



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

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

To: Mayor, Vice Mayor and Town Commission  
Date: December 13, 2010  
Subject: Clarification Town Manager's Report

The Town Manager, Roger M. Carlton, wishes to clarify certain items in the Town Manager's Report, Points of Light memo as follows:

**Point of Light #2:** The Downtown Vision report is attached with this supplemental agenda.

**Point of Light #6:** Peter Hernandez, former Miami-Dade County Deputy Manager and Public Works Director agreed to join the Citizen's Oversight Committee for the water, sewer, stormwater project. Mr. Hernandez owns a second home in Surfside.

**Point of Light #9:** The Mayor's request for review of a sixth red light camera is clarified in that the traffic movement of concern is East bound on 95<sup>th</sup> Street to South bound on Harding Avenue.

**Point of Light #11:** Newspaper article from "Miami Today" regarding expansion of Bal Harbour shops attached to this supplemental agenda.

**Point of Light #28:** The first reading of the Commercial Vehicle Ordinance will be held on December 14, 2010.

D. Eastman, MMC  
Town Clerk *de*



# Memorandum

**To:** Elected Officials

**From:** Roger Carlton / Town Manager

**Date:** 12/13/2010

**Re:** Moving the Downtown Vision Process Forward

A handwritten signature in black ink, appearing to read "Roger Carlton".

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## *Introduction*

During the past three months, substantial input has been given to the Town Manager regarding the need to reinvigorate the Downtown Vision process. This report outlines suggested parameters for the process and establishes a timeline for the Town Commission to review.

There exists a need to strengthen Surfside's downtown as the social, cultural and economic center of the Town. A thriving downtown can enhance the quality of life for Surfside's residents and improve the visitor experience.

Additional tax revenue from a thriving downtown, including increases in the Tourism Resort Tax, adds to the Town's tax base and helps alleviate the ad valorem (property) tax burden on residents.

In order to create a sense of place that encourages business retention and economic development, while retaining and enhancing the characteristics that attract residents and visitors, a plan that reflects the realities of the 21<sup>st</sup> Century is required.

Previous planning efforts and policies, as well as recent survey results, will be reviewed during this process. This will help avoid the cost of outside consultants.

## *Background*

The Town's 2006/2007 Charrette, through extensive community input, recommended a number of improvements for the downtown area. A Committee comprised of Surfside residents, the Town Manager and a Commission liaison held a series of public meetings to engage the views and future aspirations for the Town as a whole. The final public meeting reviewed each section of the Charrette for detailed comment. The final report was not fully adopted and further direction was not given or implemented.

Many of the listed possible projects that pertain to the downtown district are still relevant discussion items. Of particular note is the desire to create a more pedestrian friendly downtown with mixed-use commercial buildings. Also, the possible need for a parking structure is still widely discussed to this day.

The two blocks on Harding Avenue from 94<sup>th</sup> to 96<sup>th</sup> Streets is approximately 6 ¾ acres with over 70 buildings and more than 100 licensed businesses.

Due to unprecedented changing and challenging economic conditions since the Charrette was produced, the necessity for a current shared vision and plan for the downtown district is a timely initiative.

### *Project Teams*

Proposed Steering Committee: Town Manager, Building Official, Planning Manager and Tourist Bureau Director.

Proposed Advisory Committee: Planning & Zoning Chair, Surfside Business Association President/Tourist Bureau Chair, Beautification Chair, a hotelier, two retailers, a service oriented business operator, a single family residential representative and a condominium resident representative.

### *Timeline*

- 1) December 2010/ January 2011 - Interview the Surfside Commissioners and members of the Surfside Business Association regarding their vision for the downtown district.
- 2) Conduct two workshops:
  - i) February 2011 - Steering Committee and Advisory Committee Workshop, open to the public, with the Planning & Zoning, Tourist Board and Beautification Committee in attendance.
  - ii) March 2011 – Public Workshop to present the ideas from the recent survey results, interviews and previous workshop.

Information from the Charrette, the Planning Department, and comparative models used elsewhere (eg Delray Beach) will also be presented.

The objective of the workshops is to incorporate the various stakeholders' vision for the downtown and to form a collective vision for the future.

Some of the discussion items would include, but not be limited to, the following:

- an overall aesthetic / branding
- creating a welcoming, pedestrian-friendly environment
- the installation of benches and bike racks

*December 13, 2010*

- the creation of a Business Improvement District to help finance improvements and operations
- the role of the Florida Department of Transportation (eg crosswalk replacement in 2011/2012)
- the role of Tourism funding as it relates to successful retail and restaurant establishments
- the relationship to Bal Harbour Shops and the St. Regis
- the impact of side walk cafes and the proper means for regulating the use of sidewalks
- newspaper vending rack regulation
- installation of business locator signs on each block
- code enforcement
- the potential combination of retail, commercial and residential land use
- assisting businesses with marketing initiatives, particularly the use of Social Media, and special events
- retaining and attracting businesses through landlord and lease cooperation

A report listing priorities and a timeline for implementation strategies will be produced from the workshops. This will be presented at the Town Commission Meeting in April 2011.

Cc: Paul Gioia, Building Official  
Sarah Sinatra, Planning Manager  
Duncan Tavares, Tourism Director

## WATSON ISLAND



**MIAMI GLADES:** The winning entry came from a team from Seoul, South Korea.

# Ideas dazzle, but remain just dreams

■ In its third year, DawnTown Miami again received dozens of creative designs, this time for a new seaplane terminal at Watson Island.

BY CHARLES RABIN  
AND ANDRES VIGLUCCI  
crabin@miamiherald.com

Blend a touch of the Everglades with a rooftop garden of native vegetation over a sleek hangar shaped like airplane wings. Underneath, leave plenty of open space with an airy feel open to the water. And of course, top it off with an unobstructed view of downtown Miami's skyline.

Presto! Miami finally has the sexy, sleek seaplane terminal at Watson Island that industry and city leaders have craved for decades.

