



**Town of Surfside
Commission Communication**

Agenda Item #: Point of Light 15 Beach Concession Add-on

Agenda Date: November 8, 2011

Subject: Enhance Beach Area Clean Up and Redesign

Background: Commissioner Olchyk asked Staff to put together an analysis to have a greater staff presence on the beach to decrease our response time and address situations such as ropes down, litter, dune landscaping issues, cat feeding, weekends etc. Additionally, she asked Staff for a potential cost to more closely visually align the Town's dune area to resemble Bal Harbour's dune areas.

Analysis: To place a full time employee on the beach will require additional supervision and staff time to ensure hot button issues are being addressed. To address the desire for the Bal Harbour beach look will require a full design for such work before it can be submitted to FDEP for approval. If down the road we move in this direction, additional staff time will be required to implement and maintain that type of design.

Budget Impact: For the employee to staff the beach full time will be \$33,000 annually including salary and benefits. To begin the Bal Harbour look design process will cost approximately \$50,000 to \$100,000 for the design concept only. This figure is based on a design for the entire one mile length of our beach which could be installed in segments as funds become available This potential design, fully implemented, could cost upwards of \$1,500,000.

Staff Impact: A design effort of this scale and related permit activities would require substantial staff effort.

Recommendation: The Town Commission should give direction on the desire to have a full time maintenance person for the beach and to begin the process for making the beach look more like Bal Harbour.

Roger M. Carlton
Town Manager



Town of Surfside

To: Town Commission

From: Roger M. Carlton, Town Manager

Date: November 7, 2011

Subject: Item 5A Garbage and Recycling Bills Appearing on TRIM Notice and Annual Ad Valorem Tax Bills

Attached, is a new Exhibit B for Item 5A entitled "Garbage and Recycling Bills Appearing on TRIM Notice and Annual Ad Valorem Tax Bills". The original legal description came from Article 1 Section 2 of the Town Charter. The Town Attorney recommended that a separate legal description will be more applicable.

EXHIBIT "B"

Town of Surfside Charter

Article I. Incorporation; Form of Government; Powers

Sec. 2. Corporate Limits

Until modified by subsequent annexation or exclusions in the manner provided by law, the municipal corporation of the Town of Surfside shall comprise, and have full municipal jurisdiction, powers, rights and privileges over the territory and persons now and from time to time hereafter within the following boundaries in Dade County, Florida, to-wit:

Beginning at a point on the south line of Township 52 South, Range 42 East of Tallahassee Meridian in Florida, at the low water line of the Atlantic Ocean;

Thence west along the south line of said Township 52 South, Range 42 East, to the waters of Biscayne Bay and/or Indian Creek;

Thence easterly and northerly meandering the present east shore of Biscayne Bay and/or Indian Creek to the north line of Government Lot 1, Fractional Section 35, Township 52 South, Range 42 East, produced westerly to its intersection with the present East Shore of Indian Creek;

Thence east along the north line of said Government Lot 1, Fractional Section 35, Township 52 South, Range 42 East, or the prolongation thereof, to the low water line of the Atlantic Ocean;

Thence southerly meandering the low water line of the Atlantic Ocean to the point [of] beginning excepting therefrom, however, Lots "V," "W" and "X" of the amended plat of a portion of Altos Del Mar No. 4, according to plat thereof recorded in Plat Book 34, at page 7, of the Public Records of Dade County, Florida.

ARTICLE I. INCORPORATION; FORM OF GOVERNMENT; POWERS

Sec. 1. Incorporation.

The inhabitants of the Town of Surfside, within the corporate limits as now established or as hereafter established, shall continue to be a municipal body politic and corporate in perpetuity, under the name of "Town of Surfside."

Sec. 2. Corporate limits.

Until modified by subsequent annexation or exclusions in the manner provided by law, the municipal corporation of the Town of Surfside shall comprise, and have full municipal jurisdiction, powers, rights and privileges over the territory and persons now and from time to time hereafter within the following boundaries in Dade County, Florida, to-wit:

Beginning at a point on the south line of Township 52 South, Range 42 East of Tallahassee Meridian in Florida, at the low water line of the Atlantic Ocean;

Thence west along the south line of said Township 52 South, Range 42 East, to the waters of Biscayne Bay and/or Indian Creek;

Thence easterly and northerly meandering the present east shore of Biscayne Bay and/or Indian Creek to the north line of Government Lot 1, Fractional Section 35, Township 52 South, Range 42 East, produced westerly to its intersection with the present East Shore of Indian Creek;

Thence east along the north line of said Government Lot 1, Fractional Section 35, Township 52 South, Range 42 East, or the prolongation thereof, to the low water line of the Atlantic Ocean;

Thence southerly meandering the low water line of the Atlantic Ocean to the point [of] beginning excepting therefrom, however, Lots "V," "W" and "X" of the amended plat of a portion of Altos Del Mar No. 4, according to plat thereof recorded in Plat Book 34, at page 7, of the Public Records of Dade County, Florida.

Sec. 3. Form of government; powers are vested in commission; exercise of powers.

The municipal government provided by this Charter shall be known as the "commission-manager government." Pursuant to the provisions of this Charter, and subject only to the limitations imposed by the state constitution, all powers of the town shall be vested in an elective council, hereinafter referred to as "the commission," which shall enact local legislation, adopt budgets, determine policies and appoint the town manager who shall execute the laws and administer the government of the town. All powers of the town shall be exercised in the manner prescribed in this Charter or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Sec. 4. General powers of town; powers not deemed exclusive.

The town shall have all the powers granted to municipal corporations and to towns by the constitution and general laws of the state, together with all the implied powers necessary to carry into execution all the powers granted. The town may acquire property within or without its corporate limits for any town purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise or lease, and may sell, lease, mortgage, hold, manage and control such property as its interests may require. Except as prohibited by the constitution of this state or restricted in this Charter, the town shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the town shall have and may exercise all powers which, under the constitution of this state, it would be competent for this Charter specifically to enumerate.

The density, intensity, and height of development and structures within the Town of Surfside shall not exceed the maximum allowable flood



Town of Surfside

To: Town Commission

From: Roger M. Carlton, Town Manager

Date: November 7, 2011

Subject: Item 9B Severance and Employment Salary Policy Restrictions

Attached, is a new page number 181 for Item 9B entitled "Severance and Employment Salary Policy Restrictions". During the printing process, the ending of the sentence at the bottom of page 180 was truncated.

applicable to a class of employees as a whole and complies with statutory limits. The statutory limits are discussed below.

As our lobbyist recently advised, the Legislature recently amended legislation relating to severance payments and the Town Commission now needs to comply with the limitations of *Fla. Stat. §215.425*. These limits for any new contract (after July 1) include;

- no greater than 20 weeks of severance;
- no severance in the event of termination for misconduct (as defined in *Fla. Stat. §443.036(30)*);
- no severance payments not provided for in employees' employment contract;
- a maximum of 6 weeks compensation in settlement of an employment dispute.

After some controversial decisions by management in the Town of Miami, the Town Commission enacted an ordinance which is attached hereto. The ordinance includes all of the above listed limitations and adds a requirement of a signed acknowledgement, waiver, and release form signed by the employee and approved as to form, by the Town Attorney. The Town can enact a similar ordinance.

In conclusion, the Town Commission cannot dictate whom to hire and fire or the specific amounts of salary to be conferred or the specific amount of severance for any given employee under the Manager's authority but the Town Commission may set policies with regard to overall limitations on salaries or severance packages by enactment of the appropriate legislation. Once those policies are established, however, their implementation and application is within the Town Manager's discretion.