIDING FOR AN EFFECTIVE DATE.

G. Service Dog Training – Chief David Allen

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, IN RECOGNITION OF THE ROLL CALL TRAINING OF SURFSIDE POLICE OFFICERS WITH SERVICE DOGS.

H. Candy Miller Settlement – Lynn Dannheisser, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A STIPULATION OF SETTLEMENT AGREEMENT IN CANDY MILLER V. SURFSIDE, CASE NO. 2010-49676-CA-01 CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE TOWN ATTORNEY TO EXECUTE THE STIPULATION OF SETTLEMENT AGREEMENT AND PROVIDING FOR AN EFFECTIVE DATE.

I. Byrne/Jag Formula Funds Application – Assistant Chief John DiCenso
A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER OF THE TOWN OF SURFSIDE TO APPLY FOR THE FEDERAL DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM GRANT AVAILABLE THROUGH MIAMI-DADE COUNTY TO APPLY FOR, RECEIVE, EXPEND AND AMEND BYRNE/JAG FORMULA FUNDS AND EXECUTE AGREEMENTS WITH THE PURPOSE OF CREATING A RECORDS IMPROVEMENT PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt the consent agenda was made by Commissioner Michael Karukin. The motion received a second from Commissioner Marta Olchyk. Mayor Daniel Dietch called for the vote and all were in favor.

4. Ordinances

A. Second Readings (Ordinances and Public Hearing)

1. Update Capital Improvements Element – Shelley Eichner, Calvin, Giordano & Associates

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN'S COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN THE COMPREHENSIVE PLAN AND AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the ordinance and announced that there is a Sign In Sheet available if anyone would like to receive information concerning the date of publication of the Notice of Intent by the Department of Community Affairs. Town Planner, Shelley Eichner explained the requirement to review the Capital Improvements Element on an annual basis and that it must be adopted by December 1. Mayor Daniel Dietch opened the public hearing and there were no comments. A motion was made by Commissioner Michael Karukin to adopt the ordinance on second reading. The motion received a second from Mayor Daniel Dietch after passing the gavel to Vice Mayor Joe Graubart.

Town Clerk Debra Eastman called the roll and the motion was adopted 4-0.

2. Municipal Parking Lot – Karen Friedman, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING,” ARTICLE IV. “DISTRICT REGULATIONS” SECTION 90-41. “REGULATED USES” TO ALLOW SURFACE PARKING LOTS TO BE LOCATED IN ANY ZONING DISTRICT; AMENDING ARTICLE VII “OFF-STREET PARKING AND LOADING,” DIVISION 1 “OFF-STREET PARKING,” SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS” AND SECTION 90-82. “DESIGN STANDARDS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADD A PROVISION RELATIVE TO MUNICIPAL SURFACE PARKING AND DESIGN STANDARDS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the ordinance. Town Planner Shelley Eichner explained the purpose to permit municipal parking lots. A motion to adopt the ordinance on second reading was made by Commissioner Michael Karukin. The motion received a second from Commissioner Marta Olchyk. Mayor Daniel Dietch opened the public hearing. There being no comments, the public hearing was closed. Town Clerk Debra Eastman called the roll and all were in favor.

B. First Readings Ordinances

1. Commercial Vehicle Ordinance – Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 74 AND SPECIFICALLY SECTION 74-1 “USE OF COMMERCIAL VEHICLES”; CREATING SECTION 74-2 “USE OF COMMERCIAL VEHICLES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

The Commercial Vehicle Ordinance was removed from the agenda.

5. Resolutions and Proclamations

A. Agreement with the Florida State Lodge Fraternal Order of Police Local 135 – Roger Carlton, Town Manager

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA APPROVING AND RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF SURFSIDE AND THE FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE DATED OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2013 ATTACHED HERETO AS EXHIBIT “A”; DIRECTING THE TOWN MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN; AUTHORIZING THE TOWN

MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. A motion was made by Commissioner Michael Karukin to adopt the resolution. The motion received a second from Commissioner Marta Olchyk. Interim Town Manager Roger Carlton explained the negotiation process and the areas discussed in general. Mayor Daniel Dietch thanked the Interim Town Manager and the bargaining team. Town Clerk Debra Eastman called the roll and all were in favor.

**B. Grant Applications – Roger M. Carlton, Interim Town Manager
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA DIRECTING THE TOWN MANAGER AND CALVIN GIORDANO ASSOCIATES (“CGA”) TO MAKE ADDITIONAL GRANT APPLICATIONS TO FEMA IN THE AMOUNT OF \$2,983,538.00 AND TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT (“SFWMD”) IN THE AMOUNT OF \$570,000.00 TO AUGMENT THE FUNDING OF THE STORMWATER CAPITAL IMPROVEMENT PROJECT; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Debra Eastman read the title of the resolution. A motion was made by Commissioner Michael Karukin to adopt the resolution. The motion received a second from Vice Mayor Joe Graubart. Town Clerk Debra Eastman called the roll and all were in favor.

**C. Special Bond Counsel – Roger Carlton, Interim Town Manager
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, REAPPOINTING THE LAW FIRM OF BRYANT, MILLER, OLIVE AS SPECIAL BOND COUNSEL; SETTING FORTH THE TERMS AND CONDITIONS OF THAT APPOINTMENT; PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Debra Eastman read the title of the resolution. Interim Town Manager Roger Carlton explained this is an engagement letter and that the Town will also have a financial advisor to structure the debt to obtain the best possible price. Vice Mayor Joe Graubart moved to adopt the resolution along with Item “9B Proposed Water, Sewer, Stormwater Infrastructure Financing and Preliminary Authorization to Proceed”. The motion received a second from Commissioner Michael Karukin. Town Clerk Debra Eastman called the roll and the resolution was adopted 3-1 with Vice Mayor Joe Graubart voting in opposition.

**D. Purchase of Police Vehicles – Chief David Allen
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE PURCHASE OF TWO POLICE VEHICLES AND AUTHORIZING THE TOWN MANAGER TO EXPEND POLICE DEPARTMENT FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.**

A motion was made by Commissioner Michael Karukin to adopt the resolution. The motion received a second from Vice Mayor Joe Graubart. Commissioner Marta Olchyk spoke in opposition. Town Clerk Debra Eastman called the roll and the motion was adopted 3-1 with Commissioner Marta Olchyk voting in opposition.

**E. West Construction Change Order No. 1 – Roger Carlton, Interim Town Manager
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF
SURFSIDE, FLORIDA AUTHORIZING EXECUTION OF WEST
CONSTRUCTION, INC. CHANGE ORDER NO. 1 TO INCLUDE A CHANGE IN
THE SCHEDULED COMPLETION OF WORK WITH NO CHANGE IN THE
GUARANTEED MAXIMUM PRICE FOR THE COMMUNITY CENTER
PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.**

(Note: This change order establishes the new date for temporary certificate of occupancy of April 5, 2011 and final completion of May 20, 2011. The contractor has agreed to work six ten hour days to achieve these dates at no extra cost.)

Interim Town Manager Roger Carlton explained the time line and gave an affirmative recommendation for the adoption of this resolution. A motion to adopt the resolution was made by Commissioner Michael Karukin. The motion received a second from Vice Mayor Joe Graubart. Town Clerk Debra Eastman called the roll and the motion was adopted 3-1 with Commissioner Marta Olchyk voting in opposition.

**F. West Construction Change Order No. 2 – Roger Carlton, Interim Town Manager
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF
SURFSIDE, FLORIDA AUTHORIZING EXECUTION OF WEST
CONSTRUCTION, INC. CHANGE ORDER NO. 2 TO ADD AN ADDITIONAL
1000 SQUARE FEET OF MEETING ROOM SPACE TO THE COMMUNITY
CENTER TO INCLUDE A CHANGE IN THE GUARANTEED MAXIMUM
PRICE WITH NO CHANGE IN THE SCHEDULED COMPLETION OF WORK;
AND PROVIDING FOR AN EFFECTIVE DATE.**

(Note: This Change Order discusses the cost for adding approximately 1,000 square feet of public meeting space to the Community Center. The cost and other matters are still being negotiated. The Change Order is on this agenda to determine if the Town Commission wishes to pursue the additional space so that foundations may be installed at minimum expense to not delay the overall construction process. A final decision will be made during the December 14, 2010 Town Commission meeting.)

Interim Town Manager Roger Carlton explained an opportunity to add additional square footage and that he hopes to have the final figures to the Town Commission in December. A motion to adopt the resolution was made by Commissioner Michael Karukin. The motion received a second from Commissioner Marta Olchyk. Town Clerk Debra Eastman called for the vote and all were in favor.

**G. West Construction Change Order No. 3 - Roger Carlton, Interim Town Manager
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF
SURFSIDE, FLORIDA AUTHORIZING EXECUTION OF WEST
CONSTRUCTION CHANGE ORDER NO. 3 PAINTING THE INTERIOR AND
EXTERIOR OF TOWN HALL; AND PROVIDING FOR AN EFFECTIVE DATE.**

(Note: This Change Order authorizes the addition of \$24,500 to the West Construction contract. The decision was made to utilize the West Construction painting subcontractor since their pricing was excellent. The painting of Town Hall is included in the FY10-11 approved budget.)

Town Clerk Debra Eastman read the title of the resolution. Interim Town Manager Roger Carlton and Chris Giordano explained how the change order will assist in the process. Charles Kesi and Jen Brilliant of the Town of Surfside Beautification Committee showed the colors and explained they were unanimously selected by the Beautification Committee. A motion to adopt the resolution was made by Vice Mayor Joe Graubart. The motion received a second from Commissioner Michael Karukin. Town Clerk Debra Eastman called the roll and all were in favor.

H. School Residency Requirements – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, REQUESTING THAT MIAMI-DADE COUNTY PUBLIC SCHOOLS (MDCPS) ENFORCE THE RESIDENCY REQUIREMENTS FOR STUDENTS ENROLLED AT THE RUTH K. BROAD BAY HARBOR K-8 CENTER AND OFFERING TOWN ASSISTANCE; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. A motion to adopt the resolution was made by Vice Mayor Joe Graubart. The motion received a second from Commissioner Marta Olchyk. Vice Mayor Joe Graubart suggested that Bal Harbour and Bay Harbor also participate in a similar resolution. Town Clerk Debra Eastman called the roll and all were in favor.

I. Nova Engineering and Environmental, LLC Change Order No. 1- Roger Carlton, Interim Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING EXECUTION OF NOVA ENGINEERING AND ENVIRONMENTAL, LLC CHANGE ORDER NO. 1 TO CONTINUE SERVICES AS THE SPECIAL INSPECTOR TO PERFORM CONSTRUCTION MATERIALS TESTING SERVICES AS REQUIRED BY THE FLORIDA BUILDING CODE ON THE COMMUNITY CENTER PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. Chris Giordano explained that Nova is the testing firm hired to inspect items at the Community Center construction site. A motion was made to adopt the resolution by Commissioner Michael Karukin. The motion received a second from Commissioner Marta Olchyk. Town Clerk Debra Eastman called the roll and all were in favor.

J. Awarding Design-Build Bid to Lynx Construction, LLC – Roger Carlton, Interim Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AWARDING THE DESIGN BUILD BID TO LYNX CONSTRUCTION, LLC FOR THE DESIGN AND CONSTRUCTION OF THE SURFACE PARKING LOT LOCATED AT 9450 COLLINS AVENUE AND TO CREATE A JOINDER BETWEEN THE UNDEVELOPED LOT AND THE

EXISTING ADJACENT METER PARKING LOT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. A motion to adopt the resolution was made by Commissioner Michael Karukin. The motion received a second from Vice Mayor Joe Graubart. Upon questions regarding the number of spaces and cost, Interim Town Manager Roger Carlton stated he will report back to the Town Commission in December. Town Clerk Debra Eastman called the roll and all were in favor.

K.1 Architectural and Engineering Services – Fernando Rodriguez, Director of Public Works *(Note: There are two resolutions.)*

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, SELECTING FOUR (4) ARCHITECTURAL FIRMS TO PERFORM ARCHITECTURAL SERVICES FOR THE TOWN IN RESPONSE TO RFQ NO. 11-01; AUTHORIZING THE TOWN MANAGER OR HIS/HER DESIGNEE TO ENTER INTO A CONTINUING CONSULTANT AGREEMENT THE FORM AND CONTENT OF WHICH SHALL SUBSTANTIALLY CONFORM TO THE AGREEMENT CONTAINED IN EXHIBIT “A” WITH SAID ARCHITECTURAL FIRMS PROVIDED SAID AGREEMENTS ARE APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY THE TOWN ATTORNEY; FURTHER AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. A motion to adopt the resolution was made by Commissioner Michael Karukin. The motion received a second from Commissioner Marta Olchyk. Interim Town Manager Roger Carlton explained the purpose of having a team of firms available. Town Clerk Debra Eastman called the roll and all were in favor.

K.2

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA SELECTING FIVE (5) ENGINEERING FIRMS TO PERFORM GENERAL ENGINEERING, STRUCTURAL, GEOTECHNICAL, TRAFFIC SERVICES FOR THE TOWN IN RESPONSE TO RFQ NO. 11-02; AUTHORIZING THE TOWN MANAGER OR HIS/HER DESIGNEE TO ENTER INTO CONTINUING CONSULTANT AGREEMENTS THE FORM AND CONTENT OF WHICH SHALL SUBSTANTIALLY CONFIRM TO THE AGREEMENT CONTAINED IN EXHIBIT “A”, PROVIDED SAID AGREEMENTS ARE APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY THE TOWN ATTORNEY; FURTHER AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE TERMS OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. A motion to adopt the resolution was made by Commissioner Michael Karukin. The motion received a second from Commissioner Marta Olchyk. Town Clerk Debra Eastman called the roll and all were in favor.

L. Agreement with SunTrust to Process Credit Card Transactions – Assistant Chief John DiCenso

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER OF THE TOWN OF SURFSIDE TO EXECUTE AN AGREEMENT WITH SUNTRUST MERCHANT SERVICES, LLC TO PROCESS CREDIT/DEBIT CARD TRANSACTIONS FOR PROCESSING CARD TRANSACTIONS FROM THE MULTI-SPACE PARKING METERS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. Interim Town Manager Roger Carlton and Finance Director Martin Sherwood explained the best bid came from SunTrust. A motion to adopt the resolution was made by Commissioner Michael Karukin. The motion received a second from Vice Mayor Joe Graubart. Town Clerk Debra Eastman called the roll and all were in favor.

M. LAZ Parking Maintenance Contract Amendment – Assistant Chief John DiCenso

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE CONTRACT AMENDMENT WITH LAZ PARKING FOR TWELVE MONTHS; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AMENDMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND MUNICIPAL PARKING FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Debra Eastman read the title of the resolution. Interim Town Manager Roger Carlton recommended adoption of the resolution as part of the success of the program. A motion to adopt the resolution was made by Commissioner Michael Karukin. The motion received a second from Commissioner Marta Olchyk. Vice Mayor Graubart explained that this item is also lined to item 5L, 5N and 9I on this agenda. Mayor Daniel Dietch called for the vote and all were in favor.

N. Multispace Parking Meter Software Agreement – Assistant Chief John DiCenso

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE ENTERPRISE MANAGEMENT SYSTEM (EMS”) CUSTOMER AGREEMENT; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND PARKING FUND PROCEEDS; AUTHORIZING THE TOWN MAYOR TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

(Linked to item 5L and 5M and 9I)

Town Clerk Debra Eastman read the title of the resolution. A motion was made by Commissioner Michael Karukin to adopt the resolution. The motion received a second from Commissioner Marta Olchyk. Mayor Daniel Dietch called for the vote and all were in favor.

6. Good and Welfare

Peter Neville expressed concern regarding signs outside the Waverly involving private property.

Paul Yavis spoke about hiring outside counsel and a previous petition.

Alan Gourme asked about having hazardous waste picked up in town every six months.

Richard Iacobacci spoke about construction worker parking and renting of driveways and the downtown district facades and banners.

7. Town Manager and Town Attorney Reports

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

8. Unfinished Business and New Business

There was no unfinished business from the previous Town Commission agenda.

9. Mayor, Commission and Staff Communications

A. Truth & Reconciliation Panel – Mayor Daniel Dietch

Mayor Daniel Dietch read a memo proposing a committee. Commissioner Marta Olchyk spoke in opposition. Commissioner Michael Karukin spoke in opposition. There was no action.

B. Proposed Water, Sewer, Stormwater Infrastructure Financing and Preliminary Authorization to Proceed – Roger Carlton, Interim Town Manager

See item 5C.

C. Strategy for Disposition of Library Materials – Duncan Tavares, Tourist Bureau Board Director

Vice Mayor Joe Graubart made a motion to go forward with the disposition of materials as outlined by Interim Town Manager Roger Carlton. The motion received a second from Commissioner Michael Karukin. Mayor Daniel Dietch called for the vote and all were in favor.

D. Monthly Budget to Actual Summary - Martin Sherwood, Finance Support Services Department Head

Interim Town Manager Roger Carlton explained that the report has been revised to include revenue.

E. Take Home Vehicles and Vehicle Allowances – Roger Carlton, Interim Town Manager

Interim Town Manager Roger Carlton explained the report is in full disclosure. There was no action taken.

F. Additional Audit Options and Request for Direction – Roger Carlton, Interim Town Manager

Interim Town Manager Roger Carlton requested that the Town Commission provide

direction if they want any additional types of audits to be done. No action was taken.

G. Code Enforcement Status Report – Michael Garcia, Code Enforcement
Interim Town Manager Roger Carlton explained that the report is informational for the Town Commission.

H. Committee Appointments – Commissioner Edward Kopelman
Code Enforcement Ad Hoc Committee – Rick Zambrano
Communications Committee – Marc Imberman
The appointment of Kathy Imberman to the Communications Ad Hoc Committee was duly noted. Commissioner Michael Karukin announced that he is looking for volunteers who might be interested in serving on the Beautification Committee. Interim Town Manager Roger Carlton added that we are still in need of a coordinator for Baynanza.

I. Multispace Parking Meter Implementation Plan – Assistant Chief John DiCenso
Interim Town Manager Roger Carlton explained the methodology of implementing the parking meter pay stations. Assistant Police Chief John DiCenso explained what has been done and that he is also saving some old meters for fund raisers.

10. Adjournment The meeting adjourned at 10:30 p.m.

Accepted this ____ day of ____, 2010.

Daniel Dietch, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk

TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2009/2010
As of SEPTEMBER 30, 2010 (UNAUDITED)
100% OF YEAR EXPIRED (BENCHMARK)

Agenda Item # 3B Page 1 of 2

Agenda Date: December 14, 2010

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET	
GENERAL FUND				
REVENUE	\$8,387,389	\$8,102,820	105%	A
EXPENDITURES (excluding Transfers)	\$7,462,016	\$8,102,820	93%	B
Net Change in Fund Balance	\$925,373			
Fund Balance - Beginning of Year	\$2,295,535			
Fund Balance - September 30, 2010	<u>\$3,220,908</u>			
RESORT TAX				
REVENUE	\$144,417	\$134,000	108%	C
EXPENDITURES	\$116,318	\$134,000	87%	D
Net Change in Fund Balance	\$28,099			
Fund Balance - Beginning of Year	\$149,998			
Fund Balance - September 30, 2010	<u>\$178,097</u>			
POLICE FORFEITURE/CONFISCATION				
REVENUE	\$43,429	\$27,400	159%	E
USE OF RESTRICTED FUND BALANCE	N/A	\$45,850	N/A	F
EXPENDITURES	\$57,503	\$73,250	79%	F
Net Change in Fund Balance	(14,074)			
Fund Balance - Beginning of Year	\$85,899			
Fund Balance - September 30, 2010	<u>\$71,825</u>			
TRANSPORTATION SURTAX				
REVENUE	\$171,572	\$175,100	98%	
USE OF RESTRICTED FUND BALANCE	N/A	\$48,161	N/A	
EXPENDITURES	\$243,298	\$223,261	109%	G
Net Change in Fund Balance	(71,726)			
Fund Balance - Beginning of Year	\$488,225			
Fund Balance - September 30, 2010	<u>\$416,499</u>			
CAPITAL PROJECTS				
REVENUE (excluding Transfers)	\$22,735	\$139,027	16%	H
USE OF COMMITTED FUND BALANCE	N/A	\$5,045,000	N/A	
EXPENDITURES	\$698,658	\$5,184,027	13%	I
Net Change in Fund Balance	(675,923)			
Fund Balance - Beginning of Year	\$5,541,340			
Fund Balance - September 30, 2010	<u>\$4,865,417</u>			

NOTES:

- A. overage due to collection of prior years Value Assessment Board hearings (\$145,000), increased permit volume and other fee/tax collections (\$140,000)
- B. underage primarily attributable to: Legal (\$50,000), Police (\$250,000), Parks & Recreation (\$184,000) and other departmental spending less than budgeted
- C. overage due to increased compliance efforts
- D. underage primarily due to staff vacancy left unfilled upon departure
- E. overage due to higher than expected forfeiture funds received
- F. underage primarily due to the utilization of voluntary (unpaid) instructors along with a decrease in the expense of marketing/promotional literature
- G. overage primarily due to gasoline for the community bus shuttle not originally budgeted
- H. revenue received to date reflect interest income only. The budgeted remainder pertains to an ARRA grant (\$130,000) that is expected to be received during the next fiscal year
- I. underage primarily due to late start date for Community Center construction (\$5 mil - \$650K incurred = \$4.350 mil remaining)

ENTERPRISE FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET
WATER & SEWER			
REVENUE	\$2,674,840	\$2,634,615	102%
USE OF NET ASSETS/LOAN PROCEEDS	N/A	\$2,215,481	N/A
EXPENDITURES	\$2,160,773	\$4,850,096	45%
Change in Net Assets*	\$514,067		
Unrestricted Net Assets(Deficit)-Beg. of Yr.	\$448,793		
Unrestricted Net Assets(Deficit)-Sept 30	<u>\$962,860</u>		
MUNICIPAL PARKING			
REVENUE	\$408,045	\$302,100	135%
USE OF NET ASSETS	N/A	\$1,795,000	N/A
EXPENDITURES	\$991,638	\$2,097,100	47%
Change in Net Assets*	(\$583,593)		
Unrestricted Net Assets(Deficit)-Beg. of Yr.	\$2,526,724		
Unrestricted Net Assets(Deficit)-Sept 30	<u>\$1,943,131</u>		
SOLID WASTE			
REVENUE	\$1,225,594	\$1,282,304	96%
EXPENDITURES	\$1,035,848	\$1,282,304	81%
Change in Net Assets*	\$189,746		
Unrestricted Net Assets(Deficit)-Beg. of Yr.	(\$128,427)		
Unrestricted Net Assets(Deficit)-Sept 30	<u>\$61,319</u>		
STORMWATER			
REVENUE	\$247,352	\$246,000	101%
EXPENDITURES	\$108,111	\$246,000	44%
Change in Net Assets*	\$139,241		
Unrestricted Net Assets(Deficit)-Beg. of Yr.	(\$77,137)		
Unrestricted Net Assets(Deficit)-Sept 30	<u>\$62,104</u>		

NOTES:(con't)

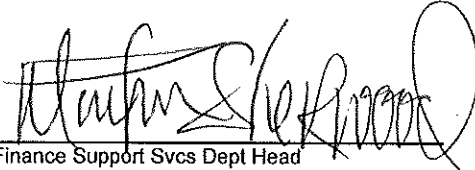
* the change in net assets excludes financial impact from Capital Assets

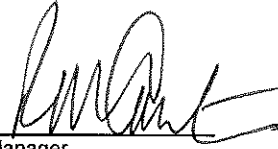
J. underage due to delay in commencement of Infrastructure/Capital Outlay projects (\$2.1 mill for water/sewer, \$77K for Stormwater)

K. overage due to rate and compliance increase (\$80,000) and permit parking volume (\$20,000)

L. underage due to lower land acquisition and capital costs than budgeted (\$1.03 mill)

M. underage occurred from lower disposal costs due to economic climate and decision to delay the acquisition of a new garbage truck


 Finance Support Svcs Dept Head


 Town Manager



**Town of Surfside
Town Commission Meeting
December 14, 2010 - 7:00 p.m.
Town Hall Commission Chambers - 9293 Harding Ave, 2nd Fl
Surfside, FL 33154**

**AFTER ACTION ITEMS
"Points of Light"**

1. City of Excellence: At the request of Mayor Daniel Dietch, Town Manager, Roger Carlton designated Tourist Bureau Director, Duncan Tavares and Parks and Recreation Director, Tim Milian, to prepare a report on the process the Town will take to become a "City of Excellence". The report is to be on the agenda for the November Town Commission meeting. Dennis Giordano, CGA, offered to assist Mr. Tavares. Town Clerk, Debra Eastman will help prepare the draft.

Current Status: Research is underway regarding various award programs available to the Town to reflect improved performance, communication with citizens and strategic planning. The new rules for potential award programs should be available during February 2011.

2. Downtown Vision project: Tourist Bureau Director, Duncan Tavares will prepare a report for the November Commission agenda with recommendations on how to move the Downtown Vision project forward.

Current Status: The report appears on the December 14, 2010 agenda. Should the Town Commission accept the report, the Downtown Vision project can move forward.

3. Maranon property: In order to accelerate the sale of the Maranon property as previously directed by the Town Commission, Finance Director, Martin Sherwood and Building Official, Paul Gioia will order an update to the appraisal of the Maranon property. Town Manager, Roger Carlton will move forward with the sale process subject to final approval of the sale when the bids are received.

Current Status: An appraisal has been received in the amount of \$298,000. Town Attorney Lynn Dannheisser and Town Manager Roger Carlton have completed the bid documents and advertisement in the Daily Business Review and in the Miami Herald has been placed. A mandatory pre-bid inspection was held at the property on December 1, 2010. Five potential bidders attended. An optional pre-bid conference was held at Town Hall on December 3, 2010 and there were no attendees. The bids were due on December 8, 2010. Final determination regarding sale or an alternative strategy to be made by the Town Commission in January 2011.

4. Vacant lot: Finance Director, Martin Sherwood and Building Official, Paul Gioia will order a new appraisal of the small piece of property south of the Town Hall trailers and an updated appraisal of the vacant lot which the Town currently rents and is used for the parking of police cars. A strategy recommendation to appear on the November 9, 2010 Town Commission meeting agenda.

Current Status: Appraisals have been received. A meeting was held with the owner of the property the Town rents for police vehicles on December 6, 2010. A recommendation on all available properties south of Town Hall will be made by the Town Manager in the January Town Commission meeting.

5. Town Commission and Planning and Zoning Board joint meeting: A resolution of the Town of Surfside, Florida, calling for a joint meeting between the Town Commission and Planning and Zoning Board to create a process to identify the issues to be reconsidered in the Zoning Code (Ordinance no. 10-1558); authorizing Commissioner Michael Karukin to enter into negotiations with the Petition Committee challenging Ordinance no. 10-1558; authorizing the Town Manager and Town Attorney to do all things necessary to effectuate the terms of this resolution; providing for an effective date.

Current Status: The first joint meeting was held November 4, 2010. After substantial discussion, the Town Manager, Town Attorney and Town Planner were directed to prepare specific recommendations for action at its second joint meeting scheduled for December 9, 2010. These recommendations appear as an attachment to this report and will be discussed at the second joint meeting on December 9, 2010.

6. Water, sewer and storm drainage project: Town Manager, Roger Carlton will report to the Town Commission at the November 9, 2010 meeting on financing the water, sewer and storm drainage project. Mayor, Vice Mayor and Commissioners to provide names for a citizen review committee to assist the Town Manager in the review of the alternatives.

Current Status: The minutes of the first meeting of the Town Manager's project management committee appears as an attachment to this report. The minutes include a proposed schedule for project implementation. Citizens who have volunteered for the Citizens Overview Committee include Walter Lugo, Gerald Chenevert, Irving Levine and Jason Nevader.

7. Concession stand: Town Manager, Roger Carlton provided an advertisement for an RFP for a concession stand to Parks and Recreation Director, Tim Milian for review. Tim Milian to obtain the RFP for use in the selection of the vendor for the Community Center. Timing of the procurement to coincide with planned opening of the facility.

Current Status: Retaining a vendor for operating the concession stand with Town employees was recommended by the Parks and Recreation Committee in their December 2010 meeting. Staff has concluded that the best approach is to obtain a vendor through the competitive selection process. A report from Parks and Recreation Director Tim Milian appears on this agenda.

8. Part time Maintenance Worker: Human Resources Coordinator, Yamileth Slate-McCloud reported that a new position of part time Maintenance Worker II, will be posted in order to hire by mid November. The position will address cleaning parking lots and when time available, downtown areas.

Current Status: In addition to working on the parking lots and the downtown area, the employee will work on the beach walk one day per week. A report regarding the dual responsibility for beach walk maintenance shared with Miami Dade County Parks and Recreation department appears as an attachment to this report.

9. Red light cameras: Police Chief David Allen and Assistant Chief John DiCenso will manage the implementation of red light cameras now reduced to five for completion by February 1, 2011 and the installation of parking meter pay stations which will be completed by early December, 2010.

Current Status: The following implementation requirements have been completed or are underway:

Red Light Cameras – automated Intersection Safety Program

- all five approaches have been submitted to Miami-Dade County and FDOT for permitting
- two of the five approaches were approved
- the other three approaches are set for Dec 13 for approval
- construction of foundation and pole scheduled for December
- installation of cameras and communications equipment to be completed by end of Dec for the first two approaches
- if other three approaches are approved they may also be completed by the end of Dec
- we are hosting automated intersection program training for numerous municipalities Dec 7, 8, and 9 in training room
- warning period scheduled for January 2011
- enforcement begins for February 1, 2011
- Mayor Dietch has requested that staff take another look at the SB Harding and 95th Street intersection due to the SB to WB right turn on red movement. The process is underway

Multi-Space Meters – Status Report

Current Status: The system went live on November 22, 2010 ten days before committed. Rates have been fine tuned in order to eliminate the minimum time requirement and the customers no longer have to “wake up” the sleeping” screen by pushing a button. There are also “bugs” being worked out relative to a few of the dollar bill acceptors and communication with the credit card processors. All in all, the system implementation has been a great success and “thanks” to John Di Censo and his team for a great job.

10. Code enforcement amnesty program: Building Official, Paul Gioia will give an update at the November Town Commission meeting on the status of the code enforcement amnesty program.

Current Status: The final report is attached. Enforcement action on the non-compliant violations began in December. There will be an increase in the number of cases going to the Hearing Officer in January.

11. Bal Harbour Comprehensive Plan Amendment hearing: Town Manager, Roger Carlton and Commissioner Edward Kopelman will attend the Comprehensive Plan

Amendment hearing at the Village of Bal Harbour on October 19, 2010 at 7 pm. A report to the Town Commission will be made after the Bal Harbour meeting.

Current Status: The Bal Harbour Council deferred this item for at the first public hearing. Vice Mayor Joe Graubart, Commissioner Ted Kopelman and Town Manager attended the meeting of the Village Council and requested that the project not move forward until the impacts on Surfside could be discussed. Town Manager Roger Carlton has met with Bal Harbour Shops attorney. See attached Miami Herald Neighbors article which denotes that the item continues to be deferred. Thanks to the Vice Mayor and Commissioner Kopelman for helping to “waive the Surfside flag” at the Bal Harbour meetings. This is important to show we are earnest about our concerns.

12. Photo/film permit program: Town Manager, Roger Carlton will prepare a policy for the photo/film permit program in conjunction with input from Surfside citizens. A report will be prepared by Parks and Recreation Director Tim Milian, Police Chief David Allen and Tourist Bureau Director, Duncan Tavares for the December 14, 2010, Town Commission agenda.

Current Status: Report appears on the December 14, 2010 Commission agenda.

13. Circulator bus: Town Manager, Roger Carlton will review the potential linking of the Surfside circulator bus with other communities to allow residents transportation to the Sunny Isles library and possible other destinations. A report will be made to the Town Commission at their November meeting.

Current Status: The managers of Bal Harbour, Surfside, Bay Harbor Islands and Sunny Isles Beach have agreed to meet in December 2010 to discuss potential linkages of their respective bus systems. A report on the results of the meeting will be made during the January 2011 Town Commission meeting.

14. Process for ordinance hearings: Town Manager, Roger Carlton and Town Attorney, Lynn Dannheisser will review and suggest a more efficient process for ordinances to be heard by both the Town Commission and Planning and Zoning Board. A report will be made to the Town Commission at their November meeting.

Current Status: Item completed.

15. Water saving program: Town Manager, Roger Carlton instructed Public Works Director, Fernando Rodriguez with the assistance of John Messarian, Engineer with Calvin, Giordano and Associates to obtain information regarding a water saving program that would provide reduced water usage in toilets. A report will be presented to the Town Commission at their November meeting.

Current Status: With staff changes in the Public Works Department and a new water and sewer relationship manager in Calvin Giordano and Associates, this report will be delayed until January 2011.

16. After action document mailing: Town Manager, Roger Carlton to review former Vice Mayor Marc Imberman's newsletter and determine if the newly created after action document could be mailed to that email group.

Current Status: The email address list of this group was provided in Word format. The list contained approximately 400 addresses. Each email address on the list has to be individually typed into a database to create a usable list. This process is projected to be complete during November 2010. Item completed.

17. Salary increases/performance review: Town Manager, Roger Carlton and Human Resources Coordinator, Yamileth Slate-McCloud will review the request of Commissioner Marta Olchyk to tie salary increases to a performance review and will report back by January, 2011.

Current Status: Research in progress. Report to be presented in January 2011.

18. Investigate whether it is worthwhile to employ a grant coordinator

Current Status: Staff is also reviewing an automated grant research tool as suggested by Commissioner Karukin as an alternative to retaining a part time employee or consultant. A final recommendation will be made in January 2011.

19. Prepare a Five Year Financial Plan

Current Status: Carl Berkey-Abbott, budget consultant has submitted a draft of the Five Year Financial Plan. The draft is under review and the goal is to present it to the Town Commission in January 2011.

20. Kindle Wireless reading devices available in the reading room of the Community Center Addition

Current Status: A small area with comfortable furniture will be provided in the Community Center addition for residents to use Kindles or an alternative device. This item is now part of the Community Center Change Order No. 2 addition which is presented separately on the December 2010 agenda.

21. Study of Impact Fees

Current Status: Imposition of impact fees is being reviewed to assess cost and funding of required studies. Report to the Commission in January 2011. The assignment has been given to Town Planner, Sarah Sinatra.

22. Install on-line utility billing system

Current Status: Being investigated along with other payment options. The multi-space meter contract for credit card payment processing allows payment for utilities by credit card to be added. A report on various payment options for utilities and other Town services will be made in January 2011.

23. Seek permission to use Bal Harbour basketball court and Sunny Isles skate park

Current Status: Town Manager Roger Carlton will add this goal to the discussion mentioned in earlier item regarding cooperative opportunities for the bus systems. Report to be made in January 2011.

24. Pension audits

Current Status: Audits for FY 08/09 were distributed to Town Commission. Audits for FY 09/10 are underway by Alyce Jones, CPA. The Town of Surfside pension program remains fully funded. There may be a need to amend the pension plan to allow the Town Manager to opt out. This will appear on the next Pension Board agenda if necessary.

25. Community garden and farmers market

Current Status: There is FY 10/11 budget allocation of \$5000 for this project. Town Manager Roger Carlton will meet with the Beautification Committee and other supportive individuals to initiate this project in January 2011.

26. Explore broadcasting Channel 77 on ATT U-Verse

Current Status: Town Manager Roger Carlton will meet with AT&T officials to determine technical requirements and bring a recommendation to the Town Commission in January 2011.

27. Feral cat concern

Current Status: Concern regarding feral cats continues. The concerns have morphed to a much larger scope due to the hookworm issue in Miami Beach and related publicly. Matters of this nature and how they are resolved will be included in the discussion by the Code Enforcement Committee. Concerned individuals on all sides of this issue should rest assured that the Administration will work closely with the Health Department to ensure the safety of our citizens and visitors while remaining sensitive to the concerns of the cat advocates. See article attached to the report, "Feral Pigs in Dallas, Texas", demonstrates that we are not alone.

28. First reading of Commercial Vehicle Restricted Parking Ordinance

Current Status: Ordinance has been prepared by Town Attorney Lynn Dannheisser for inclusion on December 14, 2010 Town Commission agenda. Numerous changes suggested by Town Manager Roger Carlton will require a second look at the Planning and Zoning Board. Ordinance should be before the Town Commission in January 2011.

29. Keep America Beautiful

Current Status: Tim Milian, Parks and Recreation Director has investigated and the report attached to this document recommends moving forward with the program in cooperation with the Beautification Committee.

30. Recycle containers for glass and aluminum in downtown and beach areas and used small battery containers at Town Hall

Current Status: Public Works Director Fernando Rodriguez has investigated this process and eight recycle containers have been installed downtown. Staff will work on an expanded public information program to ensure that the containers are not used for non recyclables. Staff is also reviewing the potential of battery recycling container program and additional glass/aluminum recycling containers on the beach.

31. Bal Harbour Juice Bar

Current Status: Town Attorney Lynn Dannheisser has investigated this situation and will report on her portion of the agenda. Item completed.

32. Lot on 96th Street owned by Young Israel complaints of trash

Current Status: Lot has been cleaned up and chained off. Item completed.

33. Baynanza – yearly event in need of new chairperson

Current Status: The Town Clerk has posted the vacancy and names are still being sought.

34. PACE program – special assessment districts for home energy efficiency improvements

Current Status: See issue paper attached to this report regarding concerns of the Federal Housing Finance Agency for this program. A report and recommended actions will appear on the January 2011 agenda.

35. Canine feces bag receptacles installation

Current Status: Duncan Tavares will coordinate a study including potential sponsorships. Report back in January 2011. Receptacles have been placed in Veterans Park at the 93rd Street entrance to the beach behind the Community Center.

36. Plaque in Veteran's Park for J. Coto Eagle Scout beautification effort

Current Status: Plaque has been ordered and will be installed when received. Item completed.

37. PILOTS – Payments In Lieu of Taxes

Current Status: Town Attorney and Town Manager will complete research and report regarding cost and potential funding sources for required studies to implement a PILOT program. Report will be provided in January 2011.

38. Mobility Study: This project is allocated \$75,000 in the FY 10/11 Budget

Current Status: Shelley Eichner and Sarah Sinatra will review and report in January 2011. The work will be awarded to the one of new engineering contractor(s) and should commence in Spring 2011.

39. Community Center Supporters “Buy a Brick” program

Current Status: A sample brick will be shown to the Town Commission during the December 14, 2010 meeting. Residents Cheryl Arnold and Pamela Behar have agreed to volunteer to head up this program with Commissioner Karukin as the Town Commission liaison.

The following section of the Point of Light Report relates to items funded in the budget which are on-going. If a budgeted item has been completed, it will not appear in the report:

40. Establish a reserve policy for all fund types for capital outlay projects and smoothing rate increases

Current Status: This will be analyzed in the development of the Five Year Financial Plan and recommendations will be made. The Plan is scheduled to be brought to the Town Commission in January 2011.

41. Complete expired permit closeout in the Building Department

Current Status: Owners have been notified and closeout effort is underway.

42. Parking Study: This project which is necessary to establish a Parking Trust Fund, which has an allocation in the FY 10/11 Budget will go out to RFP in early 2011.

Current Status: Preparation of the RFP will be completed in January 2011.

43. Review property and casualty insurance coverage

Current Status: Finance Director Marty Sherwood has requested price quotations from the Florida League of Cities program to increase coverage levels. A report will be made in January 2011 regarding this program.

44. Lien Special Counsel: This will help in meeting the goal of placing and collecting liens for extreme violations

Current Status: Town Attorney Lynn Dannheisser has selected Special Counsel and will report on this during her portion of the December 14, 2010 agenda.

45. Flag replacement: There is an allocation of \$1000 with the Parks and Recreation Department FY 10/11 Budget

Current Status: The funds will be utilized for the reinstallation of the three flag poles at the Community Center.

46. Tourist Resort Tax Auditor program received a \$6000 allocation in the FY 10/11 Budget

Current Status: The Town Manager will discuss this program with the Tourist Board in the December meeting and move forward after receiving their input.

47. Municipal parking lot renovation program: \$428,000 has been allocated in the FY 10/11 Budget for paving, sealing, restriping, concrete curb repairs, litter receptacles, improved lighting and landscaping and drainage services.

Current Status: This project will be awarded to the new engineering/architectural vendor(s) after a mini competition. Work should commence during Spring 2011.

48. Interior and exterior repainting of Town Hall

Current Status: Changer Order No. 3 to the Community Center project was approved during the November Town commission meeting. Color selection was approved upon advice from the Beautification Committee. Scheduling for the interior and exterior painting on weekends is being prepared by Building Director Paul Gioia and is estimated to require nine weekends.

49. Solid waste collection vehicles: Staff was directed to prepare the RFB for October 2011 delivery of a new collection vehicle.

Current Status: Commissioner Olchyk has requested the Town Manager to review the frequency of collection on the December 14, 2011 agenda. Depending on the outcome of that study, the schedule and/or need for an RFB for a new collection vehicle will be determined. Further, any savings that may result from a revised schedule of collection could be used to enhance beach walk maintenance.

50. Document imaging and scanner software: This \$26,500 project was funded in the FY 10/11 Budget

Current Status: RFP under review. Will be advertised in late December for a February 2011 award by the Town Commission.

51. Phone system upgrade: This \$54,000 project was funded in the FY 10/11 Budget

Current Status: Town Clerk Debra Eastman and Town Manger Roger Carlton are currently reviewing the RFP. This project is assisted by Calvin Giordano and Associates. The RFP has been reviewed by the Miami Dade County Procurement Department and many valuable comments were made. Our thanks to Director Miriam Singer and her staff for this pro bono assistance. Contract award is expected in Spring 2011.

52. E-mail Archive Spam Filter project: This \$8000 project was funded in the FY 10/11 Budget

Current Status: This project will be included in the phone system upgrade and will not appear separately in future "Points of Light" reports.

The following items have been completed. Items have been deleted from the December 2010 Points of Light.


1. Special Presentation – Downtown Improvements Master Plan – Scarlet Tenen, Chairman, Planning and Zoning Board
Town Manager, Roger Carlton requested that Tourist Bureau Director, Duncan Tavares arrange to have the student survey team gather information on Saturday and an additional day to ensure coverage for residents/shoppers who would not be in the Downtown on Saturday.
3. Public Works Director, Fernando Rodriguez will post the recently amended notification of chlorination of water on the Town website and channel 77 as soon as possible.
4. Parks and Recreation Director, Tim Milian will follow up on the installation of the life guard rings as funded by County Commissioner, Sally Heyman. The expected completion date is November 5, 2010. Mr. Milian will arrange for a formal dedication ceremony.
6. Town Manager, Roger Carlton instructed information technology consultant, Jose Feliz to post photographs of the progress of the Community Center construction on the cable channel 77, as is already done on the Town website. Chris Giordano will arrange for the posting of photographs.
7. Finance Director, Martin Sherwood, Building Official, Paul Gioia and Public Works Director, Fernando Rodriguez will prepare and provide a detailed report of monies paid to Calvin, Giordano and Associates for inclusion in the November Town Commission agenda. The report will include recommendations for modifying the relationship with the firm during FY 2010/2011. Town Manager, Roger Carlton to meet with Vice Mayor Joe Graubart to define his ideas.
8. Discs of the regular Town Commission meeting are available for that month at no charge at the front desk of Town Hall. One citizen has utilized the service in August and September, 2010.
9. Projects Progress Report – Calvin, Giordano & Associates, Inc. (CGA)
John Messarian, CGA, will prepare an email to the Town Manager with details of grants actually committed (not just applications made) in the past two years. This report will be presented during the November Town Commission meeting.
10. Yamileth Slate-McCloud, Human Resources Coordinator will prepare a memo, for review by the Town Manager, to accompany the Fraternal Order of Police (FOP), contract that will give a detailed explanation of pay practice concerns during the last contract period.
11. Town Clerk, Debra Eastman will investigate the Miami-Dade County home page to be sure that all Surfside Commissioners are properly listed and take action to ensure that any missing information is provided and posted.

12. Town Clerk, Debra Eastman will enhance the agenda pages in the Town Commission monthly agenda packets with the page numbers for each item and will reference any linked agenda items.
13. Public Works Director, Fernando Rodriguez will prepare an item for the November Commission agenda for the bid award and contract award for construction of the municipal parking lot assuming the required second reading design ordinance is approved by the Town Commission.
14. Dennis Giordano, Calvin, Giordano and Associates, inc. will provide the Town Manager with a memo by October 22, 2010 explaining water pressure and any water pressure impacts to existing homes. This will be forwarded to Town Commission and Shirley Baker who requested the information during the October, 2010 Commission meeting.
15. Town Clerk, Debra Eastman will be responsible for posting the After Action items document on channel 77 within three days of the meeting.
16. Tourist Bureau Director, Duncan Tavares will investigate and prepare a report on the request to air the 5,000 Books CD on channel 77. The report will be on the November Town Commission agenda.
17. Town Clerk, Debra Eastman will provide demo CDs from proposed League of Cities vendor, e-cities, a website hosting company, to the Communication Committee for their review.
18. Building Official, Paul Gioia and Code Enforcement Officer, Michael Garcia were assigned to the Code Enforcement Committee and Police Chief Allen will also provide a representative. The first meeting will be scheduled as soon as possible.
19. Police Chief David Allen will contact the Miami Herald to request that they include more information about police incidents in Neighbors and prepare a brief email to the Town Commission regarding the results by October 22, 2010.
27. Tourist Bureau Director, Duncan Tavares will prepare a report on the strategy for the complete disposition of library materials for the November Town Commission agenda.
28. Town Attorney, Lynn Dannheisser was authorized to cease further action regarding F&P Aluminum Screen, Inc. purchase of impact windows for the lifeguard stand. This action was taken due to the low probability of any compensation in relation to potential legal costs. Town Manager, Roger Carlton instructed to implement procedures that will avoid any recurrence of this problem.
31. The Town Commission authorized Martin Sherwood, Finance Director to pay total reimbursement of \$100 per household for the purchase of Miami-Dade Public Library system cards for Surfside residents to a total of \$12,000 for the 2010-2011 budget year.