The dream — the reality is not much has been built on the main link between Miami Beach and the mainland, and nothing is

expected any time soon — was envisioned Friday thanks to an architectural competition called DawnTown. It's the third year of a worldwide competition of dazzling ideas sponsored by the John S. and James L. Knight Foundation and the Downtown Development Authority.

This year's winning entry was "Miami Glades," submitted by Trevor Curtis and Sylvia Kim of CA Landscape of Seoul, South Korea. Other entries were offered from Moscow, even Bulgaria. The winners and runners-up were announced at Miami Dade College's Batten Room in downtown Miami Friday.

"Wonderful designs flowed in from all around the world," said Andrew Frey, credited with creating the DawnTown theme and putting the pieces together.

With most of the contestants

• TURN TO DAWNTOWN, 2B



AMPHIBIAN: This design was made of four rectangular pieces that touched the water and the sky.



MIAMI LOOP: Designers from Basel, Switzerland, with a circular structure that could be partially jostled into the bay.

# Designs come from the clouds

## •DAWNTOWN, FROM 18

thousands of miles away, Friday's audience was entertained with a host of videos, many quite funny. A shaggy-haired fellow in Moscow stood before pictures of a giant clam-like structure that opened and closed as planes entered and exited.

Gerd Wetzel and Marty Block of Basel, Switzerland — coincidence as this week's art events abound — finished in third place with plan called "Miami Loop." The structure looked like a giant circular earring with an off-kilter doughnut hole in the mid-

dle, that could be pushed down to sit in the water and partially into the bay.

Locally, the team from NC-Office of Miami pieced together "Large Roof," which from above looked much like crinkled paper, but inside offered cavernous, castle-like feel.

The video and project pieced together by Rhode International University professor Nik Nedev and brother Peter Nedev, along with abeth Cardona, Cristina Martin and forgo Sen as they filmed what looked like someone eyeing the structure from inside an airplane made of cardboard with a cut-out in

island. The goal of the actual competition is to solve dazzling "ideas for Miami's waterfront" which were put on paper to keep pace with the district's development.

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which from the Biscayne Boulevard, with a giant washing and yet orange submissions.

Neither scheme has been realized, but the competition's sponsors have met with city and Miami-Dade County officials hoping they can take some of the ideas to the next level.

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world since its inception. This year, Dawntown received more than 100 submissions.

The three winners — selected by a panel of local experts — receive cash prizes with first place getting \$8,000, second \$4,000 and third \$2,000.

The Seaport would be made of four rectangular pieces on various angles that touched the water and reached toward the sky. "Miami Loop" won its creators' \$2,000.

## THE BUSINESS REPORT | BUSINESS STARTS ON PAGE 10B &gt;&gt;&gt;

## LANDSCAPING

# Worth Ave. gets makeover

■ A \$15.8 million redo of Palm Beach's famous Worth Avenue, which includes more than 200 mature coconut palms, is now finished.

BY SUSAN SALISBURY  
Palm Beach Post

**PALM BEACH** — "Purple bougainvillea, swaying palm trees and bright blue skies form a fascinating backdrop for Yuletide regalia."

That's how Worth Avenue was described in a Dec. 17, 1939, Miami News article. Now, with the famous street's \$15.8 million makeover completed, the swaying palms are back.

More than 200 mature coconut palms, from 32 to 40 feet tall, grace the street.

The redo, which began in April, also includes new tabby seashell sidewalks, antique-style streetlights, benches and a new 25-foot clock tower. The electrical system and utility lines were moved underground.

"The last time they did any major renovation was 1983. It was time. At night, the avenue just shines," said Sherry Frankel, president of the Worth Avenue Association and owner of Sherry Frankel's Melan-

erie. The street's update is based on photographs from the early days. Addison Mizner built the Everglades Club at the western end of Worth Avenue in 1918.

By the 1920s, stores had opened on the street.

"When Mizner first did the avenue, they used coconut palms up and down. They were there until the '70s, when the lethal yellowing blight killed the coconuts," said Brian Vertesch, a senior associate at landscape architects Sanchez & Madux in Palm Beach.

## 'A CHALLENGE'

The town then brought in Christmas palms, which were too small compared with the buildings, he said. "Finding 200 coconuts was a challenge. We had to go from West Palm Beach to Miami and then to Naples," Vertesch said.

Some were purchased from nurseries, but others were supplied by tree brokers who go around and knock on homeowners' doors. And more came from rental complexes where the trees had grown too large for the setting.

The avenue is wowing both merchants and shop-

pers. "The avenue looks as it should. It's very glamorous and elegant," said Edwin Vinson of West Palm Beach, strolling down the avenue with friends last week.

Ed Kassatly, owner of Kassatly's, the avenue's oldest store, in business since 1923, said the makeover "is absolutely fantastic. When you first see it, you look and you say, 'Oh my gosh.' It is like a picture postcard from the 1950s."

While the typical streetscape ranges from \$1,000 to \$4,000 per linear foot, the Worth Avenue renovation came in at \$5,550 a foot, said Marc Kleisley, project manager for general contractor Burkhardt Construction in West Palm Beach. That's partly due to the high-end finishes and products that were incorporated, such as the 25-foot clock tower that cost about \$600,000.

"It was slated as a two-year project that was compressed into one off-season for the town. They did not want it to go through the season," Kleisley said.

## WALK-THROUGH

Jim Connery, president of Vero Beach-based Con-

nery Concrete, was doing a final walk-through last week, checking the tabby concrete his company installed for the sidewalks, crosswalks and on adjoining Hibiscus Avenue. It's generally used for high-end private residences.

"Tabby is the Spanish word for seashells in concrete," Connery said. "Technically speaking, the seashells are broadcast in the concrete when the concrete is still wet. The shells are very old coquina shell. They are not crushed."

The extremely durable tabby requires little or no maintenance, and if you walk on it barefoot, it's smooth and therapeutic, he said.

