



**Town of Surfside
Town Commission Meeting
May 10, 2011
7 p.m.**

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

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks** – Mayor Daniel Dietch
- E. Agenda and Order of Business** Additions, deletions and linkages
- F. Community Notes** – Mayor Daniel Dietch
- H. Certificate of Appreciation** – **Town Intern**, Chantel Raymond – Roger M. Carlton, Town Manager and Duncan Tavares, Tourism, Economic Development and Community Services Director

2. Quasi-Judicial Hearings (*Set for approximately 7:15 p.m.*)

Please be advised that the following items on the Agenda are Quasi-Judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker's Card indicating the agenda item number on which you would like to comment. You must be sworn before addressing the Town Commission and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Town Commission will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any Commission member. Commission members must also do the same.

- *A. Resolution for hotel at 9200 Collins Avenue** – Lynn M. Dannheisser, Town Attorney **Page 1-37**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ("TOWN") APPROVING A CONDITIONAL USE APPLICATION PURSUANT TO SECTION 90-23 OF THE ZONING CODE TO PERMIT THE DEVELOPMENT OF A THREE (3) STORY STRUCTURED PARKING FACILITY AND HOTEL SWIMMING POOL AND JACUZZI, AND A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE TO PERMIT A 175 UNIT FOUR (4) STORY HOTEL WITH ACCESSORY USES, SUBMITTED BY TRANSACTA LANAI DEVELOPERS, LTD., (THE "APPLICANT"), ALL ON THE PROPERTY LOCATED AT 9200 COLLINS AVENUE, SUBJECT TO CERTAIN CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**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. Resolution for Variance 1355 Biscaya Drive – Lynn M. Dannheisser, Town Attorney Page 38-49**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE APPLICATION OF 1355 BISCAYA DRIVE, TO PERMIT A SEVEN FOOT 11 INCH SIDE SETBACK VARIANCE FROM SECTION 90-45 OF THE CODE OF ORDINANCES TO ALLOW A 12.9 FOOT SETBACK FOR THE ENTIRE LENGTH OF THE PIE SHAPED LOT; AND PROVIDING FOR AN EFFECTIVE DATE.

3. Consent Agenda (Set for approximately 8:45 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 – March 8, 2011 Regular Commission Meeting

March 23, 2011 Special Commission Meeting Page 50-70

B. Budget to Actual Summary as of February 28, 2011 – Martin Sherwood, Finance Director Page 71-72

***C. Town Manager’s Report (Points of Light) – Roger M. Carlton, Town Manager Page 73-99**

***D. Town Attorney’s Report – Lynn M. Dannheisser, Town Attorney Page 100-105**

E. Projects Progress Report – Calvin, Giordano and Associates, Inc. Page 106-109

F. Code Enforcement Update – Paul Gioia, Building Official Page 110-111

4. Ordinances

(Set for approximately 9:30 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Readings (Ordinances and Public Hearing)

***1. Short Term Rentals – Lynn Dannheisser, Town Attorney (linked with item 4B2 and 5A) Page 112-129**

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE IV “DISTRICT REGULATIONS” SECTION 90.41 “REGULATED USES” ADDING A NEW SECTION 90.41.1.5 ENTITLED “SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS, AND TOWNHOMES” REQUIRING REGISTRATION OF SHORT TERM RENTALS IN RESIDENTIAL NEIGHBORHOODS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

[This ordinance requires registration of short term rentals for compliance with resort and other taxes. It also limits short term rentals to no more than three per year.]

B. First Readings Ordinances

(Set for approximately 10:00 p.m.) (Note: Good and Welfare must begin at 8:15)

- *1. Resort Tax – Roger M. Carlton, Town Manager and Duncan Tavares, Tourism, Economic Development and Community Services Director Page 130-155**
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 70 AND SPECIFICALLY ARTICLE IV “RESORT TAX” DIVISION 1 “RESORT TAX” AND DIVISION 2 “RESORT TAX BOARD” SPECIFICALLY AMENDING SECTIONS 70-106 THROUGH 70-111; AND CREATING SECTIONS 70-112 THROUGH 70-127, 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. (Deferred from April 12, 2011 Commission Meeting)

[This ordinance updates resort tax imposition and adds an appeal process.]