32. Town Manager, Roger Carlton in conjunction with Town Attorney, Lynn Dannheisser will finalize the informational mailer to Town residents regarding the Charter change question on the November 2, 2010 ballot.
34. Mayor Daniel Dietch will schedule a Town Hall meeting to introduce Interim Town Manager, Roger Carlton to the community.
35. Tourist Bureau Director, Duncan Tavares will make a formal request to follow up on the offer of Miami-Dade County Commissioner Sally Heyman to bring the book mobile to Surfside.
39. Town Manager, Roger Carlton and Town Clerk, Debra Eastman will work with Vice Mayor Joe Graubart to extend an invitation to Robert Meyers from Miami-Dade County Commission on ethics to come to the November Commission meeting to discuss concerns with public debt.
49. Town Clerk to research how the Town of Surfside voted on the People's Transportation Plan approximately 4 years ago
50. Town Manager to meet with Rabbi Lipskar of the Shul of Bal Harbour
51. No handicap ramps on 90th Street and 92nd Street (Commissioner Kopelman)
52. Status of Town of Surfside Evaluation and Appraisal Report (EAR)
54. Make street ends more attractive (Mayor Dietch)
56. R. Zambrano – Feral Cat Issue
57. Information on website re: completion of Community Center
61. SOBER House status
67. Rumor of early Community Center building permit signatures by unauthorized officials
71. Whitefly Infestation: Vice Mayor Graubart requested information relative to possible Town program

Memo

To: Mayor Daniel Dietch
Vice Mayor Joe Graubart
Commissioner Michael Karukin
Commissioner Marta Olchyk
Commissioner Edward Kopelman

From: Roger M. Carlton 

CC: Tony Blate
Barbara McLaughlin
Randal Rubin
Mitchell Kinzer
Rick Zambrano
Paul Gioia
Michael Garcia

Date: 12/2/2010

Re: Code Compliance Committee Report

Short Term Rentals

The board decided that for the December 8, 2010 meeting, Mrs. McLaughlin would present additional information to the board on how other communities handle this issue.

Chain Link Fence Ordinance

The board made a motion to extend the "Chain Link Fence" amnesty program for an additional six months.

Power Blowers

The board made a motion to change the code to allow power blowers to be used to blow from the street onto the property, taking this action will prevent grass cuttings from entering our catch basins. It will also make it easier for the landscapers to clean area. The board also suggested that all landscapers that work in the town register with the town.

Take Home Commercial Vehicles

The board made a motion to recommend directing Mr. Paul Gioia to come up with a guide line referencing take home commercial vehicles

BAL HARBOUR

Council puts off plans to expand mall

Plans to expand posh Bal Harbour Shops are put on hold again.

BY RODOLFO ROMAN

Special to the Miami Herald

The Bal Harbour council once again put the brakes on plans to expand the village's upscale shopping mall — for now.

The council voted unanimously to defer two proposals that would amend land usage for two locations: Church By The Sea, 501 96th St., and Bal Harbour's Village Hall, 655 96th St. The parcels of land are key to the Bal Harbour Shops proposed expansion plans.

The council had also voted to defer the item at last month's meeting.

Council members agreed that

representatives of the Bal Harbour Shops, the village and Church By The Sea should meet in a workshop before presenting the matter to the council again.

"Personally, I would love to see the shops expand," Councilman Martin Packer said at the Nov. 16 meeting. "It's good for the village because we would get increased taxes, however, the sense of the council and am sure it has come across is that the council wants to see something concrete not specifically something."

A date for the workshop has yet to be set.

The owners of Bal Harbour Shops would like to purchase both sites to possibly expand the mall to include retail stores, a high-end movie theater and a

banquet facility, said attorney John Shubin, representing the Whitman family, which owns the mall. Developer and owner Stanley Whitman opened Bal Harbour Shops in 1965 on the site of the former World War II army barracks. Whitman persuaded Neiman Marcus to open its first store outside of its native Texas.

In 1976, Saks Fifth Avenue followed. In September, the Bal Harbour Shops submitted its application to amend the land usage on the Church By The Sea's site of just over a half acre from institutional to commercial, and Village Hall's site, about a third of an acre, from municipal to commercial.

A contract to purchase both properties and a site plan has not

been finalized, Shubin said. Also at the meeting, Bal Harbour has chosen to change its election date process in order to save money.

The village council voted unanimously on second reading to change the election date to be held in conjunction with the national elections on the first Tuesday in November of even-numbered years.

Currently, elections are held on the first Tuesday in April of odd numbered years.

The change would save the village money — and boost turnout, Mayor Jean Rosenfield said.

"Other benefits for our residents include a greater interest in the November nationwide election, as well as the opportunity for our residents to partici-

pate in the early voting option," she said. "We hope that these factors will translate into greater participation by our residents in the voting process."

The village must reimburse the Miami-Dade County Elections Department for all its costs associated with the election by hosting elections in April, said Jay Smith, community outreach director.

Bal Harbour resident Brian Mulheren applauded the action. "We save money," he said. "It is a good thing."

Approving the ordinance means that the term for current council members would be extended by 19 months. Terms for council members are four years. Candidates qualifying period will also be adjusted.

Texas Calls in the Law in Its Beef With Feral Porkers

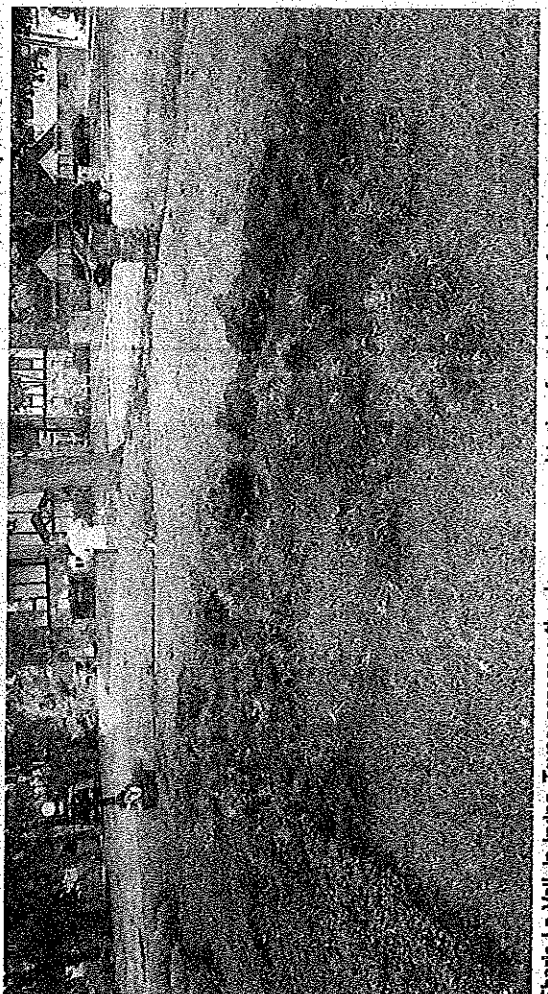
ITEM 27

Continued from Page One
 Herds of feral pigs are menacing other urban areas around the country. In Oahu, Hawaii's most populated island, the hogs descend from forests into nearby subdivisions, encountering humans, house pets, and—before the series ended in May—the last of "lost." Oliver Lamasco, resident of a local pig-hunters association, says he captured dozens of animals from the show's set.

Florida suburbs have also suffered from swine-wrought destruction. But in Panama City, on the Florida Panhandle, residents harmed by a feral pig that hung out at a yacht club disabled traps set by animal-control officers and created a Facebook page devoted to the porcine visitor.

In Michigan, fugitives from bear-hunting ranches are popping up all over the state, even in Detroit, wildlife officials say. Earlier this year, the state made it legal for licensed gun owners to shoot stray pigs on sight on public land.

But Texas claims to have about as many wild hogs as the rest of the nation combined. Experts put the pig count at 2 million and growing, since a wild sow can deliver anywhere from 4 to 20 piglets in a year. State officials estimate that pigs cause \$400 million a year in property



Sharie La Vail, in Irving, Texas, assesses the damage caused to her front lawn by feral pigs.

is really easy to dig around in," Mr. Johnson says. Fred and Sharie La Vail, who live in a red-brick Tudor on a tree-lined cul-de-sac in Irving, another Dallas suburb, can attest to that. A sow and her six piglets—which were the size of German shepherds, according to Mr. La Vail—gouged their front yard in October, unearthing flowers and crushing their irrigation system.

The pigs returned again and again, once setting the retired contractor off on a wild hog chase in his sport-utility vehicle. He tracked the culpable swine at 1:30 one morning and called the police, but the vandals got away because patrolmen are forbidden to discharge their weapons at stray animals.

"We will have to coexist," Mr. La Vail says—but he isn't happy about it.

and dogs," says Fred Sanderson, Irving's animal services manager. Armed with four-by-eight-foot metal traps and buckets of corn, Mr. Sanderson's department captured 10 pigs in October and shipped them to a meatpacker to become pork chops. But in the past few weeks, he says, the remaining pigs seem to have caught on to him, because the cages remained empty even though hoofprints proved hogs had foraged nearby. He removed the traps after one of them was stolen.

In nearby Arlington, home to Dallas-Cowboys Stadium, animal-services officer Ray Rentschler is experimenting with a larger pen-like trap. Mr. Rentschler leaves corn out for several nights, waiting for the swine to lower their guard and gather in big numbers. Then he strikes.

High-school students in nearby Trophy Club, Texas, are manufacturing special gates for the pig traps in shop class. Their products will be distributed through the new Dallas-Fort Worth Feral Hog Initiative, a network of wildlife experts and city officials joining forces against the swine.

Teacher Kevin Deal says he hopes the gates will help with "trying to control those boogers because they're so damn destructive."

But the porcine outlaws have their defenders. Chris Hinterman has set up a shelter for feral piglets, including one who survived by eating restaurant leftovers in Dallas alleys.

Her 70 residents can root to their hearts' content in her 75-acre property in Ennis, about 40 miles south of Dallas. Mrs. Hinterman, who works at a bakery, often brings her pigs left over *kolaches*, Czech pastries popular in the area, and celebrates each of their birthdays.

One afternoon, Manning, a 200-pound hog with black spots, snorted in delight as Mrs. Hinterman gave him a vigorous belly rub. "They're very personable," she says of her charges. But she can't save them all. The adult ones, she says, "are too hard to tame."

Though pigs usually avoid people, trapped hogs can turn feisty. So in Southlake, Cpl. Salas sets his traps in secluded locations and posts orange signs reading "Danger! Stay back." He hopes his county will win the state contest and get some of the \$25,000 bounty.

WSJ.com

ONLINE TODAY: See a video about the feral pigs of Texas at WSJ.com/PageOne.

Texas Calls in the Law In Its Beef With Feral Porkers

* * *

You Can't Shoot Them From Helicopters In Dallas Proper; Subtlety Is Required

By ANA CAMPOY

SOUTHLAKE, Texas—Police officer Ric Salas is mounting a sting operation to catch a gang of vandals terrorizing this affluent Dallas suburb.

His plan: lure them with corn, trap them in a pen—and avoid their pointy tusks.

The police officer is on feral-pig patrol, charged with fighting back the stout, smart, snouted invaders that are tearing

up flower beds and street medians in search of roots and grubs. One evening recently, they dined at—and trashed—the parking lot of a Verizon office building.

Wild pigs, descendants of animals brought by the Spanish conquistadors, have foraged in Texas for centuries and have

long been a pest on ranches. But as cities and suburbs swallow up more land, they are becoming an urban nuisance as well.

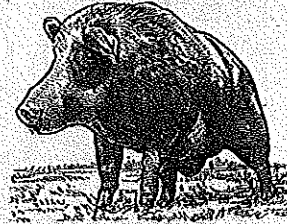
Eradication methods common in rural Texas, such as shooting feral pigs from helicopters, don't lend themselves to a more urban setting. So police departments

and animal-control officers are trying new ways to stymie the wily wild swine, methodically tracking the marauders' hoofprints and setting up

night-vision cameras to monitor their movements.

"If you had told me I would be doing this when I joined the police force, I would have said, 'yeah, right,'" says Cpl. Salas, who has been in law enforcement for 13 years.

Please turn to page A16



WSJ

12/2

Pg 7

FEDERAL HOUSING FINANCE AGENCY**STATEMENT**

For Immediate Release
July 6, 2010

Contact: Corinne Russell (202) 414-6921
Stefanie Mullin (202) 414-6376

**FHFA Statement on Certain Energy
Retrofit Loan Programs**

After careful review and over a year of working with federal and state government agencies, the Federal Housing Finance Agency (FHFA) has determined that certain energy retrofit lending programs present significant safety and soundness concerns that must be addressed by Fannie Mae, Freddie Mac and the Federal Home Loan Banks. Specifically, programs denominated as Property Assessed Clean Energy (PACE) seek to foster lending for retrofits of residential or commercial properties through a county or city's tax assessment regime. Under most of these programs, such loans acquire a priority lien over existing mortgages, though certain states have chosen not to adopt such priority positions for their loans.

First liens established by PACE loans are unlike routine tax assessments and pose unusual and difficult risk management challenges for lenders, servicers and mortgage securities investors. The size and duration of PACE loans exceed typical local tax programs and do not have the traditional community benefits associated with taxing initiatives.

FHFA urged state and local governments to reconsider these programs and continues to call for a pause in such programs so concerns can be addressed. First liens for such loans represent a key alteration of traditional mortgage lending practice. They present significant risk to lenders and secondary market entities, may alter valuations for mortgage-backed securities and are not essential for successful programs to spur energy conservation.

While the first lien position offered in most PACE programs minimizes credit risk for investors funding the programs, it alters traditional lending priorities. Underwriting for PACE programs results in collateral-based lending rather than lending based upon ability-to-pay, the absence of Truth-in-Lending Act and other consumer protections, and uncertainty as to whether the home improvements actually produce meaningful reductions in energy consumption.

Efforts are just underway to develop underwriting and consumer protection standards as well as energy retrofit standards that are critical for homeowners and lenders to understand the risks and rewards of any energy retrofit lending program. However, first liens that disrupt a fragile housing finance market and long-standing lending priorities, the absence of robust underwriting standards to protect homeowners and the lack of energy retrofit standards to assist homeowners, appraisers, inspectors and lenders determine the value of retrofit products combine to raise safety and soundness concerns.

FEDERAL HOUSING FINANCE AGENCY



STATEMENT

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On May 5, 2010, Fannie Mae and Freddie Mac alerted their seller-servicers to gain an understanding of whether there are existing or prospective PACE or PACE-like programs in jurisdictions where they do business, to be aware that programs with first liens run contrary to the Fannie Mae-Freddie Mac Uniform Security Instrument and that the Enterprises would provide additional guidance should the programs move beyond the experimental stage. Those lender letters remain in effect.

Today, FHFA is directing Fannie Mae, Freddie Mac and the Federal Home Loan Banks to undertake the following prudential actions:

1. For any homeowner who obtained a PACE or PACE-like loan with a priority first lien prior to this date, FHFA is directing Fannie Mae and Freddie Mac to waive their Uniform Security Instrument prohibitions against such senior liens.
2. In addressing PACE programs with first liens, Fannie Mae and Freddie Mac should undertake actions that protect their safe and sound operations. These include, but are not limited to:
 - Adjusting loan-to-value ratios to reflect the maximum permissible PACE loan amount available to borrowers in PACE jurisdictions;
 - Ensuring that loan covenants require approval/consent for any PACE loan;
 - Tightening borrower debt-to-income ratios to account for additional obligations associated with possible future PACE loans;
 - Ensuring that mortgages on properties in a jurisdiction offering PACE-like programs satisfy all applicable federal and state lending regulations and guidance.Fannie Mae and Freddie Mac should issue additional guidance as needed.
3. The Federal Home Loan Banks are directed to review their collateral policies in order to assure that pledged collateral is not adversely affected by energy retrofit programs that include first liens.

Nothing in this Statement affects the normal underwriting programs of the regulated entities or their dealings with PACE programs that do not have a senior lien priority. Further, nothing in these directions to the regulated entities affects in any way underwriting related to traditional tax programs, but is focused solely on senior lien PACE lending initiatives.

FHFA recognizes that PACE and PACE-like programs pose additional lending challenges, but also represent serious efforts to reduce energy consumption. FHFA remains committed to working with federal, state, and local government agencies to develop and implement energy retrofit lending programs with appropriate underwriting guidelines and consumer protection standards. FHFA will also continue to encourage the establishment of energy efficiency standards to support such programs.

###

The Federal Housing Finance Agency regulates Fannie Mae, Freddie Mac and the 12 Federal Home Loan Banks. These government-sponsored enterprises provide more than \$5.9 trillion in funding for the U.S. mortgage markets and financial institutions.

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TOWN OF SURFSIDE

9293 Harding Avenue
Municipal Building
9293 Harding Avenue
Surfside, Florida 33154
(305) 861-4863
(305) 861-1302

Daniel Dietch
Mayor

Joe Graubart
Vice Mayor

Marta Olchyk
Commissioner

Michael Karukin
Commissioner

Edward Kopelman
Commissioner

Roger M. Carlton
Town Manager

TOWN OF SURFSIDE PROJECTS PROGRESS REPORT DECEMBER, 2010

1. **Community Center** – The Contractor has completed the installation of the required shoring to complete the concrete pour for the roof slab. The roof slab was poured in early December. This concrete pour required 350 cubic yards, or 35 truck loads, of concrete to complete. The roof slab will need to cure in the forms for a few weeks. The forms for the roof slab and support framing will be removed prior to the end of December. Simultaneously with the roof work, the piping and excavation for the pool and spa will begin.
2. **Planning and Community Development** – Staff transmitted the Capital Improvements Element update, which was adopted on November 9, 2010, to the Department of Community Affairs. Staff also prepared ordinances relating to changes for boats and curb cuts on lots resulting from the code hearing in August. Staff researched Land Use Plan amendments in Bal Harbour attended the Village's meeting to state the Town's concerns on the record. Staff completed an analysis and prepared recommendations for the joint meeting on December 9th. Planning staff continues to answer general zoning calls and emails from the public and to review building permits for conformance with the zoning code.
3. **Website, Information Technology, TV Broadcasts** - The town has been provided with quotes to replace three network switches currently installed that belong to Calvin, Giordano & Associates, Inc. (CGA). The IT Department investigated the possibility of adding AT&T's U-Verse service to the broadcast feed and we are continuing to work with the new Interim Town Manager Roger Carlton to determine the cost and possibility for making the town channel available for U-Verse broadcast.

The communications committee is meeting with the town clerk to bring up new ideas for the website and the electronic communication used by the town. The clerk is communicating with the IT Staff on the proposed ideas.

CGA has completed RFP's for the new phone system and the replacement of the front office copier and given them to the clerk. IT Staff is gathering quotes for wireless microphones for the commissioners to use for meetings.

4. **Public Utilities / Engineering** –

Stormwater System

Construction plans and specifications – 95% complete. Submitted for City review on 11/18/10 with comments expected 12/10/10

Permits – All permits obtained except contractor DERM permit and contractor FDEP well permit.

Construction schedule – Advertisement goal of 01/15/10 with anticipated construction duration goal of 15 months. Note: contractor feedback indicates 24 month duration.

Grant status - FDEP \$873,500	– In place
FDEP \$125,000	– In place
FDEP \$2,949,550	– In process.
SFWMD \$570,000	– In process

Sanitary Sewer Collection System

Construction plans and specifications – 90% complete for collection system upgrades and sewage lift station refurbishment. Submitted for City review on 11/18/10 with comments expected 12/10/10

Permits – WASAD approval pending City approved plans 12/10/10.

Construction schedule – Advertisement goal of 01/15/10 with anticipated construction duration goal of 15 months. Note: contractor feedback indicates 24 month duration.

Grant Status – FDEP \$100,000 - In place

Water Distribution System

Construction plans and specifications – 95% complete. Submitted for City review on 11/18/10 with comments expected 12/10/10

Permits – WASAD and DERM approved. HRS pending; response expected by 1/1/2011.

Construction schedule – Advertisement goal of 01/15/10 with anticipated construction duration goal of 15 months. Note: contractor feedback indicates 24 month duration.

Grant status - FDEP Bond \$829,000 – In place

Stormwater Master Maintenance

The stormwater drainage system is being cleaned and maintained on a yearly basis as required by the National Pollution Discharge Elimination System Permit. Repairs and replacement program coincide with the Florida Department of Environmental Protection Stormwater project and grants

Florida Department of Transportation Local Agency Program

CGA assisted the Town with the Florida Department of Transportation Local Agency Program (LAP), which allows access to additional funding within the State right of ways, such as the replacement of handicap ramps, bus stop pads and solar lights along 92nd Street between Harding and Collins Avenue. This project is under construction with no matching funds required from the Town.

5. **Capital Improvement Projects** - Calvin Giordano has provided the Town with a list of concerns regarding safety issues and American Disability Act access for several Beach Walk Access points in the Capital Improvement Projects reports. Upon request by The Town, the Landscape Architecture Department will provide detailed plans to address these deficient areas.

RESOLUTION NO. 10-_____**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF SURFSIDE SPECIAL ELECTION HELD ON NOVEMBER 2, 2010 FOR CONSIDERATION OF A CHARTER AMENDMENT TO ELIMINATE THE PERSONNEL APPEALS BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on Tuesday, November 2, 2010 a Special Election was held to ascertain the will of the people regarding a Charter Amendment question, to wit:

“The Town Charter currently provides for the existence and operation of a Personnel Appeals Board. It is proposed this Board be eliminated. Shall the above-described amendment be adopted?”

WHEREAS, pursuant to Section 108 of the Town of Surfside Charter, the results of the voting have been certified by the Miami Dade County Supervisor of Elections and Miami Dade County Canvassing Board; and

WHEREAS, the Canvassing Board has canvassed such returns, tabulated the ballots of absentee voters, early voters and votes cast on Election Day and have determined the total ballots cast as such election.

WHEREAS, said results have been delivered to the Town and are attached hereto as exhibit “A”; and

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

Section 1. That the above and foregoing recitals are true and correct.

Section 2. That the Commission finds, declares and certifies the total of ballots cast on the question and the number of votes received as set forth on the attached "Exhibit A".

Section 3. It is hereby certified and declared that the question set forth was not approved by the electorate.

Section 4. That the Town Clerk is hereby authorized and directed to perform any and all incidental duties in connection herewith as required by law.

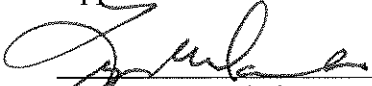
PASSED AND ADOPTED this 14th day of December, 2010.

Daniel Dietch, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk

Approved as to form and legal sufficiency:



Lynn M. Dannheisser
Town Attorney

****Official******CERTIFICATE OF COUNTY CANVASSING BOARD**

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

We, the undersigned, County Court Judge SHELLEY J. KRAVITZ, **Chairperson**, County Court Judge, NURIA SAENZ, **Substitute Member**, and Supervisor of Elections LESTER SOLA, **Member**, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the 2nd day of November, A.D., 2010, and proceeded to publicly canvass the votes cast for the charter amendment question herein specified at the **Surfside Special Election** held on the 2nd day of November, A.D., 2010, as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

Charter Amendment

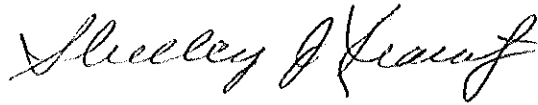
The Town Charter currently provides for the existence and operation of a Personnel Appeals Board. It is proposed this Board be eliminated.

Shall the above-described amendment be adopted?

YES	<u>592</u>
NO	<u>696</u>

**** Official ****

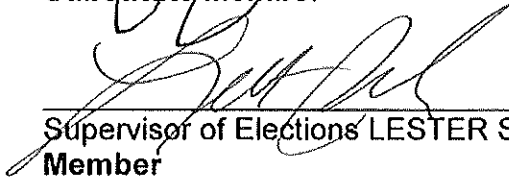
MIAMI-DADE COUNTY CANVASSING BOARD:



County Court Judge SHELLEY J. KRAVITZ
Chairperson



County Court Judge NURIA SAENZ
Substitute Member



Supervisor of Elections LESTER SOLA
Member



Commission Communication

Agenda #: 3G

Date: December 14, 2010

Subject: Grievance Procedures

Background: Attached is a Grievance Procedure for non unionized Town employees which documents a process for resolving issues or encourages suggestions. When the referendum to amend the Town's Charter Section 2-151 was before voters, I asked whether there was a grievance procedure in place. Learning that a procedure was not in place, I asked the Human Resources Director, Yamileth Slate-McCloud to prepare one.

The procedure has been reviewed by the Town Attorney and was presented to the Personnel Appeals Board in their organizational meeting.

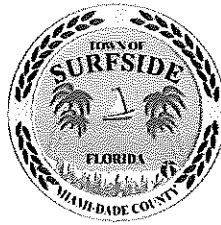
Budget Impact: N/A

Analysis: This grievance procedure will facilitate expanded communication and improve the potential for resolution of issues before the Personnel Appeals Board becomes involved.

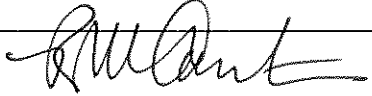
Staff Impact: There will be some staff time involved in resolving grievances. This is time well spent.

Recommendation: It is not necessary for the Town Commission to approve this new procedure. We want you to know about it and raise any concerns that might exist in the public forum.

Roger M. Carlton
Interim Town Manager



ADMINISTRATIVE POLICY

NUMBER: 2000-10-04	DATE: December 6, 2010
REVISIONS:	
ISSUED BY: Town Manager	SIGNED: 

SUBJECT: GRIEVANCE PROCEDURES

PURPOSE: The purpose of this policy is to establish guidelines for employees regarding the grievance procedure as a mechanism to resolve disciplinary actions taken against any non union employee. Conversely, each employee is expected to extend the same treatment to his/her associates, supervisors and to the public.

POLICY:

- I. Step 1: Employees who believe they have a grievance may address their concerns in writing, within five (5) work days from the event causing the dispute. The written statement shall contain the date, time, place and nature of the dispute and relief requested and shall be filed with their department head. Within five (5) days of the receipt, the department head after consultation with the Human Resources Director and the Town Attorney, shall inform the employee, in writing, of the disposition of the appeal, or failing in that, advise the employee, in writing, of his/her inability to settle the dispute. At this point, the employee may proceed to Step 2
- II. Step 2: An employee who is not satisfied with the response to Step 2 may, within three (3) working days following the Step 2 response, file the written statement along with copies of the department head's response with the Town Manager with a copy to the Human Resources Director. The Town Manager shall, within fifteen (15) work days of receipt, meet with the employee. The Town Manager shall respond in writing ten (10) working days from the date of the meeting.

- III. Employees who have continuously employed by the Town for at least two (2) years, after receiving the Town Manager's determination, may appeal a termination or reduction in pay or rank to the Town's Personnel Appeals Board if he/she feels that his/her termination or reduction in pay or rank was without cause.
- IV. Withdrawing of Grievance: An employee may withdraw a Grievance at any point in writing or by permitting the time requirements to lapse without appeal and without consequence.
- V. Employees subject to a collective bargaining agreement are excluded from this process. Bargaining employees are to follow the provisions of the collective bargaining agreement.
- VI. Any employee that does not have two years of continuous employment with the Town is excluded from this process.
- VII. Department Directors are excluded from this process and may appeal directly to the Personnel Appeals Board. Per Town Charter Section 2-151, the Town Attorney, the Town Manager, and Town Clerk are exempt from appealing to the Personnel Appeals Board.
- VIII. While the employee grievance procedure referred to above is used to appeal disciplinary actions taken by management, a less formal alternative is available to resolve other employee problems, concerns, or to put forth suggestions.
 1. The vast majority of employee problems or complaints involve misunderstandings that can be resolved informally through discussion with immediate supervisors. The Town of Surfside believes strongly that open communication promotes mutual understanding and provides management with valuable information about working conditions and the quality of service we give to the residents of Surfside.
 2. When an employee has a problem or complaint that is not the subject of a formal written dispute, or a suggestion, he or she should schedule a mutually agreeable time to discuss the matter with his or her immediate supervisor.

3. In the event that an employee feels that their complaint, problem, or suggestion has not been answered to their satisfaction, they have the right to discuss it with successively higher levels of supervision, up to the Town Manager if necessary.

They simply notify their supervisor that they want to discuss their problem, complaint, or suggestion with the next level of supervision. The supervisor will instruct the employee where and with whom to make the appointment. All levels of the Town Management are available to listen to employee complaints, problems, or suggestions.

It is the Town policy that such informal complaints, suggestions, or problems needing resolution move along the chain as quickly as possible.

4. Problems arise within any organization. The Town of Surfside encourages you to attempt to resolve any that may occur as quickly and simply as possible. No one exercising his or her right to the chain of command is subjected to any form of retaliation by any Town employee, supervisor, manager, or other official.

Surfside Communication Committee Progress Report to Town Commission 28-Nov-10

1. Background

The Surfside Town Commission established an ad-hoc communications committee to develop a set of recommendations to assure the availability and delivery of town records and community activities in a manner that is comprehensive and cost effective.

The commission recognizes the need to optimize resources that make more efficient use of technology and traditional methods of communicating with residents. The Commission formed this committee to review the design, function, capacity and maintenance requirements of the town's website, identify features and functions of interest to the town but not currently provided and develop a set of policy recommendations that will improve the way the town communicates with residents using both traditional and web based delivery methods.

This document represents a progress report on the committee's activities to date. A final report and recommendations is scheduled for the March 2011 Commission meeting.

2. Goals and Objectives

The overall goal of the committee is to develop a set of policy recommendations to the town commission on ways to improve access, awareness and transparency of town business and activities.

Objective 1: Review current communication methods

Objective 2: View demo's from website vendors

Objective 3: Develop user requirements and content specifications for the website.

Objective 4: Develop options and recommendations for Commission

3. Status Report

The committee was established on October 12th 2010 and as of the date of this report, has met 3 times: October 19th, October 27, and November 18th. The 4th meeting is scheduled for December 7th.

The first 2 objectives were completed:

Objective number 1 (Review as-is environment).

Currently, information about town business is delivered by:

- Newsletter (Gazette)
- Website (www.townofsurfsidefl.gov)
- Channel 77 for Atlantic broadband subscribers,
- Mailings
- Code Red notification system for emergencies

Objective number 2 (View Website Demos)

- Committee members attended presentations by CGA and E-City Services
- Many examples from other municipalities were submitted and discussed

4. Current Observations/Issues

General

- CGA is the current vendor: Costs for current services to be identified.
- There is no formal communications / content clearinghouse
- Content comes from a variety of sources, mostly department heads.
- Integration and collaboration with branding effort and other town websites: Tourist board, business association, civic association.

Email List Management

- Legal research: Are town subscriber lists subject to public records?
- Opt-in / Opt out requirements
- Development segmentation requirements (e.g., condo, association, single family)
- Agree on registration attributes (e.g., email, name, date of birth, gender)

Gazette

- Modify advertisement policy: too much clutter.
- Offer delivery options (e.g., create opt out/opt in): will save money but require integration with website
- Change layout/format: Style preferences to be discussed.
- Change calendar format (done)

Channel 77 (Atlantic Broadband Community Access)

- Limited to AB subscribers: Develop agreement with ATT UVerse
- Discontinue display of illegible content
- Increase timing between screen transitions (Done - 30s max)
- Convey broadcast schedule

Social Media

- Deferred

Code Red

- No Change

Website

- Vendor Demo's to date (CGA; E-City Services)
- Website features and functions list to compare options (See table below)
- Content requirements (e.g., on-line bill pay, town check book, live streaming)
- Decision on what will be on-line as opposed to near-line – that is, accessible only via electronic document management system (EDMS).
- Technical Architecture (Storage capacity, document management system, content management system, back-up, and disaster recovery) to be discussed.

5. Sample Website Vendor Comparison

Required Feature	CGA	E-City Services	Comment
1. Custom Design Look and Feel			
2. Global Style Sheets			
3. Content Management			
4. Email Posting of Content (News, Agendas, Minutes)			
5. SMS Text Alerts			
6. Email Subscriber Service			
7. Multiple Web Calendars			
8. On-line Bill Pay			
9. Real Time Streaming			
10. Archive Streaming			
11. Web Statistics			
12. Site Security			
13. EDMS Integration (Search and Retrieval)			
14. Adequate storage for on-line and near line document retrieval			
15. Consulting/Training Services			
Optional Feature			
1. Emergency SMART Phone Posting			
2. E Agenda Packet Builder			
3. On-line Polling			
4. Google Search Function			
5. Citizen Request Management			
Impact on Headcount			
Start up Costs			
Year 1			
Year 2			
Year 3			
Three Year Cost Projection			

6. Action / Discussion Items For Subsequent Meetings

- Legal research: Are town subscriber lists subject to public records?
- Agree on Proposed User Requirement Specification
- Development segmentation requirements (e.g., condo, association, single family)
- Agree on registration attributes (e.g., email, name, date of birth, gender)
- Discuss if Tourist Board website should be independent and linked or integrated with same branding.
- Decision on what will be on-line as opposed to near-line – that is, accessible only via electronic document management system (EDMS)
- Discuss content distribution worksheet (see attached)

7. List of Recommendations so far

- Modify advertisement policy in Gazette: too much clutter.
- Develop agreement with ATT UVerse
- Provide Town Check Register on Town website

COPY OF CONTENT DELIVERY TEMPLATE FOR DISCUSSION PURPOSES ONLY IS ON THE NEXT PAGE

Content Delivery Policy Template

This template can be used to inventory distribution requirements of content by department or for the development of a communication policy. Such a policy can include standard distribution requirements resulting in a more consistent and directed flow of information.

From	Message/Content Description	Website	Gazette	Chan77	Code Red	Email	SMS	Advert	Brochure	Poster	Banner	Letter	Report	Actions/Recommendation
Manager														
Clerk														
Legal														
Building														
Public Works														
Public Safety														
Parks and Recreation														
Leisure Services														

Memo

To: Mayor Daniel Dietch
Vice Mayor Joe Graubart
Commissioner Michael Karukin
Commissioner Marta Olchyk
Commissioner Edward Kopelman

From: Roger M. Carlton

CC: Tony Blate
Barbara McLaughlin
Randal Rubin
Mitchell Kinzer
Rick Zambrano
Paul Gioia
Michael Garcia

Date: 12/8/2010

Re: Code Compliance Committee Report

Short Term Rentals

The board decided that for the December 8, 2010 meeting, Mrs. McLaughlin would present additional information to the board on how other communities handle this issue.

Chain Link Fence Ordinance

The board made a motion to extend the "Chain Link Fence" amnesty program for an additional six months.

Power Blowers

The board made a motion to change the code to allow power blowers to be used to blow from the street onto the property, taking this action will prevent grass cuttings from entering our catch basins. It will also make it easier for the landscapers to clean area. The board also suggested that all landscapers that work in the town register with the town.

Take Home Commercial Vehicles

The board made a motion to recommend directing Mr. Paul Gioia to come up with a guide line referencing take home commercial vehicles

Proclamation

Whereas, Janice Thomas served most of her 36 year teaching career at Ruth K, Broad Bay Harbor K-8 Center; and

Whereas, Janice Thomas began and headed the Mathematics Super Star Program; and

Whereas, Janice Thomas has worked diligently to establish the criteria for Honor Roll and the awards program; and

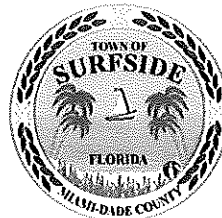
Whereas, Janice Thomas has faithfully and conscientiously served Ruth K, Broad Bay Harbor K-8 Center and the Town of Surfside and its citizens for nearly 36 years; and

Whereas, Janice Thomas is conscientious and trustworthy; and her devotion to her job has had a valuable impact on her coworkers and many students;

Now, Therefore, I, Daniel Dietch, Mayor of the Town of Surfside, Florida on behalf of the Town Commission, do hereby extend our sincere appreciation to Janice Thomas for her distinguished service to the community, and highly commend her for the manner in which she carried out her duties and responsibilities.

In witness thereof I have hereunto set my hand this 10th day of December, 2010.

*Daniel Dietch, Mayor
Town of Surfside, Florida*



MONTH OF NOVEMBER 2010 (Code Compliance Cases)

New Cases	Old Cases Resolved	Old Cases Pending	Case Description
0	1		ABANDONED/INOPERABLE VEHICLE
2	1	1	ACCESSORY BUILDING
0			ANIMALS
0	1		BOAT STORAGE
0			BUILDING CONFORMITY CHANGES
0			BUSINESS IN RESIDENTIAL AREA
1			CARPOT/CANOPIES
0	2	67	CHAIN LINK ORDINANCE
0			DISTRIBUTION OF HANDBILLS
0			DOGS ON BEACH
1	1		FAILURE TO DISPLAY STREET NUMBER
0	4		FLORIDA STATUTE 316.515 (2)
1			GARAGE/ESTATE SALE
37	10	10	GENERAL MAINTENANCE
0			HURRICANE DAMAGE
0	3		ILLEGAL DEPOSITS
0	1		INDUSTRIAL TRASH DEPOSITED
2	1		LANDSCAPING REQUIREMENTS
0			LIGHTING OUTDOORS
0			NO PERMIT POSTED
0			NOISE
1			NON CONFORMING USE
0			OCCUPATIONAL LICENSE
15	65	3	OVERGROWTH
0	2		PARKING NON PAVED AREA
0	3		PARKING-RESTRICTED
0			PAVING
0			PEDDLING/SOLICITING

MONTH OF NOVEMBER 2010 (Code Compliance Cases)

New Cases	Old Cases Resolved	Old Cases Pending	Case Discription
0	2	7	RED TAG WWOP BEING CONDUCTED
0	3		SIDEWALK/STREET OBSTRUCTION
0	1		SIGN
0			STORM SHUTTERS
0			STRUCTURE IN DISREPAIR
0			SWIMMING POOL BARRIER
0			TOWN PROPERTY
0			VISION CLEARANCE
0			WATER RESTRICTION
88	17	11	WORK DONE WITHOUT PERMIT
0			40 YEAR RECERTIFICATION

PREVIOUS TOTAL CASES (October 31, 2010)

139

NEW CASES OPENED DURING NOVEMBER 2010

148 Includes 58 Amnesty Cases *

SUB-TOTAL

287

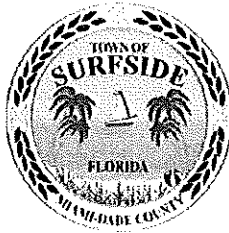
CASES RESOLVED NOVEMBER 2010

135

CASES PENDING NOVEMBER 2010

152

*Note: There were 114 amnesty cases of which 56 cases were resolved during the amnesty period. Of the 58 remaining amnesty cases 31 cases are showing progress and 27 cases are showing no intention to comply. Courtesy Notices were issued to the remaining 58 amnesty cases in late November. The next step for property owners showing no intention to comply are fines and Special Master hearing.



Town of Surfside Commission Communication

Agenda Item # 3L

Agenda Date: 12/14/10

Subject: Community Center Concessionaire Services

Objective: To provide quality concessionaire services to the patrons of the Surfside Community Center.

Recommendation: Advertise by RFP (Request for Proposals) to hire a qualified vendor to handle the year round concession responsibilities required by the Town of Surfside for the new Community Center.

Background: During numerous public meetings in regards to the operations of the new facility a concession facility was requested by residents to be included in the plans. The new Community Center will include a 248 square feet concession facility with equipment.

Analysis: A competitive RFP will provide the best opportunity for a high quality concessionaire service with the possibility of generating additional revenue for the Town. It is staff's recommendation that we contract out to provide quality concessionaire services.

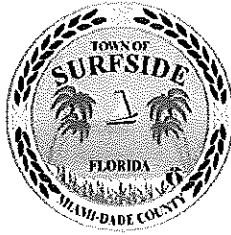
Budget Impact: Annual revenue and any cost assumed by the Town will be based on the proposals received during the open bid process.

Growth Impact: The contract will include the possibility of expanding services if and when needed.

Staff Impact: An RFP will be advertised after the holiday season. A selection committee which will include staff and a representative of the Parks and Recreation Committee will prioritize the process to allow the Town Manager to make a recommendation to the Town Commission in sufficient time for the vendor to be ready for the May 15, 2011 scheduled opening ceremonies. There will be an impact on staff resources to manage the selection process, implement the agreement and oversee the vendor's obligations. This impact will be far less than actually operating the facility with Town employees.

Department Head

Town Manager



Town of Surfside Commission Communication

Agenda Item #: 4A1

Agenda Date: December 14, 2010

Subject: Clarify Off-Street Parking Design Standards, relative to onsite and offsite circulation.

Objective: Clarify the standards utilized by Town Staff to review site plans for onsite and offsite vehicular circulation

Background: The Zoning Code does not specifically state the standards of review utilized by Staff for onsite and offsite vehicular circulation.

Analysis: The Town's Zoning Code includes regulations regarding parking lot lay out, parking space size, and parking lot location. Due to the adjacency to state roadways, Staff has utilized Miami-Dade County standards for review of offsite and onsite vehicular circulation. However, this reliance on County standards was not specifically stated in the Zoning Code. Staff felt it was appropriate to amend the Off-Street Parking Design Standards to specify the Miami-Dade County standards. Further, additional language was added to give Town Staff the flexibility to impose stricter standards when the County standards do not result in adequate queuing and circulation space. Finally, language clarifying review and approval by FDOT for projects that have direct access to and from the state roadways was also included.

Budget Impact: Planning Staff's time was funded under the general services contract between the Town and CGA. Therefore the Town did not incur an additional budget impact for CGA's time.

Growth Impact: N/A

Staff Impact: N/A

Recommendation: The Planning and Zoning Board recommended approval of this item to the Town Commission at its September 30, 2010 meeting and the Town Commission approved this ordinance at first reading on October 12, 2010. It is recommended that the Surfside Town Commission adopt on second reading the attached Ordinance, amending sections 90.82 of the Town of Surfside Zoning Code.

Shelley Eichner, Town Planner

Roger Carlton, Interim Town Manager

ORDINANCE NO. 10- _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90, DIVISION 1. OFF-STREET PARKING, SECTION 90-82 “DESIGN STANDARDS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO CLARIFY THE STANDARDS USED FOR VEHICULAR QUEUING, ACCESS TO STATE ROADWAYS; AND ON-SITE CIRCULATION; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Surfside (“Town”) proposes to amend its Code of Ordinances to allow parking as a use when subordinate to a main use in all districts; and

WHEREAS, The Town Commission held its first public reading on October 12, 2010 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, The Planning and Zoning Board, as the local planning agency for the Town, held a public hearing on September 30, 2010 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on December 14, 2010 and further finds the proposed change to the Code necessary and in the best interest of the community.

Ordinance No. _____

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

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

Section 2. Code Amendment. The code of the Town of Surfside, Florida and specifically Division 1. OFF-STREET PARKING, Section 90-82 Design Standards is hereby amended to add Sections (j), (k), and (l) as follows:

DIVISION 1. OFF-STREET PARKING

Sec. 90-82. Design standards.

(j) Vehicular Queuing. On-Site vehicular queuing shall conform as a minimum to the following standards. The Town Manager or his designee reserves the right to modify vehicular queuing requirements if deemed necessary based on individual circumstances and so as to cause the least practical interference with the use of adjacent Property and with the movement of pedestrian or vehicular traffic.

1. Vehicular Queuing for Public Charter School Facilities. Automobile stacking space, defined as that space in which pickup and delivery of children can take place, may be provided in the form of specified parking stalls and/or areas clear of vehicular drive aisles. Stacking space shall be provided for a minimum of two (2) automobiles for charter schools with twenty (20) to forty (40) children; schools with forty-one (41) to sixty (60) children shall provide four (4) spaces; thereafter there shall be provided a space sufficient to stack five (5) automobiles.

2. Vehicular Queuing for Educational and Child Care Facilities, nonpublic. Automobile Stacking space, defined as that space in which pickup and delivery of children can take place, shall be provided for a minimum of two (2) automobiles for schools with twenty (20) to forty (40) children; schools with forty (40) to sixty (60) [children] shall provide four (4) spaces; thereafter there shall be provided a space sufficient to stack five (5) automobiles.