About the only criticism, voiced by several retailers, is that parking is still difficult to find at times, and there's not enough of it near their shops.

Property owners in the Worth Avenue Commercial District Assessment Area are paying for the project, financed through a bond, over 30 years.

"It's fantastic and way overdue," said John Maus, owner of Maus & Hofman, on the avenue since 1961. "It's a \$15 million boon to the Palm Beach taxpayers."



BILL INGRAM/THE PALM BEACH POST

**RENOVATED STREET:** More than 200 coconut palms line the updated Worth Avenue in Palm Beach. A 25-foot clock tower that cost about \$600,000 stands in the background.



## Another Cadillac In Palm Beach

Officials in Palm Beach, Fla., on Wednesday are scheduled to cut the ribbon on one of the most expensive downtown improvement projects in recent memory. The town has spent \$15.5 million to improve side-

walks and lighting, and to add new public decorations and amenities along its swanky Worth Avenue shopping district, home to such stores as Gucci, Saks Fifth Avenue and Ferragamo. That comes to about \$5,500 a linear foot, according to Thomas Bradford, Palm Beach's deputy town manager. The going rate for such projects is \$3,000 to \$4,000 a foot, he says.

The project includes a clock tower, a two-story "living wall" of plants, pools and a piazza. Area property owners who are going to repay the bonds the town is issuing to finance the project "wanted to do something that was eye-catching," Mr. Bradford says.

—Peter Grant

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[blogs.wsj.com/developments](http://blogs.wsj.com/developments).



POINT OF LIGHT 11  
TOWN MANAGERS REPORT

MIAMI TODAY

LUXURY

# Bal Harbour Shops try new path to thrice-delayed expansion

By MEENA RUPANI

Bal Harbour Shops' owners plan a workshop for the entire village in late January or early February to push ahead their proposal to expand the 45-year-old, 100-store luxury mall.

The workshop will follow three separate efforts to get the village council to amend land use on two sites that would be melded into the mall's property and add almost a full acre to not only expand retail but add a high-end movie theater and banquet facility as well.

Action on the proposed ordinance to amend land use was deferred all three times, most recently Nov. 16, leading mall owners to turn to the public for support.

"Since the council will not consider the ordinance without knowing what the public wants, we plan to hold a workshop with public participation with the entire Bal Harbour Village in late January and early February and go from there," said John Shubin of Shubin and Bass, attorney for the owners, the Whitman family.

At the Oct. 19 council meeting, Mayor Jean Rosenfeld had said, "We are committed to an open transparent process on all matters that come before the



Photo by Maxine Usdin  
Bal Harbour shops have applied to amend land use on Church By The Sea next door for their expansion.

Surfside will be based on mitigation and analysis of traffic impacts on 96th Street."

According to Mr. Carlton, traffic studies submitted with the Whitmans' initial application to amend land usage did not include 96th street.

"Another issue we have is that we want pedestrians to be able exit and enter the mall from 96th Street and not just Collins Avenue," he said. "This will allow more pedestrian-friendly access to both Bal Harbour Shops and Surfside's downtown."

Traffic studies of this street also were deferred at the last three Bal Harbour council meetings, according to Mr. Carlton.

"Now it's up to the Whitman family to provide for these studies if they want to continue negotiations and have our town's support," he said.

Mr. Shubin says he will continue to work with the Town of Surfside on traffic and access.

"We're confident our traffic engineer will be able to give Surfside the traffic studies they are needing to support our ordinance," Mr. Shubin said.

The land use ordinance has been deferred again to next month's council meeting. It would need two votes to be considered.

Bal Harbour's own concerns aren't the only ones that factor into the future expansion.

Surfside, the town immediately to the south, is worried about mall traffic and having the shops become less pedestrian friendly after expansion.

"We're supportive of the shops receiving an upgrade. However, without an updated traffic study we cannot fully support this action," said Roger Carlton, Surfside's interim town manager.

"Support from the town of



**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: Town Attorney Monthly Update for December 2010**

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This month's Town Attorney Update has been held back and follows publication of the December, 2010 Agenda and is provided under separate cover to be able to also report on the status of the December 9, 2010 Special Town Commission Meeting held Jointly with the Design Review Board regarding Ordinance 10-1558 Re-adoption of Zoning Code.

The following **Ordinances and Resolutions** have been prepared (and/or reviewed) and research and advice regarding the issues contained in them and or preparation of contracts attached to them have also been provided this month:

**Ordinances:**

Amending Chapter 90, Division 1. Off-Street Parking, Section 90-82 "Design Standards" to clarify the standards used for vehicular queuing, access to state roadways; and on-site circulation.

Amending Chapter 74 Section 74-1 and creating Section 74-2, and 74-3 relating to Commercial Vehicle Parking Restrictions

Amending Chapter 90 and specifically Section 90-41 "Regulated Uses" Of The Town Of Surfside Code Of Ordinances to add "Psychic Reading and Consultation."

Amendment of Rules of Procedure Section 2-201 Rule 4.01 to restrict meeting times

**Resolutions:**

Approving Employment Agreement between Town Manager, Roger M. Carlton and the Town

Approving Revised Administrative Policy Number 102, Drug and Alcohol Free Workplace and Substance Abuse Testing Procedures

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"

Certifying Charter Amendment Election Results from November 2, 2010 Election

Authorizing the Town Manager to Appoint Code Enforcement Officers for the Town who may include Law Enforcement Officers

Approving and Adopting a Schedule Of Downtown Parking Trust Fund Fees Pursuant To Section 90-77 of the Surfside Code

**Planning & Zoning Board:**

Preparation for Special Town Commission Meeting held Jointly with Design Review Board held on December 9, 2010 including meetings with Manager, Planners and conversations with Commissioners resulting in the formulation of the joint report. The Joint Committee voted to accepted the recommendations of the Joint Report as amended to include the consideration of parking and/or accessory uses to be included in H-30C. The amendatory legislation will be prepared by the Planners and this Office for consideration by the Planning and Zoning Board at the January meeting.