- *2. Short Term Rental Prohibition Single Family Dwellings – Lynn Dannheisser, Town Attorney (linked with item 4A1 & 5A) Page 156-173**
AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE IV “DISTRICT REGULATIONS” SECTION 90.41 “REGULATED USES” ADDING A NEW SECTION 90.41.1.5 RELATING TO A PROHIBITION OF SHORT TERM RENTALS OF SINGLE FAMILY DWELLINGS AND REGULATION OF TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS, AND TOWNHOMES REQUIRING REGISTRATION OF SHORT TERM RENTALS IN RESIDENTIAL NEIGHBORHOODS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

[This ordinance is the same as Item 4A1 but prohibits short term rentals in H-30 Single family district]

- *3. Film and Print Production Ordinance – Lynn Dannheisser, Town Attorney Page 174-188**
Option A- (All districts)
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CREATING CHAPTER 11 “ARTS, CULTURE, AND ENTERTAINMENT” AND ARTICLE I “FILM AND PRINT PRODUCTIONS” AND SPECIFICALLY CREATING SECTION 11-1 “FILM AND PRINT PRODUCTION PERMITS”, 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 permits and regulates film permitting and processing in all districts.]

Option B – (Exempt single family)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CREATING CHAPTER 11 “ARTS, CULTURE, AND ENTERTAINMENT” AND ARTICLE I “FILM AND PRINT PRODUCTIONS” AND SPECIFICALLY CREATING SECTION 11-1 “FILM AND PRINT PRODUCTION PERMITS”, 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 is the same as Option A above but prohibits filming in the single family district west of Harding.]

5. Resolutions and Proclamations

(Set for approximately 10:30 p.m.) (Note: Depends upon length of Good and Welfare)

***A. Resolution Opposing Legislation on Short Term Rentals –**

Vice Mayor Joe Graubart *(linked with 4A1&4B2)* **Page 189-190**
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, OPPOSING FLORIDA LEGISLATION THAT PREEMPTS THE RIGHT OF LOCAL GOVERNMENT TO REGULATE SHORT TERM RENTALS ON RESIDENTIAL PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

***B. FPL Easement – Roger M. Carlton, Town Manager Page 191-201**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AFTER-THE-FACT EASEMENT DESCRIBED IN EXHIBIT “A” GRANTING AND GIVING TO FLORIDA POWER AND LIGHT COMPANY FOREVER A TEN (10) FOOT WIDE EASEMENT FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF OVERHEAD AND UNDERGROUND UTILITIES TO BE INSTALLED FOR THE COMMUNITY CENTER AND AQUATIC FACILITY; 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

9. Mayor, Commission and Staff Communications (Set for approximately 11:00 p.m.)

***A. Community Center Opening** – Roger M. Carlton, Town Manager (Verbal)

B. Wounded Warriors Family Support – Vice Mayor Joe Graubart **Page 202**

***C. Fiscal Year 2009-2010 CAFR** [Note: The CAFR report includes 94 pages and is placed separately in the agenda package. It is available on the Town website.] **Page 203-206**

***D. FPL, Telephone and Cable Underground Conversion of Existing Overhead Service Lines Report** – Roger M. Carlton, Town Manager and Bill Evans, Director of Public Works **Page 207-227**

***E. Report on Non-retail/Restaurant, Moratorium and Status of Meetings with DVAC and Business Owners** – Roger M. Carlton, Town Manager (Verbal) (linked to Point of Light Number 2)

F. New Crime Prevention Initiatives – Police Chief David Allen **Page 228-229**

***G. Resident Parking Program** – Assistant Police Chief John DiCenso **Page 230**

***H. Contract Amendment with LAZ Parking** – Assistant Police Chief John Di Censo (linked to Point of Light Number 8) **Page 231-232**

10. Adjournment

Respectfully submitted,



Roger M. Carlton
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.