(k) Access to State Roadways. Projects that have direct or immediate access or is within one-half block of Collins Avenue, Harding Avenue or 96 Street shall be subject to the review and approval by FDOT for compliance with FDOT standards. Site Plan Applications subject to this provision shall include a letter from FDOT as part of the site plan submittal.

(l) On-site Circulation. There shall be safe, adequate, logical and convenient arrangement of pedestrian walkways, bikeways, roadways, driveways, driving aisles and off street parking and loading spaces on-site. The Town Manager or his designee reserves the right to modify on-site

Ordinance No. _____

circulation if deemed necessary based on individual circumstances and so as to cause the least practical interference with the use of adjacent Property and with the movement of pedestrian or vehicular traffic.

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word “ordinance” may be changed to “Section” or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this 12th day of October, 2010.

PASSED and ADOPTED on second reading this ____ day of _____, 2010.

Daniel Dietch, Mayor

Attest:

Debra E. Eastman, MMC

Ordinance No. _____

Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Lynn M. Dannheisser, Town Attorney

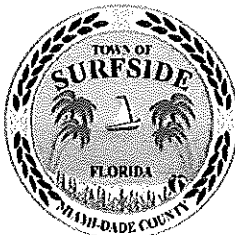
On First Reading Moved by: _____

On Second Reading Seconded by: _____

Vote:

Mayor Dietch	yes _____	no _____
Vice Mayor Graubart	yes _____	no _____
Commissioner Karukin	yes _____	no _____
Commissioner Kopelman	yes _____	no _____
Commissioner Olchyck	yes _____	no _____

Ordinance No. _____



TOWN OF SURFSIDE
Office of the Town Attorney

MUNICIPAL BUILDING
 9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser
 Town Attorney

Telephone: 305 993-1065

MEMORANDUM

TO: Town Commission

FROM: Lynn M. Dannheisser, Town Attorney *[Signature]*

cc: Roger Carlton, Interim Town Manager
 Debra E. Eastman, M.M.C., Town Clerk

DATE: December 14, 2010

RE: Commercial Vehicle Parking Restriction Ordinance

Recommendation: It is recommended the Commission pass this amendment to Section 74-1, 74-2, and 74-3 relating to Commercial Vehicle Parking Restrictions on first reading.

Reasons: Parking of commercial vehicles on public streets in the residential neighborhoods of Surfside has become a problem for many residents. In addition to having an adverse affect on the maintenance of the aesthetics of a residential neighbor, the parking of these vehicles creates a shortage of street parking available to our residents. A prior code provision that was somewhat vague banned commercial vehicles on residential streets but two events have intervened: the Third District Court of Appeal has put its imprimatur of approval on this kind of truck ban and it makes sense to track the language the courts have already opined is acceptable, thereby minimizing our risk of any future challenge and b) the newly formed code enforcement committee has met and decided to exercise some leniency in favor of homeowners.

The amended code language defines commercial vehicles specifically by weight and description. It imposes hours when parking is permitted, designates the district where the restriction is not applicable, gives the Police the power of enforcement, and allows for one commercial vehicle to be parked in a residential driveway provided the resident has obtained a commercial vehicle parking permit from the Town. The new language also provides a procedure the issuance and revocation of the commercial vehicle parking permit and allows for revocation if conditions are violated.

ORDINANCE NO. 10- _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 74 AND SPECIFICALLY SECTION 74-1 "COMMERCIAL VEHICLES" CREATING SECTION 74-2 "USE OF COMMERCIAL VEHICLES" AND SECTION 74-3 "ISSUANCE OF COMMERCIAL VEHICLE PARKING PERMIT" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to define commercial vehicles.

WHEREAS, The Town Commission held its first public reading on December 14, 2010 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on January 11, 2011 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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

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

ARTICLE I. IN GENERAL

Ordinance No. _____

Sec. 74-1. Use of commercial vehicles restricted. Commercial vehicle.

~~(a) No person shall park, stop, stand, idle or operate any truck, trailer and other commercial vehicle, or any other equipment used for commercial purpose, or any vehicle displaying advertising signs at any time upon any of the streets or parts of streets in the boundaries of the town, except zoning districts designated B 1 (business district) and CO 1 (commercial office overlay districts) and street immediately adjacent to these districts, except that such vehicles may be operated or parked upon any street for the purpose of expeditious delivering or picking up materials or merchandise or rendering of expeditious service within the boundaries of the town and then only by entering at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.~~

~~(b) Any person, violating any of the provisions of this section shall, upon conviction be punished as provided in section 1-8.~~

(a) Commercial Vehicle. As herein used, shall mean a motor vehicle of one-ton capacity or more or a motor vehicle or trailer of any size or capacity which is used in commerce. A motor vehicle shall be conclusively presumed to be used in commerce if the vehicle bears a sign, insignia, trademark, tradename or business designation of any nature, wherever the same may be located on the vehicle; or the vehicle is used for the transportation of persons or property for compensation. A motor vehicle will be presumed to be used in commerce if, upon visual inspection, it contains equipment and other personal property regularly, normally and ordinarily used in commerce business or trade, such as, for example, construction tools and equipment, commercial lawn mowers, tractors, ladders, paint, auto mechanics' tools, such as hydraulic jacks, tire changing equipment and towing equipment. Such presumption shall be subject to rebuttal by competent evidence.

(b) The fact that a motor vehicle used in commerce as above-described is designed for private use or is only used commercially on a part-time basis shall not abrogate or reduce the presumption of use in commerce. Provided, however, that the placement of a temporary (magnetic or otherwise) cover over the sign, insignia, trademark, trade name or business designation shall cause the vehicle to be in compliance so long as there is compliance with Section 74-2 and 74-3 hereinbelow.

Sec. 74-2. Use of commercial vehicles restricted.

- (a) No person shall park, stop, stand, idle or operate any truck, trailer and other commercial vehicle, or any other equipment used for commercial purpose, at any time upon any of the streets or parts of streets in the boundaries of the town, except zoning district designated SD-B40 and street immediately adjacent to these districts, except that such vehicles may be operated or parked upon any street for the purpose of delivering, picking up materials, merchandise, or rendering of service with the weekday hours of 8 AM to 6 PM or Saturday between 8 AM and 1 PM (except for vehicles parked for the purposes of emergency plumbing, roofing, or electrical repairs which may occur outside of these prescribed hours) within the boundaries of the town and then only by entering at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.
- (b) Provided it is owned by a Surfside resident, one commercial vehicle as defined hereinabove, may be permitted to park in a residential area provided the commercial

Ordinance No. _____

vehicle is parked in a driveway and has been issued a conditional permit registered with the Town pursuant to section 74-3.

- (c) Any person, violating any of the provisions of this section shall, upon conviction be punished as provided in Section 1-8.

Sec. 74-3. Issuance of commercial vehicle parking permit.

- (a) The application for a conditional permit for commercial vehicles to park in a residential area shall contain the name of the owner or operator of the motor vehicle, residential address, phone number, make and model of the motor vehicle, a copy of applicants driver's license, and a photo static copy of the vehicle registration. Additionally, documentation established by the Town of Surfside will be required as proof of residency. The applicant shall apply in person for the initial permit and shall present all required documentation. Personal appearances shall not be required for permit renewals. Renewal of a permit shall annually or semiannually and in accordance with the conditions and procedures as specified by the Town Manager or designee and approved by the Town Commission.
- (b) The permit shall be displayed on the lower left corner of the front windshield (driver's side) of the vehicle.
- (c) The Town Manager or designee is hereby authorized to make provisions for the issuance and collection of fees, if any, and for temporary permits.
- (d) The Town Manager or designee is authorized to revoke the conditional commercial vehicle parking permit if the permit holder is found to be in violation of the provisions of this code.
- (e) Failure to surrender a revoked permit within ten (10) working days of written notification from Town shall carry the following penalties:
1. The violator shall not be allowed to reapply for another permit for six (6) months.
 2. Once restored, if the permit holder should once again have the permit revoked by the Town, the resident would be restricted from applying for one year.

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be

Ordinance No. _____

renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this _____ day of _____, 2010.

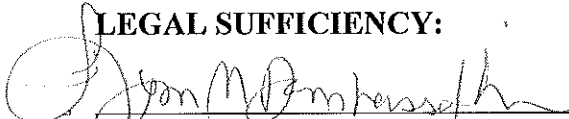
PASSED and ADOPTED on second reading this ____ day of _____, 2011.

Daniel Dietch, Mayor

Attest:

Debra E. Eastman, M.M.C., Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Lynn M. Dannheisser, Town Attorney

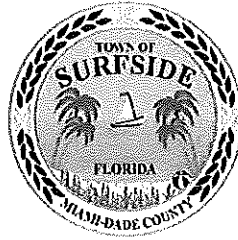
On First Reading Moved by: _____

On Second Reading Seconded by: _____

Vote:

Mayor Dietch	yes _____	no _____
Vice Mayor Graubart	yes _____	no _____
Commissioner Karukin	yes _____	no _____
Commissioner Kopelman	yes _____	no _____
Commissioner Olchyk	yes _____	no _____

Ordinance No. _____



**TOWN OF SURFSIDE
Office of the Town Attorney**

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser
Town Attorney

Telephone: 305 993-1065

MEMORANDUM

TO: Town Commission

FROM: Lynn M. Dannheisser, Town Attorney *LD*

**CC: Roger M. Carlton, Town Manager
Debra E. Eastman, M.M.C., Town Clerk**

DATE: December 14, 2010

SUBJECT: Psychic Reading and Consultation as Permitted Use in SD-B40 District

Recommendation: It is recommended that the Commission adopt this Ordinance allowing psychic reading and consultation as a Permitted Use in the SD-B40 District pursuant to the Settlement Agreement approved on November 9, 2010.

Reasons: The Town Commission directed the Town Attorney to enter into settlement negotiations to resolve this matter which was completed. Last month, the Commission approved a Settlement Agreement wherein among other things the Town agreed to reinstate the Plaintiff's Business Tax Receipt, under the classification "personal consulting" and allow the Plaintiff to resume business operations at the premises in the same manner in which she had conducted those operations prior to the revocation in consideration of a dismissal of the litigation and the exchange of releases.

Accordingly, this Ordinance amends Section 90-41 "Regulated Uses" to add psychic reading and consultation as a permitted use in the SD-B40 District (Downtown business district) on the second floor only in keeping with the expressed desire of the Planning and Zoning Board and the Town Commission to preserve the first floor for retail establishments.

ORDINANCE NO. 10- _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-41 "REGULATED USES" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADD PSYCHIC READING AND CONSULTATION AS PERMITTED USE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to address psychic reading, advising, consultation, palmistry, clairvoyance, astrological interpretation, tarot card reading, spiritual consultation, and fortune telling in the business district and permit psychic reading and consultation in areas allowing professional services and service agencies above the first floor.

WHEREAS, The Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on December 16, 2010 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission held its first public reading on December 14, 2010 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on January 11, 2011 and further finds the proposed change to the Code necessary and in the best interest of the community.

Ordinance No. _____

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

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

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

ARTICLE IV. DISTRICT REGULATIONS

Sec. 90-41. Regulated uses.

(c) *Table--Regulated uses.*

TABLE INSET:

	H30A	H30B	H30C	H40	H120	SD-B40
Residential Uses						
Detached single-family	P(1)	P(1)	P(1)	P(1)	P(1)	-
Duplex	-	-	P	P	P	-
Multi-dwelling structure	-	-	P	P	P	-
Townhouse	-	-	P	P	P	-
Lodging uses						
Hotel	-	-		P(7)	P(7)	-
Suite-Hotel	-	-		P(7)	P(7)	-
Office Uses and Professional Services						
Banks	-	-	-	-	-	P
Business and professional offices, except veterinary offices	-	-	-	-	-	P
Currency exchange	-	-	-	-	-	P
Delivery service	-	-	-	-	-	P(9)

Ordinance No. _____

Employment agencies	-	-	-	-	-	P(9, 17)
General ticket agencies			-	-		P
Interior decorator	-	-	-	-	-	P
Loan or mortgage office	-	-	-	-	-	P(9)
Medical or dental clinic	-	-	-	-	-	P(9)
<u>Psychic reading, advising, and consulting, palmistry, clairvoyance, astrological interpretation, tarot card reading, spiritual consultation, or fortune telling</u>	-	-	-	-	-	<u>P(9)</u> -

...

Key: P: Permitted (#): Refer to Notes Blank: Not Permitted

(d) *Uses table notes.*

...

(9) Shall only be allowed above the first floor. This shall apply to all service agency categories.

Section 3. No Zoning in Progress. Section 90-6 and the zoning in progress doctrine shall not be applicable to the first reading of this ordinance as the settlement of the relevant litigation has not yet been completed but shall have been completed by adoption on second reading.

Section 4. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 5. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 6. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

Ordinance No. _____

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this _____ day of _____, 2010.

PASSED and ADOPTED on second reading this ____ day of _____, 2010.

Daniel Dietch, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Lynn M. Dannheisser, Town Attorney

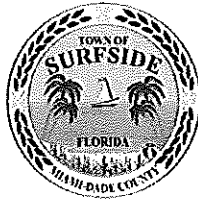
On First Reading Moved by: _____

On Second Reading Seconded by: _____

Vote:

Mayor Dietch	yes_____	no_____
Vice Mayor Graubart	yes_____	no_____
Commissioner Karukin	yes_____	no_____
Commissioner Kopelman	yes_____	no_____
Commissioner Olchyck	yes_____	no_____

Ordinance No. _____



**Town of Surfside
Town Commission Meeting
December 14, 2010**

7 p.m.

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

COVER MEMORANDUM

Title: Town Manager Employment Agreement

Objective: To ratify the proposed employment agreement with Roger Carlton to serve as Town Manager (see attached)

Consideration: We have now been in office nine months and while there has been constructive debate on many points, one thing that has become absolutely clear is the importance of having a highly qualified, motivated and leadership-oriented Town Manager. I am sure that we can all agree that the Town Manager is a critically important position through which our Commission, individually and collectively, is able to realize our goals and policy direction for the benefit of Surfside.

To that end, when Mr. Word resigned effective September 30, 2010, I began a process to inquire with current and former elected officials in Miami-Dade County and others to solicit suggestions for qualified Town Manager candidates. Roger Carlton was identified as a highly regarded and seasoned public administrator in South Florida by every person that I engaged. I subsequently met with Mr. Carlton and found that his broad range of experience, depth of knowledge, relationships throughout Miami-Dade County and understanding of the role a Town Manager should play in Surfside was very impressive. He became available to take the assignment on an interim 90 days basis for which was approval by the Town Commission was given September 14, 2010. By every standard we could apply, Mr. Carlton has proven his ability to serve the people of Surfside well during the past 90 days. Many projects are moving quickly, including the Community Center, the Water/Sewer/ Storm Drainage project, the multi space meters and the red light cameras. Other projects are soon to begin, such as closing out the library inventory in a sensitive manner and reinvigorating the downtown vision process. From the stand point of transparency our monthly Town Commission agendas are much improved, we receive usable financial data, the "Points of Light" Manager's Report keeps us abreast of projects and collective or individual Commission directives in a manner never seen before, check registers are now posted on the web, tours are given of the Community Center construction to citizens and so much more.

Therefore, it is time to stabilize our relationship with the Town Manager and the manner to achieve this is to remove the "interim" from his title and enter into an employment agreement.

At my direction, independent counsel, Jim Crosland of Bryant Miller Olive, who assisted in the separation of the prior Town Manager was retained to negotiate with Mr. Carlton comparable benefits to our previous manager while clarifying certain concerns particularly in the area of severance and payment of accumulated leave that were not clear in the previous agreement. The Agreement, as negotiated and drafted by Mr. Crosland, was then reviewed and revised as necessary for legal sufficiency by Town Attorney Lynn M. Dannheisser.

The main points of the proposed agreement and a comparison to the previous Town Manager agreement is included in parens () where appropriate.

1. Salary will be \$121,105 per annum. (same)
2. COLA's provided to Town employees will be given to the Manager. (same)
3. Annual evaluation by December 15 each year for possible merit/performance salary adjustment. (same)
4. Monthly report to the Town Commission required. (new)
5. Holidays, annual leave, sick leave (same). If the manager's termination is voluntary and positive, full value will be paid. If termination is negative, full value will not be paid. (clarified)
6. Health insurance will be reimbursed in accordance with Town Manager's spouse coverage with Miami Dade County or if she is no longer employed, Manager and spouse will be covered by the Town's policy. (comparable)
7. Life insurance cost for a one year's salary policy will be calculated by the Town's insurance consultant and paid to Mr. Carlton who will then use the funds to contribute to an existing policy. (comparable)
8. Cell phone allowance of \$60 per month; car allowance of \$550 per month. (same)
9. Term of Agreement is two years with a one year renewal and which both Mr. Carlton and the Town Commission must approve. (Previous Manager's agreement was automatically renewed unless either party terminated)
10. Termination without cause provides a six month salary payment to the Town Manager, however, the number of months payment collapses by one month each month in the last six months of the two year interval period and the one year renewal period. In other words, the closer to the end of each period, the less the payment. No payment if termination is for cause (with tight definition), conviction of a felony, misconduct, gross insubordination, willful neglect of duty or ethics violation. If the Town Manger resigns with 60 days notice there will be no payment of severance, however, accrued leave should be paid. (These provisions clarify ambiguities in the previous manager's agreement)

I have also taken the liberty to compare the proposed base salary to those of our neighboring communities. Without getting into great detail regarding the total compensation packages provided in our neighboring communities, the base salary for the Bal Harbour manager is \$146,000, the Bay Harbor Islands manager is

\$142,116, and the Indian Creek manager part time salary is \$87,000. These salaries reflect that the proposed salary to be paid to our manager is below market in this area.

In conclusion, we have an extraordinary asset in Mr. Carlton and he has proven that in the past 90 days. The proposed Employment Agreement negotiated by independent counsel is fair to both the Town and Mr. Carlton and clarifies ambiguities in the former manager's agreement. For these reasons and to maintain the momentum that the Town now has clearly demonstrated, your support for the proposed agreement is strongly recommended.

RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COMMISSION OF
THE TOWN OF SURFSIDE, FLORIDA,
APPROVING AN EMPLOYMENT AGREEMENT
BETWEEN TOWN MANAGER, ROGER M.
CARLTON AND THE TOWN; AND PROVIDING AN
EFFECTIVE DATE**

WHEREAS, on September 14, 2010 by Resolution No.1952, the Town Commission approved Roger M. Carlton as Interim Town Manager; and

WHEREAS, the Town Commission desires to continue to employ the services of Roger M. Carlton as Town Manager and Roger M. Carlton wishes to serve as the Town Manager; and

WHEREAS, Roger M. Carlton has agreed to accept the terms and conditions set forth in the Employment Agreement attached hereto as Exhibit "A."

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

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

Section 2. Approval of Employment Agreement. The Employment Agreement between Roger M. Carlton and the Town attached hereto as Exhibit "A" be and the same is hereby approved. The terms of said Employment Agreement shall be effective December 15, 2010.

Section 3. Authorization to Execute. The Mayor shall execute the Employment Agreement on behalf of the Town.

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

Motion by Commissioner _____, Second by Commissioner _____.

Resolution No. _____

PASSED AND ADOPTED this _____ day of _____, 2010

FINAL VOTE ON ADOPTION


Commissioner Michael Karukin _____
Commissioner Edward Kopelman _____
Commissioner Marta Olchyk _____
Vice Mayor Joseph Graubart _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Debra E. Eastman, MMC
Town Clerk

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



Lynn M. Dannheisser
Town Attorney

Resolution No. _____

EMPLOYMENT AGREEMENT
TOWN MANAGER

This Employment Agreement ("Agreement") is made and entered into this _____ day of _____ 2010, between the Town of Surfside, a Florida municipal corporation, (the "Town") and Roger M. Carlton ("Town Manager").

RECITALS:

WHEREAS, Section 34 of the Town Charter (the "Charter") requires that there shall be a Town Manger who is the Chief Administrative Officer of the Town;

WHEREAS, Town Manager represents he has the expertise and skills to serve as the Town Manager;

WHEREAS, the Town desires to employ the services of Carlton as Town Manager and Carlton wishes to accept this employment; and

NOW, THEREFORE, in consideration of the premises and mutual covenants contained in this Agreement the parties agree as follows:

Section 1. Recitals.

The above and foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Duties.

2.1 The Town Manager shall have all powers and perform all duties and responsibilities required by this Agreement, prescribed in the Charter and applicable sections of the Town Code.

2.2. The Town Manager shall carry out the policy directives of the Town Commission.

2.3. The Town Manager shall provide the Town Commission with a monthly report, which shall include a list of directives from the Town Commission and the status of achievement of the same.

2.4 The Town Manager shall perform such other duties as may be assigned by the Town Commission from time to time.

Section 3. Salary.

3.1 The Town Manager shall receive an initial annual salary in the amount of \$121,105.00 payable in equal installments in accordance with the Town's existing pay periods. The salary shall be adjusted from time to time by cost of living adjustments consistent with other Town employees.

3.2 For purposes of this Agreement, the Town Manager's anniversary date shall be December 15 of each year.

Section 4. Relocation Expenses.

Should the Town Manager, in his discretion, relocate within the limits of the Town, the Town during the first twelve months of the contract shall provide up to \$2,500 in relocation expenses. Such expenses to be reimbursable based on receipts furnished by the Town Manager.

Section 5. Performance Evaluations.

5.1 The Town Commission shall evaluate the performance of the Town Manager at least once annually on or before December 15 of each year. This evaluation can be accomplished in individual sessions, orally or in writing, or publicly at the discretion of the Commission. It is understood and agreed that if the Town Manager receives a positive evaluation from the Commission, the Town Manager may receive a salary or benefit increase but this is solely within the discretion of the Commission, approved at a public meeting.

5.2 The evaluation specified in Sections 5.1 shall be based upon (i) the Town Manager's performance of the duties specified in Section 2 and (ii) the Town Manager's achievements of the Town Commission's policy directives.

Section 6. Holidays.

6.1 The Town Manager shall be entitled to all holidays recognized by the Town.

6.2 The Town Manager shall not use more than five (5) consecutive business days of vacation leave without prior approval of the Mayor.

6.3 Annual leave shall accrue on a calendar year basis.

Section 7. Annual Leave.

The Town Manager shall annually receive a total of twenty (20) business days of annual (vacation) leave. Such annual leave shall accrue equally per pay period.

Section 8. Sick Leave.

The Town Manager shall annually receive twelve (12) business days sick leave.

Section 9. Retirement Plan.

The Town will contribute, on a pay period basis, an amount equal to the pay period contribution it makes for its employees covered by the Town's defined benefit plan, to the ICMA retirement plan.

Section 10. Health Insurance.

The Town will pay Town Manager, on a bi-weekly basis, an amount equal to the bi-weekly contribution made by Town Manager's spouse to the Miami-Dade County medical and dental plans, i.e., \$295.95 for employee and spouse for health; \$22.89 for employee and spouse for dental. Should the Town Manager's spouse no longer be employed by Miami-Dade County, then the Town Manager at his option may a) continue to receive payment as specified herein or b) forego said payment and in lieu thereof may add himself and his spouse as participants in the Town's health insurance policy at no cost to the Town Manager.

Section 11. Life Insurance.

The Town shall pay the Town Manager annually in advance on the anniversary date an amount equal to the premium for a term life insurance policy equal to his annualized salary. The amount will be established by the Town's insurance consultant.

Section 12. Professional Dues and Expenses.

12.1 The Town shall pay for all reasonable and customary professional dues and subscriptions necessary for Town Manager's participation in municipal associations and organizations, as approved in the Town's annual budget.

12.2 The Town will pay for Town Manager's participation in those local civic and non-profit job-affiliated organizations that the Town Manager is authorized to participate in by the Town Commission.

12.3 The Town, through its Controller, shall pay reasonable non-personal job related expenses incurred by Town Manager, if incurred as part of his duties. Such payments shall be made on a reimbursement basis, based upon submittal by Town Manager's actual receipts and expense vouchers.

12.4 The Town will pay, on a bi-weekly basis, an amount equivalent to \$550 per month for automobile expenses.

Section 13. Cellular.

The Town will provide Town Manager with a cellular telephone allowance of \$60.00 per month.

Section 14. Travel.

The Town shall pay for the reasonable and customary travel expenses of Town Manager for meetings and seminars, as annually budgeted by the Town Commission or as may be directed by the Town Commission.

Section 15. Days.

Unless otherwise specified, any reference to days in this Agreement shall mean calendar days.

Section 16. Bonds.

The Town shall pay for the cost of any bonds for the Town Manager required by Florida Law or the Town Charter.

Section 17. Term.

This Amended Agreement shall commence on December 15, 2010 ("Commencement Date"), and continue year to year thereafter, unless terminated earlier, provided however, in no event shall the term of this Agreement exceed two years from December 15, 2010 unless extended annually by mutual agreement.

Section 18. Termination.

18.1 In accordance with the Charter, the Town Manager shall serve at the pleasure of the Town Commission. Nothing in this Agreement shall prevent, limit, or

otherwise interfere with the right of the Town Commission to terminate the services of the Town Manager at any time.

18.2 In the event the Town Commission wishes to terminate the Town Manager prior to the expiration of the Term specified in Section 17, the Town Manager shall receive severance payment as follows: (i) if terminated between December 15, 2010, through and including the month of July, 2012, a severance payment equal to six (6) months salary; (ii) in the month of August, 2012, a severance payment equal to five (5) months salary; (iii) in the month of September, 2012, a severance payment equal to four (4) months salary; (iv) in the month of October, 2012, a severance payment equal to three (3) months salary; (v) in the month of November, 2012, a severance payment equal to two (2) months salary; (vi) in the month of December, 2012, a severance payment equal to one (1) month salary; (vii) if terminated between January 1, 2013 through and including the month of July, 2013, a severance payment equal to six (6) months salary; (viii) in the month of August, 2013, a severance payment equal to five (5) months salary; (ix) in the month of September, 2013, a severance payment equal to four (4) months salary; (x) in the month of October, 2013, a severance payment equal to three (3) months salary; (xi) in the month of November, 2013, a severance payment equal to two (2) months salary; (xii) in the month of December, 2013, a severance payment equal to one (1) month salary. For purposes of this Section, "severance payment" shall be based upon the salary specified in Section 3.1 as may be amended from time to time. All

severance payments shall be paid to Town Manager in a lump sum upon his termination or within thirty (30) days thereafter at the Town Commission's option.

18.3 Notwithstanding the provisions of Section 18.2, in the event Town Manager is terminated for cause, the Town shall have no obligation to pay Town Manager any severance pay. For the purposes of this Section "for cause" shall be defined as: (i) breach of any material term or condition of this Agreement; (ii) conviction of a felony; (iii) misconduct; (iv) gross insubordination); (v) willful neglect of duty; or (vi) adjudicated violation of the Florida Code of Ethics for Public Officers and employees, the Miami-Dade Conflict of Interest and Code of Ethics, the Town Charter, or the Town's Conflict of Interest Ordinance.

18.4 Upon payment of the severance payment specified in Section 18.2, upon termination as provided for in Section 18.5, or resignation as provided for in Section 18.6, the Town shall have no further contractual financial obligations to Town Manager. **The severance payment shall constitute agreed, stipulated, and liquidated damages and constitute the maximum amount of financial liability for which the Town may be liable in the event of termination or breach of contract.**

18.5 In the event that the Town Manager voluntarily resigns during the Term of this Agreement, the Town Manager shall provide the Town with 60 days advance written notice, unless the parties agree in writing to a different period of time. In the event of resignation by the Town Manager under this Section, the Town Manager shall

not be entitled to receive the severance package specified in Section 18.2, but the Town shall pay the Town Manager all accrued unused vacation and sick leave calculated at the Town Manager's rate of pay in effect upon the date of termination.

18.6 In the event that the Town Manager voluntarily resigns with less than 60 days advance written notice, the Town Commission may elect to terminate the Town Manager immediately or allow the Town Manager to continue to serve until the date specified in the Town Manager's resignation. In the event of a resignation or termination under this paragraph, notwithstanding any other provisions of this Section, the Town Manager shall not be entitled to receive either severance payment or vacation or sick leave unless the Town Commission authorizes payment of same.

18.7 If the Town Manager is unable to perform his duties as specified in Section 2 of this Agreement for a period of 30 consecutive days, or a period of 60 non-consecutive days during the Term of this Agreement, due to either disability, sickness, accident, or injury as certified by a physician, this Agreement shall be deemed terminated. In the event of the Town Manager's death, this Agreement shall be deemed terminated. If the Agreement is terminated under this Section, then the severance payment specified in Section 18.2 shall not be applicable.

18.8 Unless otherwise specified in this Agreement, or required by law, upon termination or expiration of this Agreement, the Town Manager or his beneficiary, shall be entitled to receive payment of any accrued or unused sick or vacation leave in

accordance with the terms of this Agreement, as may be amended from time to time. If the Town Manager is terminated for cause, sick and vacation leave shall not be paid.

Section 19. Miscellaneous Provisions.

19.1 Complete Agreement. It is understood and agreed that this document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein and that the parties agree that there are no commitments, agreement, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

19.2 Amendment. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and with equal dignity herewith.

19.3 No Waiver. The waiver by either party of a breach of any provision of this Agreement by the other shall not operate or be construed as a waiver of any subsequent breach by that party.

19.4 Severability. If any provision, or any portion thereof, contained in this Agreement is held to be unconstitutional, illegal, invalid, or unenforceable, the remainder of this Agreement, or portions thereof, shall not be affected and shall remain in full force and effect.

19.5 Non-Assignment. The rights and obligations herein granted are personal in nature and cannot be transferred or assigned by the Town Manager.

19.6 Governing Law. Florida law shall govern this Agreement and any litigation, which may arise from this Agreement, shall be field and litigated in the Circuit Court in and for Miami-Dade County, Florida, or, if in Federal Court, in the Southern District of Florida.

19.7 Notice. Notice to either party shall be deemed given if sent by certified mail, return receipt requested, by recognized public or private postal facilities, by hand delivery, or delivered at a Town Commission meeting. Notice shall be sent as follows:

For the Town: Daniel Dietch, Mayor
Town of Surfside
9293 Harding Avenue
Surfside, Florida 33154
(305) 861-4863 (Telephone)
(305) 861-1302 (Fax)

With a copy to: Lynn M. Dannheisser, Esquire
Town Attorney
Town of Surfside
9293 Harding Avenue
Surfside, Florida 33154
(305) 993-1065 (Telephone)
(305) 993-5097 (Fax)

For the Town Manager: Roger M. Carlton
888 Brickell Key Drive
#1011
Miami, Florida 33131

Section 20. WAIVER OF JURY TRIAL.

BOTH THE TOWN AND THE TOWN MANAGER KNOWINGLY, VOLUNTARILY, AND IRREVOCABLY WAIVER THEIR RIGHT TO A TRIAL BY JURY IN ANY CIVIL PROCEEDINGS THAT MAY BE INITIATED BY EITHER PARTY WITH RESPECT TO ANY TERM OR CONDITION OF THIS AGREEMENT.

IN WITNESS WHEREOF, the Town, by signature of the Mayor as authorized by the Town Commission in accordance with Resolution No. _____ passed on December 14, 2010, and Town Manager have signed an executed this Agreement the day and year first above written.

TOWN OF SURFSIDE

By: _____
Daniel Dietch, Mayor

ATTEST:

Debra E. Eastman, M.M.C.
Town Clerk

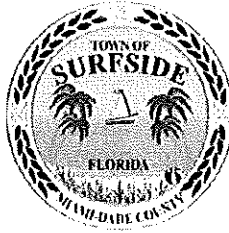
**APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE OF THE TOWN OF SURFSIDE ONLY:**

Lynn M. Dannheisser,
Town Attorney

TOWN MANAGER

Roger M. Carlton

Date _____



Town of Surfside Commission Communication

Agenda Item # 5B

Agenda Date: December 14, 2010

Subject: Keep America Beautiful

Objective: To become an affiliate of the "Keep America Beautiful" program (Keep Surfside Beautiful)

Recommendation: Work with "Keep America Beautiful" to become an affiliate known as Keep Surfside Beautiful. Mayor Dietch has requested that staff review this proposal and we have concluded that participation would benefit the Town of Surfside at limited expense.

Background: Keep America Beautiful is a reputable organization which provides community education and hands-on approaches to reduce litter and waste, promotes volunteerism, and makes improvements possible for communities. Keep America Beautiful sets up affiliate sites to bring the meaningful changes to our communities through their time-tested approach. If Surfside was to become an affiliate of Keep America Beautiful, we would be the fourth community in Miami Dade County.

Analysis: Through an affiliate of "Keep America Beautiful", the town will be able to continue to provide education for a healthy community. As a town, we would be affiliated with a national organization and have the ability to apply for grant opportunities from the organization which has \$3 million dollars worth of grants to offer per year. Through a beautification committee, they would be able to make recommendations and set forth projects for the town.

Budget Impact: Initial certification fee - \$1,000; Annual Network Service Fee - \$50.00 (determined by population)
*Additional fees could be accrued based on team recommendations.

Growth Impact: Having the capability of working with an organization such as "Keep America Beautiful" the town would have the opportunity to be recognized through a national organization. With potential grant opportunities, the beautification and environment of Surfside would be enhanced.

Staff Impact: One designated town employee to attend mandatory trainings required by Keep America Beautiful for the initial trainings and yearly conferences. This employee would be the liaison between the beautification committee and "Keep America Beautiful", providing the organization with reports, which are completed every 6 months.

Department Head

Town Manager

RESOLUTION NO. 10-___

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN TO COMPLETE THE TRAINING AND CERTIFICATION TO BECOME AN AFFILIATE OF “KEEP AMERICA BEAUTIFUL” AND TO BE DESIGNATED AS ‘KEEP SURFSIDE BEAUTIFUL’ AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, “Keep America Beautiful” is a reputable organization which provides community education and hands-on approach to reduce litter and waste, promotes volunteerism, and makes improvements possible for communities; and

WHEREAS, the Town of Surfside would be the fourth community in Miami Dade County to be an affiliate of “Keep America Beautiful;” and

WHEREAS, after completion of the training and payment of the initial certification fee of \$1,000.00, and the annual network service fee of \$50.00 (determined by population), the Town of Surfside will be designated as “Keep Surfside Beautiful;” and

WHEREAS, the Town of Surfside will be affiliated with a national organization and have the ability to apply for grant opportunities from the organization, which has \$3 million dollars worth of grants to offer per year; and

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

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

Section 2. **Approval.** The Town Commission of the Town of Surfside approves the Town’s participation in the “Keep America Beautiful” organization.

Section 3. Authorization of Town Manager. The Town Commission authorizes the Town Manager to execute and do whatever is necessary to effectuate the terms of participation in the "Keep America Beautiful" organization and to complete the training and certification to designate the Town of Surfside as "Keep Surfside Beautiful."

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

Motion by Commissioner _____, Second by Commissioner _____.

PASSED AND ADOPTED this _____ day of _____, 2010

FINAL VOTE ON ADOPTION

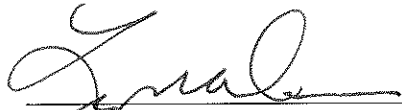
Commissioner Michael Karukin	_____
Commissioner Edward Kopelman	_____
Commissioner Marta Olchyk	_____
Vice Mayor Joseph Graubart	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Debra E. Eastman, MMC
Town Clerk

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



Lynn M. Dannheisser
Town Attorney



Affiliation Information

What is Keep America Beautiful's formula for success? Since 1953, our organization has provided a replicable framework for community education and hands-on stewardship that reduces litter and waste, promotes grassroots volunteerism, and makes sustainable improvement possible for communities of all sizes, from coast to coast. This is only one side of the equation. At the local level, affiliates have built upon this framework to create innovative, locally-focused programs that address the specific needs of their diverse geographies and populations. Using the fundamentals of our time-tested approach, our affiliates are reaching deep into their communities to effect meaningful, positive changes.

Who Should Attend the KAB Pre-Certification Training Workshop?

The Pre-Certification Team shall consist of:

- 6-9 members
- representatives from business, government and civic sectors
- individuals knowledgeable in the following areas:
 - business and organizational administration and governance
 - financial management
 - city/county government
 - geography of the community
 - litter, beautification and waste reduction organizational efforts

Each team member must commit to the 4 hour Pre-Certification Training Workshop. The Team will be assigned tasks and agree to accomplish the tasks within the four to six months necessary for certification. The following profiles are provided to assist you in identifying people to serve on your team.

Team Leader

Each Pre-Certification Team must have a Team Leader. The Team Leader must be a good manager and a results-oriented leader. The Team Leader will hold team members accountable for assigned tasks.

- Supervises arrangements for meetings
- Submits monthly progress reports to KAB National Trainer, State Leader (if applicable) and National Office until certification.

Organizational Team

The Organizational Team will be responsible for creating the organizational structure and administration in order to ensure the long-term success for the affiliate. Team will be responsible for:

Structure:

- Nonprofit Corporation (commonly 501(c)(3))
- Government Entity

Governance Documents

- Determine documents needed
- Draft and submit for approval
- Articles of Incorporation (if applicable nonprofit corporation)
- Bylaws (if applicable nonprofit corporation)
- Resolution/Executive Order/Ordinance (if applicable government entity)
- Guidelines/Procedures (if applicable government entity)

Identity

- Mission Statement
- Logo

Administration

- Determine board member responsibilities
- Member recruitment
- Executive Director job description
- Financial Plan
- Secure start-up funds
- Design one year operational budget
- Prepare potential donor packet

Technical Team

Team members will be responsible for overseeing the completion of the Litter Index, the Focus Area Survey and Observations and Recommendations. The Litter Index is a visual assessment of your community and the Focus Area Survey is a fact-gathering document that examines existing ordinances and enforcement practices, current technology and educational programs relating to litter, beautification and community improvement and waste reduction. City or county governmental representatives are especially suited for this area of work. However, civic representatives are also valuable Team members for these tasks. Together, the Technical Team will be responsible for:

Litter Index:

- Selecting a target date for conducting KAB Litter Index
- Preparing your local scoring map
- Enlist 3-6 volunteers to perform the Litter Index
- Secure a van that is large enough to afford similar views for all scorers
- Secure (may be available from government entity) or create a "Slow Moving" sign to place in rear of van for increased safety
- Determine who will act as scoring leader; usually this is the coordinator for the Litter Index
- Obtain a driver for the van. This should be someone who is familiar with the streets of your service area. The driver will not score. Provide the driver with a copy of the scoring map.
- Secure a location for approximately 30 minutes of classroom training, including the availability of a VCR and monitor or DVD player
- Identify a practice scoring location where scorers will not record their scores, but will simply share how they would score the area
- Prepare scorers' training and scoring materials

Focus Area Survey

- Set deadline
- Identify relevant resources in government agencies, businesses and civic organizations
- Complete and compile survey

Observations

- Review information
- Make observations in each focus area within the four areas for change (Education, Technology (resource and tools), Ordinances, Enforcement)
- Litter prevention
- Beautification and Community Improvement
- Waste Reduction

Recommendations

- Make recommendations in each focus area within the four areas for change to be used during the certification training
- Litter prevention
- Beautification and Community Improvement
- Waste Reduction

5/26/09

Keep Miami Beautiful

Juanita Shanks

Miami, FL 33142

Email: ishanks@keepmiamibeautiful.org

Web site: <http://www.keepmiamibeautiful.org>

Phone: 305.960.2816

Keep Miami Gardens Beautiful

Tsahai Codner

Beautification Director

Miami Gardens, FL 33169

Email: tcodner@miamigardens-fl.gov

Web Site: <http://miamigardens-fl.gov/>

Phone: 305.622.8009

Keep America Beautiful

Affiliate Locations

- Several municipalities and counties throughout Florida
- Locally, City of Miami, Miami Gardens, and North Miami, Broward County

Fees

- Fees are set based on population; the one-time certification fee is \$1,000 with a \$50 annual fee thereafter.

Affiliate Program

- Initial training pre-certification team with 6 – 9 members, each member must commit to the 4 hour pre-certification workshops and agree to complete tasks within four to six months in order to complete certification.
- Each pre-certification team, must have a team-leader, this individual holds the training team responsible for the work and submits appropriate reports.
- An organizational team is implemented to ensure the long-term success for the affiliate. This team is responsible for the administrative aspect of the program.
- A technical team is responsible for overseeing the litter index, observations and recommendations among other tasks.

Different Teams

- Pre-certification team (6 - 9) people with a team leader
- Organizational Team
- Technical Team



Certification Fee and Annual Fee

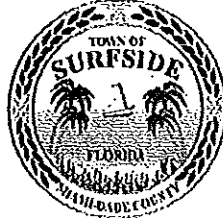
The one-time fee supports the initial development of the Keep America Beautiful affiliate including:

- Training your Pre-Certification Team at a half-day workshop including travel expenses for the National Trainer to your community
- Pre-certification training materials, including manuals, step-by-step instructions on developing your local organization, and other resources to assist in initial affiliate development
- Training new Board by National Trainer after completion of certification materials including travel expenses for National Trainer to return to your community
- Conducting affiliate planning and goal setting session to develop an action plan for the first year;
- Training for the executive director
- Participating in the announce the official affiliation during the Certification Ceremony
- Certification training materials including training manuals for the executive director and affiliate board/ committee
- Education and resource materials
- The first year's annual network service fee

Population	One-Time Certification Fee
0 - 2,000	\$ 575
2,001 - 7,500	\$ 1,000 ✓
7,501 - 10,000	\$ 1,150
10,001 - 15,000	\$ 1,725
15,001 - 30,000	\$ 2,300
30,001 - 50,000	\$ 2,900
50,001 - 75,000	\$ 3,500
75,001 - 100,000	\$ 4,000
100,001 - 175,000	\$ 4,600
175,001 - 250,000	\$ 5,175
250,001 - 325,000	\$ 5,750
325,001 - 400,000	\$ 6,325
400,001 - 475,000	\$ 6,900
475,001 - 600,000	\$ 7,500
600,001 - 700,000	\$ 8,625
700,001 - 850,000	\$ 9,775
850,001 - 1 million+	\$ 11,500

Annual Network Service Fee Due One Year After Certification	
0 - 7,500	\$ 50
7,501 - 15,000	\$ 100
15,001 - 30,000	\$ 150
30,001 - 50,000	\$ 200
50,001 - 75,000	\$ 250
75,001 - 150,000	\$ 300
150,001 - 500,000	\$ 350
500,000 - 1 million	\$ 400
Over 1 million	\$ 500

MANAGER'S MEMO
RECOMMENDING RATES
FOR PARKING TRUST
FUND WILL BE
DISTRIBUTED
UNDER SEPARATE COVER



TOWN OF SURFSIDE
Office of the Town Attorney

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33164-3009

Lynn M. Dannheisser
Town Attorney

Telephone: 305 861-4863

MEMORANDUM

TO: Town Commission
FROM: Lynn M. Dannheisser, Town Attorney
cc: Gary Word, Town Manager
DATE: June 13, 2010
SUBJECT: Parking Trust ordinance

The Town Commission has expressed a desire to foster the creation of a pedestrian-friendly mixed-use downtown environment within the Town of Surfside ("Town"), by supporting the attraction of businesses and general revitalization of properties in the traditional downtown area within the Town's SD-B40 Zoning District. One of the impediments to such an effort in Surfside (and in any traditional downtown business area within a geographically constrained beachfront community) is the lack of parking. The Town has not been able to enforce (and has not enforced) parking requirements to provide new spaces on site as a matter of custom and practice precisely because there is little available land to devote to this purpose. Instead, it has attempted to provide alternatives around the Town including shared parking, and joint use and off site facilities, among other things.

In continuing to work through this problem, Staff would suggest that the centralized location and proximity of the SD-B40 Zoning District to the Town's beachfront district and residential neighborhoods makes the area well-suited to the creation and imposition of another parking mitigation option per the Town Comprehensive Plan, and specifically, to allow new businesses and development projects to meet off-street parking requirements through the payment of fees into a Town Parking Trust Fund, which shall then be utilized to finance one or more capital projects that support the creation and provision of public parking. Such proposals will be described in more detail by the Town Manager.

This Ordinance proposes to amend Section 90-77 "Off-street parking requirements" of its Code of Ordinances to provide an exception from the requirements for provision of off-

street parking for changes of occupancy within the SD-B40 Zoning District, and to allow new development and renovations within the district to comply with the off-street parking requirements through payment of a parking fee into the Town's Downtown Parking Trust Fund, in addition to other methods of compliance.

This entails the ability of any new business or development to pay into the Downtown Parking Trust Fund an established fee per parking space determined by the Town Manager, approved by resolution of the Town Commission, as may be amended from time to time. The required parking fees are to be paid prior to the issuance of a building permit. The monies collected may be used in the aggregate to acquire land for parking purposes; and construct, maintain, operate, lease, manage, purchase, or otherwise provide off-street parking facilities for public use among other parking related efforts such as a possible parking shuttle. No funds will be expended without a recommendation by the Town Manager to the Town Commission and approval by the Town Commission.

RECOMMENDATION: It is recommended by Staff that you adopt this Ordinance.