Preparation for upcoming P & Z meeting scheduled for December 16, 2010 which includes the following items:

DRB

9480 Harding Avenue – Sign

9480 Byron Avenue – Garage Conversion

LPA

Curb Cuts

Psychic Reading and Consultation as a Permitted Use Ordinance

P & Z Discussion Items

Boats

This Office continues to work with the Town Manager, outside counsel and opposing counsel on RLUIPA issues and potential claims relative to 9200 Collins Avenue.

The Office has also worked with the Manager re creation of improvements to overall vision to the Town.

**Building Department/Code Enforcement:**

The Code Enforcement Committee met on October 28, 2010, November 23, 2010 and December 8, 2010.

This month the Town Attorney prepared a Resolution authorizing the Town Manager to appoint Code Enforcement Officers for the Town who may include Law Enforcement Officers.

The Town Attorney continues to work with the Building relating to issuance of a zoning permits under the current zoning code, parking lot requirements, monitor FEMA violations, continue to give advice re: Community Center issues, and the feral cat concerns.

**Personnel Appeals Board (“PAB”):**

The newly appointed Personnel Appeals Board met on December 6, 2010 and the Town Attorney prepared for and presented a workshop on the Rules Governing Quasi Judicial Process and the Standard of Review for the PAB.

Attend on-going meetings, telephone conferences, research and preparation for the PAB hearing on the appeal of Termination of Jose J. Perea

**Human Resources Department:**

Prepared Resolution and reviewed Revised Administrative Policy Number 102, Drug and Alcohol Free Workplace and Substance Abuse Testing Procedures.

Review Administrative Grievance Policy on Non-Bargaining Unit Employees

**Finance Department:**

Review and analysis of Financial Advisor Contract and supporting documents.

Appraisal of vacant lot south of Town Hall trailers

Financing for the storm drainage project.

Business/occupational license issues

Lien/utilities follow-up with special counsel

**Police Department:** strategize, analysis and review with Police the following issues:

Red light camera

Parking Pay Station

Implications for police officer placed on administrative leave without pay.

Code Enforcement/Commercial Vehicle

Davis v Surfside

**Public Works:**

Review of MOMA/FDOT amendment  
Parking lot issues  
Stormwater issues

**Parks and Recreation:**

Photo/Film permitting and concession stand issues.

**Tourist Bureau:**

Analysis of Tourist Bureau Downtown Development issues.

**Community Center:**

Review issues relative to Community Center Change Orders and parking requirements.

**Special Matters:**

This Office continues to work with the Town Manager on RLUIPA issues and potential claims relative to 9200 Collins Avenue.

Maranon, review of Bid documents and appraisal

Work with Town Manager and Town Clerk for development of process for Ordinance hearings at the Town Commission and Planning & Zoning meetings.

Analysis and continued research of historic preservation tax issue.

Parking Trust Fund

**Litigation:**

John Davis v. Town of Surfside Case No. 07-17286 CA 08, Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. This case has been consolidated with a previous case filed by a former sergeant in the Town's police department. Settlement discussions have been unfruitful. Non-Jury Trial has been scheduled for March 14, 2011.

Candy Miller v Surfside Case No. 10- 49676 filed in Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. This case alleges the Town has prohibited Candy Miller from operating a business and revoked her occupation license for failure to disclose her occupation engaging in astrological consultation, tarot card reading, psychic reading and palmistry. Per the Settlement Agreement approved at the November 9, 2010 Commission meeting, we have amended 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. The Town Manager and I continue to deal with signage and location issues.

Hapuarachchi v Surfside Miami Dade Case No. (F98-450) successful result - Court denied Hapuarachchi's motion and appeal period has run.

**Florida League of City Cases:**

We monitor, coordinate witnesses from our staff, and confer with League counsel on these cases that are covered by the FMIT:

Warren Blum v. Town of Surfside Case No. 02-19134 CA 08

This action commenced in 2001 against the Town, former Town Manager, Rodriguez and former Police Chief, Boemler. Blum, a former police officer alleges breach of contract, violation of policeman's bill of rights and fraud in the inducement. A Calendar Call was scheduled for October 4, 2010 and Judge Cardonne-Ely granted Plaintiff's motion for continuance and removed the case from the trial calendar. The Judge indicated that the case would be reset for trial sometime in 2011. We await a new trial order. Pursuant to the FMIT policy, the Town is responsible for only the \$5,000 deductible. FMLA counsel and the Town Attorney's office have been in frequent contact to discuss this matter and as of this date, no settlement has been reached. **NO CHANGE.**

Dina Agin v. Town of Surfside Case No. 07-41974 CA 30

Dina Agin filed a complaint seeking damages for injuries allegedly arising from a trip and fall accident due to a defective condition on the property/premises/sidewalk near the corner of 96<sup>th</sup> Street and Bay Drive in the Town of Surfside. League counsel has informed our office that the hearing on Plaintiff's motion to compel DOT's responses to discovery, motion to special set the case for trial and the Plaintiff's second partial motion for summary judgment was cancelled and will be rescheduled. **NO CHANGE.**

Piedad Uejbe and Americo Wehbe: Claims by Piedad Uejbe and Americo Wehbe are filed pursuant to Florida Statute 768.28. These claims are currently under pre-suit investigation by the Florida League of Cities in accordance with the Town's insurance policy and subject to the attorney-client privilege. It appears the primary allegations in the claims arise from an arrest of both Claimants by the Surfside Police Department on September 27, 2007. This office is working with the Police Department to sort out the facts. **Investigation is on-going.**

**Research Issues:**

Personnel issues

Conduct research from various municipalities regarding sidewalk café ordinances

Research/prepare memo re: convenience fee

Research issues and prepare ordinance for identification of outside employment

Prepare quasi-judicial presentation for PAB hearing

Research issues of police and code enforcement authority

Research re sidewalk cafes

Research re outside employment

We continue to monitor legislation out of Tallahassee and Miami Dade County.

The November outside counsel invoices are attached per the Vice Mayor's request. The entries that are privileged are redacted.





*Lewis Stroud & Deutsch, P.L.*

*LED  
12/16/10*

*Nancy E. Stroud, Esq.*

*Direct Dial: 561 826 2803*

December 2, 2010

Lynn Dannheisser  
Town Attorney, Town of Surfside  
9293 Harding Avenue  
Surfside, FL 33154

RECEIVED  
12/16/10

Re: Invoice #2682

Dear Lynn:

We are enclosing our invoice #2682 for services rendered during November 2010.

We would like to thank you for the opportunity of being of service to you.

Please do not hesitate to call us if you have any further questions.

Very truly yours,

*Nancy*

Nancy E. Stroud

NES/js  
Enclosure

**Lewis, Stroud & Deutsch, PL**

1900 Glades Road  
Suite 251  
Boca Raton, FL 33431  
Tel 561-826-2800 Fax 561-826-2828

December 01, 2010

**Invoice**

Lynn Dannheisser  
Town Attorney, Town of Surfside  
9293 Harding Aveune  
Surfside FL 33154  
USA

In Reference To: Elizabeth Bankes v. Town of Surfside Case No.: 10-24860 CA22  
Our File No.: 61000  
Matter: Hotel Zoning

Invoice # 2682  
Federal ID #  
20-338-5521

**For Professional Services Rendered:**

		<u>Hours</u>	<u>Amount</u>
11/8/2010	NES Review and analyze correspondence from Mr. William Spenser regarding claims of vested rights; brief research [REDACTED]	1.00	200.00
11/9/2010	NES Begin draft [REDACTED] ts; brief research [REDACTED] [REDACTED] telephone conference with Ms. Dannheisser	3.00	600.00
11/10/2010	NES Complete draft [REDACTED]; review and analyze cases cited by Mr. Spenser	1.80	360.00
11/12/2010	NES Telephone conference with Ms. Dannheisser; transmit notes regarding potential claims; review voice mail from Ms. Dannheisser	0.80	160.00
Total professional services rendered		6.60	\$1,320.00

Disbursements Incurred:

11/30/2010	JS Copying cost for November, 2010		3.80
Total Disbursements Incurred:			\$3.80
Total amount of this bill			\$1,323.80
Previous balance			\$1,049.84
Accounts receivable transactions			
11/17/2010	Payment - Thank You No. 083043		(\$1,049.84)
Total payments and adjustments			(\$1,049.84)
<b><u>Balance due</u></b>			<b><u>\$1,323.80</u></b>

Invoice Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Nancy E. Stroud	6.60	200.00	\$1,320.00

WEISS SEROTA HELFMAN  
PASTORIZA COLE & BONISKE, P.L.

ATTORNEYS AT LAW

MITCHELL BIERMAN, P.A.  
NINA L. BONISKE, P.A.  
MITCHELL J. BURNSTEIN, P.A.  
JAMIE ALAN COLE, P.A.  
STEPHEN J. HELFMAN, P.A.  
GILBERTO PASTORIZA, P.A.  
MICHAEL S. POPOK, P.A.  
JOSEPH H. SEROTA, P.A.  
SUSAN L. TREVARTHEN, P.A.  
RICHARD JAY WEISS, P.A.  
DAVID M. WOLPIN, P.A.

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INCLUDING PROFESSIONAL ASSOCIATIONS

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\*OF COUNSEL

November 19, 2010

KLD  
11/29/10

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LILLIAN M. ARANGO  
BROOKE P. DOLARA  
RAQUEL ELEJABARRIETA  
CHAD S. FRIEDMAN  
OLIVER GILBERT\*  
R. BRIAN JOHNSON  
JOHN J. KENDRICK III  
HARLENE SILVERN KENNEDY\*  
KAREN LIEBERMAN\*  
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AMY J. SANTIAGO  
DANIEL A. SEIGEL  
GAIL D. SEROTA\*  
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ALISON F. SMITH  
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EDUARDO M. SOTO  
JOANNA G. THOMSON  
MICHELLE D. VOS  
PETER D. WALDMAN\*  
JAMES E. WHITE  
DEREK R. YOUNG  
SAMUEL I. ZUSKIND

DANIEL L. ABBOTT  
AARON BEHAR  
GARY L. BROWN  
IGNACIO G. DEL VALLE  
ALAN L. GABRIEL  
DOUGLAS R. GONZALES  
EDWARD G. GUEDES  
JONATHAN Z. KURRY  
MATTHEW H. MANDEL  
ALEXANDER L. PALENZUELA-MAURI  
ANTHONY L. RECIO  
BRETT J. SCHNEIDER  
CLIFFORD A. SCHULMAN  
LAURA K. WENDELL

Lynn Dannheisser, Esq.  
Town Attorney  
Town of Surfside  
9293 Harding Avenue  
Surfside, FL 33154

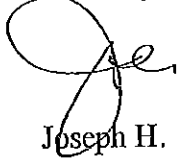
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NOV 23 10 10

Dear Lynn:

Enclosed you will find invoices for services rendered for the month of October 2010.  
Please do not hesitate to contact me should you have any questions.

As always, thank you for your continued confidence in our Firm.

Sincerely,



Joseph H. Serota

jju  
Enclosure

WEISS SEROTA HELFMAN  
PASTORIZA COLE & BONISKE, P.L.