ORDINANCE NO. 10-~~1556~~

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING," ARTICLE VII "OFF-STREET PARKING AND LOADING," DIVISION 1 "OFF-STREET PARKING," SECTION 90-77 "OFF-STREET PARKING REQUIREMENTS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REGARDING OFF-STREET PARKING COMPLIANCE FOR THE SD-B40 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Surfside, Florida ("Town Commission") desires to foster the creation of a pedestrian-friendly mixed-use downtown environment within the Town of Surfside ("Town"), by supporting the redevelopment and revitalization of properties in the traditional downtown area within the Town's SD-B40 Zoning District; and

WHEREAS, the Town adopted amendments to the Future Land Use Element of the Town of Surfside Comprehensive Plan which support the use of a Parking Trust Fund as a method for funding the construction of public parking garages and other facilities and programs to provide needed parking within the Town's business district; and

WHEREAS, the Town Commission finds that, as a traditional downtown business area within a geographically constrained beachfront community, vehicle parking is substantially limited within the SD-B40 Zoning District; and

Ordinance No. 10-1556

WHEREAS, the parking limitations within the SD-B40 Zoning District hinder the ability of businesses and other nonresidential uses to develop, improve and redevelop properties; and

WHEREAS, the Town desires to encourage businesses to gravitate to the downtown business district and/or create opportunity for redevelopment within the SD-B40 Zoning District and for the past several years has not been able to enforce parking requirements to provide new spaces as a matter of custom and practice because there is little available land to devote to this purpose and instead has attempted to provide alternatives around the Town including shared parking, joint use and off site facilities; and

WHEREAS, the centralized location and proximity of the SD-B40 Zoning District to the Town's beachfront district and residential neighborhoods makes the area well-suited to the creation and imposition of another parking mitigation option per the Town Comprehensive Plan, and specifically, allowing new businesses and development projects to meet off-street parking requirements through the payment of fees into a Town Parking Trust Fund, which shall then be utilized to finance one or more capital projects that support the creation and provision of public parking; and

WHEREAS, the Town proposes to amend Section 90-77 "Off-street parking requirements" of its Code of Ordinances to provide an exception from the requirements for provision of off-street parking for changes of occupancy within the SD-B40 Zoning District, and to allow new development and renovations within the district to comply with the off-street parking requirements through payment of a parking fee into the Town's Downtown Parking Trust Fund, in addition to other methods of compliance; and

Ordinance No. 10-1536

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments to the district regulations on June 24, 2010 with due public notice and input; and

WHEREAS, the Town Commission shall have conducted a duly noticed public hearing on these regulations as required by law on July 13, 2010, having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Town Commission finds that this Ordinance is consistent with the Town's Comprehensive Plan and furthers the public health, safety and welfare.

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

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

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

Sec. 90-77. Off-street parking requirements.

(a) Except as otherwise provided herein, when any building or structure is hereafter constructed; or structurally altered so as to increase the number of dwelling units or hotel/motel rooms; or structurally altered so as to increase its total commercial floor area, including provision of outdoor seating; or when any building or structure is hereafter converted to any of the uses listed in subsection 90-77(b) (c) off-street parking spaces shall be provided in accordance with the requirements of subsection 90-77(b) (c) or as required in subsequent sections of this article. The requirement for an increase in the number of required parking spaces shall be provided on the basis of the enlargement or change of use.

(b) Off-street parking compliance for properties and uses located in SD-B40 Zoning District. The following shall apply to properties and uses within the SD-B40 Zoning District;

Ordinance No. 10-1556

(1) *Applicability.* Compliance with the off-street parking requirements shall be required for all projects and developments consisting of new construction. It shall also be required for renovations with an aggregate job value which equals or exceeds any of the following:

- (i) \$40,000, or
- (ii) for interior renovations (may include exterior signage or façade improvements), 10% of current building value, or
- (iii) for interior and exterior renovations (excluding signage), 10% of the current assessed value of the property.

Assessed value and building value shall be determined from the Miami-Dade County Property Appraiser's Office tax rolls. All permits issued for projects and development within a 365-day period shall be aggregated to determine if this threshold is met. Normal repairs and maintenance shall not trigger compliance. Changes of use or changes of business in an existing building that are not accompanied by construction or renovations meeting the thresholds of this subsection shall be exempt from the off-street parking requirements of Section 90-77.

(2) *Options to satisfy parking requirements.* Satisfaction of the off-street parking requirements of this subsection (b) may be achieved through compliance with any combination of the following options:

- (i) Subsection 90-77(c) On site provision of parking spaces;
- (ii) Subsection 90-77(d) Tandem parking;
- (iii) Section 90-80 "Joint use and off-site facilities;"
- (iv) Section 90-81 "Shared parking;" or
- (v) Section 90-77(b)(3) Payment of parking trust fee.

(3) *Parking trust fee.* The off-street parking requirements may be complied with by paying into the Downtown Parking Trust Fund the sum of money that is the product of the number of parking spaces required but not provided, multiplied times the amount of the established fee per parking space. The parking fee amount shall be calculated on a "per parking space" standard, based upon a portion of the cost of the land, combined with the cost of design and construction, for a single structured off-street parking space. The established fee per parking space shall be determined by the Town Manager and approved by resolution of the Town Commission, as may be amended from time to time. All required parking fees shall be paid prior to the issuance of a building permit.

(4) *Parking trust fund.* There is hereby established a trust fund to be entitled the "Town of Surfside Downtown Parking Trust Fund," to be maintained and administered by the Town Manager. Parking fees collected pursuant to subsection (b)(3) shall and any other monies may be deposited into this fund. The fund shall be used to facilitate the provision of public off-street parking and infrastructure

Ordinance No. 10-1556

improvements related to parking including, but not limited to, the following activities:

- a. Acquire fee simple or other interests in land, and other real property for parking purposes;
- b. Construct, maintain, operate, lease, manage, purchase, or otherwise provide off-street parking facilities for public use including all labor and materials, cost of interest and financing etc;
- c. Provide public information to enhance parking utilization including publicity campaigns, graphics and signage, and other informational devices;
- d. Coordinate plans for parking facility improvements and expansion with public transportation plans and operations in the vicinity;
- e. Provide accessibility to off-street parking facilities by suitable means such as public shuttle, tram or trolley service and related physical improvements such as bus shelters and right-of-way modifications; and
- f. Perform such other related activities as may be necessary to carry out the intent of this subsection.

The success and financial feasibility of providing any such shuttle, tram, bus, or trolley service, as provided in subsection (b)(4)e., shall be subject to annual evaluation by the Town Commission. Funds deposited in the Downtown Parking Trust Fund shall be made available to the Town Commission for the purposes set forth in this subsection, after review and recommendation by the Town Manager to the Town Commission and approval by the Town Commission.

(b)(c) Required parking table. The number of off-street parking spaces that shall be required to serve each building or structure and use shall be determined in accordance with the following table:

Type of Residential Unit/Type of Use	Minimum Space Requirements
Single-family or Two-family	2 spaces
Multi-family--Efficiency and 1-bedroom	1.5 spaces
Multi-family--2-bedroom and 3-bedroom	2.0 spaces
Multi-family--4-bedrooms or more	2.25 spaces
Hotel	1 space for each room

Ordinance No. 10-1586

Suite-Hotels		1.25 space for each room
Hotel and Suite-Hotel ancillary uses	Meeting/banquet space	100% of code required parking for place of public assembly for square footage in excess of 20 square feet of gross floor area per hotel room
	Restaurants	1 space per 100 square feet of gross floor area.
Place of Public Assembly: Where seats and/or benches are provided		1 space for every 4 seats, or 1 space for every 6 linear feet or part thereof of bench
Place of Public Assembly: Where fixed seats are not provided		1 space for each 50 square feet of non-administrative and congregation space
Grocery, fruit or meat market		1 space each 250 gross floor area
Retail store or Personal service establishment		1 space each 300 gross floor area
Office or Professional services use, except Financial institutions		1 space each 400 gross floor area
Medical or Dental uses		1 space each 300 gross floor area
Restaurants or other establishments for the consumption of food and beverages on the premises		1 space for every 4 seats
Financial institutions		1 space each 300 gross floor area
Educational services		1 space per classroom, plus 1 per 250 gross floor area

* * *

(e)(d) Tandem parking.

(1) For residential projects of greater than 60 dwelling units, parking spaces may be provided as tandem spaces, provided, however, a minimum of one unencumbered parking space, tandem or regular, must be provided for each dwelling unit and valet parking service shall be provided at all times. One visitor parking space for each 15 dwelling units unless tandem parking with valet services is provided in which case one visitor space for each 20 units is required.

(2) For hotel and suite-hotel uses, tandem parking spaces within a parking structure may be permitted for 100 percent of the required off street parking other than handicapped spaces, provided, however, all uses having tandem spaces must provide 24-hour valet parking service and all applications for use of tandem

Ordinance No. 10 - 1556

parking must be approved by the town commission and the applicant must enter into an agreement, recorded in the public records at the expense of the owner, which shall run with the land and shall bind the heirs, successors, and assigns of said owner, which requires all developments having any tandem parking spaces to provide 24-hour valet parking service.

* * *

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

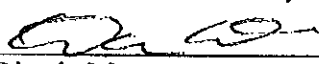
Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.


PASSED and ADOPTED on first reading this 8 day of June, 2010.

PASSED and ADOPTED on second reading this 13 day of July, 2010.



Daniel Dietch, Mayor

Attest:



Debra E. Eastman, MMC
Town Clerk

Ordinance No. 10-1536

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Lynn M. Dannheisser, Town Attorney

On Second Reading Moved by: Commissioner Kopelman

On Second Reading Seconded by: Commissioner Karukin

Vote:

Mayor Dietch	yes	<input checked="" type="checkbox"/>	no	_____
Vice Mayor Graubart	yes	<input checked="" type="checkbox"/>	no	_____
Commissioner Karukin	yes	<input checked="" type="checkbox"/>	no	_____
Commissioner Kopelman	yes	<input checked="" type="checkbox"/>	no	_____
Commissioner Olchyck	yes	<input checked="" type="checkbox"/>	no	_____

Ordinance No. _____

MEMO WILL BE
DISTRIBUTED
UNDER SEPARATE
COVER

RESOLUTION NO. 2010 - ____

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING REVISED ADMINISTRATIVE POLICY NUMBER 102, DRUG AND ALCOHOL FREE WORKPLACE AND SUBSTANCE ABUSE TESTING PROCEDURES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside's ("Town") revised Drug And Alcohol Free Workplace and Substance Abuse Testing Procedures Administrative Policy No. 102 is implemented pursuant to the Drug Free Workplace Program as codified within the laws of the State of Florida at § 440.102, the Florida Administrative Code, Drug Free Workplace Standards found at Chapter 59A-24 of the State of Florida Administrative Code, the rules of the Department of Labor and Employment Security, Division of Workers' Compensation, as well as the Federal Drug Free Workplace Act of 1988 and 1989; and

WHEREAS, the Town Commission believes that it is in the best interest of the Town to approve the revised Drug and Alcohol Free Workplace and Substance Abuse Testing Procedures Administrative Policy No. 102 attached as Exhibit "A."

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

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

Section 2. Authorization. The Town Commission hereby authorizes the Town Manager and Town Attorney to do all things necessary to effectuate the revised Drug and Alcohol Free Workplace and Substance Abuse Testing Procedures Administrative Policy No. 102 attached as Exhibit "A."

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

PASSED and **ADOPTED** on this _____ day of _____, 2010

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOIE ON ADOPTION

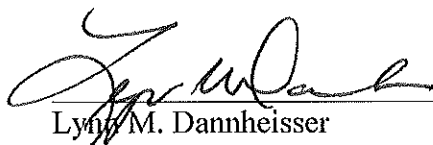
Commissioner Michael Karukin _____
Commissioner Edward Kopelman _____
Commissioner Marta Olchyk _____
Vice Mayor Joseph Graubart _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

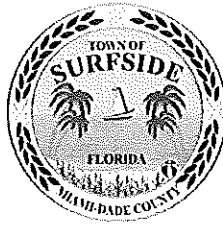
ATTEST:

Debra E. Eastman, MMC
Town Clerk

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



Lynn M. Dannheisser
Town Attorney



ADMINISTRATIVE POLICY

NUMBER: 102	DATE: October 17, 2007
REVISIONS: 11/12/2010	
ISSUED BY: Town Manager	SIGNED:

SUBJECT: DRUG AND ALCOHOL FREE WORKPLACE

PURPOSE: In a strong commitment to safeguard the health of our employees, to provide a safe working environment for both our employees and invitees, and to set an example for the citizens of the Town of Surfside, Florida, especially its youthful residents, we have established a Drug and Alcohol Free Workplace Policy and Substance Abuse Testing Procedures which comply and comport with both federal and state laws, regulations and judicial rulings.

This policy is implemented pursuant to the Drug Free Workplace Program as codified within the laws of the State of Florida at § 440.102, the Florida Administrative Code, Drug Free Workplace Standards found at Chapter 59A-24 of the State of Florida Administrative Code, the rules of the Department of Labor and Employment Security, Division of Workers' Compensation, as well as the Federal Drug Free Workplace Act of 1988 and 1989.

Under the policy it is a condition of employment for all Town of Surfside employees to refrain from ingesting illegal substances at all time and from reporting to work or working with presence of drugs or alcohol endangers not only the health and safety for its employees, in addition to causing poor moral and employee relations problems, but most importantly, such use and/or abuse directly impairs the employee's ability to safety and efficiently perform his or her assigned tasks and job functions by contribution to tardiness and increasing employee accidents, absenteeism, and substandard job performance.

POLICY:

The essential component parts of this policy are:

- I. The Town of Surfside has a "**zero tolerance**" and therefore prohibits the illegal use, possession, sale, manufacture or distribution of drugs, alcohol or other controlled substances on its property or in its vehicles.

It is also against the Town of Surfside's policy to report to work or to work under the influence of illegal, non-prescribed drugs or alcohol. Employees who violate this policy are subject to disciplinary action up to and including termination. Any employee who is taking any prescription drug which might impair safety, performance, or any motor functions must advise his or her immediate supervisor or the Human Resources Director before reporting to work while on such a medication.

II. **Drug Testing of Applicants:** The Town of Surfside recognized employees have a constitutional right under the Fourth Amendment against unreasonable searches; however, all applicants considered final candidates for a position, to the extent permitted by Florida law, will be tested for the presence of drugs as part of the application process. All applicants for positions requiring a commercial drivers' license will be tested for drugs pursuant to federal law.

1. Applicants will be required to sign a Consent to Pre-Employment Screening form;
2. if the applicant refuses to sign the form or refuses to submit to the screening when asked, he or she will not be considered for employment and the employment application process will be concluded at that time; and
3. if an applicant's test is confirmed positive, the applicant will not be considered for employment at that time and will be informed that he or she has failed to meet standards.

III. **Reasonable Suspicion Substance Abuse Testing:** The Town will require any employee to submit to a drug or alcohol test when it has a reasonable suspicion that the employee to be tested is thought to be under the influence of or possibly using illegal drugs, narcotics and/or alcohol. The term "reasonable suspicion" for the purposes of this policy, shall be defined as follows:

1. Aberrant or unusual on duty behavior or deportment of an employee;
2. Behavior which is a recognized and accepted symptoms(s) of intoxication or impairment caused by a controlled substance, including alcohol; and

3. The behavior of the employee is not reasonably explained as resulting from causes other than the use of a controlled substance, including alcohol.

Inappropriate employee behavior as described above must be personally observed by a Town managerial or supervisory employee and witnessed by at least one (1) other employee witness, who may or may not be a supervising employee.

When confronted by a supervisor/managerial employee, the employee under suspicion will be offered an opportunity to explain to the supervisor/manager, prior to being ordered to take the drug and/or alcohol test, why the aberrant or unusual behavior is noticeable. Drug and/or alcohol testing based upon reasonable suspicion will be conducted only with either the request of a Department Head or his/her designee and the Human Resources Department with the consent of the Town Manager or his/her designee. Such approval shall be memorialized in writing and indicate the subject matter of the test, why the test was ordered and listing the specific objective fact(s) constituting "reasonable suspicion." A copy of this written order will be provided to the employee as soon as it is practicable to do so.

Any refusal on the part of the suspected employee to immediately comply with a valid "reasonable suspicion" substance abuse testing order will result in the immediate causal termination of the employee.

IV. **Substance Abuse Testing Procedures:** The following procedures shall apply to the substance abuse testing administered to employees who meet the above stated conditions:

1. The Town may request urine and/ blood samples. The employee may, at his/her sole option and expense, upon request receive a blood test in addition to a urine test if none were ordered. The sample will be split to preserve a portion of the sample for future testing.
2. Analysis of specimens will be collected and performed only by laboratories, hospitals or clinics certified by the State of Florida, Agency for Health Care Administration (AHCA) of the Federal Substance Abuse and Mental Health Services Administration (SAMHSA), utilizing qualified sites and employing collectors trained to follow custodial collection protocols and properly maintain legal specimen chain-of-custody.

3. Urine or blood specimens shall be drawn or collected at a laboratory, hospital, doctor's office, certified medical facility or even on Town premises by a certified health care professional. Employees being tested may request a representative of their choice to accompany the employee to the substance abuse test and observe the collection of other specimen. If the Town or the collector requires an observer when the urine specimen is given, the observer shall be of the same sex as the employee being tested. All specimen containers and vials shall be sealed with evidence tape and labeled in the presence of the employee and his/her witness.

4. All substance abuse testing will be conducted using recognized technologies and recognized testing standards. The following standards shall be used to determine what level of detected substance shall constitute a **POSITIVE** test result.

Substance	Screening Test	Confirmation
Amphetamines	1000 ng/mL	1000 ng/mL
Barbiturates	300 ng/mL	300 ng/mL
Benzodiazepines	300 ng/mL	300 ng/mL
Cocaine	300 ng/mL	300 ng/mL
Cannabinoids (Marijuana)	50 ng/mL	50 ng/mL
Methadone	300 ng/mL	300 ng/mL
Methaqualone	300 ng/mL	300 ng/mL
Opiates (Heroin, Morphine, Codeine)	300 ng/mL	300 ng/mL
Phenecyclidine (PCP)	25 ng/mL	25 ng/mL
Propoxyphene	300 ng/mL	300 ng/mL
Alcohol (Ethanol)	0.02 g%	0.02 g%

The levels used will be same as those set by the Federal Government CDL Program. As those levels change so will the levels in this policy. Levels found below those set above shall be determined as negative indicators. Tests for other non-presented controlled substances will be in accordance with federal government screening and confirmation standards.

5. A Certified Medical Review Officer (MRO) will review all negative and confirmed positive laboratory results. Positive results will be communicated to the Town's designated human resources professional after the MRO has ascertained that personal prescriptions or other legal substances do not account for the laboratory findings. Investigations may include, as appropriate,

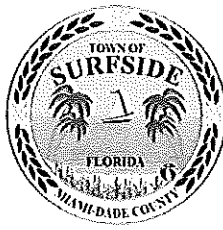
telephone contact with the employee and any prescribing physician. Employees may consult the Town appointed MRO concerning drugs and/or drug groups that may be tested for under this procedure.

6. An employee who tests positive will be sent a "Notice of Positive Drug Test Result" letter containing the laboratory and the MRO's telephone numbers as well as pertinent information concerning the drug test result challenge/appeal process. Within five (5) working days after receiving written notification of a confirmed positive test result which has been verified, an employee may request a further test for the split sample and may submit information to the Town and/or the MRO contesting the test results. If the explanation or challenge of the employee or job applicant is unsatisfactory to the Town, the Town, within fifteen (15) days of receipt, will provide a written explanation as to why the employee or job applicant's explanation is unsatisfactory, and a copy of the report of positive confirmed test results. Such documents shall be kept confidential and maintained by the Town for at least one (1) year.
 7. The results of all urine and blood tests performed hereunder will be held confidential to the extent permitted by law.
 8. Any adulteration of specimens before during or after the substance abuse test, will constitute immediate grounds for employee discharge from employment.
- V. **Post - Accident Testing:** Employees will be required to undergo urine and/or breath testing if the Town has reason to believe the employee's act or failure to act is a direct or proximate cause of a work related accident that has caused a death or any personal injury or property damage in excess of \$500.
1. Employees must adhere to post-accident specimen collection requirements as a condition of employment.
- VI. **Disciplinary Consequences for Positive Substance Abuse Test:** Disciplinary consequences for violating the Town's Drug and Alcohol Free Workplace Policy may include termination of employment and denial of Unemployment Compensation benefits. An employee injured and subsequently confirmed positive for drug or alcohol abuse based upon post-accident testing may not get Workers' Compensation benefits under State law.

- VII. **Voluntarily Acknowledgment of Substance Abuse Problem:** Nothing in the Town's Drug and Alcohol Free Workplace Policy shall prohibit an employee from voluntarily self-identifying as having a substance abuse problem to either his/her immediate supervisor or a representative of the Human Resources Department. Requests from employees for assistance in this regard shall remain confidential to the extent permitted by law. Employees enrolled in substance abuse programs as outpatients, shall be subject to all Town rules, regulations and job performance standards. There will not be discipline for voluntary requests for assistance involving a personal substance abuse problem if such request is made before drug/alcohol abuse leads to disciplinary problems.
- VIII. Drug and alcohol abuse are serious personal concerns for many individuals. The Town of Surfside provides employees in such circumstances with the services of an Employee Assistance Program which may be called to obtain confidential professional referral assistance.

THIS POLICY SUPERSEDES ANY INFORMATION PROVIDED TO APPLICANTS AND/OR EMPLOYEES, EITHER WRITTEN OR ORAL. THE TOWN RESERVES THE RIGHT TO CHANGE THE PROVISIONS OF THIS POLICY AND TESTING PROGRAM AT ANY TIME IN THE FUTURE, CONSISTENT WITH APPLICABLE LAW.

This policy contains updates to the original policy issued in 2007. This policy shall take effect immediately upon its execution and issuance by the Town Manager.



**DOCUMENTATION OF REASONABLE SUSPICION FORM
FOR REASONABLE SUSPICION OF THE PRESENCE OF ALCOHOL AND/OR DRUGS**

This form is to be completed by the supervisor who believes reasonable suspicion exists. It must be completed as soon as practicable upon suspicion and no later than the end of the workday. A copy of this form will be provided to the employee upon request.

Employee Name: _____ Department: _____

Date of Suspicion: _____ Time of Suspicion: _____

Please indicate with an "X" as appropriate. Please use the bottom of this form for additional comments.

	YES	NO
1. Smell of alcohol on breath or person?	___	___
2. Slurred Speech?	___	___
3. Disorientation: Is the employee confused about:		
Where he or she is?	___	___
What day it is?	___	___
What time it is?	___	___
4. Altered motor functions? (i.e. inability to stay awake, poor condition, staggering gait)	___	___
5. Mood		
Belligerent?	___	___
Ecstatic?	___	___
More open or nervous than usual?	___	___
Other: _____	___	___
6. Erratic and/or reckless behavior?	___	___
7. Skin color:		
Pale?	___	___
Flushed?	___	___
8. Excessive perspiration?	___	___
9. Excessive trips to restroom?	___	___
10. Bloodshot eyes?	___	___
11. Dilated pupils?	___	___
12. Traces of alcohol in any containers?	___	___
13. Observation of individual consuming what appears to be an illegal drug or alcohol?	___	___
14. Confession of employee that he or she was drinking alcohol or ingesting drugs?	___	___
15. Confession of other employees?	___	___
16. Traces of drugs?	___	___
17. Traces of drug paraphernalia	___	___
18. Smell of marijuana or other controlled substance?	___	___
19. Congregation of employees in remote areas of facilities Or job sites in area employees usually do not frequent?	___	___

	YES	NO
20. Weariness, fatigue or exhaustion?	---	---
21. Deteriorating physical appearance?	---	---
22. Yawning excessively?	---	---
23. Blank stare or expression?	---	---
24. Sunglasses worn at inappropriate times?	---	---
25. Changes in appearance after lunch or break?	---	---
26. Withdrawing and avoiding peers?	---	---
27. Complaints from co-workers?	---	---
28. Excessive absenteeism or patterns of sick leave abuse Especially on Mondays, Fridays, and days before or after holidays?	---	---
29. Unauthorized or unscheduled absences?	---	---
30. Unusually high incident of colds, flu, upset stomach & headache?	---	---
31. Prolonged lunch hours?	---	---
32. Tardiness?	---	---
33. Unexplained departures from work or disappearances from job areas?	---	---
34. More than average number of job-related mistakes, injuries, or accidents?	---	---
35. Decrease in efficiency or productivity?	---	---
36. Has the employee been given a chance to explain any of the above observations? If yes, what was the employee's response?	---	---

37. Other (attach additional pages if necessary):

List Witnesses: _____

Employee Signature

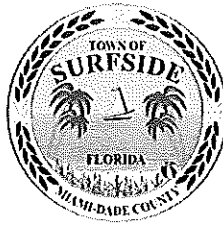
Date

Time

Supervisor's Signature

Date

Time



**FORM A - NOTICE TO EMPLOYEE OF
ALCOHOL AND/OR CONTROLLED SUBSTANCE TEST**

TO: _____

You are hereby notified by the Program Administrator that pursuant to Town's Policy and Procedures Regarding Alcohol and Controlled Substance Testing you are required to submit:

_____ an alcohol breath test

_____ a controlled substance urine test

Your breath specimen will be analyzed for the presence of alcohol. Your urine specimen will be tested at a laboratory approved by the U.S. Department of Health and Human Services for the following drug substances: Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids (marijuana), Cocaine, Opiates (Heroin, Morphine, Codeine), Phencyclidine, Propoxyphene and Alcohol (Ethanol).

You are now required to proceed directly to the collection site for the purpose of providing the above-requested breath and/or urine samples. Upon reaching the site you will be asked to consent to the requested testing. You must follow the instructions given to you and any instructions given to you by the collection site technician. Your cooperation is greatly appreciated.

I, _____, have read and understand the terms contained in this notice. I understand I will may be terminated should my breath alcohol test indicate a presence of alcohol in my body greater than 0.04 or should my urine test indicate the presence of any of the above-listed controlled substances. Further, I understand I may be terminated should I refuse to submit to the required testing.

Employee Signature

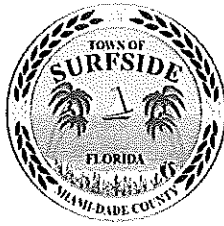
Date

Employee Name (Please Print)

Parent's Signature if Employee is
under age 18

Witness Signature

Witness Name (Please Print)



**FORM B - CONSENT TO ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING
BASED UPON REASONABLE SUSPICION**

I, _____, have received a copy of Town's Policy and Procedures Regarding Alcohol and Controlled Substance Testing, and I understand that refusing to provide a breath and/or a urine specimen, as requested by the Town, tampering with a specimen, or providing false information on a specimen collection and control form constitute grounds for termination of employment with Town. I understand that failure to pass either the requested alcohol test or the requested drug test may result in disciplinary action up to and including termination from employment.

I hereby consent to provide a breath and/or a urine specimen, as requested by the Town, for the purpose of testing for the presence of alcohol and controlled substances at a laboratory designated by Town. I authorize the release of such test results to the medical review officer designated by Town and to the Program Administrator who is responsible for the Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Testing.

Employee Signature

Date

Employee Name (Please Print)

Parent's Signature if Employee is
under age 18

Witness Signature

Witness Name (Please Print)

I do not consent to provide either a breath or a urine specimen, as requested by the Town, for the purpose of testing for the presence of alcohol and controlled substances. I understand that my refusal to participate in testing may result my termination from employment.

Employee Signature

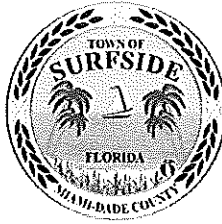
Date

Employee Name (Please Print)

Parent's Signature if Employee is
under age 18

Witness Signature

Witness Name (Please Print)



**FORM C - CONSENT TO POST-ACCIDENT
ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING**

I, _____, have received a copy of Town's Policy and Procedures Regarding Alcohol and Controlled Substance Testing, and I understand that refusing to provide a breath and/or a urine specimen, as requested by the Town, tampering with a specimen, or providing false information on a specimen collection and control form constitute grounds for termination of employment with Town. I understand that failure to pass either the requested alcohol test or the requested drug test may result in disciplinary action up to and including termination from employment.

I hereby consent to provide a breath and/or a urine specimen as requested by Town for the purpose of testing for the presence of alcohol and/or controlled substances at a laboratory designated by Town. I authorize the release of such test results to the medical review officer designated by Town and to the Program Administrator who is responsible for the Statement of Procedures and Policy Regarding Alcohol and Controlled Substance Testing.

Employee Signature

Date

Employee Name (Please Print)

Parent's Signature if Employee is
under age 18

Witness Signature

Witness Name (Please Print)

I do not consent to provide either a breath or a urine specimen as requested by Town for the purpose of testing for the presence of alcohol and controlled substances. I understand that my refusal to participate in testing may result in my termination from employment.

Employee Signature

Date

Employee Name (Please Print)

Parent's Signature if Employee is
under age 18

Witness Signature

Witness Name (Please Print)

**OVER-THE-COUNTER AND PRESCRIPTION DRUGS THAT COULD ALTER OR AFFECT
THE OUTCOME OF A DRUG TEST**

This sheet is for your information only.

ALCOHOL

All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. For example, Vick's Nyquil is 25% (50 proof) ethyl alcohol; Comtrex, 20% (40 proof); Listerine, 26.9% (54 proof).

AMPHETAMINES

Obetral, Biphetimine, Desoxyn, Dexedrine, Didrex.

CANNABINOIDS

Marinol (Dronabinol, THC).

COCAINE

Cocaine HCl topical solution (Roxanne).

PHENCYCLIDINE

Not legal by prescription.

OPIATES

Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxinol (morphone sulfate), Percodan, Vicodin, etc.

BARBITURATES

Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fiorecet, Esgic, Butisol, Mebarbal, Butabarbital, Phrenilin, Triad, etc.

BENZODIAZEPHINES

Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.

METHADONE

Dolophine, Methadose.

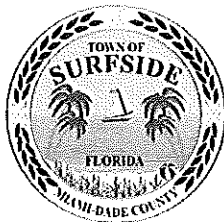
PROPOXYPHENE

Darvocet, Darvon N, Dolene, etc.

Should you have any questions regarding this information you may contact:

Drug Free Workplaces, Inc.

**27 W. Romana Street Pensacola, FL 32502
850-434-3782 or 800-430-3782
help@drugfreeworkplaces.com**



**DRUG AND ALCOHOL FREE WORKPLACE POLICY
AND SUBSTANCE ABUSE TESTING PROCEDURES
ACKNOWLEDGMENT FORM**

By Signing below, the employee acknowledges receiving and understanding the Town of Surfside's Drug and Alcohol Free Workplace Policy. This signature (or a facsimile thereof) also authorized all health care providers to release information requested by the Medical Review Officer to corroborate legal prescription use following a positive drug and/or alcohol laboratory finding.

Employee Signature

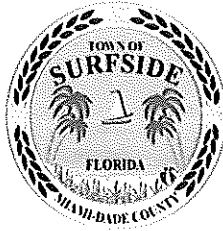
Date

Employee Name (Please Print)

Witnessed by Signature

Date

Witness Name (Please Print)



Town of Surfside Commission Communication

Agenda Item #: 5E

Agenda Date: December 14, 2010

Subject: Code Compliance Authority for Police Officers

Background: Florida State Statute 162.21 authorizes law enforcement officers to be designated as code enforcement officers. Surfside Town Code Section 15-2 authorizes the Town Manager to appoint code enforcement officers for the Town who may include law enforcement officers.

Analysis: Code violations may occur during the evening hours or weekends when the Town Code Enforcement Officer is not working. Over past few weeks all Surfside Police Officers have been trained in code compliance enforcement by the Town Building Official. Code Compliance authority for Police Officers will allow 24 hour, seven day a week, coverage for the Town.

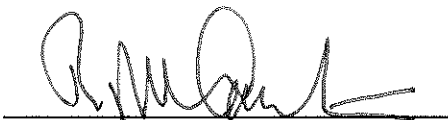
Budget Impact: None

Staff Impact: None

Recommendation: Town Staff recommends that the Town Commission approve a resolution authorizing the Town Manager to appoint Surfside Police Officers with Town Code Enforcement duties.



David Allen, Chief of Police



Roger M. Carlton, Town Manager

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER TO APPOINT CODE ENFORCEMENT OFFICERS FOR THE TOWN WHO MAY INCLUDE LAW ENFORCEMENT OFFICERS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statute Section 162.21 provides that law enforcement officers may be designated by the municipality as a “Code Enforcement Officer;” and

WHEREAS, Section 15-2 of the Code of the Town of Surfside authorizes the Town Manager to appoint Code Enforcement Officers for the Town who may include law enforcement officers; and

WHEREAS, code violations may occur during the evening hours or weekends when the Town Code Enforcement Officer is not working.

WHEREAS, over the past few weeks all Surfside Police Officers have been trained in code compliance enforcement by the Town Building Official.

WHEREAS, code compliance authority for Police Officers will allow 24 hour, seven day a week, coverage for the Town.

WHEREAS, the Town of Surfside Town Commission recognizes and opportunity for Code Enforcement to maintain reasonable aesthetic and quality of life standards for a safe community.

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

Section 1. Recitals. That the above and foregoing recitals are true and correct and are incorporated herein.

Section 2. Authorization. The Town Commission hereby authorizes the Town Manager to appoint all Surfside Police Officers trained in code enforcement as Code Enforcement Officers for the Town of Surfside.

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

Motion by Commissioner _____, Second by Commissioner _____.

PASSED AND ADOPTED this _____ day of _____, 2010

FINAL VOTE ON ADOPTION

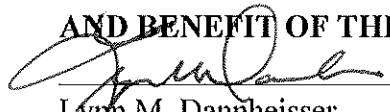
Commissioner Michael Karukin _____
Commissioner Edward Kopelman _____
Commissioner Marta Olchyk _____
Vice Mayor Joseph Graubart _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

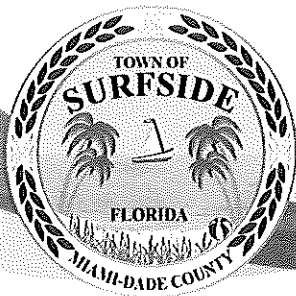
ATTEST:

Debra E. Eastman, MMC
Town Clerk

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



Lynn M. Dannheisser
Town Attorney



TOWN OF SURFSIDE

9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154
(305) 861-4863 • FAX: (305) 861-1302
WWW.TOWNOFSURFSIDEFL.GOV

To: The Honorable Mayor, Vice Mayor and Town Commission

From: Roger M. Carlton, Town Manager

Lynn M. Dannheisser, Town Attorney

Debra E. Eastman, Town Clerk

Subject: Town Commission Agenda Format

Date: December 14, 2010

Since the election of the Town Commission in March, 2010 staff has adopted suggestions made by Town Commission members to assist in the timely management of priorities and meeting subject matter. Training sessions, telephone conferences, and agenda briefings have been held to provide information to the Town Commission to assist in making informed decisions on the meeting day. Staff and the Town Attorney have made themselves available before and after each agenda has been posted to meet with members of the Town Commission to brief and answer questions. In addition, a time clock was installed to assist in focusing discussion.

The Town Manager, Town Attorney and Town Clerk have met to discuss possible additional assistance that staff could offer to the Town Commission to further streamline the agenda. The following ideas will be implemented starting with the December 14, 2010.

Town Commission agenda:

- The Town Manager will flag agenda items as to what is most critical. These items will be flagged as "must haves" and the justification will be made known. Generally, the reason for a "must have" is a calendar deadline imposed by an entity beyond our control.
- If by 10 p.m. the critical items have not been addressed, in the normal course of the agenda, the Town Commission will take up those items.
- The agenda will include the estimated time for each item to be brought before the Town Commission as in the example attached from Bay Harbor Islands Town Commission agenda. (Attachment 1)
- The Town Attorney will include the plain English explanation after each proposed ordinance title.
- We will place items on the Consent Agenda which are routine or appear to be non-controversial. The Mayor and all members of the Town Commission are encouraged to "pull" any item for which you have concerns or questions.

It is our hope that the incorporation of these items in the agenda, along with previously implemented practices, will assist the Town Commission to accomplish their goal of swift efficient meetings.

Attachment

NOTE: There is a three-minute time limit on all comments from the public, regardless of the subject matter. A request form is available from the Deputy Town Clerk; please fill it in and return it to her prior to the start of the meeting if you would like to speak during public comment. When you speak, you must come to the podium in the front and clearly state your name and address for the record. Please turn off or mute your cell phone or pager at the start of the meeting. Thank you.

**TOWN OF BAY HARBOR ISLANDS
REGULAR MEETING OF THE TOWN COUNCIL**

AGENDA

December 13, 2010

CALL TO ORDER: Set for approximately 7:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENTATION - Public Works Department - North Miami

ROLL CALL

REPORTS:

1. Town Manager
 - A. Public Relations status report
2. Town Attorney - BHI vs. Wendy Fong update - Unsafe Structure Board Order
3. Town Council matters

CONSENT AGENDA: Set for approximately 7:35 p.m. (*Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and do not require further discussion or explanation. Items can be removed from the consent agenda by the request of an individual Council member for independent consideration provided such request is made prior to the vote on the consent agenda.*)

4. **Approval** of minutes of the following meeting:
 - A. Regular Council Meeting held September 13, 2010 - Corrected
 - B. Regular Council Meeting held October 11, 2010 - Corrected
 - C. Public Hearing held November 8, 2010 - Corrected

STAFF RECOMMENDATION: Approval of Consent Agenda.

UNFINISHED BUSINESS: Set for approximately 7:45 p.m.

5. **Consideration and approval on second reading** of an ordinance amending the RBA District. Town Planner Michael Miller has worked with the Planning and Zoning Board and the Town Council to finalize the proposed ordinance. The revised proposed ordinance contains the Board's and Council recommendations. Enclosed is a memorandum of explanation from Town Planner Miller and a copy of the proposed ordinance.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S ZONING AND PLANNING CODE BY AMENDING SECTION 23-6 OF THE CODE OF ORDINANCES ENTITLED USE REGULATIONS TO RENAME THE RBA-TRACT DISTRICT TO THE RM-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT, TO PROVIDE UPDATED REFERENCES TO OTHER ZONING DISTRICTS AND TO SPECIFICALLY DEFINE CERTAIN PERMITTED USES; AMENDING SECTION 23-11(D) OF THE CODE OF ORDINANCES CURRENTLY ENTITLED RBA-TRACT AREA TO RENAME THE DISTRICT, DELETE THE EXISTING LAND DEVELOPMENT REGULATIONS AND CREATE NEW LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approval.

6. **Consideration and approval on second reading of an ordinance amending Chapter 18 ½, Taxation, Creating a new Article I entitled Senior Citizen Homestead Tax Exemption requested by Councilman Leonard. Enclosed is a memorandum from Finance Director Short, a copy of the proposed ordinance, and information provided by Councilman Leonard.**

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AMENDING CHAPTER 18 1/2 TAXATION, CREATING A NEW ARTICLE I ENTITLED SENIOR CITIZEN HOMESTEAD TAX EXEMPTION; INCLUDING A SUNSET PROVISION; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approval

7. **Discussion requested by Councilman Ruder for an update on progress made to make it possible for citizens to have the option to pay their Town bills on-line or by using a credit card.**

STAFF RECOMMENDATION: Discussion

8. **Discussion and possible action on options regarding the lease of the ground floor space (approx. 4,200 sq. ft.) in the Town's Municipal Parking Garage. Enclosed is a memorandum from Town Manager Wasson.**

STAFF RECOMMENDATION: Council Discretion

9. **Discussion of the contract for landscaping service to Vila and Son Landscaping Corporation, previously approved to perform landscaping in the Town by the Council. Enclosed is a copy of a memorandum of explanation from Town Manager Wasson.**

STAFF RECOMMENDATION: Approval

10. **Discussion and approval of an emergency award for the 98th Street Park to Magna Construction in the amount of \$74,607.00. Magna Construction was previously awarded the project, but additional items needed to be included in the scope of services. The majority of the funding for this project comes from the Safe Neighborhood Parks Grant and the Parks and Recreation Impact Fees. The motion needs to include an appropriation from General Fund Reserves. Enclosed is a memorandum of explanation from Assistant Manager Jimenez.**

STAFF RECOMMENDATION: Approval **POLL VOTE**

NEW BUSINESS: Set for approximately 7:55 p.m.

11. **Consideration and possible approval** of a business tax receipt (occupational license) to operate a coffee shop and laundry facility at 1111 Kane Concourse (Gracie's Coffee Bar/Chic Suds). Enclosed is the business description and proposed layout from Rebecca McGrotty, owner. Ms. McGrotty will be attending the meeting to answer questions.

STAFF RECOMMENDATION: Council Discretion

12. **Discussion and Review** of the Florida Power and Light Franchise Agreement requested by Town Manager Wasson. Enclosed is a memorandum from Town Manager Wasson with a copy of the draft franchise agreement.

STAFF RECOMMENDATION: Council Discussion and Input.

GOOD AND WELFARE: Set for approximately 9:00 p.m.

ADJOURNMENT

Pursuant to Florida Statutes 286.0105, the Town hereby advises the public that should any person decide to appeal any decision of the Town Council with respect to any matter to be considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Agenda/Discussion Item
December 2010 Commission Meeting
Submitted: November 24, 2010
Submitted by: Joe Graubart, Vice Mayor

TITLE: Putting Town Check Register on the Town's Website

Objective:

In keeping with good governance and a goal of complete, open and full transparency, I suggest that the checkbook register go public by 'posting' it online to the Town's website. This to include Town Officials and employee submitted expenses, reimbursements and credit card charges (items paid for by the Town).

Consideration:

In order to have a well informed public, the Town must provide public access to public information. Many communities have done this by putting their check book register online.

Best regards,



Joseph 'Joe' Graubart

Vice-Mayor

Town of Surfside

9293 Harding Ave

Surfside, FL 33154

(305) 861-4863

Email: JGraubart@townofsurfsidefl.gov

www.townofsurfsidefl.gov

"Be the change you wish to see in the world" Gandhi

From: Marta Olchyk
Sent: Monday, November 22, 2010 3:00 PM
To: Roger Carlton
Subject: RE: Trash Baskets on Hard Pack

I would like to propose that one day a week instead of picking up garbage as it is scheduled, that the crew be required to clean up the walk path. I would like to be sure that the task is being done though and that it is supervised.

Marta



**Town of Surfside
Commission Communication**

Agenda Item: 9E

Agenda Date: December 14, 2010

Subject: Livable Streets and Pedestrian Safety

Objective: While the attached Miami Herald article (attachment A) reflects serious concerns for pedestrian safety in the Brickell area, the issues are comparable for Collins and Harding Avenues with the Surfside town limits. As our Downtown upgrades and as the Community Center reopens, pedestrian safety and livability issues should concern all of us greatly.

We have a wonderful opportunity to upgrade both Collins and Harding Avenues within the impending repaving projects in 2012 and 2011 respectively. We will also begin negotiating soon with Bal Harbour Village on their goal of placing a new 20 inch sewer line the entire length of Collins within our Town limits. How we articulate landscaping, pedestrian areas, traffic calming, street signage and furniture and improve pedestrian access to our beach access areas and the Community Center for our residents and visitors is critically important.

It's important that we begin discussions with Gus Pego, District Engineer for FDOT and Jose Mesa, Director of the Metropolitan Planning Organization regarding funding sources, schedules, drain features and many other issues. This item has been placed on the December 14, 2010 Town Commission for direction. It would also be appreciated if a member of the Town Commission would participate in this process as a representative of the elected officials.

Roger M. Carlton, Interim Town Manager

Walkers and cars clash on Brickell

■ On booming Brickell Avenue, pedestrians must dodge cars to get across the street, but a big state resurfacing project contemplates few improvements for them.

BY ANDRES VIGLUCCI
aviglucci@MiamiHerald.com

Along Miami's Brickell Avenue, a tower-lined urban boulevard booming with thousands of new office workers and condo residents, jaywalking and car-dodging is the order of the day — and often the only convenient way to get across the busy street on foot.

The sight of people in business attire bushwhacking through the thickly planted median in the city's premier commercial district has become commonplace. Women pushing baby strollers must break into a jog to avoid onrushing autos. To get from bus stop to work, transit riders are often forced into the Brickell four-lane dash.

Don't blame the pedestrians, though.

According to city planners and elected officials, residents and activists, the reason is simple: Brickell Avenue, the spine of Miami's densest pedestrian district, lacks sufficient marked crosswalks and traffic signals.

But according to the Florida Department of Transportation and its traffic-engineering manuals, that's not reason enough to undertake substantial pedestrian-friendly changes on Brickell.

MH 10/13

• TURN TO BRICKELL, 18A

It's walkers vs. cars on busy Brickell

BRICKELL, FROM 1A

FDOT, which is about to embark on a year-long resurfacing of the 1.6-mile roadway, has rebuffed pleas from resident and business organizations, activists, city planners and even Miami Mayor Tomas Regalado, all of whom say the \$9 million project pre-

sents a golden opportunity to better accommodate pedestrians and cyclists on Brickell.

FDOT officials say their hands are tied because of the limited nature of a resurfacing project, which typically doesn't include extensive roadway redesign, as well as regulations which restrict placement of crosswalks and traffic signals along a designated state and federal highway such as Brickell.