2525 Ponce de Leon Boulevard  
Suite 700

Coral Gables, Florida 33134

305-854-0800

Fax 305-854-2323

Tax ID No. 20-8112403

POLICE  
DEPT  
TO PAY

Town of Surfside, Florida  
9293 Harding Avenue  
Surfside, FL 33154

November 17, 2010  
Invoice # 123414

CLIENT: 0286 - Town of Surfside, Florida  
Re: 001 FOP Negotiations

For Professional Services Rendered

Date	Services	Hours	Amount
10/01/10	bjs Review And Respond To Correspondence Re Revisions To Pay Plan	0.20	43.56
10/05/10	re Determine Possible Issues With [REDACTED]	0.70	152.48
10/05/10	re Telephone Conference With Ms. Slate-McCloud Regarding Status Of Collective Bargaining Agreement	0.20	43.56
10/06/10	bjs Confer And Develop Strategy Re Handling Of Drafting/Revisions To FOP CBA	0.30	65.35
10/06/10	bjs Review And Analyze Correspondence Re Revisions To CBA	0.30	65.35
10/06/10	re Telephone Conference With Mr. DiCenso And Ms. Slate-McCloud Regarding Revisions To Town's Proposal	0.50	108.92
10/06/10	re Review And Analyze Revisions To Town's Proposal	0.80	174.27
10/06/10	re Review And Revise Town's Proposals To Union	1.50	326.76
10/07/10	re Continue Revisions To Draft Of The 2010-2013 Collective Bargaining Agreement	1.50	326.76
10/07/10	bjs Review And Revise Latest Draft Of Tentative CBA	0.40	87.13
10/07/10	re Determine What Items Are Considered Pensionable	1.00	217.84

Summary of Services

	Rate	Hours	Amount
re Raquel Elejabarrieta - Associate	217.80	0.20	43.56
re Raquel Elejabarrieta - Associate	217.83	0.70	152.48
re Raquel Elejabarrieta - Associate	217.84	5.30	1,154.55
bjs Brett J. Schneider - Shareholder	217.80	0.20	43.56
bjs Brett J. Schneider - Shareholder	217.83	1.00	217.83
<b>Total Professional Services</b>		<b>7.40</b>	<b>\$1,611.98</b>

THIS DOCUMENT CONTAINS  
ATTORNEY-CLIENT PRIVILEGED  
INFORMATION EXEMPT FROM PUBLIC  
DISCLOSURE. CONTACT US PRIOR TO  
RELEASE.

Client Ref: 0286 - 001  
Invoice # 123414

November 17, 2010  
Page 2

**Invoice Summary**

For Professional Services	1,611.98
For Disbursements Incurred	0.00
<b>Total this Invoice</b>	<b><u><u>\$1,611.98</u></u></b>

**WEISS SEROTA HELFMAN  
PASTORIZA COLE & BONISKE, P.L.**

2525 Ponce de Leon Boulevard  
Suite 700

Coral Gables, Florida 33134

305-854-0800

Fax 305-854-2323

Tax ID No. 20-8112403

Town of Surfside, Florida  
9293 Harding Avenue  
Surfside, FL 33154

CLIENT: 0286 - Town of Surfside, Florida  
Re: 003 General Labor

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November 17, 2010  
Invoice # 123415

**For Professional Services Rendered**

Date	Services	Hours	Amount
10/21/10 re	Review Correspondence To Mr. Moreno Placing Him On Administrative Leave With Pay; Draft Correspondence Regarding Same	0.30	65.35
10/25/10 re	Telephone Conference With Messrs. DiCenso And Allen Regarding Status Of [REDACTED]	0.20	43.57

**Summary of Services**

		Rate	Hours	Amount
re	Raquel Elejabarrieta - Associate	217.83	0.30	65.35
re	Raquel Elejabarrieta - Associate	217.85	0.20	43.57
<b>Total Professional Services</b>			<b>0.50</b>	<b>\$108.92</b>

**Invoice Summary**

For Professional Services	108.92
For Disbursements Incurred	0.00
<b>Total this Invoice</b>	<b>\$108.92</b>
<b>Past Due Balance</b>	<b>\$3,399.70</b>
<b>Total Balance Due</b>	<b>\$3,508.62</b>

**WEISS SEROTA HELFMAN  
PASTORIZA COLE & BONISKE, P.L.**

2525 Ponce de Leon Boulevard  
Suite 700

Coral Gables, Florida 33134

305-854-0800

Fax 305-854-2323

Tax ID No. 20-8112403

Town of Surfside, Florida  
9293 Harding Avenue  
Surfside, FL 33154

THIS INVOICE MAY CONTAIN  
ATTORNEY / CLIENT PRIVILEGED  
INFORMATION EXEMPT FROM PUBLIC  
DISCLOSURE. CONTACT US PRIOR TO  
RELEASE.

November 17, 2010  
Invoice # 123304

CLIENT: 0286 - Town of Surfside, Florida  
Re: 074 Hapuarachchi, Don - Forfeiture

**For Professional Services Rendered**

Date	Services	Hours	Amount
10/01/10	dla Review And Analyze Plaintiff's Request For Hearing	0.40	87.13
10/04/10	dla Review And Reply To Correspondence Re Motion And Hearing	0.30	65.35
10/19/10	dla Preparation For Hearing On Motion For Return Of Forfeiture Funds	1.00	217.84
10/20/10	dla Prepare For And Attend Hearing On Motion To Compel Return Of Forfeited Monies; Draft Correspondence To Client Regarding Results Thereof	4.00	871.36

**Summary of Services**

	Rate	Hours	Amount
dla Daniel L Abbott - Shareholder	217.83	0.70	152.48
dla Daniel L Abbott - Shareholder	217.84	5.00	1,089.20
<b>Total Professional Services</b>		<b>5.70</b>	<b>\$1,241.68</b>

**For Disbursements Incurred**

Date	Description	Amount
09/30/10	Hand Deliveries - Courthouse Express Couriers, Inc.	55.21
	Photocopies	18.00
<b>Total Disbursements Incurred</b>		<b>\$73.21</b>

Client Ref: 0286 - 074  
Invoice # 123304

November 17, 2010  
Page 2

**Invoice Summary**

For Professional Services	1,241.68
For Disbursements Incurred	73.21
<b>Total this Invoice</b>	<u><u>\$1,314.89</u></u>
<b>Past Due Balance</b>	\$348.53
<b>Total Balance Due</b>	<u><u>\$1,663.42</u></u>