The resulting clash is shaping up as the highest-profile example of an increasingly common standoff in Miami and other cities across the country: local officials and residents who want livable, pedestrian-friendly urban neighborhoods going up against state traffic engineers whose mandate is to keep large volumes of cars moving as fast as possible.

"There has been this huge resistance by FDOT to do anything to slow cars down," said Natalie Brown, communications director for the Brickell Homeowners Association, the area's largest resident group, which has asked for additional crosswalks and lower speed limits along Brickell's residential stretch, where the posted limit is now a neighborhood-incompatible 40 mph.

Although no pedestrians have been killed on Brickell in the past few years, several have been struck, and experts say the dangers are real: The chance of a pedestrian dying from a collision with a car going 40 mph is 85 percent. At 25 mph, the cap activists seek on Brickell, there is instead a substantial likelihood of survival for the pedestrian. (The portion of Brickell Avenue in the business district now has a 35 mph speed limit).

Yet that entire 40-mph residential half of Brickell has just two marked crosswalks.

FDOT's district secretary, Gus Pego, said his agency will consider some limited improvements along Brickell where it's "reasonable and feasible and safe," such as one additional crosswalk in the business district already included in the resurfacing plan.

"We still have time to flesh this out," he said. But, he added, more crosswalks and traffic signals, as well as lower speed limits, are likely out because current standards don't justify them, Pego said. He urged greater enforcement by Miami police.

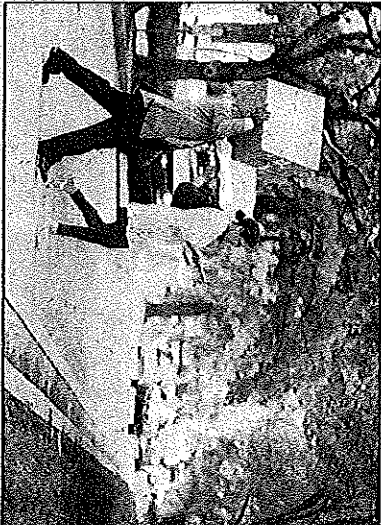
"We can only do so much," Pego said in an interview. "A state highway is not a residential street."

Regalado, who said he came out of a meeting with Pego feeling frustrated, isn't buying. He believes FDOT can do more to slow cars, at least on the residential portion of Brickell between Southwest 15th Road and the entrance to the Rickenbacker Causeway, where the road ends.

"This is a residential road. You have to risk your life to cross it," Regalado said. "I am still hoping they will listen to us."

Similar issues have dogged a recently concluded resurfacing by FDOT of upper Biscayne Boulevard. The agency is now conducting pedestrian-safety studies after residents of the resurgent Upper East Side complained there aren't enough places to safely cross the boulevard.

On Brickell, regular users say the lacks are obvious. In the business district, several intersections have crosswalks on one side but not another. Some intersections have none. There are several long blocks without mid-block crossings, forcing pedestrians to jaywalk and trudge through plants in



ALISON DULZ/FORME MIAMI HERALD
A RUSH: Kilby Reyes and Yokasta Vasquez hurry across Brickell and 12th to get to the post office.

the median.

The problem, experts say, is not so much FDOT's engineers as the rule book by which they must operate. There's also Brickell's configuration — basically a straightaway with a median and no on-street parking, both elements that speed traffic.

Those engineering rules were drafted in an era when pedestrian needs were largely ignored in favor of cars. In Florida, pedestrians consequently often pay the price. In a recent study, the nonprofit group Transportation for America ranked the Orlando, Tampa, Miami, South Florida and Jacksonville metro areas as the four deadliest for pedestrians in the nation, and blamed road designs that stunt on crosswalks and pedestrian safety.

"This pedestrian-crossing issue is a very frustrating issue," said Billy Hattaway, formerly FDOT's chief of design and now an Orlando-based consultant who helps communities make streets pedestrian-friendly. "I can't say the DOT is at fault. They are legitimately constrained. It's a flawed national practice."

For instance, FDOT justifies crosswalks by doing counts of people attempting to cross at different unmarked points — but those counts can be misleadingly low if people don't feel safe crossing in the first place.

But Hattaway warns that simply posing lower speed limits won't work. If Brickell was designed for cars to go 35 mph and 40 mph, motorists will naturally go those speeds.

Traffic signals, meanwhile, are expensive. FDOT's Pego also said closely spaced signals could increase the risk of rear-end collisions if fast-moving autos must stop abruptly.

Hattaway and city planners, however, say FDOT needs to rethink its approach to put pedestri-

ans on equal footing with cars.

"If you have an opportunity to engineer the road to make it safer, it's incumbent on you to do it," said Collin Worth, the city's bicycle and pedestrian planner.

Worth says the city's position is reasonable, noting that no other comparable state-controlled corridor in the city has a speed limit higher than 35 mph — the speed limit for Brickell north of 15th Road as well as its continuation, Biscayne Boulevard.

"I'm just trying to make it consistent," Worth said. Since Brickell would be a natural for commuting by bicycle — and is historically designated as a bike route — Worth also wants FDOT to add signage to remind motorists that cyclists have a right to use the roadway, too.

City officials note that FDOT has an alternate rule book, drafted by Hattaway, that give it greater flexibility to incorporate pedestrian-friendly measures in projects. But in a meeting with a reporter, agency engineers ticked off technical reasons why those alternate standards can't be applied on Brickell.

Alice Bravo, Miami's chief of capital improvements and until recently design director for FDOT's local district office, says state road engineers need a fresh perspective.

"The residents in that area are the customers. The challenge is on the technical folks to address that," she said.

Saint Martha - Yamaha
2010-2011 Concert Series

Santiago Rodriguez



Town of Surfside Commission Communication

Agenda Item: 9F

Agenda Date: December 14, 2010

Subject: Countywide Real Estate Facts and Trends

Objective: Lest anyone think our ad valorem tax roll is safe next year, please review the attached countrywide Facts and Trends provided by EWM International. The most striking figure is that the median price of a single family home was \$386,000 in February 2007 (peak) and is \$173,000 in September 2010. That statistic reflects a 55 percent drop and is a number not seen since 2002. It is also interesting that 23 percent of single family sales are for less than \$100,000 a number not seen in more than 10 years as well. For single family homes in excess of \$1 million there is a 36 month supply on the market and for homes in excess of \$5 million, there is a 14 year supply. Sixty one (61) percent of single family sales were short sales of repossessed homes.

Condominiums reflect worse numbers. The median price was \$270,000 in February 2008 and has dropped to \$97,000 in September 2010. Supplies are shrinking...eight months for condos valued less than \$100,000; 10 months for less than \$300,000 and 43 months for more than \$1 million. 69 percent of condo sales are either foreclosure or short sales.

For all residential real estate transactions, 47 percent are sales and 53 percent are rentals. In Miami-Dade County, 25.6 percent of all jumbo mortgages are in foreclosure and another 12.2 percent are delinquent. The number is 5.6 percent nationally.

My take away from this is that we need to build the cash carryover to the highest level possible during FY 10/11 to utilize carryover funds plus a portion of reserves to reduce or eliminate any need for a millage increase for FY 11/12.

There will be a report on cost containment and revenue enhancement in the Town Commission December 14, 2010 agenda.

EWM has also been requested to provide the countrywide Facts and Trends report for Surfside alone. This should be enlightening and at will be forwarded to you as soon as available.

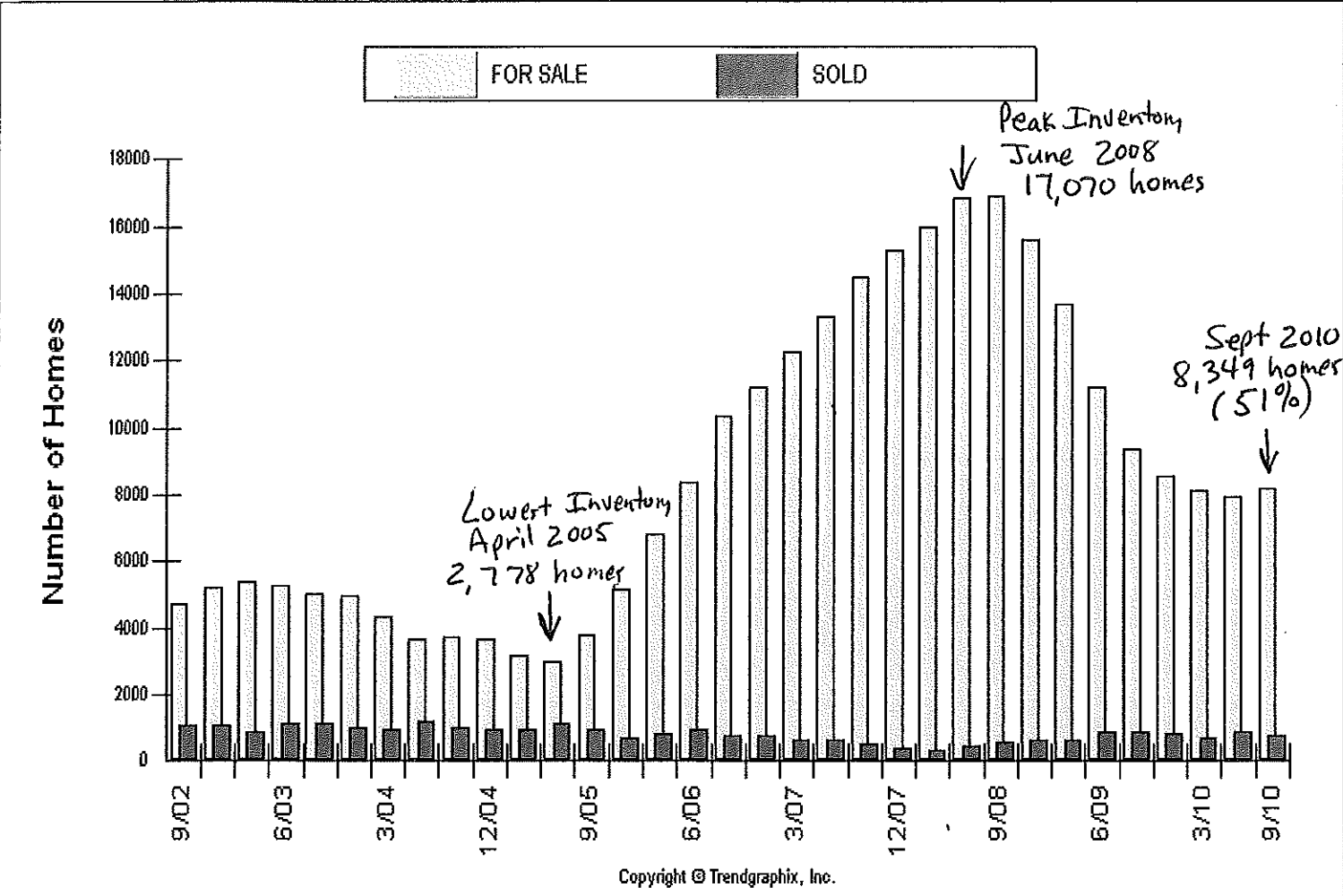
Roger M. Carlton, Interim Town Manager

Miami-Dade
Single-Family
Quarterly Inventory & Sales
8 years



Location: Dade County
Property Types: Single Family Homes - All Properties - All Properties
Price Range: \$0 - No Limit SQFT Range: 0 - No Limit

Number of Homes For Sale vs. Sold - Last 8 years (Quarterly)



	Curnt vs. Prev Qtr			Curnt vs. Same Qtr 1 Yr Ago			Curnt vs. Same Qtr 8 Yrs Ago			Curnt vs. Same 12 Months 1 Yr Ago			Curnt vs. Same 12 Months 7 Yrs Ago		
	Jul. 10 to Sep. 10	Apr. 10 to Jun. 10	% Change	Jul. 10 to Sep. 10	Jul. 09 to Sep. 09	% Change	Jul. 10 to Sep. 10	Jul. 02 to Sep. 02	% Change	Oct. 09 to Sep. 10	Oct. 08 to Sep. 09	% Change	Oct. 09 to Sep. 10	Oct. 02 to Sep. 03	% Change
For Sale	8200	7924	3.5% ▲	8200	9388	-12.7% ▼	8200	4712	74% ▲	8202	12481	-34.3% ▼	8202	5250	56.2% ▲
Sold	771	894	-13.8% ▼	771	884	-12.8% ▼	771	1065	-27.6% ▼	804	758	6% ▲	804	1055	-23.8% ▼

Date	9/02	3/03	9/03	3/04	9/04	3/05	9/05	3/06	9/06	3/07	9/07	3/08	9/08	3/09	9/09	3/10	9/10
For Sale	4712	5433	5059	4362	3741	3205	3817	6851	10324	12241	14525	16002	16882	13718	9388	8140	8200
New Listing	1904	2016	1907	1810	1605	1627	1844	2645	2815	3168	2954	3087	2713	2162	1703	2088	2113
Sold	1065	894	1153	938	1033	922	959	811	781	630	490	358	555	653	884	720	771
Pended	1125	1146	1181	1380	1128	1271	1033	1053	851	759	467	508	748	1019	1239	1232	1224
Months of Inventory (Closed Sales)	4.4	6.1	4.4	4.7	3.6	3.5	4	8.4	13.2	19.4	29.6	44.7	30.4	21	10.6	11.3	10.6
Months of Inventory (Pended Sales)	4.2	4.7	4.3	3.2	3.3	2.5	3.7	6.5	12.1	16.1	31.1	31.5	22.6	13.5	7.6	6.6	6.7
Absorption Rate (Closed Sales) %	22.6	16.5	22.8	21.5	27.6	28.8	25.1	11.8	7.6	5.1	3.4	2.2	3.3	4.8	9.4	8.8	9.4
Absorption Rate (Pended Sales) %	23.9	21.1	23.3	31.6	30.2	39.7	27.1	15.4	8.2	6.2	3.2	3.2	4.4	7.4	13.2	15.1	14.5
Avg. Active Price	633	671	716	758	860	977	1012	929	797	773	703	665	609	652	755	780	707
Avg. Sold Price	280	277	324	377	420	434	515	526	528	526	549	522	424	265	292	306	293
Avg. Sq. Ft. Price	139	142	157	183	199	211	247	258	263	254	253	240	194	134	146	149	143
Sold/List Diff. %	95	95	94	94	94	95	96	95	95	95	93	90	90	90	89	88	90
Days on Market	61	65	66	72	56	62	49	67	73	97	103	112	115	106	108	101	86
Median	183	188	226	242	274	302	355	368	376	384	373	326	275	180	177	173	175

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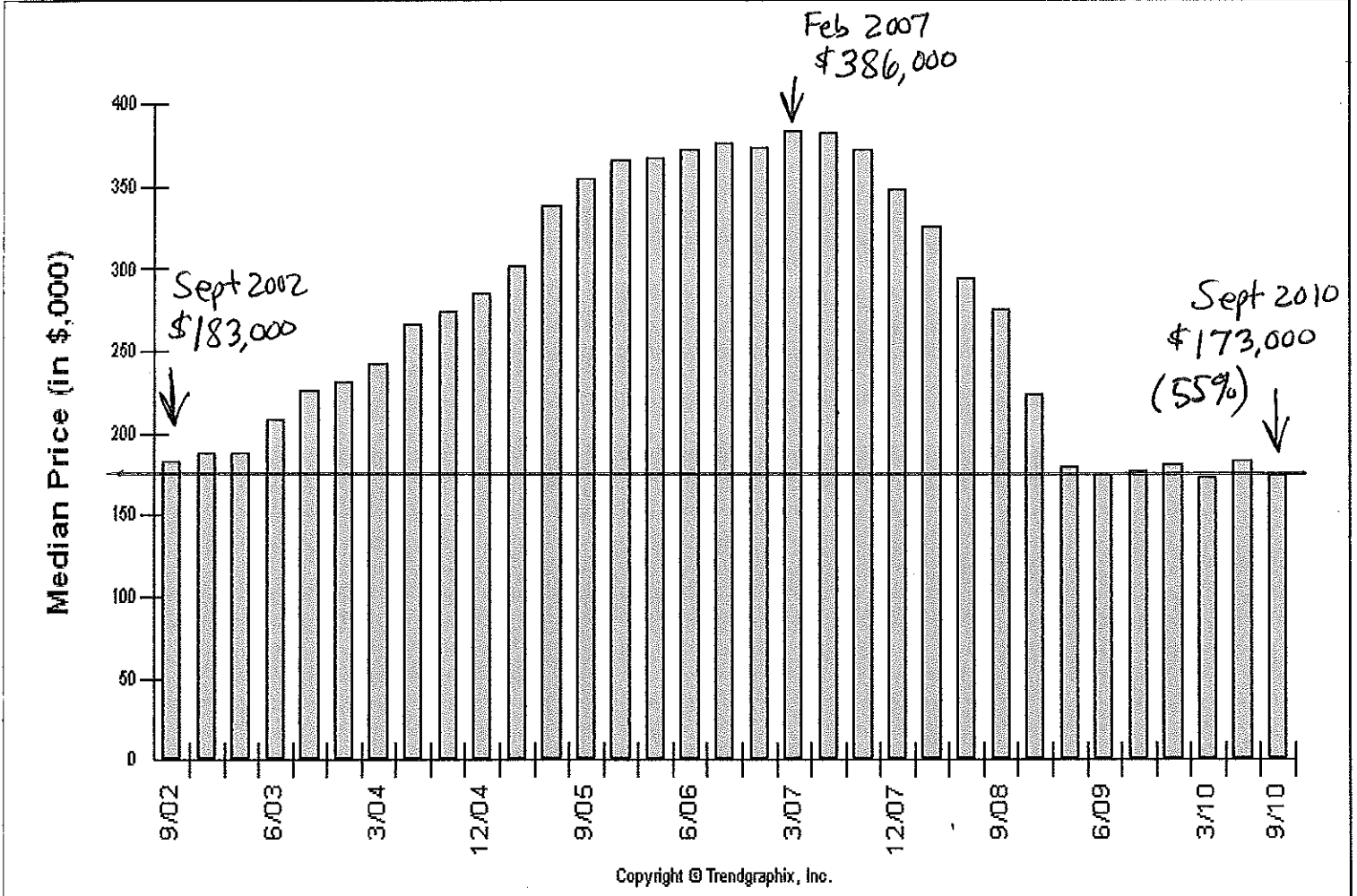
*Median Prices
Single Family
Quarterly Averages
8 years*



2

Location: Dade County
Property Types: Single Family Homes - All Properties - All Properties
Price Range: \$0 - No Limit SQFT Range: 0 - No Limit

Median Price of Sold - Last 8 years (Quarterly)



	Curnt vs. Prev Qtr			Curnt vs. Same Qtr 1 Yr Ago			Curnt vs. Same Qtr 8 Yrs Ago			Curnt vs. Same 12 Months 1 Yr Ago			Curnt vs. Same 12 Months 7 Yrs Ago		
	Jul. 10 to Sep. 10	Apr. 10 to Jun. 10	% Change	Jul. 10 to Sep. 10	Jul. 09 to Sep. 09	% Change	Jul. 10 to Sep. 10	Jul. 02 to Sep. 02	% Change	Oct. 09 to Sep. 10	Oct. 08 to Sep. 09	% Change	Oct. 09 to Sep. 10	Oct. 02 to Sep. 03	% Change
Median	175	183	-4.4%	175	177	-1.1%	175	183	-4.4%	178	189	-5.7%	178	203	-12.2%

Date	9/02	3/03	9/03	3/04	9/04	3/05	9/05	3/06	9/06	3/07	9/07	3/08	9/08	3/09	9/09	3/10	9/10
For Sale	4712	5433	5059	4362	3741	3205	3817	6851	10324	12241	14525	16002	16882	13718	9388	8140	8200
New Listing	1904	2016	1907	1810	1605	1627	1844	2645	2815	3168	2954	3087	2713	2162	1703	2088	2113
Sold	1065	894	1153	938	1033	922	959	811	781	630	490	358	555	653	884	720	771
Pended	1125	1146	1181	1380	1128	1271	1033	1053	851	759	467	508	748	1019	1239	1232	1224
Months of Inventory (Closed Sales)	4.4	6.1	4.4	4.7	3.6	3.5	4	8.4	13.2	19.4	29.6	44.7	30.4	21	10.6	11.3	10.6
Months of Inventory (Pended Sales)	4.2	4.7	4.3	3.2	3.3	2.5	3.7	6.5	12.1	16.1	31.1	31.5	22.6	13.5	7.6	6.6	6.7
Absorption Rate (Closed Sales) %	22.6	16.5	22.8	21.5	27.6	28.8	25.1	11.8	7.6	5.1	3.4	2.2	3.3	4.8	9.4	8.8	9.4
Absorption Rate (Pended Sales) %	23.9	21.1	23.3	31.6	30.2	39.7	27.1	15.4	8.2	6.2	3.2	3.2	4.4	7.4	13.2	15.1	14.9
Avg. Active Price	633	671	716	758	860	977	1012	929	797	773	703	665	609	652	755	780	707
Avg. Sold Price	280	277	324	377	420	434	515	526	528	526	549	522	424	265	292	306	293
Avg. Sq. Ft. Price	139	142	157	183	199	211	247	258	263	254	253	240	194	134	146	149	143
Sold/List Diff. %	95	95	94	94	94	95	96	95	95	95	93	90	90	90	89	88	90
Days on Market	61	65	66	72	56	62	49	67	73	97	103	112	115	106	108	101	86
Median	183	188	226	242	274	302	355	368	376	384	373	326	275	180	177	173	175

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Facts and Trends™ - Published October 2010*

Miami-Dade
Single-Family
All Prices



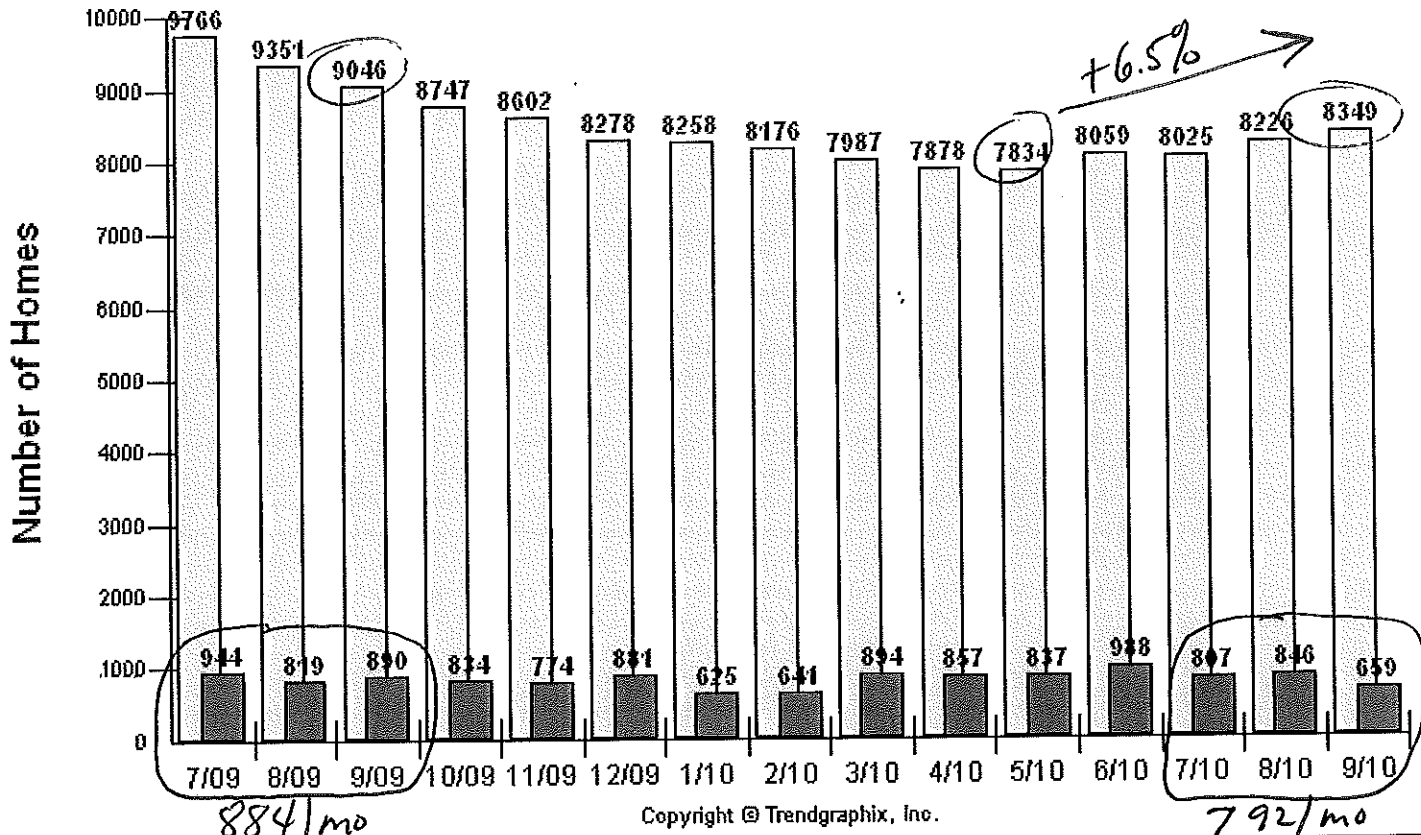
3

Location: Dade County
Property Types: Single Family Homes - All Properties - All Properties
Price Range: \$0 - No Limit SQFT Range: 0 - No Limit

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)

$\frac{9,046}{884} = 10 \text{ months Supply}$

$\frac{8,340}{792} = 11 \text{ months Supply}$



	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Sep. 10	Aug. 10	% Change	Sep. 10	Sep. 09	% Change	Jul. 10 to Sep. 10	Jul. 09 to Sep. 09	% Change
For Sale	8349	8226	1.5% ▲	8349	9046	-7.7% ▼	8200	9388	-12.7% ▼
Sold	659	846	-22.1% ▼	659	890	-26% ▼	771	884	-12.9% ▼

(10%) Decrease in Sales

Date	7/09	8/09	9/09	10/09	11/09	12/09	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10
For Sale	9766	9351	9046	8747	8602	8278	8258	8176	7987	7878	7834	8059	8025	8226	8349
New Listing	1777	1623	1710	1681	1407	1583	1995	1969	2301	2198	1890	2130	2156	2153	2029
Sold	944	819	890	834	774	881	625	641	894	857	837	988	807	846	659
Pended	1284	1221	1213	1236	895	936	1039	1245	1413	1440	1060	1123	1137	1302	1232
Months of Inventory (Closed Sales)	10.3	11.4	10.2	10.5	11.1	9.4	13.2	12.8	8.9	9.2	9.4	8.2	9.9	9.7	12.7
Months of Inventory (Pended Sales)	7.6	7.7	7.5	7.1	9.6	8.8	7.9	6.6	5.7	5.5	7.4	7.2	7.1	6.3	6.8
Absorption Rate (Closed Sales) %	9.7	8.8	9.8	9.5	9	10.6	7.6	7.8	11.2	10.9	10.7	12.3	10.1	10.3	7.5
Absorption Rate (Pended Sales) %	13.1	13.1	13.4	14.1	10.4	11.3	12.6	15.2	17.7	18.3	13.5	13.9	14.2	15.8	14.8
Avg. Active Price	740	756	769	764	774	775	780	781	778	782	754	730	721	707	694
Avg. Sold Price	276	272	327	286	313	333	282	290	346	300	324	347	292	303	284
Avg. Sq. Ft. Price	140	136	161	145	150	162	137	148	163	143	153	164	142	143	145
Sold/List Diff. %	90	90	87	89	90	93	89	89	87	90	91	89	91	90	90
Days on Market	108	105	111	100	109	108	98	102	103	97	93	88	91	87	81
Median	175	176	180	168	185	191	170	170	180	180	190	180	180	172	173

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Facts and Trends™ - Published October 2010*

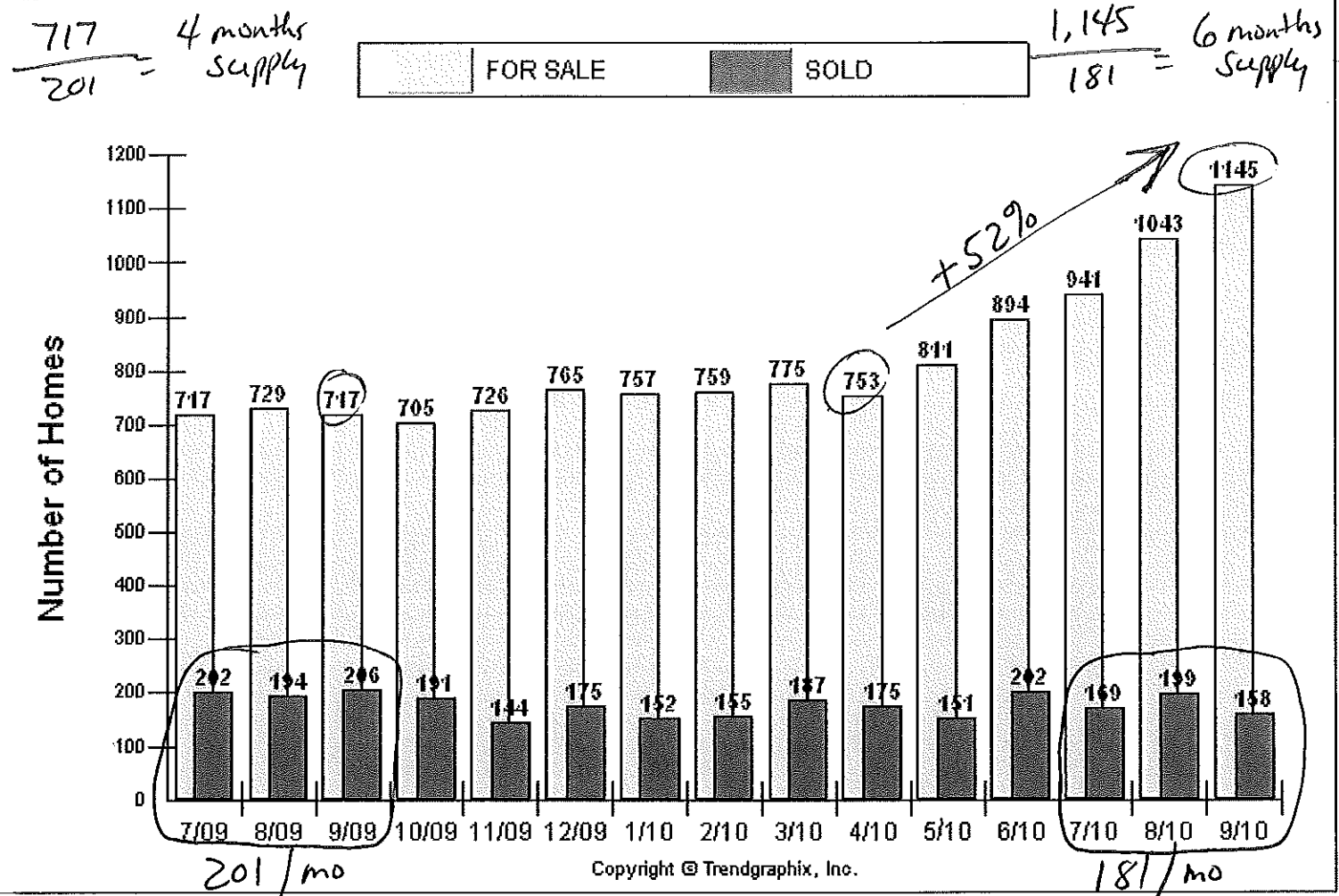
Single-Family
 < \$100,000
 14% of Inventory
 23% of Sales



(4)

Location: Dade County
 Property Types: Single Family Homes - All Properties - All Properties
 Price Range: \$0 - \$99,999 SQFT Range: 0 - No Limit

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)



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	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Sep. 10	Aug. 10	% Change	Sep. 10	Sep. 09	% Change	Jul. 10 to Sep. 10	Jul. 09 to Sep. 09	% Change
For Sale	1145	1043	9.8% ▲	1145	717	59.7% ▲	1043	721	44.7% ▲
Sold	158	199	-20.6% ▼	158	206	-23.3% ▼	175	201	-12.6% ▼

(10%) Decrease in Sales

Date	7/09	8/09	9/09	10/09	11/09	12/09	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10
For Sale	717	729	717	705	726	765	757	759	775	753	811	894	941	1043	1145
New Listing	274	246	265	248	227	285	279	317	393	366	369	417	456	475	425
Sold	202	194	206	191	144	175	152	155	187	175	151	202	169	199	158
Pended	263	246	260	258	189	181	215	251	265	279	215	248	281	327	291
Months of Inventory (Closed Sales)	3.5	3.8	3.5	3.7	5	4.4	5	4.9	4.1	4.3	5.4	4.4	5.6	5.2	7.2
Months of Inventory (Pended Sales)	2.7	3	2.8	2.7	3.8	4.2	3.5	3	2.9	2.7	3.8	3.6	3.3	3.2	3.9
Absorption Rate (Closed Sales) %	28.2	26.6	28.7	27.1	19.8	22.9	20.1	20.4	24.1	23.2	18.6	22.6	18	19.1	13.8
Absorption Rate (Pended Sales) %	36.7	33.7	36.3	36.6	26	23.7	28.4	33.1	34.2	37.1	26.5	27.7	29.9	31.4	25.4
Avg. Active Price	71	71	71	71	70	70	70	70	69	69	70	69	69	69	70
Avg. Sold Price	60	60	62	64	63	63	58	59	63	60	61	63	63	60	61
Avg. Sq. Ft. Price	45	45	46	48	47	46	45	47	47	46	44	49	47	45	49
Sold/List Diff. %	93	93	93	93	91	93	92	92	89	92	93	91	93	93	94
Days on Market	83	85	79	74	76	83	70	83	88	80	74	66	65	61	65
Median	61	62	65	66	64	65	60	60	65	64	65	66	65	62	63

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Facts and Trends™ - Published October 2010*

*Single-Family
 < \$300,000
 57% of Inventory
 76% of Sales*



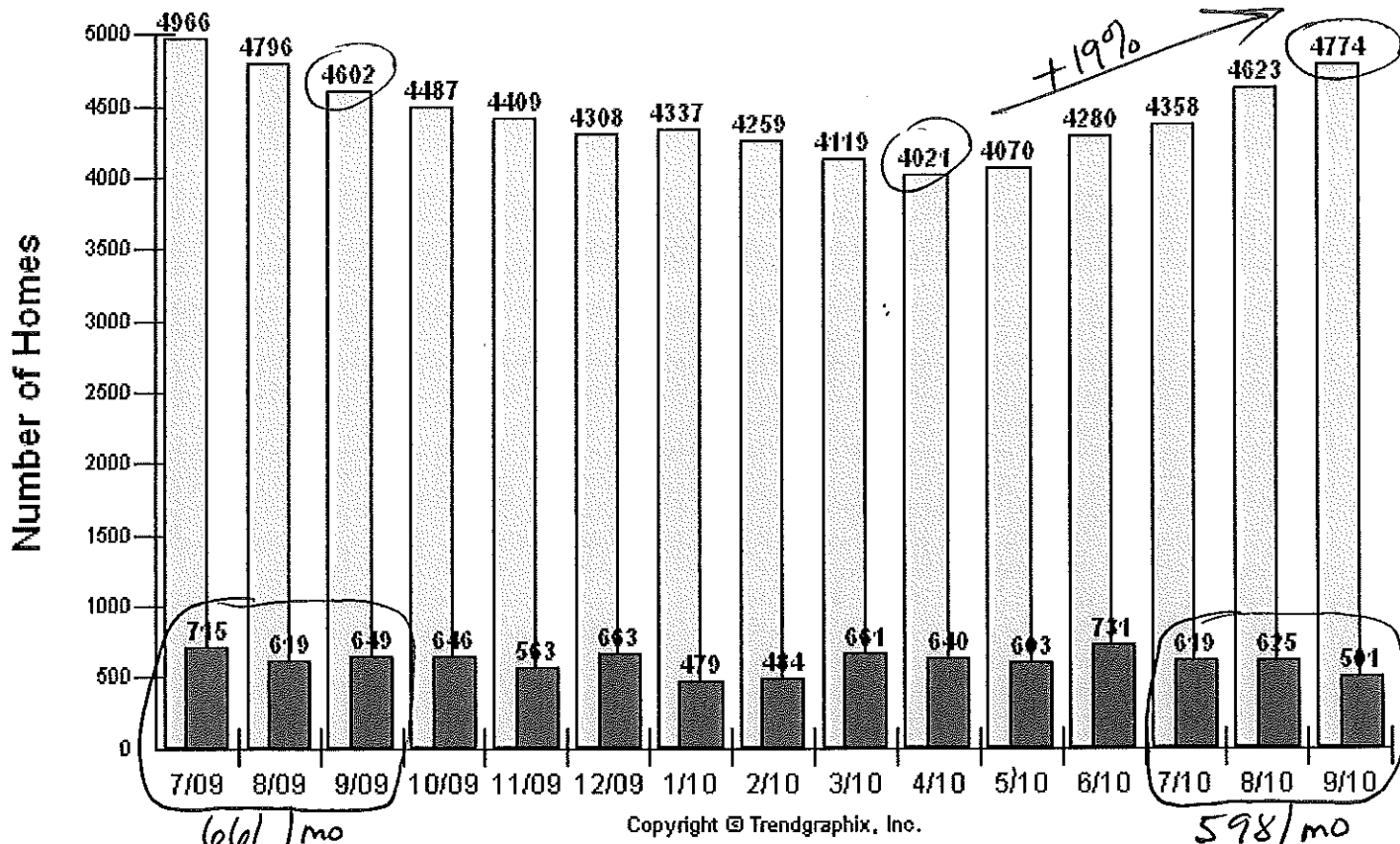
(5)

Location: Dade County
 Property Types: Single Family Homes - All Properties - All Properties
 Price Range: \$0 - \$299,999 SQFT Range: 0 - No Limit

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)

$\frac{4,602}{661} = 7 \text{ months supply}$

$\frac{4,774}{598} = 8 \text{ months supply}$



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661 / mo

598 / mo

(10%) Decrease in Sales

	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Sep. 10	Aug. 10	% Change	Sep. 10	Sep. 09	% Change	Jul. 10 to Sep. 10	Jul. 09 to Sep. 09	% Change
For Sale	4774	4623	3.3% ▲	4774	4602	3.7% ▲	4585	4788	-4.2% ▼
Sold	501	625	-19.8% ▼	501	649	-22.8% ▼	582	661	-12% ▼

Date	7/09	8/09	9/09	10/09	11/09	12/09	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10
For Sale	4966	4796	4602	4487	4409	4308	4337	4259	4119	4021	4070	4280	4358	4623	4774
New Listing	1135	1057	1110	1070	896	1086	1269	1322	1526	1518	1321	1469	1501	1531	1431
Sold	715	619	649	646	563	663	479	484	661	640	603	731	619	625	501
Pended	980	926	927	935	675	701	786	963	1076	1113	781	865	854	1024	985
Months of Inventory (Closed Sales)	6.9	7.7	7.1	6.9	7.8	6.5	9.1	8.8	6.2	6.3	6.7	5.9	7	7.4	9.5
Months of Inventory (Pended Sales)	5.1	5.2	5	4.8	6.5	6.1	5.5	4.4	3.8	3.6	5.2	4.9	5.1	4.5	4.8
Absorption Rate (Closed Sales) %	14.4	12.9	14.1	14.4	12.8	15.4	11	11.4	16	15.9	14.8	17.1	14.2	13.5	10.5
Absorption Rate (Pended Sales) %	19.7	19.3	20.1	20.8	15.3	16.3	18.1	22.6	26.1	27.7	19.2	20.2	19.6	22.2	20.6
Avg. Active Price	185	184	182	182	179	175	175	174	173	174	170	168	165	162	160
Avg. Sold Price	147	144	142	142	149	153	139	140	145	148	154	146	149	140	142
Avg. Sq. Ft. Price	89	86	87	86	88	90	83	86	87	87	90	87	87	87	87
Sold/List Diff. %	94	95	94	94	95	95	94	94	93	95	94	94	94	94	95
Days on Market	101	94	98	90	98	94	88	94	92	86	83	74	79	75	72
Median	150	140	144	140	148	150	138	139	144	150	155	145	146	135	140

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Facts and Trends™ - Published October 2010*

Single-Family
\$1,000,000 +
15% of Inventory
4% of Sales

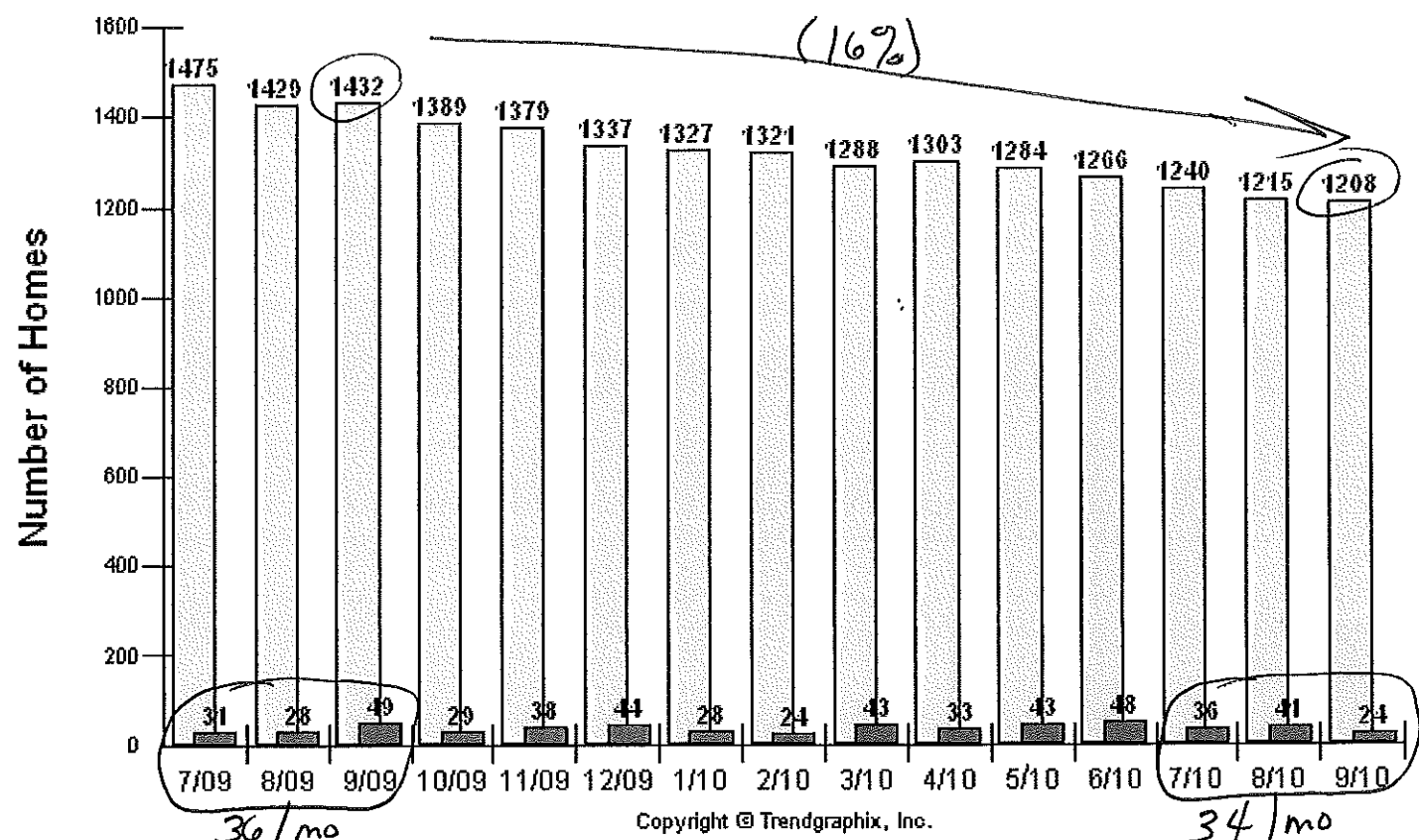


6

Location: Dade County
Property Types: Single Family Homes - All Properties - All Properties
Price Range: \$1,000,000 - No Limit SQFT Range: 0 - No Limit

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)

$\frac{1,432}{36} = 40$ months supply
 $\frac{1,208}{34} = 36$ months supply



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(6%) Decrease in Sales

	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Sep. 10	Aug. 10	% Change	Sep. 10	Sep. 09	% Change	Jul. 10 to Sep. 10	Jul. 09 to Sep. 09	% Change
For Sale	1208	1215	-0.6%	1208	1432	-15.6%	1221	1445	-15.5%
Sold	24	41	-41.5%	24	49	-51%	34	36	-6.5%

Date	7/09	8/09	9/09	10/09	11/09	12/09	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10
For Sale	1475	1429	1432	1389	1379	1337	1327	1321	1288	1303	1284	1266	1240	1215	1208
New Listing	142	134	161	137	131	124	180	147	177	157	141	155	137	121	141
Sold	31	28	49	29	38	44	28	24	43	33	43	48	36	41	24
Pended	41	38	56	48	31	40	47	46	70	45	45	51	45	35	33
Months of Inventory (Closed Sales)	47.6	51	29.2	47.9	36.3	30.4	47.4	55	30	39.5	29.9	26.4	34.4	29.6	50.3
Months of Inventory (Pended Sales)	36	37.6	25.6	28.9	44.5	33.4	28.2	28.7	18.4	29	28.5	24.8	27.6	34.7	36.6
Absorption Rate (Closed Sales) %	2.1	2	3.4	2.1	2.8	3.3	2.1	1.8	3.3	2.5	3.3	3.8	2.9	3.4	2
Absorption Rate (Pended Sales) %	2.8	2.7	3.9	3.5	2.2	3	3.5	3.5	5.4	3.5	3.5	4	3.6	2.9	2.7
Avg. Active Price	3095	3179	3168	3131	3171	3189	3245	3218	3189	3138	3019	3012	3030	3102	3101
Avg. Sold Price	1973	1843	2171	2488	1964	2516	1846	2234	2789	2214	2081	2775	1851	1929	2244
Avg. Sq. Ft. Price	380	402	464	432	380	458	388	435	449	424	398	490	358	373	437
Sold/List Diff. %	82	84	79	83	85	92	82	83	81	84	86	85	85	86	83
Days on Market	159	183	194	201	191	228	205	136	206	193	181	185	223	176	171
Median	1425	1517	1500	2000	1553	1580	1275	1550	2050	1738	1731	1825	1543	1450	1260

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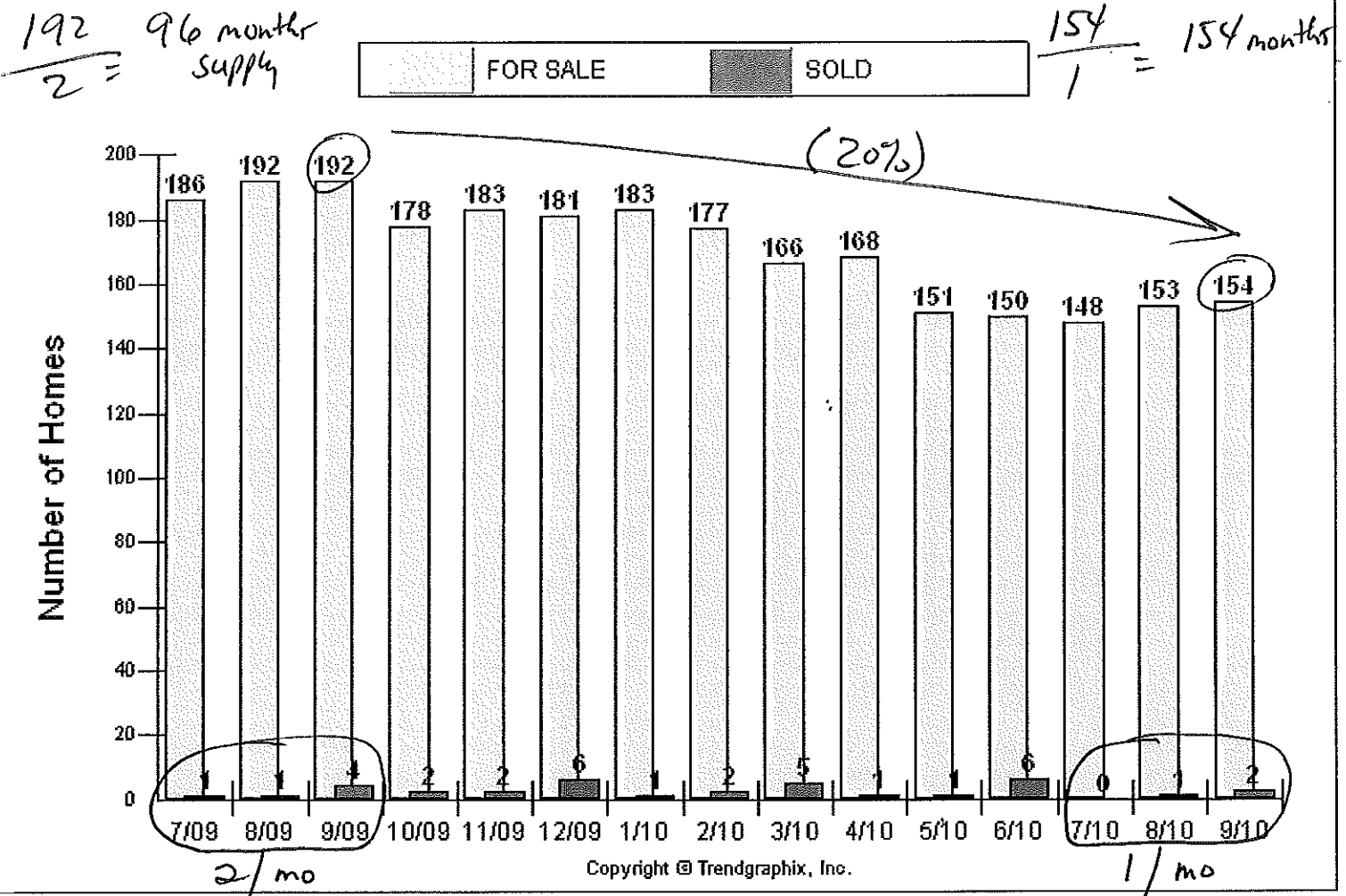
Single-Family
\$5,000,000 +



Location: Dade County
Property Types: Single Family Homes - All Properties - All Properties
Price Range: \$5,000,000 - No Limit SQFT Range: 0 - No Limit

7

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)



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	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Sep. 10	Aug. 10	% Change	Sep. 10	Sep. 09	% Change	Jul. 10 to Sep. 10	Jul. 09 to Sep. 09	% Change
For Sale	154	153	0.7% ▲	154	192	-19.8% ▼	152	190	-20.2% ▼
Sold	2	1	100% ▲	2	4	-50% ▼	1	2	-50% ▼

(50%) Decrease in Sales

Date	7/09	8/09	9/09	10/09	11/09	12/09	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10
For Sale	186	192	192	178	183	181	183	177	166	168	151	150	148	153	154
New Listing	10	18	18	14	17	11	18	8	14	22	9	19	14	11	15
Sold	1	1	4	2	2	6	1	2	5	1	1	6	0	1	2
Pended	2	5	3	2	3	3	2	4	4	1	5	3	1	4	2
Months of Inventory (Closed Sales)	186	192	48	89	91.5	30.2	183	88.5	33.2	168	151	25	N/A	153	77
Months of Inventory (Pended Sales)	93	38.4	64	89	61	60.3	91.5	44.3	41.5	168	30.2	50	148	38.3	77
Absorption Rate (Closed Sales) %	0.5	0.5	2.1	1.1	1.1	3.3	0.5	1.1	3	0.6	0.7	4	0	0.7	1.3
Absorption Rate (Pended Sales) %	1.1	2.6	1.6	1.1	1.6	1.7	1.1	2.3	2.4	0.6	3.3	2	0.7	2.6	1.3
Avg. Active Price	9827	9895	9903	9922	9755	9759	9947	10068	10188	9724	9718	9608	9697	9860	9875
Avg. Sold Price	5500	6000	6775	7450	6875	7558	9500	6325	8679	6750	10413	9061	0	10500	8791
Avg. Sq. Ft. Price	674	961	1093	670	702	1007	977	987	648	0	1410	849	0	618	897
Sold/List Diff. %	85	73	70	88	84	102	70	86	73	91	81	82	0	81	80
Days on Market	180	310	183	178	184	222	222	119	150	124	180	319	0	31	127
Median	5500	6000	6290	7450	6875	7275	9500	6325	8500	6750	10413	7085	0	10500	8792

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Single-Family
REO Homes
12% of Inventory
39% of Sales



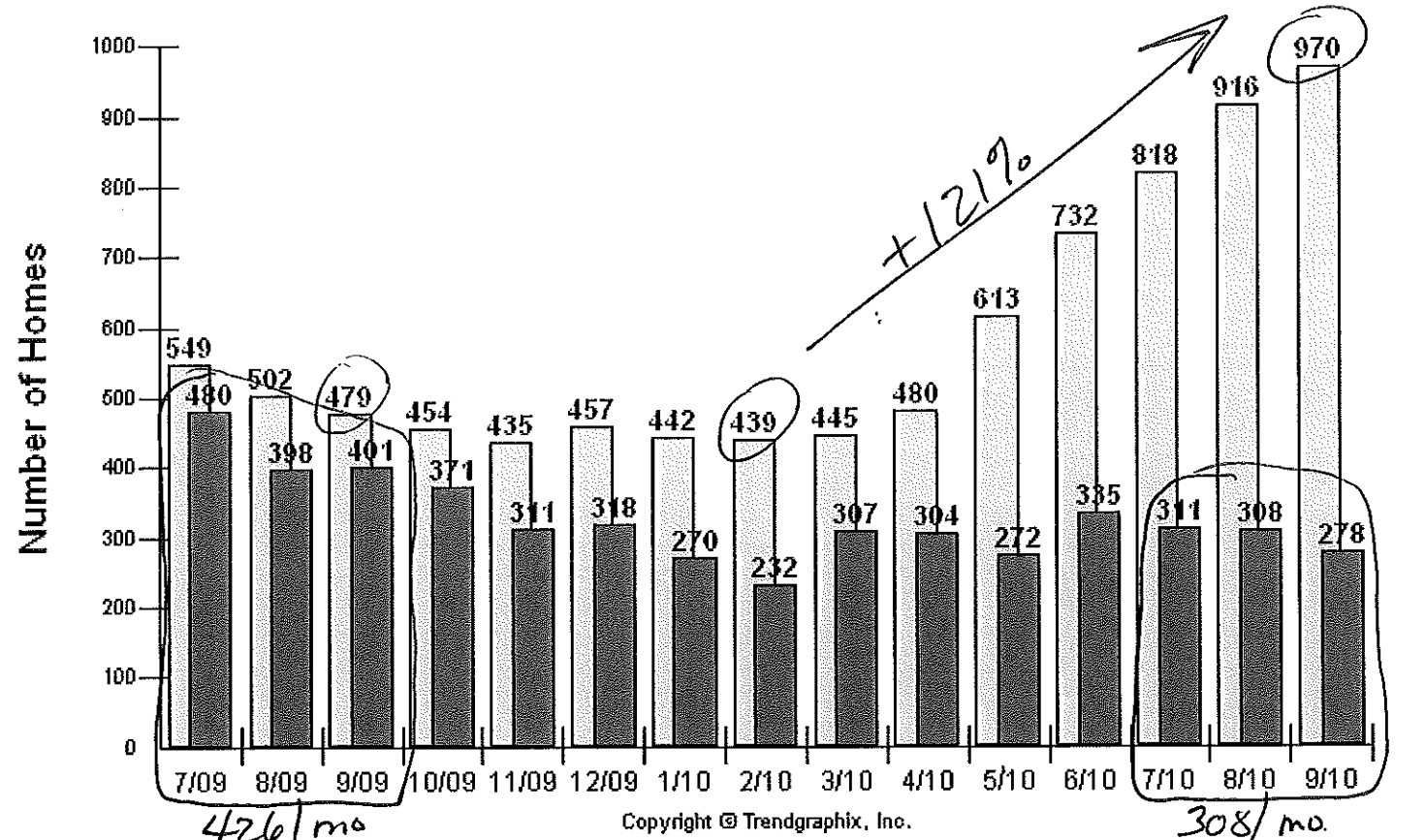
8

Location: Dade County
Property Types: Single Family Homes - All Properties - REO
Price Range: \$0 - No Limit SQFT Range: 0 - No Limit

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)

479 / 426 = 1 month supply

970 / 308 = 3 months supply



	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Sep. 10	Aug. 10	% Change	Sep. 10	Sep. 09	% Change	Jul. 10 to Sep. 10	Jul. 09 to Sep. 09	% Change
For Sale	970	916	5.9% ▲	970	479	102.5% ▲	901	510	76.7% ▲
Sold	278	308	-9.7% ▼	278	401	-30.7% ▼	299	426	-29.9% ▼

(28%) Decrease in Sales

Date	7/09	8/09	9/09	10/09	11/09	12/09	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10
For Sale	549	502	479	454	435	457	442	439	445	480	613	732	818	916	970
New Listing	396	333	378	353	286	381	319	354	449	464	497	543	595	651	574
Sold	480	398	401	371	311	318	270	232	307	304	272	335	311	308	278
Pended	458	408	400	373	254	297	295	319	351	365	288	371	380	519	469
Months of Inventory (Closed Sales)	1.1	1.3	1.2	1.2	1.4	1.4	1.6	1.9	1.4	1.6	2.3	2.2	2.6	3	3.5
Months of Inventory (Pended Sales)	1.2	1.2	1.2	1.2	1.7	1.5	1.5	1.4	1.3	1.3	2.1	2	2.2	1.8	2.1
Absorption Rate (Closed Sales) %	87.4	79.3	83.7	81.7	71.5	69.6	61.1	52.8	69	63.3	44.4	45.8	38	33.6	28.7
Absorption Rate (Pended Sales) %	83.4	81.3	83.5	82.2	58.4	65	66.7	72.7	78.9	76	47	50.7	46.5	56.7	48.4
Avg. Active Price	151	158	165	170	165	170	173	183	163	162	167	173	175	167	164
Avg. Sold Price	142	138	136	133	149	138	136	130	133	144	155	142	136	135	139
Avg. Sq. Ft. Price	84	79	81	79	84	80	79	80	76	83	86	81	78	75	81
Sold/List Diff. %	97	97	97	99	99	99	99	98	99	100	99	99	98	100	99
Days on Market	79	69	73	64	63	58	50	66	53	47	47	38	46	41	46
Median	129	115	114	115	125	115	114	110	118	130	129	117	120	114	115

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Median Price = \$115,000

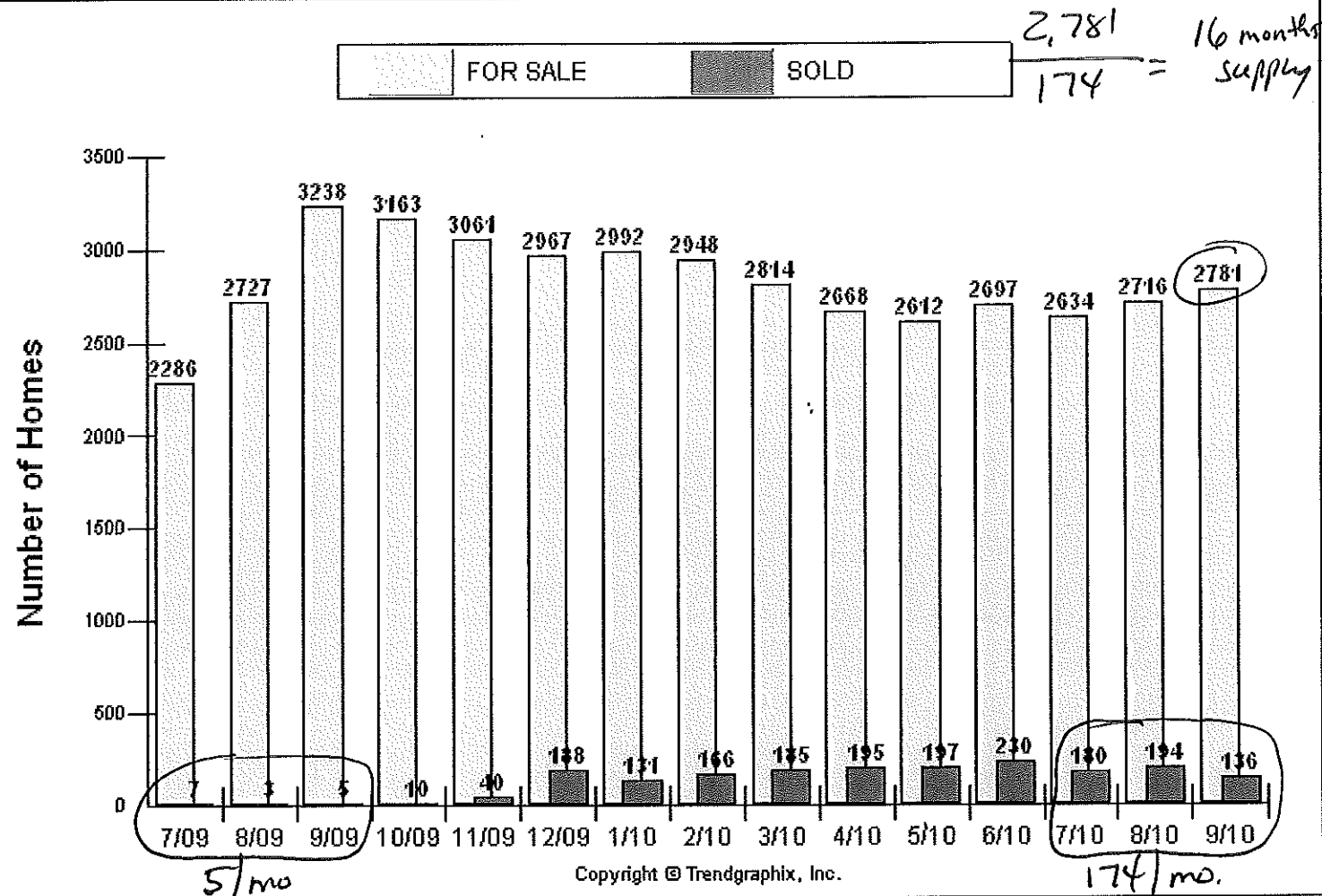
Facts and Trends™ - Published October 2010*

Single-Family
Short Sales
33% of Inventory
22% of Sales



Location: Dade County
Property Types: Single Family Homes - All Properties - Short Sale
Price Range: \$0 - No Limit SQFT Range: 0 - No Limit

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)



	Currt vs. Prev Month			Currt vs. Same Month 1 Yr Ago			Currt vs. Same Qtr 1 Yr Ago		
	Sep. 10	Aug. 10	% Change	Sep. 10	Sep. 09	% Change	Jul. 10 to Sep. 10	Jul. 09 to Sep. 09	% Change
For Sale	2781	2716	2.4% ▲	2781	3238	-14.1% ▼	2710	2750	-1.5% ▼
Sold	136	194	-29.9% ▼	136	5	2620% ▲	170	5	3300% ▲

Date	7/09	8/09	9/09	10/09	11/09	12/09	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10
For Sale	2286	2727	3238	3163	3061	2967	2992	2948	2814	2668	2612	2697	2634	2716	2781
New Listing	29	18	20	534	437	524	727	714	833	772	608	654	622	637	622
Sold	7	3	5	10	40	188	131	166	185	195	197	230	180	194	136
Pended	13	12	13	449	343	341	408	503	588	588	411	398	411	419	407
Months of Inventory (Closed Sales)	326.6	909	647.6	316.3	76.5	15.8	22.8	17.8	15.2	13.7	13.3	11.7	14.6	14	20.4
Months of Inventory (Pended Sales)	175.8	227.3	249.1	7	8.9	8.7	7.3	5.9	4.8	4.5	6.4	6.8	6.4	6.5	6.8
Absorption Rate (Closed Sales) %	0.3	0.1	0.2	0.3	1.3	6.3	4.4	5.6	6.6	7.3	7.5	8.5	6.8	7.1	4.9
Absorption Rate (Pended Sales) %	0.6	0.4	0.4	14.2	11.2	11.5	13.6	17.1	20.9	22	15.7	14.8	15.6	15.4	14.6
Avg. Active Price	292	297	285	271	268	264	264	263	259	271	268	266	257	251	245
Avg. Sold Price	231	158	247	211	186	210	248	233	212	223	238	224	197	230	238
Avg. Sq. Ft. Price	112	97	152	104	105	109	113	117	112	110	115	106	101	113	126
Sold/List Diff. %	89	94	95	91	90	90	92	92	89	89	91	92	93	88	89
Days on Market	120	137	76	101	176	158	164	146	170	180	156	143	155	158	155
Median	249	223	190	174	159	175	190	178	165	180	196	168	173	180	184

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Median Price = \$184,000

Facts and Trends™ - Published October 2010*

Single-Family
Non-Distressed
55% of Inventory
39% of Sales

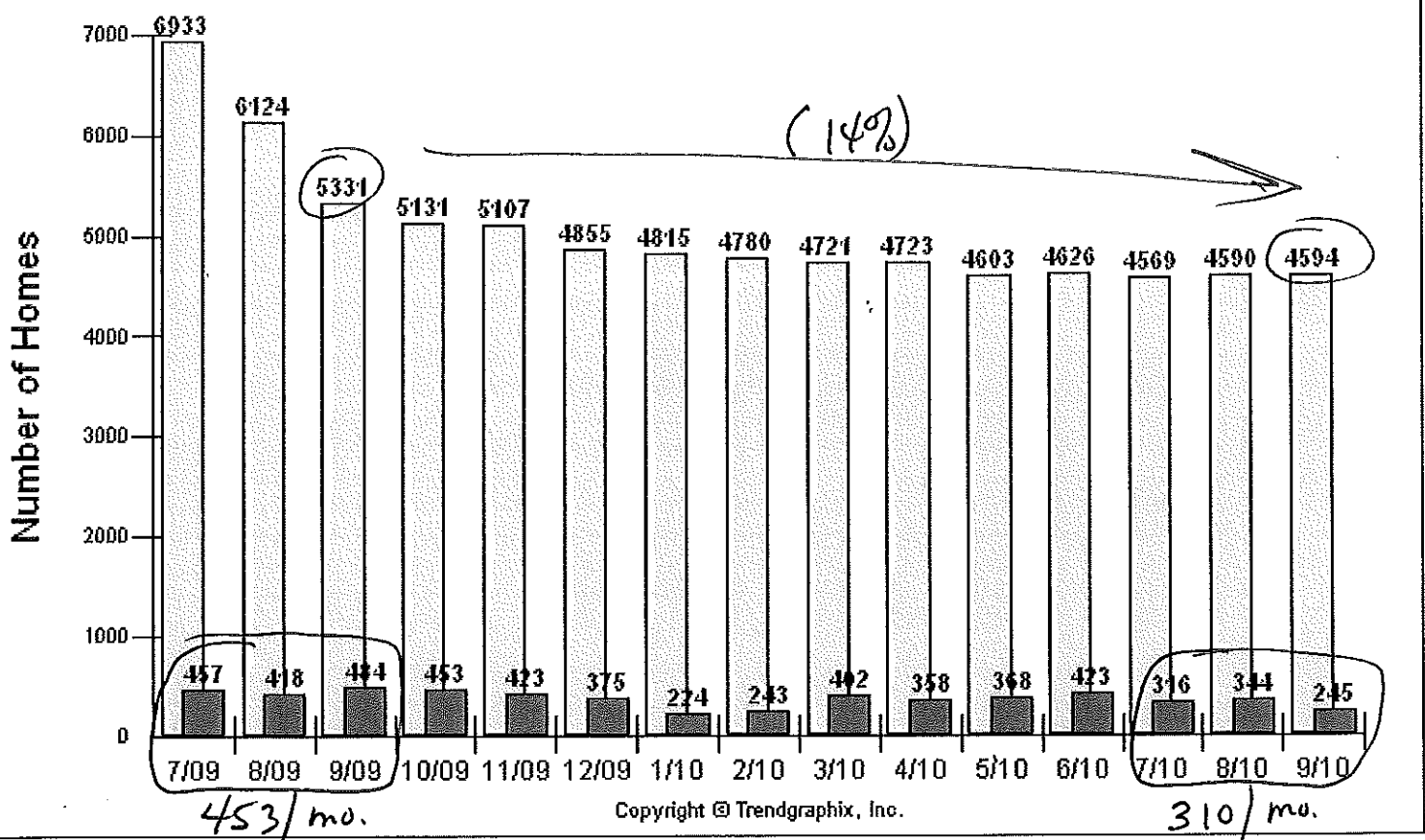


10

Location: Dade County
Property Types: Single Family Homes - All Properties - Non REO, Non Short Sale
Price Range: \$0 - No Limit SQFT Range: 0 - No Limit

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)

$\frac{5,331}{453} = 12$ months supply
 FOR SALE (stippled bar) SOLD (solid bar)
 $\frac{4,594}{310} = 15$ months supply



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	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Sep. 10	Aug. 10	% Change	Sep. 10	Sep. 09	% Change	Jul. 10 to Sep. 10	Jul. 09 to Sep. 09	% Change
For Sale	4594	4590	0.1% ▲	4594	5331	-13.8% ▼	4584	6129	-25.2% ▼
Sold	245	344	-28.8% ▼	245	484	-49.4% ▼	302	453	-33.4% ▼

(32%) Decrease in Sales

Date	7/09	8/09	9/09	10/09	11/09	12/09	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10
For Sale	6933	6124	5331	5131	5107	4855	4815	4780	4721	4723	4603	4626	4569	4590	4594
New Listing	1352	1272	1312	794	684	678	949	901	1019	962	785	933	939	865	833
Sold	457	418	484	453	423	375	224	243	402	358	368	423	316	344	245
Pended	813	801	800	414	298	298	336	423	474	487	361	354	346	364	356
Months of Inventory (Closed Sales)	15.2	14.7	11	11.3	12.1	12.9	21.5	19.7	11.7	13.2	12.5	10.9	14.5	13.3	18.8
Months of Inventory (Pended Sales)	8.5	7.6	6.7	12.4	17.1	16.3	14.3	11.3	10	9.7	12.8	13.1	13.2	12.6	12.9
Absorption Rate (Closed Sales) %	6.6	6.8	9.1	8.8	8.3	7.7	4.7	5.1	8.5	7.6	8	9.1	6.9	7.5	5.3
Absorption Rate (Pended Sales) %	11.7	13.1	15	8.1	5.8	6.1	7	8.8	10	10.3	7.8	7.7	7.6	7.9	7.7
Avg. Active Price	934	1010	1118	1120	1129	1145	1158	1156	1146	1134	1109	1089	1087	1085	1079
Avg. Sold Price	417	401	485	413	446	560	476	482	570	474	495	577	499	493	474
Avg. Sq. Ft. Price	186	178	209	188	192	230	203	210	228	198	209	235	206	200	206
Sold/List Diff. %	87	88	85	87	88	92	86	86	85	88	89	87	88	89	88
Days on Market	139	139	143	130	137	125	117	106	109	95	94	97	99	88	81
Median	264	263	264	230	265	280	259	256	278	270	281	276	285	294	270

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Median Price = \$270,000

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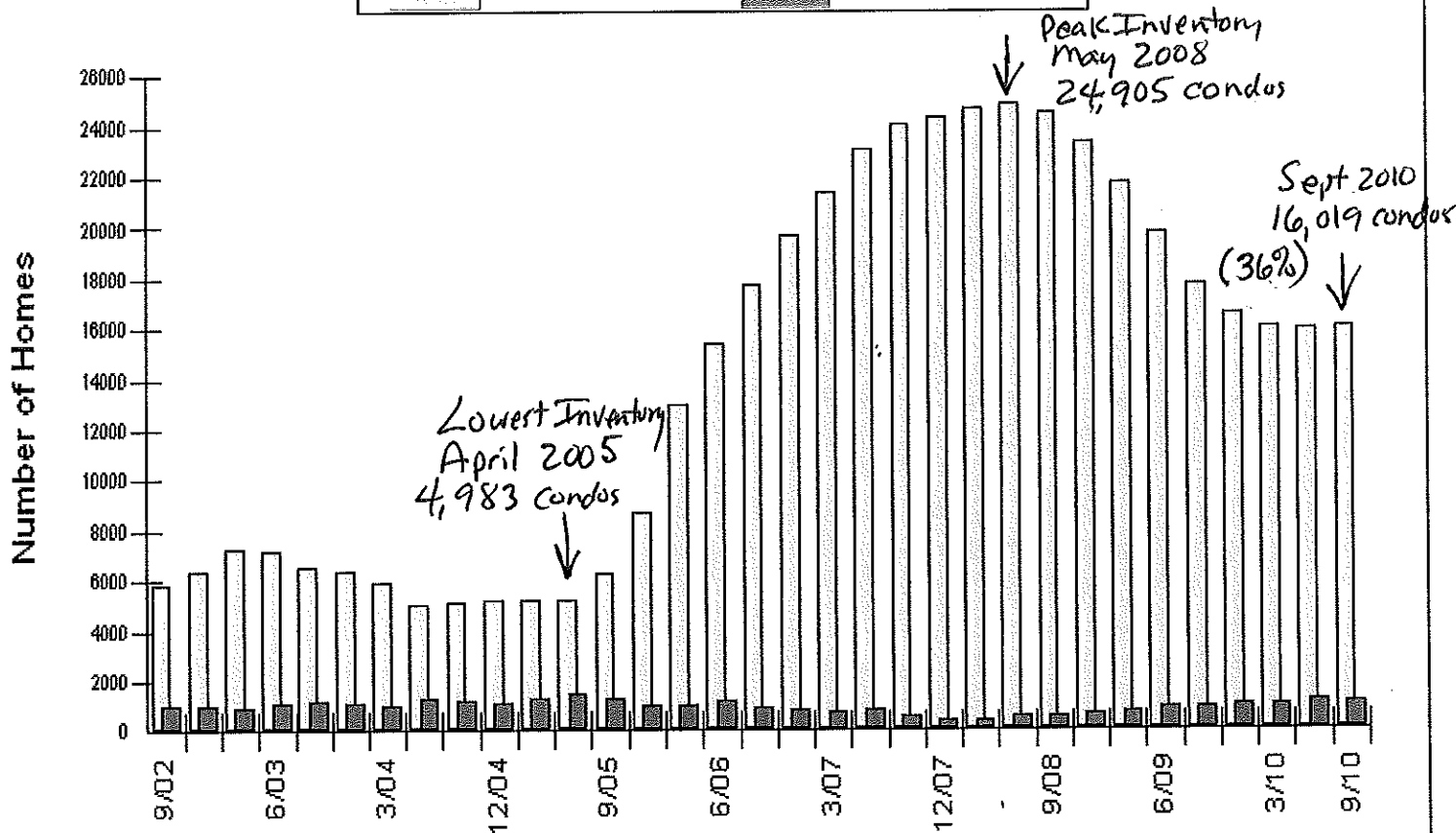
Miami-Dade
 Condos
 Quarterly Inventory & Sales
 8 years



11

Location: Dade County
 Property Types: Condo/Townhomes - All Properties - All Properties
 Price Range: \$0 - No Limit SQFT Range: 0 - No Limit

Number of Homes For Sale vs. Sold - Last 8 years (Quarterly)



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	Curnt vs. Prev Qtr			Curnt vs. Same Qtr 1 Yr Ago			Curnt vs. Same Qtr 8 Yrs Ago			Curnt vs. Same 12 Months 1 Yr Ago			Curnt vs. Same 12 Months 7 Yrs Ago		
	Jul. 10 to Sep. 10	Apr. 10 to Jun. 10	% Change	Jul. 10 to Sep. 10	Jul. 09 to Sep. 09	% Change	Jul. 10 to Sep. 10	Jul. 02 to Sep. 02	% Change	Oct. 09 to Sep. 10	Oct. 08 to Sep. 09	% Change	Oct. 09 to Sep. 10	Oct. 02 to Sep. 03	% Change
For Sale	16005	15945	0.4% ▲	16005	17754	-9.9% ▼	16005	5838	174.2% ▲	16142	20633	-21.8% ▼	16142	6845	135.8% ▲
Sold	1127	1208	-6.7% ▼	1127	935	20.5% ▲	1127	1063	6% ▲	1078	800	34.7% ▲	1078	1055	2.2% ▲

Date	9/02	3/03	9/03	3/04	9/04	3/05	9/05	3/06	9/06	3/07	9/07	3/08	9/08	3/09	9/09	3/10	9/10
For Sale	5838	7295	6534	5959	5086	5239	6265	12991	17738	21413	24051	24649	24493	21708	17754	16051	16005
New Listing	1926	2428	1978	2146	1996	2467	2685	4419	4021	4813	4113	4167	3446	3084	2500	3288	3198
Sold	1063	949	1153	1016	1170	1264	1324	1050	924	747	542	421	585	706	935	977	1127
Pended	1071	1166	1228	1534	1321	1770	1416	1341	978	920	817	627	745	1042	1419	1669	1794
Months of Inventory (Closed Sales)	5.5	7.7	5.7	5.9	4.3	4.1	4.7	12.4	19.2	28.7	44.4	58.5	41.9	30.7	19	16.4	14.2
Months of Inventory (Pended Sales)	5.5	6.3	5.3	3.9	3.9	3	4.4	9.7	18.1	23.3	29.4	39.3	32.9	20.8	12.5	9.6	8.9
Absorption Rate (Closed Sales) %	18.2	13	17.6	17	23	24.1	21.1	8.1	5.2	3.5	2.3	1.7	2.4	3.3	5.3	6.1	7
Absorption Rate (Pended Sales) %	18.3	16	18.8	25.7	26	33.8	22.6	10.3	5.5	4.3	3.4	2.5	3	4.8	8	10.4	11.2
Avg. Active Price	450	444	466	498	581	620	637	595	538	523	480	466	436	446	440	441	420
Avg. Sold Price	200	215	235	264	278	344	366	375	353	417	418	466	369	248	240	229	197
Avg. Sq. Ft. Price	164	176	189	210	224	276	310	309	300	326	320	342	283	200	193	193	169
Sold/List Diff. %	97	94	95	95	96	96	97	95	95	94	92	91	91	89	90	91	92
Days on Market	66	67	74	78	60	68	55	69	82	99	115	154	130	116	118	114	99
Median	133	139	156	169	198	244	261	256	247	263	258	272	212	145	133	128	103

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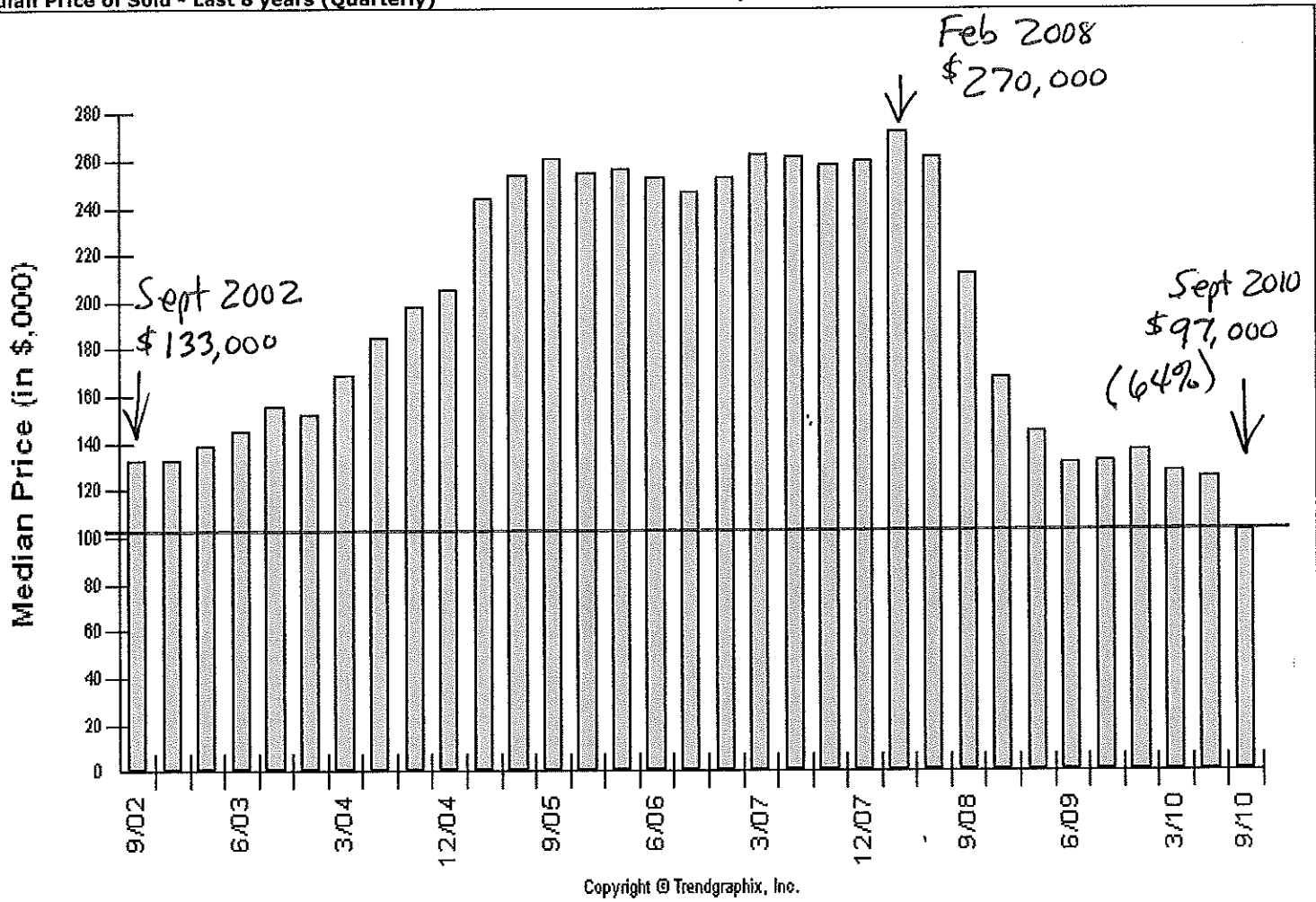
Median Price
Condos
Quarterly Average
8 years



12

Location: Dade County
Property Types: Condo/Townhomes - All Properties - All Properties
Price Range: \$0 - No Limit SQFT Range: 0 - No Limit

Median Price of Sold - Last 8 years (Quarterly)



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	Curnt vs. Prev Qtr			Curnt vs. Same Qtr 1 Yr Ago			Curnt vs. Same Qtr 8 Yrs Ago			Curnt vs. Same 12 Months 1 Yr Ago			Curnt vs. Same 12 Months 7 Yrs Ago		
	Jul. 10 to Sep. 10	Apr. 10 to Jun. 10	% Change	Jul. 10 to Sep. 10	Jul. 09 to Sep. 09	% Change	Jul. 10 to Sep. 10	Jul. 02 to Sep. 02	% Change	Oct. 09 to Sep. 10	Oct. 08 to Sep. 09	% Change	Oct. 09 to Sep. 10	Oct. 02 to Sep. 03	% Change
Median	103	126	-18.3% ▼	103	133	-22.6% ▼	103	133	-22.6% ▼	124	145	-14.5% ▼	124	143	-13.8% ▼

Date	9/02	3/03	9/03	3/04	9/04	3/05	9/05	3/06	9/06	3/07	9/07	3/08	9/08	3/09	9/09	3/10	9/10
For Sale	5838	7295	6534	5959	5086	5239	6265	12991	17738	21413	24051	24649	24493	21708	17754	16051	16005
New Listing	1926	2428	1978	2146	1996	2467	2685	4419	4021	4813	4113	4167	3446	3084	2500	3288	3198
Sold	1063	949	1153	1016	1170	1264	1324	1050	924	747	542	421	585	706	935	977	1127
Pended	1071	1166	1228	1534	1321	1770	1416	1341	978	920	817	627	745	1042	1419	1669	1794
Months of Inventory (Closed Sales)	5.5	7.7	5.7	5.9	4.3	4.1	4.7	12.4	19.2	28.7	44.4	58.5	41.9	30.7	19	16.4	14.2
Months of Inventory (Pended Sales)	5.5	6.3	5.3	3.9	3.9	3	4.4	9.7	18.1	23.3	29.4	39.3	32.9	20.8	12.5	9.6	8.9
Absorption Rate (Closed Sales) %	18.2	13	17.6	17	23	24.1	21.1	8.1	5.2	3.5	2.3	1.7	2.4	3.3	5.3	6.1	7
Absorption Rate (Pended Sales) %	18.3	16	18.8	25.7	26	33.8	22.6	10.3	5.5	4.3	3.4	2.5	3	4.8	8	10.4	11.2
Avg. Active Price	450	444	466	498	581	620	637	595	538	523	480	466	436	446	440	441	420
Avg. Sold Price	200	215	235	264	278	344	366	375	353	417	418	466	369	248	240	229	197
Avg. Sq. Ft. Price	164	176	189	210	224	276	310	309	300	326	320	342	283	200	193	193	169
Sold/List Diff. %	97	94	95	95	96	96	97	95	95	94	92	91	91	89	90	91	92
Days on Market	66	67	74	78	60	68	55	69	82	99	115	154	130	116	118	114	99
Median	133	139	156	169	198	244	261	256	247	263	258	272	212	145	133	128	103

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Facts and Trends™ - Published October 2010*

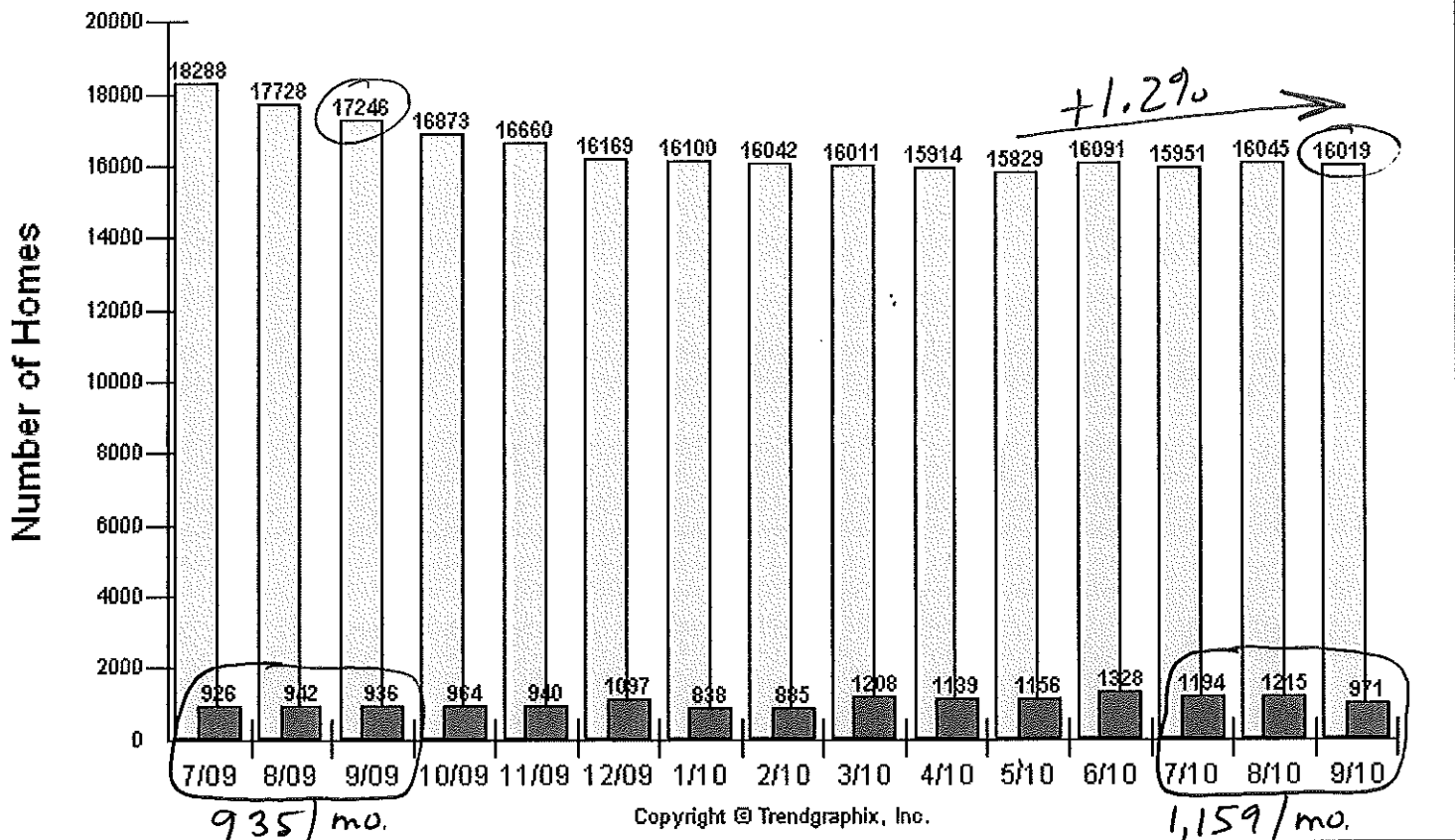
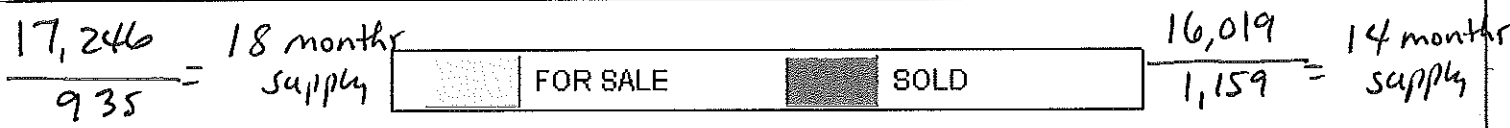
Miami - Dade
Condos
All Prices



Location: Dade County
Property Types: Condo/Townhomes - All Properties - All Properties
Price Range: \$0 - No Limit SQFT Range: 0 - No Limit

13

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)



Copyright © Trendgraphix, Inc.