MIAMI - WEST PALM BEACH - TAMPA - KEY WEST - FT. LAUDERDALE - NAPLES - JACKSONVILLE - ORLANDO

SPM TO  
Celine

ACCOUNTING DEPARTMENT  
DADELAND CENTRE II  
9150 SOUTH DADELAND BOULEVARD  
SUITE 1400  
MIAMI, FLORIDA 33156

JML  
11/3/10

TELEPHONE (305) 350-5300  
FACSIMILE (305) 373-2294  
E-Mail: [accounting@csklegal.com](mailto:accounting@csklegal.com)

WEBSITE [www.csklegal.com](http://www.csklegal.com)

FEDERAL TAX ID# 65-0792149

November 12, 2010

Client No. 5045

Invoice No. 230767

COPY

Lynn Dannheisser  
Town of Surfside  
9293 Harding Ave  
Surfside FL 33154

RECEIVED  
11/22/10

**Dannheisser, Lynn**  
**Re: 0001-00 – John Davis v. Town of Surfside**

**For Professional Services Rendered through October 31, 2010**

<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Hours</u>
10/06/10	SAC	Prepare e-mail correspondence to Town Attorney, Lynn Dannheisser and David Allen regarding trial date.	0.10
10/08/10	GB	Check docket in case no. 2007-17286-ca-01 and 2007-35060-ca-01 to ensure no trial date has been set.	0.10
10/14/10	SAC	Receipt and analysis of [REDACTED]	0.90
10/15/10	GB	Check docket in case no. 2007-17286-ca-01 and 2007-35060-ca-01 to ensure no trial date has been set.	0.20
10/19/10	TES	Conference call with [REDACTED]	0.50
10/19/10	TES	Draft and receive emails from [REDACTED] draft and receive emails from D. Allen [REDACTED]	0.40
10/19/10	SAC	Receipt and analysis of email from [REDACTED] and [REDACTED]	0.10
10/20/10	TES	Receipt and review of email from [REDACTED]; calls and emails to [REDACTED] draft emails regarding same.	1.20
10/21/10	SAC	Receipt and analysis of email from Lynn Dannheisser regarding status of case.	0.10
10/21/10	SAC	Receipt and analysis of email from assistant Lita Mitchell regarding [REDACTED]	0.20
10/22/10	GB	Check docket in case no. 2007-17286-ca-01 and 2007-35060-ca-01 to	0.20

Invoice No. 230767

November 12, 2010

ensure no trial date has been set.

10/29/10	GB	Check docket in case no. 2007-17286-ca-01 and 2007-35060-ca-01 to ensure no trial date has been set.	0.20
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<b>Total Hours</b>	<u>4.20</u>
--------------------	-------------

**Summary of Services**

<u>Atty</u>		<u>Hours</u>	<u>Rate</u>	<u>Value</u>
GB	Bauza, Grace-Marie	0.70	110.00	77.00
SAC	Cole, Scott	1.40	250.00	350.00
TES	Scott, Thomas	2.10	300.00	630.00
		<u>Total Fees</u>	<u>4.20</u>	<u>\$1,057.00</u>

**Matter Summary**

**0001-00 – John Davis v. Town of Surfside**

<b>Total Fees</b>	<u>\$1,057.00</u>
<b>Total This Invoice</b>	<u>\$1,057.00</u>
<b>Previous Balance Due</b>	\$0.00
<b>Total Due This Matter</b>	<u>\$1,057.00</u>

CC:  
Chief David Allen  
Lynn Dannheisser

**From:** Marta Olchyk  
**Sent:** Tuesday, November 16, 2010 3:51 PM  
**To:** Debra Eastman  
**Subject:** RE: December Agenda Deadline Reminder

Please copy this for me as usual.

I will present the following item for our next December meeting:

Amend Rule 4.01 (iii) to read:

No meeting shall continue beyond 11:00p.m, any agenda action not covered during this time period shall be postponed for next Monthly Commission Meeting. Issues should be placed on the agenda based on their priority basis and their time sensitivity to be acted upon by the Commission.

ORDINANCE NO. - \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING RULE 4.01 OF ARTICLE VI. "RULES OF PROCEDURE FOR TOWN MEETINGS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, Section 20 of the Town Charter (the "Charter") provides that the Town Commission (the "Commission") of the Town of Surfside (the "Town") shall fix its rules of procedure; and

WHEREAS, Section 11(7) of the Charter allows the Commission to authorize procedures of advisory boards and commissions; and

WHEREAS, Ordinance No. 09-1511 passed on January 13, 2009 and Ordinance No. 09-1517 passed on April 14, 2009, the Town Commission adopted an amended set of rules and procedure, with certain of those rules being such that the Commission now wishes to amend further.

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

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

**Section 2.** ARTICLE VI. "RULES OF PROCEDURE FOR TOWN MEETINGS" of the Code is hereby amended to read as follows:<sup>1</sup>

**Sec. 2-203. Meetings.**

*Rule 4.01 Regular Meetings.*

(a) The commission shall hold regular meetings in accordance with its Charter or, if the Charter provision is amended, in accordance with an ordinance duly adopted by the commission, as may be amended from time to time.

(1) All regular and zoning meetings shall be held irrespective of whether or not any particular commission member (including the Mayor) may be able to attend unless otherwise agreed by a majority of the commission. Such meetings shall be held in the commission chambers at 9293 Harding Avenue, Surfside, Florida 33154, or such location as may be approved by a majority of the commission members present and shall be open to the public and all news media.

<sup>1/</sup> Proposed additions to existing Town Code text are indicated by underline; proposed deletions from existing Town Code text are indicated by ~~strikethrough~~.

(2) Regular meetings may be otherwise postponed or canceled by resolution or motion adopted at a regular meeting by a majority of the commission members present.