	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Sep. 10	Aug. 10	% Change	Sep. 10	Sep. 09	% Change	Jul. 10 to Sep. 10	Jul. 09 to Sep. 09	% Change
For Sale	16019	16045	-0.2% ▼	16019	17246	-7.1% ▼	16005	17754	-9.9% ▼
Sold	971	1215	-20.1% ▼	971	936	3.7% ▲	1127	935	20.5% ▲

+24% increase in sales.

Date	7/09	8/09	9/09	10/09	11/09	12/09	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10
For Sale	18288	17728	17246	16873	16660	16169	16100	16042	16011	15914	15829	16091	15951	16045	16019
New Listing	2554	2474	2472	2521	2302	2546	3233	3046	3584	3340	3121	3302	3310	3243	3042
Sold	926	942	936	964	940	1097	838	885	1208	1139	1156	1328	1194	1215	971
Pended	1351	1396	1510	1536	1319	1295	1463	1617	1928	1991	1658	1617	1622	1913	1848
Months of Inventory (Closed Sales)	19.7	18.8	18.4	17.5	17.7	14.7	19.2	18.1	13.3	14	13.7	12.1	13.4	13.2	16.5
Months of Inventory (Pended Sales)	13.5	12.7	11.4	11	12.6	12.5	11	9.9	8.3	8	9.5	10	9.8	8.4	8.7
Absorption Rate (Closed Sales) %	5.1	5.3	5.4	5.7	5.6	6.8	5.2	5.5	7.5	7.2	7.3	8.3	7.5	7.6	6.1
Absorption Rate (Pended Sales) %	7.4	7.9	8.8	9.1	7.9	8	9.1	10.1	12	12.5	10.5	10	10.2	11.9	11.5
Avg. Active Price	441	440	438	438	438	438	440	443	439	434	429	418	420	419	420
Avg. Sold Price	230	240	249	237	229	249	220	215	252	265	247	260	217	179	196
Avg. Sq. Ft. Price	189	190	201	192	186	204	189	183	206	216	202	212	184	156	166
Sold/List Diff. %	91	90	90	90	91	91	92	92	90	90	90	90	91	92	92
Days on Market	119	120	116	118	114	103	118	112	112	115	105	105	99	99	92
Median	128	135	135	130	140	140	129	120	135	130	128	120	110	102	97

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Median Price = \$97,000

Facts and Trends™ - Published October 2010*

*Miami - Dade
Condos
< \$100,000
28% of Inventory
48% of Sales*

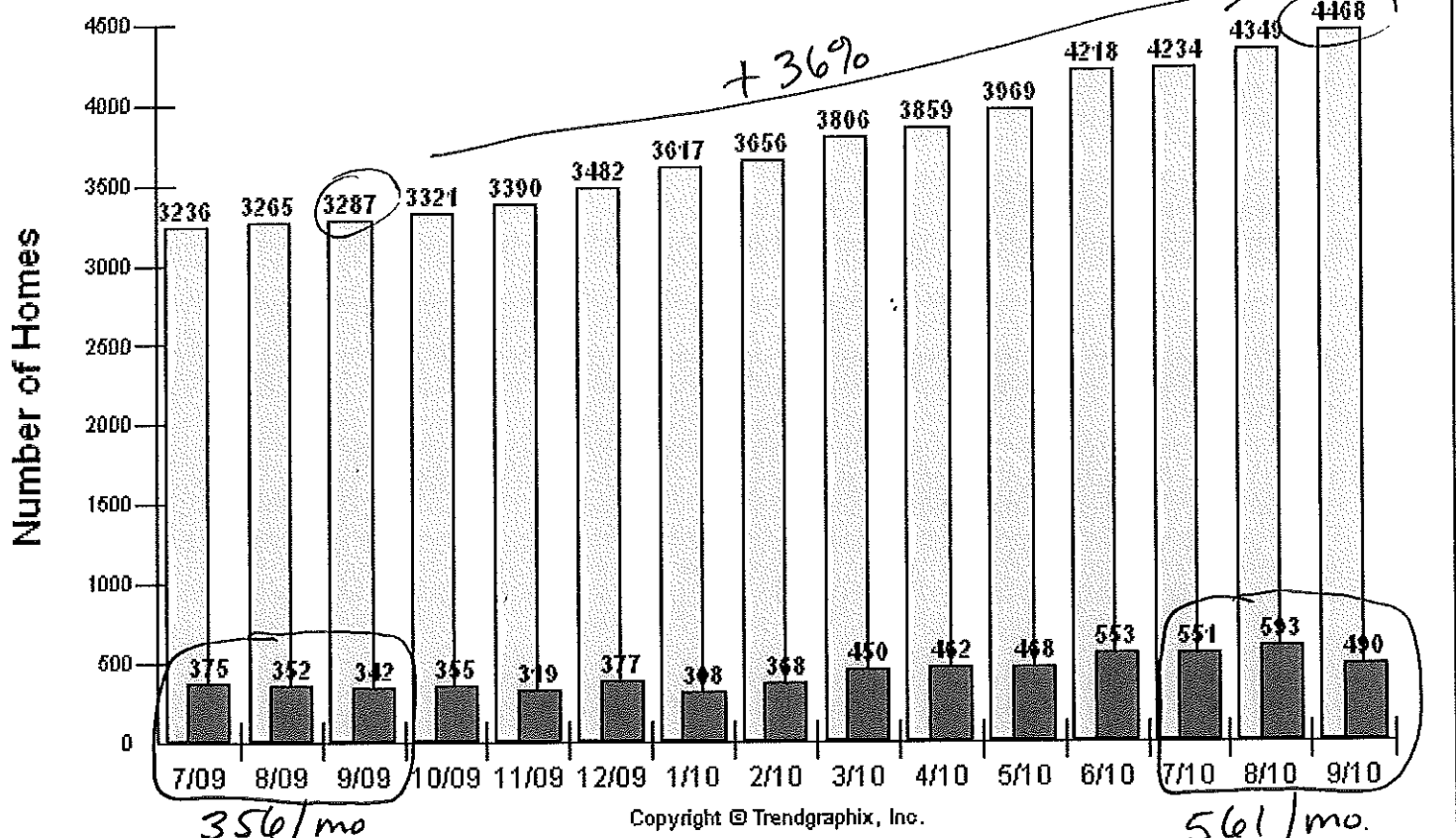


Location: Dade County
Property Types: Condo/Townhomes - All Properties - All Properties
Price Range: \$0 - \$99,999 SQFT Range: 0 - No Limit

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)

$\frac{3,287}{356} = 9 \text{ months supply}$

$\frac{4,468}{561} = 8 \text{ months supply}$



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	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Sep. 10	Aug. 10	% Change	Sep. 10	Sep. 09	% Change	Jul. 10 to Sep. 10	Jul. 09 to Sep. 09	% Change
For Sale	4468	4349	2.7% ▲	4468	3287	35.9% ▲	4350	3263	33.3% ▲
Sold	490	593	-17.4% ▼	490	342	43.3% ▲	545	356	52.9% ▲

+58% Increase in sales

Date	7/09	8/09	9/09	10/09	11/09	12/09	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10
For Sale	3236	3265	3287	3321	3390	3482	3617	3656	3806	3859	3969	4218	4234	4349	4468
New Listing	709	708	675	744	660	810	987	1015	1267	1234	1167	1290	1347	1293	1251
Sold	375	352	342	355	319	377	308	368	450	462	468	553	551	593	490
Pended	496	516	526	617	479	467	568	737	806	892	720	781	810	1020	975
Months of Inventory (Closed Sales)	8.6	9.3	9.6	9.4	10.6	9.2	11.7	9.9	8.5	8.4	8.5	7.6	7.7	7.3	9.1
Months of Inventory (Pended Sales)	6.5	6.3	6.2	5.4	7.1	7.5	6.4	5	4.7	4.3	5.5	5.4	5.2	4.3	4.6
Absorption Rate (Closed Sales) %	11.6	10.8	10.4	10.7	9.4	10.8	8.5	10.1	11.8	12	11.8	13.1	13	13.6	11
Absorption Rate (Pended Sales) %	15.3	15.8	16	18.6	14.1	13.4	15.7	20.2	21.2	23.1	18.1	18.5	19.1	23.5	21.8
Avg. Active Price	72	71	70	70	70	69	69	68	68	67	67	66	66	66	65
Avg. Sold Price	62	62	61	61	61	60	60	59	60	59	60	59	59	59	56
Avg. Sq. Ft. Price	65	65	64	62	65	62	65	62	63	64	63	63	63	59	61
Sold/List Diff. %	94	94	94	96	96	94	96	94	94	93	95	96	96	96	96
Days on Market	92	94	92	89	83	88	97	90	90	88	87	79	84	80	74
Median	64	64	60	61	61	62	60	60	60	59	60	59	58	55	55

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Facts and Trends™ - Published October 2010*

Miami-Dade
 < \$300,000
 65% of Inventory
 86% of Sales



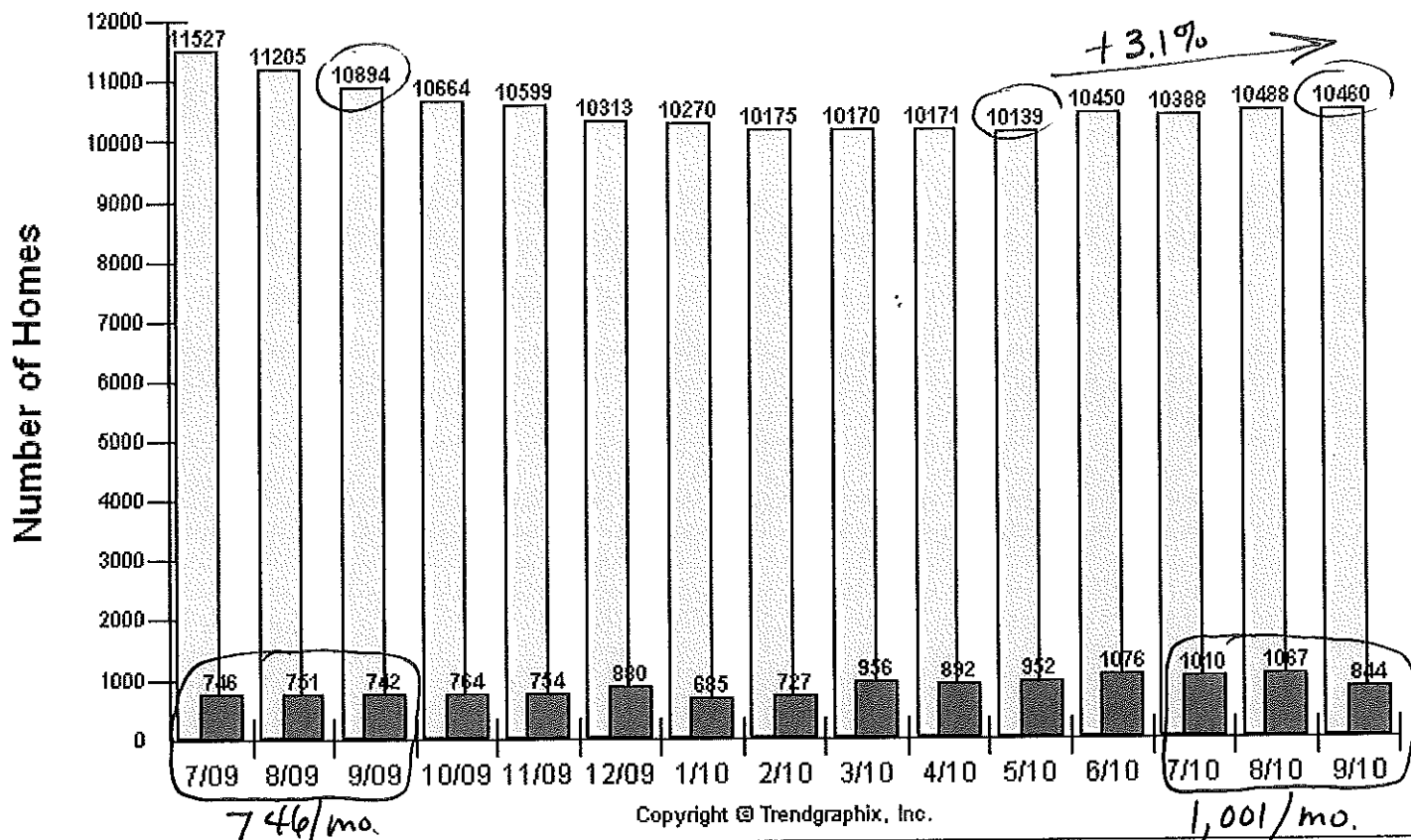
15

Location: Dade County
 Property Types: Condo/Townhomes - All Properties - All Properties
 Price Range: \$0 - \$299,999 SQFT Range: 0 - No Limit

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)

10,894 / 746 = 15 months supply

10,460 / 1,001 = 10 months supply



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+ 34% Increase in Sales

	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Sep. 10	Aug. 10	% Change	Sep. 10	Sep. 09	% Change	Jul. 10 to Sep. 10	Jul. 09 to Sep. 09	% Change
For Sale	10460	10488	-0.3%	10460	10894	-4%	10445	11209	-6.8%
Sold	844	1067	-20.9%	844	742	13.7%	974	746	30.5%

Date	7/09	8/09	9/09	10/09	11/09	12/09	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10
For Sale	11527	11205	10894	10664	10599	10313	10270	10175	10170	10171	10139	10450	10388	10488	10460
New Listing	1889	1817	1783	1827	1672	1879	2305	2241	2705	2566	2372	2567	2583	2527	2366
Sold	746	751	742	764	754	880	685	727	956	892	952	1076	1010	1067	844
Pended	1102	1126	1243	1264	1083	1051	1186	1365	1604	1679	1367	1391	1416	1699	1647
Months of Inventory (Closed Sales)	15.5	14.9	14.7	14	14.1	11.7	15	14	10.6	11.4	10.7	9.7	10.3	9.8	12.4
Months of Inventory (Pended Sales)	10.5	10	8.8	8.4	9.8	9.8	8.7	7.5	6.3	6.1	7.4	7.5	7.3	6.2	6.4
Absorption Rate (Closed Sales) %	6.5	6.7	6.8	7.2	7.1	8.5	6.7	7.1	9.4	8.8	9.4	10.3	9.7	10.2	8.1
Absorption Rate (Pended Sales) %	9.6	10	11.4	11.9	10.2	10.2	11.5	13.4	15.8	16.5	13.5	13.3	13.6	16.2	15.7
Avg. Active Price	155	153	152	150	149	146	143	143	141	141	139	138	137	135	134
Avg. Sold Price	115	119	119	118	125	124	118	113	119	112	118	113	108	107	101
Avg. Sq. Ft. Price	108	111	110	109	114	113	114	109	112	108	111	107	104	101	97
Sold/List Diff. %	94	94	95	93	94	95	95	94	93	94	95	95	95	95	96
Days on Market	109	109	105	105	100	93	111	100	101	102	97	93	92	91	85
Median	100	105	105	110	113	115	108	98	105	95	100	95	90	85	82

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Facts and Trends™ - Published October 2010*

Miami-Dade
 Condos
 \$1,000,000 +
 8% of Inventory
 3% of Sales

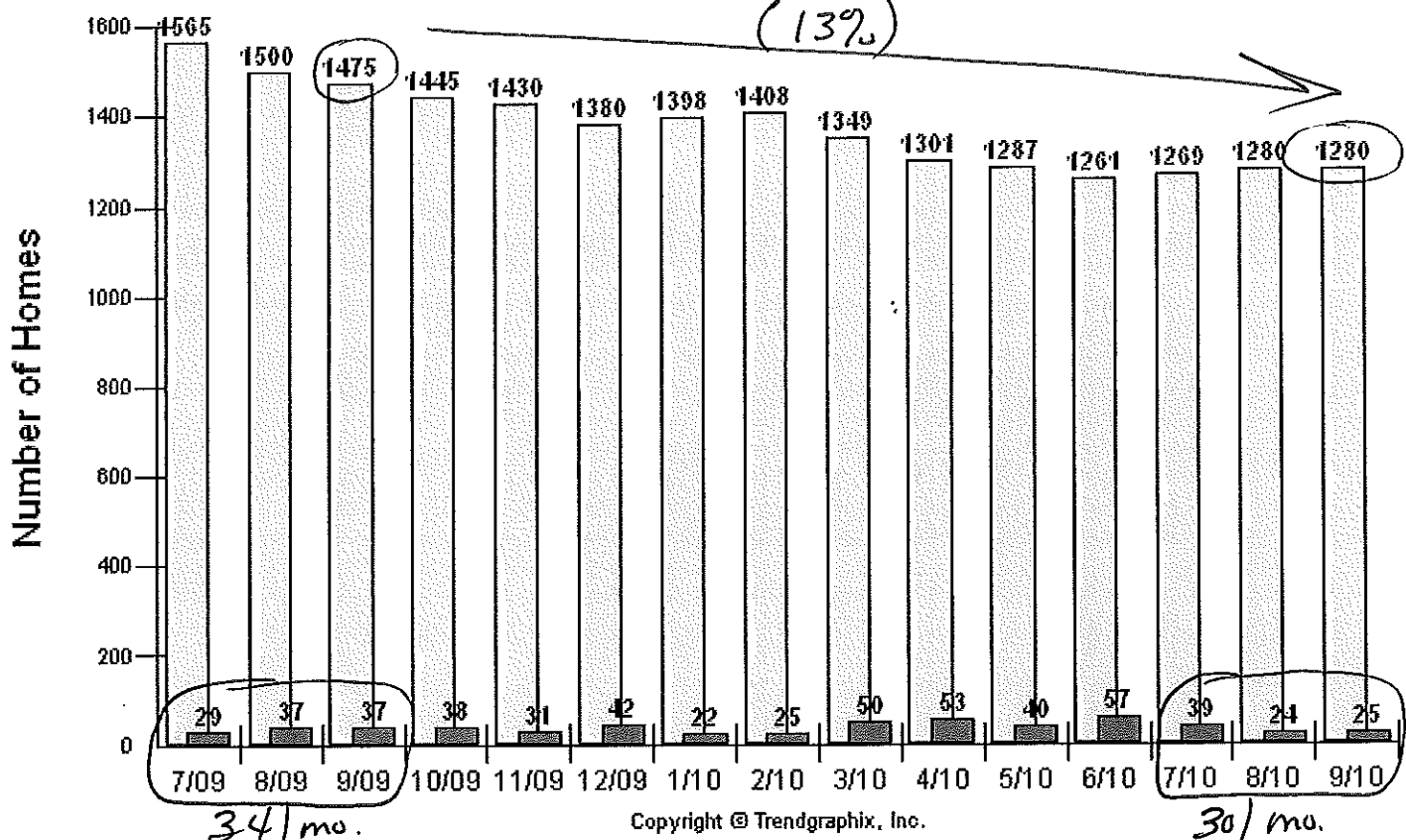


Location: Dade County
 Property Types: Condo/Townhomes - All Properties - All Properties
 Price Range: \$1,000,000 - No Limit SQFT Range: 0 - No Limit

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)

1,475 / 34 = 43 months supply

1,280 / 30 = 43 months supply



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	Currnt vs. Prev Month			Currnt vs. Same Month 1 Yr Ago			Currnt vs. Same Qtr 1 Yr Ago		
	Sep. 10	Aug. 10	% Change	Sep. 10	Sep. 09	% Change	Jul. 10 to Sep. 10	Jul. 09 to Sep. 09	% Change
For Sale	1280	1280	0%	1280	1475	-13.2% ▼	1276	1513	-15.7% ▼
Sold	25	24	4.2% ▲	25	37	-32.4% ▼	29	34	-14.6% ▼

(12%) Decrease in sales

Date	7/09	8/09	9/09	10/09	11/09	12/09	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10
For Sale	1565	1500	1475	1445	1430	1380	1398	1408	1349	1301	1287	1261	1269	1280	1280
New Listing	139	125	135	140	145	129	211	152	160	138	146	142	144	135	136
Sold	29	37	37	38	31	42	22	25	50	53	40	57	39	24	25
Pended	40	47	42	45	39	45	45	47	67	58	49	47	35	31	23
Months of Inventory (Closed Sales)	54	40.5	39.9	38	46.1	32.9	63.5	56.3	27	24.5	32.2	22.1	32.5	53.3	51.2
Months of Inventory (Pended Sales)	39.1	31.9	35.1	32.1	36.7	30.7	31.1	30	20.1	22.4	26.3	26.8	36.3	41.3	55.7
Absorption Rate (Closed Sales) %	1.9	2.5	2.5	2.6	2.2	3	1.6	1.8	3.7	4.1	3.1	4.5	3.1	1.9	2
Absorption Rate (Pended Sales) %	2.6	3.1	2.8	3.1	2.7	3.3	3.2	3.3	5	4.5	3.8	3.7	2.8	2.4	1.8
Avg. Active Price	2268	2291	2263	2265	2296	2325	2339	2354	2392	2402	2374	2376	2376	2389	2412
Avg. Sold Price	1697	1655	1821	1577	1463	1887	1828	1589	1825	1898	2357	2187	1884	1767	2113
Avg. Sq. Ft. Price	606	561	648	572	499	662	630	589	628	678	721	725	627	559	644
Sold/List Diff. %	86	85	84	85	84	88	84	90	87	87	85	85	87	88	87
Days on Market	216	189	184	231	228	234	206	236	177	199	188	210	181	174	191
Median	1200	1565	1436	1255	1275	1413	1582	1410	1440	1500	1575	1530	1350	1679	1650

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Facts and Trends™ - Published October 2010*

Miami-Dade
Condos
\$5,000,000 +



17

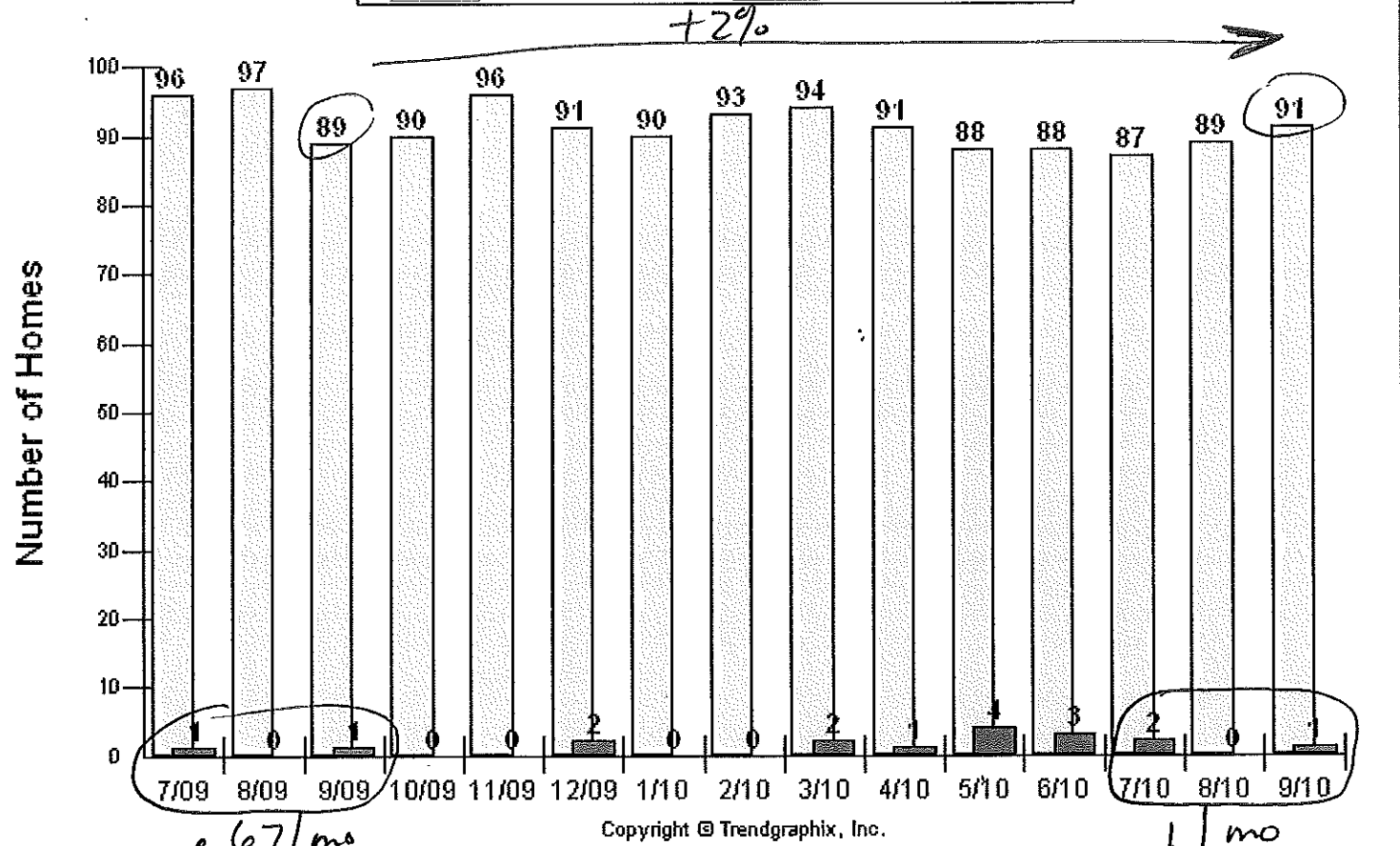
Location: Dade County
Property Types: Condo/Townhomes - All Properties - All Properties
Price Range: \$5,000,000 - No Limit SQFT Range: 0 - No Limit

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)

$\frac{89}{.67} = 133$ months supply

$\frac{91}{1} = 91$ months supply

FOR SALE SOLD



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	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Sep. 10	Aug. 10	% Change	Sep. 10	Sep. 09	% Change	Jul. 10 to Sep. 10	Jul. 09 to Sep. 09	% Change
For Sale	91	89	2.2% ▲	91	89	2.2% ▲	89	94	-5.3% ▼
Sold	1	0	N/A	1	1	0%	1	1	50% ▲

+50% Increase in sales

Date	7/09	8/09	9/09	10/09	11/09	12/09	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10
For Sale	96	97	89	90	96	91	90	93	94	91	88	88	87	89	91
New Listing	4	7	4	6	11	9	9	10	10	9	7	6	4	16	9
Sold	1	0	1	0	0	2	0	0	2	1	4	3	2	0	1
Pended	0	0	2	0	2	2	2	1	2	4	5	2	2	1	0
Months of Inventory (Closed Sales)	96	N/A	89	N/A	N/A	45.5	N/A	N/A	47	91	22	29.3	43.5	N/A	91
Months of Inventory (Pended Sales)	N/A	N/A	44.5	N/A	48	45.5	45	93	47	22.8	17.6	44	43.5	89	N/A
Absorption Rate (Closed Sales) %	1	0	1.1	0	0	2.2	0	0	2.1	1.1	4.5	3.4	2.3	0	1.1
Absorption Rate (Pended Sales) %	0	0	2.2	0	2.1	2.2	2.2	1.1	2.1	4.4	5.7	2.3	2.3	1.1	0
Avg. Active Price	7750	7934	7895	7915	7903	8097	8207	8358	8395	8314	8307	8279	8406	8539	8559
Avg. Sold Price	5450	0	5200	0	0	5912	0	0	6025	5900	8812	8666	7175	0	6750
Avg. Sq. Ft. Price	1312	0	987	0	0	1105	0	0	1163	1420	1474	1649	1000	0	1622
Sold/List Diff. %	95	0	83	0	0	102	0	0	87	87	85	80	83	0	80
Days on Market	113	0	182	0	0	302	0	0	50	129	80	215	350	0	368
Median	5450	0	5200	0	0	5913	0	0	6025	5900	8850	5800	7175	0	6750

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Facts and Trends™ - Published October 2010*

Miami-Dade
REO Condos
9% of Inventory
44% of Sales



18

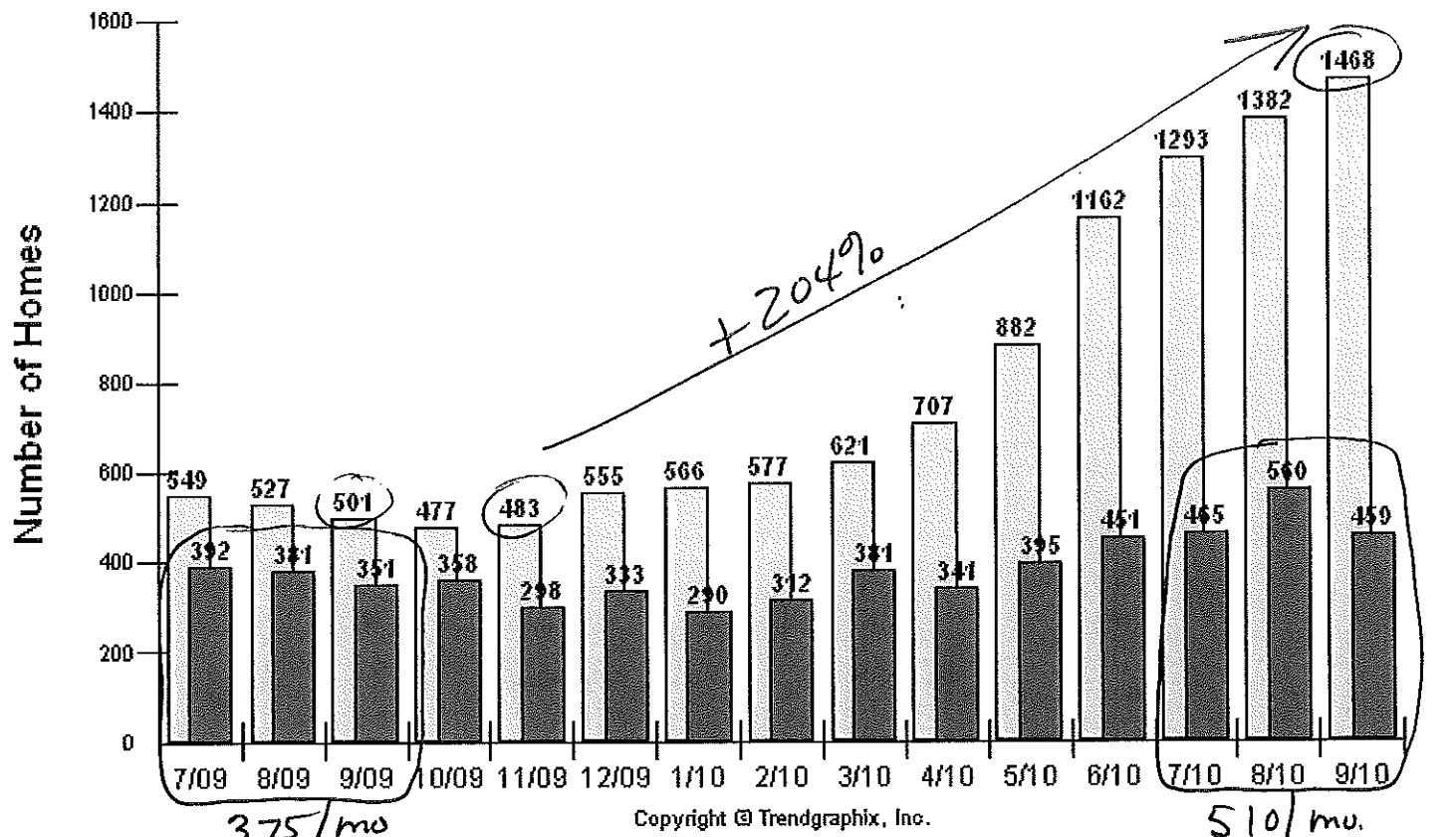
Location: Dade County
Property Types: Condo/Townhomes - All Properties - REO
Price Range: \$0 - No Limit SQFT Range: 0 - No Limit

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)

$\frac{501}{375} = 1.3$ months supply



$\frac{1,468}{510} = 3$ months supply



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	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Sep. 10	Aug. 10	% Change	Sep. 10	Sep. 09	% Change	Jul. 10 to Sep. 10	Jul. 09 to Sep. 09	% Change
For Sale	1468	1382	6.2% ▲	1468	501	193% ▲	1381	526	162.7% ▲
Sold	459	560	-18% ▼	459	351	30.8% ▲	495	375	32% ▲

+ 36% Increase in Sales

Date	7/09	8/09	9/09	10/09	11/09	12/09	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10
For Sale	549	527	501	477	483	555	566	577	621	707	882	1162	1293	1382	1468
New Listing	386	363	373	383	333	449	435	472	604	637	698	868	953	962	954
Sold	392	381	351	358	298	333	290	312	381	341	395	451	465	560	459
Pended	385	358	375	403	290	334	364	390	482	472	421	541	614	811	830
Months of Inventory (Closed Sales)	1.4	1.4	1.4	1.3	1.6	1.7	2	1.8	1.6	2.1	2.2	2.6	2.8	2.5	3.2
Months of Inventory (Pended Sales)	1.4	1.5	1.3	1.2	1.7	1.7	1.6	1.5	1.3	1.5	2.1	2.1	2.1	1.7	1.8
Absorption Rate (Closed Sales) %	71.4	72.3	70.1	75.1	61.7	60	51.2	54.1	61.4	48.2	44.8	38.8	36	40.5	31.3
Absorption Rate (Pended Sales) %	70.1	67.9	74.9	84.5	60	60.2	64.3	67.6	77.6	66.8	47.7	46.6	47.5	58.7	56.5
Avg. Active Price	131	125	129	142	139	129	121	126	130	113	119	116	114	109	110
Avg. Sold Price	94	109	102	98	108	102	106	101	110	99	130	91	93	91	91
Avg. Sq. Ft. Price	89	101	96	90	97	96	101	95	99	94	120	88	90	86	87
Sold/List Diff. %	100	99	99	100	100	100	102	99	97	99	97	101	100	100	99
Days on Market	64	63	57	53	42	41	44	47	49	43	39	36	38	37	41
Median	73	80	78	72	79	74	80	75	76	69	72	68	70	64	66

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Median Price = \$66,000

Facts and Trends™ - Published October 2010*

Miami - Dade
Short Sale Condos
34% of Inventory
25% of Sales

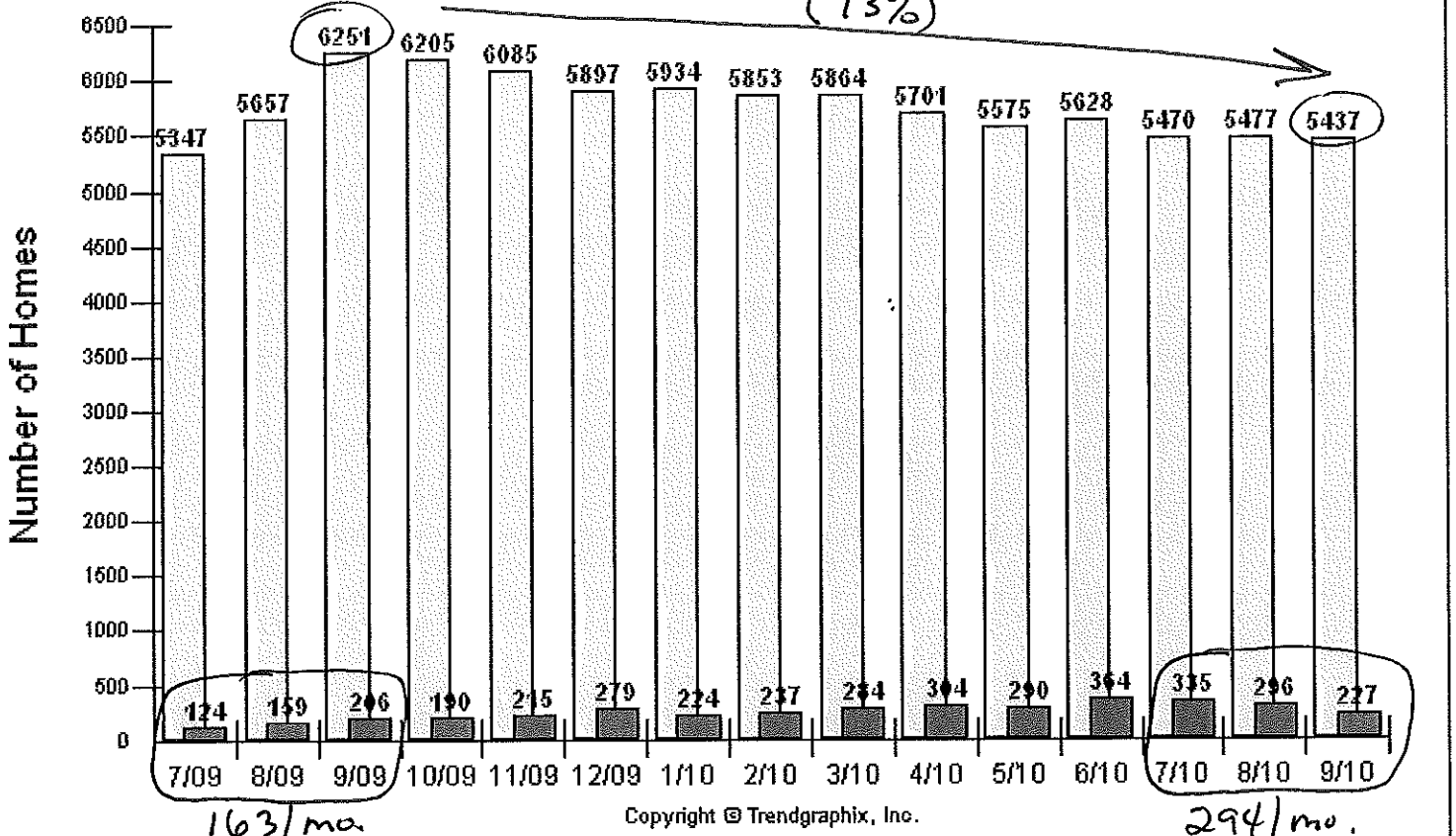


19

Location: Dade County
Property Types: Condo/Townhomes - All Properties - Short Sale
Price Range: \$0 - No Limit SQFT Range: 0 - No Limit

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)

6,251 / 163 = 38 months supply
5,437 / 294 = 19 months supply



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163/mo.

294/mo.

	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Sep. 10	Aug. 10	% Change	Sep. 10	Sep. 09	% Change	Jul. 10 to Sep. 10	Jul. 09 to Sep. 09	% Change
For Sale	5437	5477	-0.7% ▼	5437	6251	-13% ▼	5461	5752	-5% ▼
Sold	227	296	-23.3% ▼	227	206	10.2% ▲	286	163	75.5% ▲

+80% Increase in Sales

Date	7/09	8/09	9/09	10/09	11/09	12/09	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10
For Sale	5347	5657	6251	6205	6085	5897	5934	5853	5864	5701	5575	5628	5470	5477	5437
New Listing	935	907	822	883	759	811	1184	1149	1373	1216	1090	1065	988	962	915
Sold	124	159	206	190	215	279	224	237	284	304	290	364	335	296	227
Pended	562	602	643	643	575	489	640	730	873	908	741	642	625	690	658
Months of Inventory (Closed Sales)	43.1	35.6	30.3	32.7	28.3	21.1	26.5	24.7	20.6	18.8	19.2	15.5	16.3	18.5	24
Months of Inventory (Pended Sales)	9.5	9.4	9.7	9.7	10.6	12.1	9.3	8	6.7	6.3	7.5	8.8	8.8	7.9	8.3
Absorption Rate (Closed Sales) %	2.3	2.8	3.3	3.1	3.5	4.7	3.8	4	4.8	5.3	5.2	6.5	6.1	5.4	4.2
Absorption Rate (Pended Sales) %	10.5	10.6	10.3	10.4	9.4	8.3	10.8	12.5	14.9	15.9	13.3	11.4	11.4	12.6	12.1
Avg. Active Price	180	175	171	170	166	163	159	159	157	155	156	152	152	150	150
Avg. Sold Price	183	159	169	167	169	160	146	143	166	155	152	152	137	141	151
Avg. Sq. Ft. Price	152	139	142	138	146	137	133	126	150	138	139	132	124	128	129
Sold/List Diff. %	91	93	93	94	94	92	93	93	92	92	93	93	93	93	97
Days on Market	199	184	181	181	183	171	174	162	173	171	172	159	162	191	172
Median	130	130	130	129	130	118	120	105	119	105	120	109	110	112	95

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Median Price = \$95,000

Miami-Dade
 Non-Distressed Condos
 57% of Inventory
 31% of Sales

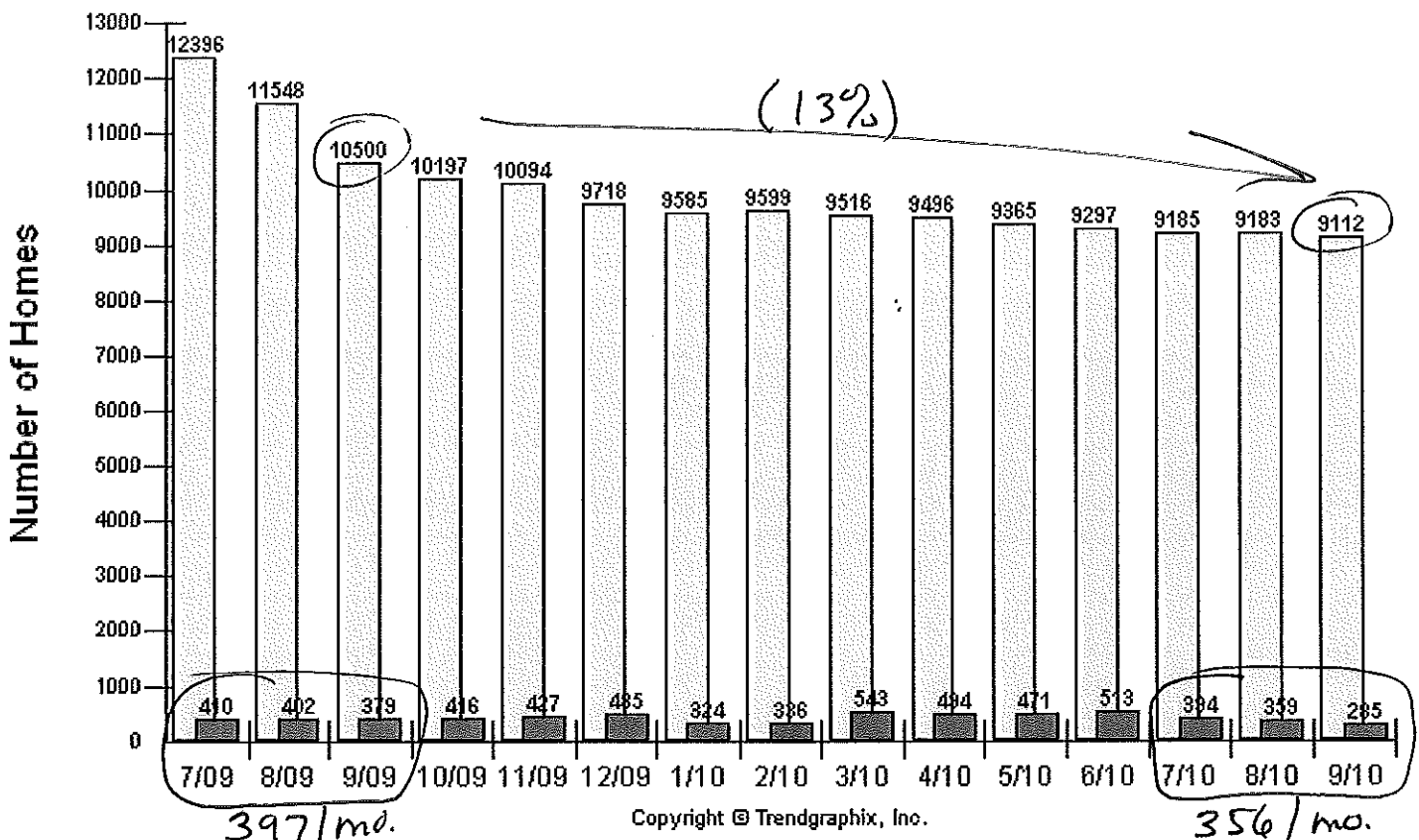


(20)

Location: Dade County
 Property Types: Condo/Townhomes - All Properties - Non REO, Non Short Sale
 Price Range: \$0 - No Limit SQFT Range: 0 - No Limit

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)

10,500 = 26 months supply
 397 = supply
 9,112 = 26 months supply
 356 = supply



397/mo.

356/mo.

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	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Sep. 10	Aug. 10	% Change	Sep. 10	Sep. 09	% Change	Jul. 10 to Sep. 10	Jul. 09 to Sep. 09	% Change
For Sale	9112	9183	-0.8% ▼	9112	10500	-13.2% ▼	9160	11481	-20.2% ▼
Sold	285	359	-20.6% ▼	285	379	-24.8% ▼	346	397	-12.8% ▼

Date	7/09	8/09	9/09	10/09	11/09	12/09	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10
For Sale	12396	11548	10500	10197	10094	9718	9585	9599	9516	9496	9365	9297	9185	9183	9112
New Listing	1236	1204	1277	1255	1210	1286	1614	1425	1607	1487	1333	1369	1369	1319	1173
Sold	410	402	379	416	427	485	324	336	543	494	471	513	394	359	285
Pended	404	436	492	490	454	472	459	497	573	611	496	434	383	412	360
Months of Inventory (Closed Sales)	30.2	28.7	27.7	24.5	23.6	20	29.6	28.6	17.5	19.2	19.9	18.1	23.3	25.6	32
Months of Inventory (Pended Sales)	30.7	26.5	21.3	20.8	22.2	20.6	20.9	19.3	16.6	15.5	18.9	21.4	24	22.3	25.3
Absorption Rate (Closed Sales) %	3.3	3.5	3.6	4.1	4.2	5	3.4	3.5	5.7	5.2	5	5.5	4.3	3.9	3.1
Absorption Rate (Pended Sales) %	3.3	3.8	4.7	4.8	4.5	4.9	4.8	5.2	6	6.4	5.3	4.7	4.2	4.5	4
Avg. Active Price	567	584	612	614	617	622	633	636	632	625	620	617	623	626	632
Avg. Sold Price	374	395	428	389	344	400	372	372	398	448	403	485	430	349	400
Avg. Sq. Ft. Price	274	273	296	282	256	300	280	280	289	314	286	337	302	260	284
Sold/List Diff. %	89	88	87	88	88	90	89	90	89	89	88	88	88	88	89
Days on Market	147	148	135	146	129	107	144	136	124	131	120	127	135	119	111
Median	230	230	254	233	215	235	225	236	215	232	210	240	225	202	208

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Median Price = \$208,000

Facts and Trends™

Single-Family & Condo Sales = 1,951/mo 47%
 Single-Family & Condo Rentals = 2,210/mo 53%
 Total Transactions = 4,161 100%



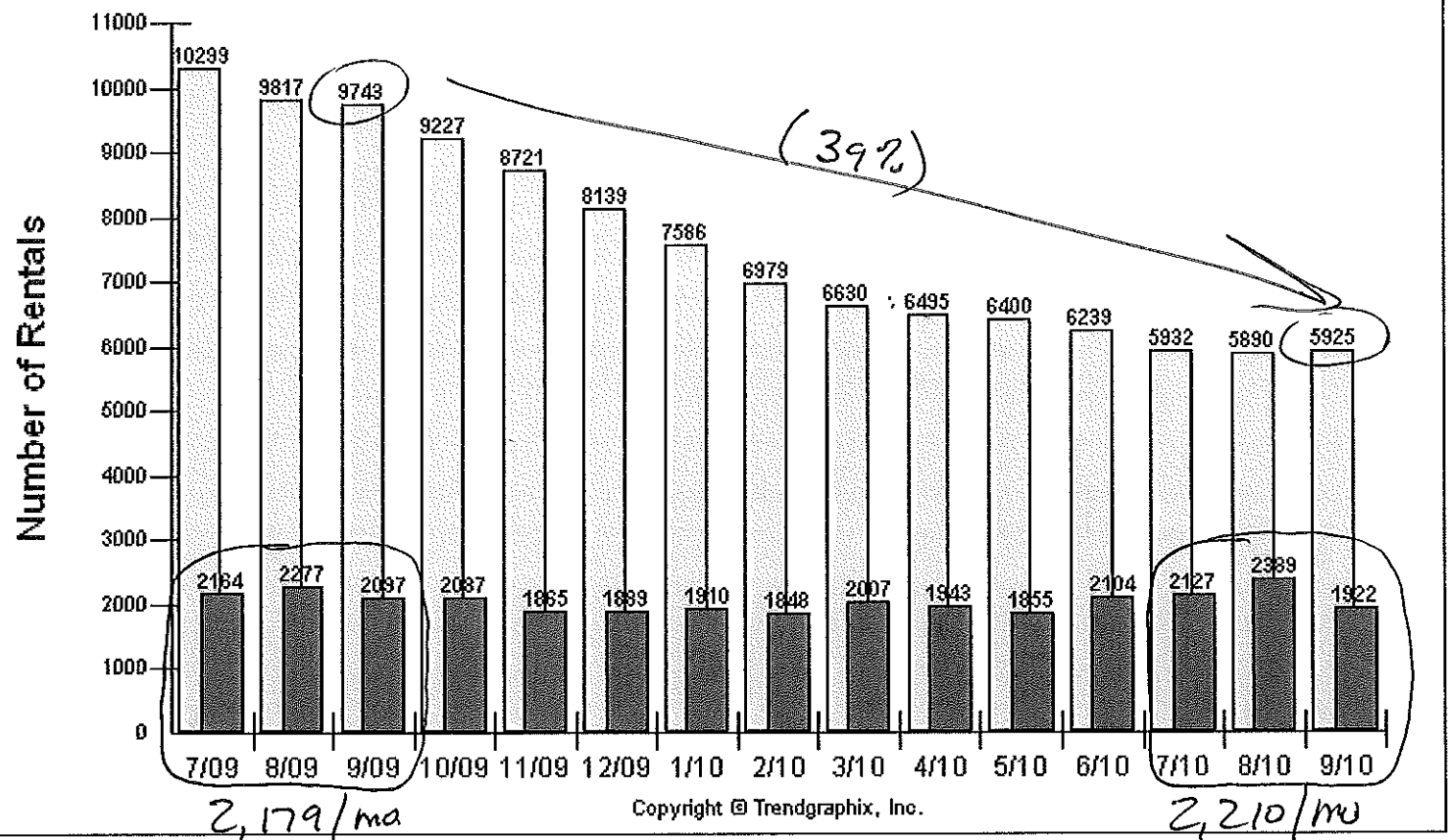
(21)

Location: Dade County
 Property Types: Rental - All Properties
 Price Range: \$0 - No Limit SQFT Range: 0 - No Limit

Number of Homes For Sale vs. Sold (Jul. 2009 - Sep. 2010)

9,743 / 2,179 = 5 months supply

5,925 / 2,210 = 3 months supply



	Curnt vs. Prev Month			Curnt vs. Same Month 1 Yr Ago			Curnt vs. Same Qtr 1 Yr Ago		
	Sep. 10	Aug. 10	% Change	Sep. 10	Sep. 09	% Change	Jul. 10 to Sep. 10	Jul. 09 to Sep. 09	% Change
For Sale	5925	5890	0.6% ▲	5925	9743	-39.2% ▼	5916	9953	-40.6% ▼
Sold	1922	2389	-19.5% ▼	1922	2097	-8.3% ▼	2146	2179	-1.5% ▼

+ 1% Increase in Rentals

Date	7/09	8/09	9/09	10/09	11/09	12/09	1/10	2/10	3/10	4/10	5/10	6/10	7/10	8/10	9/10
For Sale	10299	9817	9743	9227	8721	8139	7586	6979	6630	6495	6400	6239	5932	5890	5925
New Listing	3516	4109	3147	3026	2673	2520	2891	2596	3015	2933	2993	3093	3016	3075	2918
Sold	2164	2277	2097	2087	1865	1889	1910	1848	2007	1943	1855	2104	2127	2389	1922
Pended	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Months of Inventory (Closed Sales)	4.8	4.3	4.6	4.4	4.7	4.3	4	3.8	3.3	3.3	3.5	3	2.8	2.5	3.1
Months of Inventory (Pended Sales)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Absorption Rate (Closed Sales) %	21	23.2	21.5	22.6	21.4	23.2	25.2	26.5	30.3	29.9	29	33.7	35.9	40.6	32.4
Absorption Rate (Pended Sales) %	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Avg. Active Price	2	2	2	2	2	2	2	2	2	2	2	2	3	3	3
Avg. Sold Price	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Avg. Sq. Ft. Price	2	3	3	3	3	3	3	3	3	3	3	3	2	2	3
Sold/List Diff. %	94	95	94	94	92	95	94	94	94	95	95	95	96	95	95
Days on Market	76	78	78	76	80	80	81	74	70	73	67	65	62	64	63
Median	1	1	1	1	1	2	1	1	1	1	1	2	2	2	2

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FEDERAL RESERVE BANK of NEW YORK

Careers
Publications Catalog
News and Events

BANKING MARKETS RESEARCH EDUCATION REGIONAL OUTREACH ABOUT THE FED

SEARCH

Home > Regional Outreach > U.S. Credit Conditions

U.S. Credit Conditions

The Federal Reserve considers the record rate of mortgage delinquencies, foreclosures and their impacts on communities an urgent problem. The New York Fed uses its expertise and knowledge to provide detailed data on U.S. credit conditions to the public to establish a body of factual data for use in forming policy decisions and developing mortgage foreclosure mitigation efforts.

NEWS AND ANNOUNCEMENTS

New York Fed Releases New Report, Web Page on Household Credit Conditions in U.S., Select States Showing Decline in Consumer Indebtedness » VIDEO

TOOLS

- E-mail alert
- RSS feed

QUICK LINKS

- Regional Economy
- The Foreclosure Resource Center
- Quarterly Report on Household Debt and Credit PDF

Auto Loans Bank Cards Mortgages Student Loans Charts Economic Data Household Debt & Credit

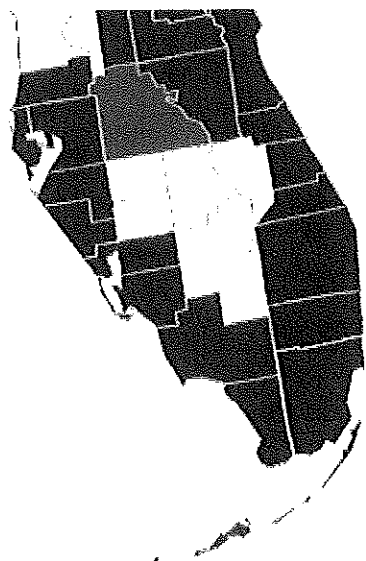
Jumbo Mortgages % in foreclosure

Current (August 2010) Year-Year Change States Counties

% In foreclosure

+5.6%

National



Florida Date: +25.6%

COUNTY	Rate
Alachua	No Data
Baker	No Data
Bay	+21.8%
Bradford	No Data
Brevard	+15.7%
Broward	+21.6%
Calhoun	No Data
Charlotte	+19.7%
Citrus	No Data
Clay	+10.5%
Collier	+16.2%
Columbia	No Data
Dade	+25.6%
Duval	No Data

- County Search
- Zoom out
- Save to JPG
- Save to PDF

Link to the section of the Federal Reserve of New York website that tracks foreclosures and delinquent mortgages:

<http://data.newyorkfed.org/creditconditions>

Miami-Dade County Jumbo Mortgages (>\$423,750) as of Aug 31, 2010

Currently in foreclosure	-	25.6%
30-59 days delinquent	-	2.5%
60-89 days delinquent	-	1.2%
90+ days delinquent	-	8.5%
Total Distressed	-	37.8%
% Mortgage Current	-	62.2%

Print Map

10/21/2010



**Town of Surfside
Commission Communication**

Agenda Item: 9G

Agenda Date: December 14, 2010

Subject: Ensuring the Survival of the Surfside Post Office

Objective: The attached Miami Herald article (attachment A) presents a great concern for the future of our Surfside Post Office. This facility is of extreme importance to our Town residents and visitors and must be preserved.

This matter is being placed on the December 14, 2010 Town Commission meeting for discussion. Resolution No. 2009-1899 (attachment B) requesting our federal Congressional delegation to protect our Post Office has already been approved on August 11, 2009. It would also be appreciated if the Town Commission would appoint a member to lead this effort.

Roger M. Carlton, Interim Town Manager

Postal service says it will be broke by 2011

With an \$8.5 billion loss, the United States Postal service warned it will go broke by 2011 if Congress doesn't make some changes.

Washington Post Service

WASHINGTON — The financially troubled U.S. Postal Service reported an \$8.5 billion loss in the fiscal year that ended in September and said it will run out of money in 2011 if economic conditions don't improve and Congress doesn't act.

A drop in first-class mail deliveries contributed to an overall 6 billion-piece decline in mail volume last fiscal year, cutting volume to 170.6 billion pieces overall, officials said Friday. Financial losses also came from about \$5.4 billion in obligations to pre-fund retiree health benefits and about \$2.5 billion paid to the federal government's workers' compensation insurance fund.

All federal agencies and the USPS, a quasi-federal outfit, have workers' compensation obligations to help fund four major disability compensation programs.

The Postal Service also announced Friday that it plans to deplete its \$15 billion line of credit with the U.S. Treasury by borrowing the remaining \$3.5 billion. Although the Postal Service does not use taxpayer funding, it has tapped the credit line since the early 1990s. Depleting it means the Postal Service probably will go broke at the end of fiscal 2011 unless Congress takes action, members of the Postal Service Board of Governors said Friday.

HISTORIC LOSSES

The historic losses occurred despite more than \$9 billion in cost cuts in the past two years, including the elimination of about 105,000 full-time jobs, "more than any other organization, anywhere," USPS Chief Financial Officer Joe Corbett said Friday.

"We will continue our relentless efforts to innovate and improve effi-

ciency. However, the need for changes to legislation, regulations and labor contracts has never been more obvious," Corbett said.

ASKED TO DIG DEEPER

But Rep. Darrell Issa, R-Calif., the presumptive future chairman of the House committee overseeing postal affairs, said USPS should urgently seek deeper cost cuts. "Congress has an obligation to ensure that effective solutions are implemented and taxpayers don't get stuck paying for a bailout," Issa said.

In March, the Postal Service proposed a series of changes that would allow top officials to set delivery schedules and routes and close post offices without congressional approval. Postal leaders also want lawmakers to rewrite a 2006 postal reform law that requires USPS to pay about \$5 billion each year to pre-fund retiree health benefits.

Frederic Rolando, president of the National Association of Letter Carriers, said Congress also could remedy the Postal Service's financial situation by transferring money it has overpaid to the Civil Service Retirement Fund since 1971. The overpayment ranges from \$55 billion to \$75 billion, according to two government estimates.

"This internal transfer would not involve a dime of taxpayer money, nor unlike other proposals would it entail cuts in service to American customers or layoffs of American workers during a recession," Rolando said.

Friday's Board of Governors meeting was the last for outgoing Postmaster General John Potter, who plans to step down Dec. 3, after 9 1/2 years, to make way for Deputy Postmaster General Patrick Donahoe.

"I will always bleed postal blue," Potter told the board.

Donahoe is scheduled to testify at a congressional hearing in early December, officials said.

RESOLUTION NO. 2009- ~~1899~~

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, EXPRESSING SERIOUS CONCERN AT THE POSSIBLE CLOSING OF THE SURFSIDE BRANCH OF THE UNITED STATES POST OFFICE LOCATED 250 95TH STREET, SURFSIDE, FLORIDA 33154

WHEREAS, the 5,838 residents of Town of Surfside, a Florida municipal corporation ("Town") regularly depend upon the United States Postal Service (USPS) Surfside Branch which was established in 1954 and has served the community through the years with friendly, reliable, and helpful employees;

WHEREAS, the Surfside Branch is also heavily used by the Town of Surfside tourists, and businesses on a daily basis as well as the municipalities of Bay Harbor Islands, Florida and Bal Harbour, Florida. (Bay Harbor has a residential population of 5,146 and Bal Harbour has a residential population of 3,400 and each municipality has a thriving business and tourist sector);

WHEREAS, the Town Commission believes that it is in the best interest of the Town and the United States Postal Service Office to maintain the branch located in Surfside, Florida and wishes to request that the Postmaster General, John E. Potter recognize the huge impact such a closure will have on South Florida residents and tourists;

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

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

Section 2. Expression of Concern and Authorization. The Town Commission hereby expresses its grave concern at the closure of the Surfside Branch and wishes to encourage the

United States Postal Service to do whatever is necessary to ensure the Surfside Branch remains open. The Town Manager is hereby authorized to work with the United States Postal Service Office and assist them in any non monetary manner in any effort to remain open.

Section 3. Direction to the Town Clerk. The Town Clerk is hereby directed to send a certified copy of this resolution to:

Postmaster General: John E. Potter (202)268-2550 john.e.potter@usps.gov with a copy to:

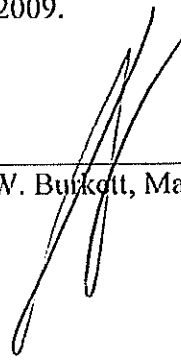
Manager, Post Office Operations: James Brown (954)436-4406 james1.e.brown@usps.gov

Postmaster Miami Beach: Phil Cascio (305)531-9359 (retiring 12/2009) phil.cascio@usps.gov

Surfside Branch Coordinator: Lorraine Jimenez (305)865-5475


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

PASSED and ADOPTED on this 11 day of August, 2009.



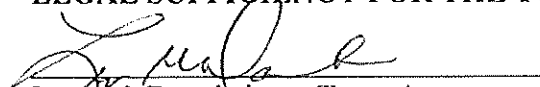
Charles W. Burkett, Mayor

Attest:



Debra E. Eastman, MMC
Town Clerk

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



Lynn M. Dannheisser, Town Attorney

Vote:

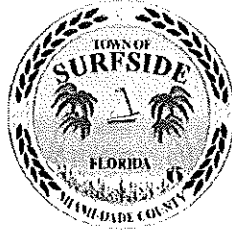
Mayor Burkett yes

Vice Mayor Imberman yes

Commissioner Calderon yes

Commissioner Levine yes

Commissioner Weinberg yes



Town of Surfside Commission Communication

Agenda Item # 9H

Agenda Date: 12/14/10

Subject: Beach Maintenance

Objective: Clarify the maintenance responsibilities for the beach and beach walkway areas for which Miami Dade County and the Town of Surfside are responsible.. Bring forth for discussion an expanded beach maintenance program for the areas maintained by the Town of Surfside.

Recommendation: Consider expanded beach maintenance program by the Town of Surfside. Continue to develop and maintain a quality working partnership with Miami Dade County on beach maintenance.

Background: At the present time there is no written contract/agreement between Miami Dade County and the Town of Surfside on specific responsibilities for beach and beach walkway maintenance. A meeting was held on November 22, 2006 between representatives of the Town of Surfside and Miami Dade County in regards to what is currently in place for beach and beach walkway maintenance. Please see the email for Miami Dade County responsibilities for beach maintenance and the Town of Surfside responsibilities.

Analysis: The Parks and Recreation Department along with the Public Works Department have implemented a joint program to provide maintenance to the areas on the beach and beach walkway that are required by the Town of Surfside. Forms for Beach Area Weekly Inspections collected on a weekly basis by the Parks and Recreation staff are attached (Att.1). Feral animal feeding containers are collected on a daily basis. With the addition of the new part-time maintenance worker provided by the Police Department the dunes and hard-pack are cleaned once a week. The edging, weed removal and weed spraying are set to be done on a quarterly basis. The west side of the beach walk is maintained by the Public Works Department and the west sides of the dunes are contracted out for this service. Maim Dade County provides this service to the east side of the dunes. This rather unique arrangement and the multiple responsibilities contribute to a lack of maintenance. Attachment 2 graphically depicts the areas of responsibilities from the shoreline to the condominiums.

Budget Impact: The cost for contracting out the quarterly weed removal, spraying and trimming on an annual basis is \$6,000. The estimated cost for rope repairs on an annual basis is \$1,200. Additional miscellaneous repairs are estimated to be \$750 annually. At this time the additional costs are budgeted within the Public Works Department and Parks and Recreation Department. A more extensive

maintenance program could be developed with a single responsibility given to the Parks and Recreation Department. A cost estimate and budget impact will be provided in January 2011.

To be more specific, Commissioner Olchyk has requested that we analyze the following:

1. Place trash receptacles at each beach entrance on the beach walk and collect the cans daily with the Public Works collection vehicles.
2. Create a three foot clean zone on the west side of the beach walk and the east side of the hard pack (Town's area of responsibilities) and achieve more frequent weed control and removal of leaves and trash.
3. Replace or repair the rope delineators more frequently.
4. Placement of dogipots at every beach entrance and enforce a "pooper scooper" rule on the beach and the walkways.

Staff will be costing out these specific ideas and will develop a "single responsibility center" concept. It should be clear that Commissioner Olchyk wants these improvements to be funded with savings in other areas.

Growth Impact: N/A

Staff Impact: Analysis to be developed.



Department Head



Town Manager

CONDO'S
↑

SURFSIDE
← →

COUNTY
← →

CONDOS

HARDPACK

WEST ASH

BEACH 3RJK

WEST ASH

BEACH

OVER 2



TOWN OF SURFSIDE WEEKLY INSPECTION CHECKLIST

Beach Area

COVERING DATES - _____



KEY

- X = Unsatisfactory
- OK = Satisfactory
- R = Reported to
- W = Work Order

WEATHER CONDITIONS

- Rain
- Wind
- Cloudy
- Breezy

<u>ITEMS</u>	<u>STATUS AND COMMENTS</u>	<u>ACTION</u>	<u>DATE COMPLETED</u>
walking path - safe / clear			
Ropes - West and East side			
Signs - Secure/Not faded			
Lifeguard tower			
Windows - Operating Properly			
First Aid supplies			
Ocean flags			
Lifeguard supplies			
Lounges and umbrellas			
Locking Mechanism Operating			
Emergency post #1 - 17			

COMMENTS:

Signature/Date Person Completing Inspection



TOWN OF SURFSIDE WEEKLY INSPECTION CHECKLIST

Beach Area

COVERING DATES - _____



- KEY**
- X = Unsatisfactory
 - OK = Satisfactory
 - R = Reported to
 - W = Work Order

- WEATHER CONDITIONS**
- Rain
 - Wind
 - Cloudy
 - Breezy

<u>ITEMS</u>	<u>STATUS AND COMMENTS</u>	<u>ACTION</u>	<u>DATE COMPLETED</u>
Beach Showers			
Ropes - West and East side			
Emergency post #1 - 17			
Trash removal including Cat feeding containers on East side of dunes and walking path			Daily

COMMENTS:

Signature/Date Person Completing Inspection

REV - 5/30/10

Debra Eastman

From: Joe Graubart
Sent: Thursday, November 18, 2010 10:35 AM
To: Roger Carlton; Debra Eastman
Subject: FW: Environment Florida Community Solar Letter
Attachments: SolarLetter.docx

Roger:

Kindly forward this to Mayor and Commission – to determine if it is something we should sign...did the entire Comm receive it?

We all want a cleaner environment – solar is a good alternative...etc.

Is this legit?

Best regards,



Joseph 'Joe' Graubart

Vice-Mayor

Town of Surfside

9293 Harding Ave

Surfside, FL 33154

(305) 861-4863

Email: JGraubart@townofsurfsidefl.gov

www.townofsurfsidefl.gov

"Be the change you wish to see in the world" Gandhi

From: Jenna Stern [<mailto:jenna@environmentflorida.org>]

Sent: Thursday, November 18, 2010 10:16 AM

To: Joe Graubart

Subject: Environment Florida Community Solar Letter

Dear Vice Mayor Graubart,

I am writing in regards to a community letter that Environment Florida is putting together. We would love for you to add your name to the letter. The letter calls on State Senate President Mike Haridopolos and House Speaker Dean Cannon to support funding of the solar rebate program in the next legislative session.

Environment Florida is a state-wide, citizen-based, environment advocacy organization. We are dedicated to preserving Florida's clean air, clean water, and open spaces. There is a lot of work to be done when it comes to solar power in the Sunshine State, but the power of the sun holds so much clean energy potential.

Please let me know if you have any questions at all. The letter is attached. To sign on please email me back with your name, title, address, and phone number. I look forward to hearing from you.

Sincerely,
 Jenna Stern

State Associate
Environment Florida
305-604-8776
www.environmentflorida.org



November 17, 2010

Dear State Senate President Mike Haridopolos and House Speaker Dean Cannon,

Thank you for your support of solar power. Your work so far to promote green jobs has positively impacted our environment and helped grow our state economy.

The sun generates more energy in an hour than the world's coal mines and natural gas wells do in a year. Yet, we have far to go before we tap the sun's potential to generate pollution-free energy and tens of thousands of jobs. Strong leadership from Tallahassee will be critical to turning this solar opportunity into a reality.

Much of the solar industry's recent growth was made possible by Florida's solar rebate program. Established in 2006, the program provides people with \$500 rebates for solar water heaters, \$100 rebates for solar swimming pool heaters, and \$4 per watt of energy from solar panels, limited to \$20,000 for homes and \$100,000 for businesses. Unfortunately, funding ran out and many of the participants have still only received less than half of the intended rebate.

Please support a permanent dedicated funding source for Florida's solar rebate program.

At a time when whole sectors of our economy are struggling, solar energy has the potential for rapid growth. Solar employers expect to increase the number of workers by 26 percent, representing nearly 24,000 net new jobs by August 2011. This rate is significantly higher than both the expected three percent net job loss in fossil fuel power generation and the economy-wide expectation of two percent growth over the same period. The industry needs a push that could only be possible with strong incentives.

Florida is the Sunshine State, so it's past time we embarked down the road towards a cleaner energy future. Clean energy will not only power our world but will power Florida's long-term prosperity. **Please stand strong in support of permanently funding Florida's solar rebate program.**

Sincerely,

Jenna Stern
Environment Florida Legislative Associate



**TOWN OF SURFSIDE
COMMISSION COMMUNICATION**

Agenda Item #: 9J

Agenda Date: December 14, 2010

Subject: AECOM Modification No: 4
Design and Permit for Additional Space for Community Center

Background: During the October 12, 2010 Town Commission meeting, the Town Manager briefed the Town Commission regarding the potential for providing additional meeting space in the area of the Community Center that may be utilized in the future for the stairwell and elevator to the second floor. The Town Commission gave authorization to the Staff to investigate and report back at the November 9, 2010 Town Commission meeting.

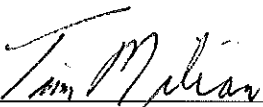
That report stated that the cost could be approximately \$225,000 and suggested that the design be authorized so as to maintain the construction schedule. Such authorization was granted. The December 14, 2010 agenda includes both the West construction change order No. 2 and the AECOM modification No. 4 to fully authorize the extra space to be built.

Analysis: The extra space will increase meeting space by approximately 50 percent. The additional programming potential will be very helpful in peak season and will generate an estimated \$6000 in annual revenue. The design cost of \$19,800 for this space is 9 percent of the cost of the construction. The fee increase has been reviewed by Town of Surfside Building Official Paul Gioia and determined to be a reasonable.


Budget Impact: The \$19,800 cost of the design will come from the Resort Tax which has an unaudited balance of \$178,097 as of September 30, 2010. The justification is the provision of additional a tourism amenity through the reading room and the greeting/information area for our visitors in the Community Center.

Staff Impact: N/A

Recommendation: Provide the \$19,800 from Resort Tax for the design and permitting of the approximately 1000 square feet meeting space addition to the Community Center.



Department Head



Roger M. Carlton, Interim Town Manager

AECOM

800 Douglas Entrance, North Tower, 2nd Floor, Coral Gables, Florida 33134
 T 305.444.4691 F 305.447.3580 www.aecom.com

Owner-Architect Additional Service Authorization Form

Project: Surfside Community Center

Project No.: 60028604

Date of agreement: 10/26/07

Modification No.: 4

Modification date: 11-22-10

PIC Lawrence Kline

PM Nina Gladstone

EPM Ronald Hunt

The services described below are included in Basic Services and they shall be paid for by the Owner in accordance with the Owner-Architect Agreement and as stipulated below.

Hourly as per contract terms Lump Sum

Change in fee as a result of this additional service modification: \$19,800.00

This fee is to add a glass enclosure of approximately 1,000 Gross SF as per attached sketch. Design includes revisions to existing drawings to include the following:

- Addition of 5 ton air conditioning unit to be located in ceiling space.
- Power fed from concession area
- Power data and telephone in floor boxes with empty conduits and spare.
- Finishes and storefront to match main building
- Planter and fence to be adjusted.
- Space is considered open plan, with no partitions and no furniture

Our understanding from meetings with the Town, is that there is no DEP jurisdiction over this new program area because it is West of the CCCL. In addition, we were told by the Town that they would minimize the local permit review process to speed the effort.

As such, AECOM will include in the quoted fee, local permit review revision to the drawings. However, if permitting becomes more intensive, we will request our time to be compensated at our hourly rates with a not to exceed of \$3,000. Standard hourly rates are attached with this form.

In addition, construction administration efforts, associated with this new area, or if an extension to the construction schedule is required because of this new area, will be billed at the standard hourly rates.

Schedule impact*: No Yes** Unknown at this time

Time required to complete this work will be 15 working days once we receive a notice to proceed. We acknowledge that time is critical and will make every effort to complete the work within a shorter time frame.


Florida Architecture License AAC001709
 Florida Architecture License AAF000069

Florida Interiors License IB26001094
 Florida Interiors License IB26001093

The services described above shall only be provided if authorized by the Owner's Representative with the completion and signing of this form.

Please acknowledge your acceptance by signing each original document provided. Retain one original and return the other original to our office.

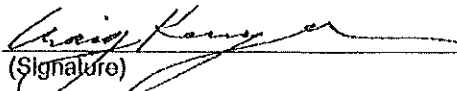
Owner's Representative


(Signature)

Roger M. Carlton
(Printed Name and Title)

11/22/10
(Date)

Spills Candela DMJM


(Signature)

Craig Kenyon, Vice President
(Printed Name and Title)

November 22, 2010
(Date)

Florida Architecture License AAC01709
Florida Architecture License AAF030069

Florida Interiors License IB26001094
Florida Interiors License IB26001093



Town of Surfside Commission Communication

Agenda Item #: 9K

Agenda Date: December 14, 2010

Subject: West Construction, Inc. Change Order #2 – Approval to construct 1,000 sf of additional multipurpose room space at the Community Center.

Objective: Effectively increase the Community Center's multipurpose room space by approximately 50 percent.

Background: Current space to be utilized is an unused open breezeway area. This particular area of the breezeway is located above the future elevator pit pile cap and is currently covered by the previously designed roof. By utilizing this location, savings are obtained by using the already poured pile cap and already designed and budgeted roof. By enclosing this space, a 50 percent increase in the amount of multipurpose room space will be achieved at a price of \$221,220. Please note that the price is the best estimate available until the design is completed. The estimate has been reviewed by Paul Gioia and has been determined to be accurate.

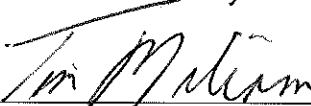
- Location: North side of building under walkway roof EXHIBIT B
- Proposed Size: 1,000 sf
- Enclosure Type: Impact glass floor to bottom of room, aesthetically the same as the balance of the space.

Analysis: The additional space will ensure that multiple meetings and programming can be held simultaneously. It will also help with peak loads during the summer season. When this area is not in use for meetings or programming, it will be home to reading chairs and lamps to allow residents a quiet place to read or enjoy the proposed "E Readers" program.


Budget Impact: Funds will come from the following sources. The approved contingency for construction will be used (\$150,000 or 75 percent). The remaining \$71,220 will come from the savings achieved from the direct purchase option tax savings initiative and soft cost contingency, thus not affecting the \$5 million total cost. It is estimated that an additional \$6,000 in Parks and Recreation revenue per year will be recognized due to the additional rental and programming space.

Staff Impact: N/A

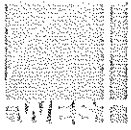
Recommendation: It is recommended that the Surfside Town Commission approve this resolution to allow the Town Manager to execute proposed Change Order #2 with West Construction, Inc. and expend the funds listed above to increase the total air conditioned space of the Community Center from 6,831 sf to 7,831 sf.



Department Head



Roger M. Carlton, Town Manager



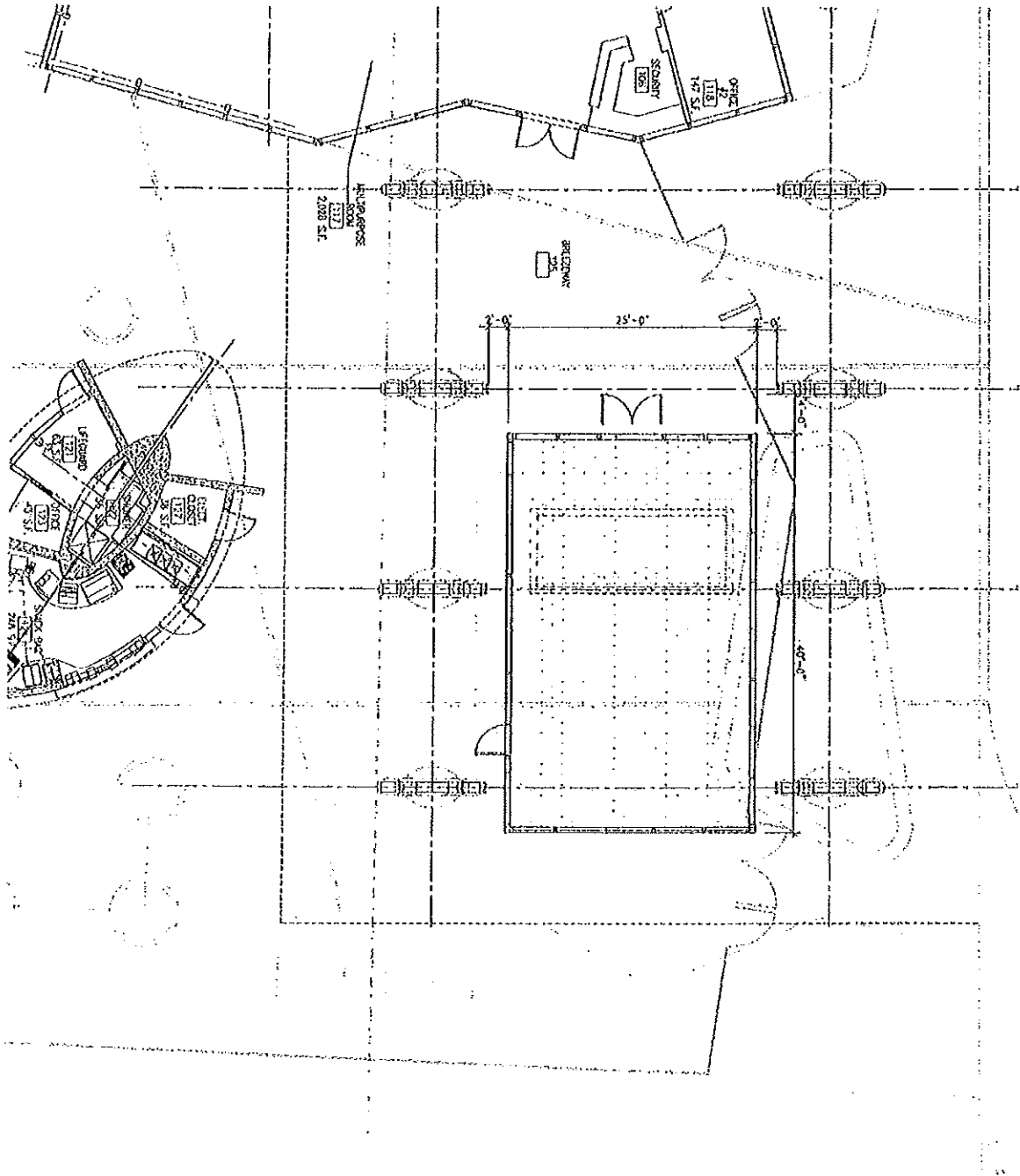
Surfside Community Center
 Surfside, Florida
 Budget Analysis for Storage Addition (REV #1)
 December 6, 2010

Description	Unit	Qty w/waste	Total	Cost/UOM
Division 2 - Site Work				
Deduct for existing Pavers	SF	1,043.0	\$ (3,651)	\$ (3.50)
Division 3 - Concrete				
Slab-on-Grade	CY	22.0	\$ 8,070	\$ 366.82
Thicken Edge	CY	6.0	\$ 2,770	\$ 461.67
Grade Beams	CY	25.0	\$ 14,460	\$ 578.40
Division 7 - Thermal & Moisture Protection				
Insulation R-19 Batt above ceiling	SF	1,148.0	\$ 930	\$ 0.81
Sealants & Caulking	SF	1.0	\$ 630	\$ 0.30
Division 8 - Doors & Windows				
Storefront System	SF	2,115.0	\$ 136,430	\$ 64.51
Division 9 - Finishes				
Stucco	SF	350.0	\$ 1,680	\$ 4.80
Drywall & Batt Insulation	SF	350.0	\$ 1,120	\$ 3.20
Acoustical Ceiling Sys	SF	1,148.0	\$ 3,560	\$ 3.10
Flooring (Carpet)	SY	123.0	\$ 5,490	\$ 44.63
Paint	SF	700.0	\$ 490	\$ 0.70
Division 10 - Specialties				
Fire extinguisher	EA	1.0	\$ 100	\$ 100.00
Signage	LS	1.0	\$ 250	\$ 250.00
Division 15 - Mechanical				
Mechanical (5-tons)	Ton	5.0	\$ 12,410	\$ 2,482.00
Division 16 - Electrical				
Electrical (Fire alarm, data outlets & underground conduits w/ pullstrings)	SF	1,043.0	\$ 12,370	\$ 11.86
Subtotal			\$ 197,110	
Contractor's Fee	%		\$ 19,711	
Bonds/Insurance	%		\$ 4,400	
Permits (By Owner)	%		By Owner	
Contingency	%		TBD	
Total			\$ 221,220	

Note #1: This Conceptual Budget Estimate is a "probable cost estimate" based on sketches provided (floor plan outline 25'0 x 40'0 & two elevation views); NO SPECIFICATIONS PROVIDED.

Note #2: City of Surfside shall provide a complete set of documents for West Construction to review and price to establish the final budget amount. West shall not be responsible for any cost increases incurred during final pricing.

Exhibit "B"





CARLOS A. GIMENEZ
 COMMISSIONER
 MIAMI-DADE COUNTY
 BOARD OF COUNTY COMMISSIONERS
 DISTRICT 7

November 23, 2010

Mayor Charles W. Burkett
 Town of Surfside
 9293 Harding Avenue
 Surfside, FL 33154

Dear Mayor Burkett:

I recently sponsored the following resolution:

RESOLUTION DIRECTING MAYOR OR DESIGNEE TO OBTAIN AND POST ON MIAMI-DADE COUNTY'S WEBSITE PROPOSED MUNICIPAL BUDGETS FOR EACH FISCAL YEAR AS WELL AS ADOPTED MUNICIPAL BUDGETS AND ANNUAL FINANCIAL AUDITS FOR THE PRECEDING FIVE-YEAR PERIOD

This item passed with a favorable recommendation at the November 9th Government Operations Committee and will be heard by the full Board of County Commissioners at the December 7, 2010 meeting.

It is my understanding that the Administration did not notify municipalities of this resolution prior to the committee meeting. Therefore, I have attached a copy of the resolution for your information.

If you would like to speak before the Board at the December 7th meeting about this resolution, please contact my office, so that you will be recognized as this is not a public hearing item.

If you should have any questions regarding this resolution, please feel free to contact Inson Kim in my office.

Thank you very much.

Sincerely,

c: Roger Carlton, Manager

MEMORANDUM

GO
Agenda Item No. 2C

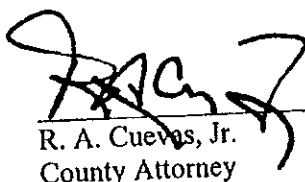
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: November 9, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution directing Mayor
to obtain and post on Miami-
Dade County's website
proposed municipal budgets for
each fiscal year as well as
adopted municipal budgets and
annual financial audits for the
preceding five-year period

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Carlos A. Gimenez.


R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: October 5, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No.

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
- _____ Ordinance creating a new board requires detailed County Manager's report for public hearing
- _____ No committee review
- _____ Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve
- _____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

2

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.

RESOLUTION NO. _____

RESOLUTION DIRECTING MAYOR OR DESIGNEE TO OBTAIN AND POST ON MIAMI-DADE COUNTY'S WEBSITE PROPOSED MUNICIPAL BUDGETS FOR EACH FISCAL YEAR AS WELL AS ADOPTED MUNICIPAL BUDGETS AND ANNUAL FINANCIAL AUDITS FOR THE PRECEDING FIVE-YEAR PERIOD

WHEREAS, the Miami-Dade County Citizens' Bill of Rights provides that municipalities in Miami-Dade County shall make all audits, documents and other public records open for inspection at reasonable times and places convenient to the public; and

WHEREAS, each municipality in Miami-Dade County considers a proposed budget prior to adopting a budget for the upcoming fiscal year; and

WHEREAS, state law provides that if a municipality has not been notified that a financial audit for that fiscal year will be performed by the Auditor General, each municipality shall have an annual financial audit of its accounts and records completed within twelve (12) months after the end of its fiscal year by an independent certified public accountant ("annual municipal financial audit"); and

WHEREAS, the internet has revolutionized the ability of governments to make important documents, such as proposed budgets and annual financial audits, accessible to the public; and

WHEREAS, section 215.985, Florida Statutes, directs the Governor of the State of Florida to establish a website providing information relating to, among other things, each appropriation in the General Appropriations Act and requiring governmental entities, including

counties and municipalities, to provide information as necessary relating to, among other things, revenues received by such governmental entity from the State of Florida; and

WHEREAS, the Commission believes that it is in the best interest of the citizens of Miami-Dade County to have proposed and actual municipal budgets as well as annual municipal financial audits posted on the internet,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the County Mayor or his or her designee is directed to obtain and post on Miami-Dade County's website: (a) proposed municipal budgets for each fiscal year prior to the adoption of the budget; (b) actual budgets adopted by each municipality; and (c) adopted municipal budgets and annual municipal financial audits for the preceding five-year-period.

The Prime Sponsor of the foregoing resolution is Commissioner Carlos A. Gimenez. It 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:

Dennis C. Moss, Chairman	
Jose "Pepe" Diaz, Vice-Chairman	
Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

4

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of October, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

GKS

Gerald K. Sanchez

5



Memorandum

To: Elected Officials

From: Roger Carlton / Town Manager

Date: 12/7/2010

Re: Photo / Film Permit Program

Introduction

The objective of the proposed Photo / Film Permit Program is to outline clear policies and procedures to address interest in using Surfside as a production location.

There exists a need to strengthen Surfside's existing policies and procedures. This will provide a clear path for interested production companies and for Town staff. These policies can reasonably accommodate a request while protecting the quality of life for Surfside's residents.

The following neighboring communities all have defined approaches to this matter:

- 1) Bal Harbour: Only requires a Beach Access Permit, Indemnity Document and that the Village is named as an additional insured.
- 2) Bay Harbor Islands: A dedicated ordinance outlining the requirements for a permit including applicability, permissible hours and fees.
- 3) Miami Beach: Due to the extensive use of their locales by production companies, the City has the most comprehensive set of policies and procedures. Through their dedicated Film Division there is an application accompanied by a listing of prerequisites and guidelines. They also have a small incentive program to help sell their destination to production companies.
- 4) Miami-Dade County: www.filmmiami.org is the dedicated website that production companies can access permitting processes for the county, City of Miami and Miami Beach.

Background

Presently there is a simple procedure traditionally followed when a film company or photo shoot is interested in working in Surfside assuming they contact the Town in advance.

The Town's basic Special Events permit is required. This is reviewed by the Building Official who discusses the application with the Town Manager. If Police assistance is needed there does exist, in their contract, an outline of related costs associated with the use of officers for special events.

The need to strengthen the Town's policy was recently made evident when a video production company wanted to film a music video in a single family residential area of Surfside on a Sunday. We were able to reschedule the event to a weekday due to a cooperative effort.

A number of movies, television programs, music videos and fashion shoots have taken advantage of our region's attributes and weather. The greater Miami Beach area continues to attract such endeavors evident by the news of a new Charlie's Angels television show set to film here.

Application Review Team

Proposed Town Administration Photo / Film Permit Review Committee: Town Manager, Chief of Police, Building Official and Tourist Bureau Director.

Program Initiatives

- 1) By conducting outreach to the Miami-Dade Office of Film & Entertainment, a more cohesive relationship can be achieved to address interest in Surfside as a production location. This will be accomplished by the Town Manager, Town Attorney and Tourist Bureau Director. Other municipalities in the county have entered into an inter-local permitting agreement with the County concerning permitting. This form of cooperation will be reviewed as a possible initiative.

Further outreach will also be conducted with State's Governor's Office of Film and Entertainment (www.filminflorida.com). In essence, this will serve to inform these regional film agencies that the Town of Surfside has a process that they can identify to entities looking to film in Surfside.

- 2) Using Miami Beach as a model, the following will be developed:
 - a) A dedicated Film and Print Application for Surfside.
 - b) A Film and Print Requirements and Guidelines document that will outline such issues as
 - permits required and corresponding fees
 - parking and traffic obstruction policies
 - the use of off-duty police
 - code of conduct
 - permissible days/hour and guidelines for exceptions

- residential neighborhood notifications and agreements
 - use of town property, facilities and services
 - promotional use of appropriate material through Town issued marketing materials
- c) A required Indemnity Agreement
- d) All documents will be available through the Town and Tourist Bureau's websites. There will be a monthly report regarding Photo / Film permits to the Town Commission and advance notice will be given in the event of a major production that could have impact on a neighborhood or the community at large.

Potential Additional Initiative

Recent publicity regarding the filming of an updated Charlie's Angels television series in Miami, coupled with the success of the new Hawaii Five 0 series, energized my aging grey matter to remember the Surfside Six show which was successful for three years in the 1960s (see attachment 1). With permission from the Town Commission, staff could make contacts in the industry to determine if there is any interest in updating that show. This would certainly give a boost to our tourism revenues and to our image.

Cc: David Allen, Chief of Police
Paul Gioia, Building Official
Duncan Tavares, Tourism Director