(3) No meeting shall continue beyond 11:00 p.m. ~~unless by a vote the majority of the members of the commission present, the commission agrees to extend the meeting beyond this time.~~ Any action item not considered by this time shall be postponed until the next monthly commission meeting. Issues should be placed on the agenda or considered at the meeting based on their priority and time sensitive nature.

(4) Workshops may be scheduled at the request of the town manager, the town attorney or a majority of the commission at any time, provided appropriate notice is given.

(b) Zoning matters shall be scheduled as part of regular commission meetings unless otherwise decided by the commission.

(c) The second reading (public hearing) of the annual budget ordinance shall be considered at a meeting at which the said budget ordinance and the levy of the millage are the only items on the agenda.

**Section 3.** To the extent of any conflict between the Ordinance and the Charter of the Town, the provision of the Charter shall control.

**Section 4.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 5.** It is the intention of the Town Commissioners, and it is hereby ordained that the provisions of this ordinance, shall become and be made a part of the Code of the Town of Surfside, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 6.** This ordinance shall become effective upon adoption on second reading.

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

PASSED AND ADOPTED on second reading this \_\_ day of January, 2011.

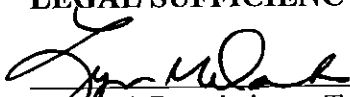
Ordinance No. \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

\_\_\_\_\_  
Debbie Eastman, CMC  
Town Clerk

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

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: \_\_\_\_\_

On First Reading Second by: \_\_\_\_\_

**Vote:**

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


Ordinance No. \_\_\_\_\_



## TOWN OF SURFSIDE

9293 HARDING AVENUE  
 SURFSIDE, FLORIDA 33154  
 (305) 861-4863 \* FAX: (305) 861-1302  
 WWW.TOWNOFSURFSIDEFL.GOV

## MEMORANDUM

TO: Elected Officials  
 FROM: Roger M. Carlton, Interim Town Manager   
 DATE: December 13, 2010  
 SUBJ: Contribution Amount to Parking Trust Fund in SD-B40  
 Zoning District per Zoning District

The Town Commission has expressed support for enhancing sound new development and renovation in the SD-B40 downtown area. One manner to reach this goal is to allow on-site parking needs to be met by contributing to the Parking Trust Fund that will be used at a future date to build a parking structure in a nearby area.

While the ordinance to set up the fund has already been approved, the Manager is required to establish the initial per space cost. It is my recommendation to establish the cost at \$22,500 per space. This cost, which may change from time to time based on actual costs, is the mid-point between \$20,000 and \$25,000 per space. That range will build a high quality garage that would be a source of pride to the community in today's market.

It is important to introduce an expanded concept for consideration in the future. This would allow applicants to defer up to 50 percent of the \$22,500 (\$10,250) and make an incremental monthly space rental payment that amortizes the balance over five years. Essentially, this allows an upfront cost reduction to enhance and accelerate downtown improvements.

There are other issues to be resolved as follows:

1. What should the base rental fee be if an applicant pays the full amount up front or chooses the reduced amount. It is recommended that the base rental should be the cost of operating the facility per space.
2. Once the base rental is established should there be interest if the applicant choose to amortize the partial balance over time. There are two ways to achieve this. One is interest on the balance and the other is granting the Town an equity position on the building which would be paid upon each refinancing (cash out) or sale.
3. Should there be a process to determine if and when the Parking Trust Fund should be used to "buy down" the cost of a garage. Yes, traditionally a feasibility study is completed and a decision is made regarding the entire funding package for the parking facility.
4. The manner in which the future payments are guaranteed should be determined. At a minimum, a covenant running with the land is filed with the Clerk of the Court so that the Town's position becomes a matter that must be settled upon sale or refinancing.


In summary, the requirement of Ordinance No. 10-1556 for the Town Manager to establish a per space cost has been met with the \$22,500 cost. The remaining issues will be researched and a more detailed recommendation will be made in the future.



## TOWN OF SURFSIDE

9293 HARDING AVENUE  
SURFSIDE, FLORIDA 33154  
(305) 861-4863 • FAX: (305) 861-1302  
WWW.TOWNOFSURFSIDEFL.GOV

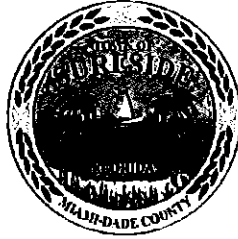
## MEMORANDUM

**TO:** Elected Officials  
**FROM:** Roger M. Carlton, Interim Town Manager   
**DATE:** December 13, 2010  
**SUBJ:** Revised Administrative policy No. 102: Drug and Alcohol Free Workplace and Substance Abuse Testing Procedures

Drug Free Workplace policies have become common practice for government and private employers. By adopting the policy presented in the December 14, 2010 Town Commission agenda package as Item 5D, the Florida League of Cities will reduce the cost of our worker's compensation insurance by 5 percent or \$7900 per year.

In addition to the savings, an enlightened drug free workplace policy will be used to help employees with an abuse problem and to ensure that appropriate disciplinary action is taken, if necessary, on a policy known to employees in advance.





**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 *LMD*

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

**DATE:** December 14, 2010

**SUBJECT:** Retainer of Weiss Serota re RLUIPA lawsuit

---

**Recommendation:** It is recommended that the Commission pass this resolution retaining Weiss Serota to represent the Town in the case captioned **YOUNG ISRAEL OF BAL HARBOUR, INC. V. TOWN OF SURFSIDE** CASE NO: 10-CV-24392 IN THE UNITED DISTRICT COURT FOR THE SOUTHERN DISTRICT, FLORIDA

**Reasons:** The attached letter from the firm details well the reasons I am making this recommendation.

WEISS SEROTA HELFMAN  
PASTORIZA COLE & BONISKE, P.L.

ATTORNEYS AT LAW

A PROFESSIONAL LIMITED LIABILITY COMPANY  
INCLUDING PROFESSIONAL ASSOCIATIONS

BROWARD OFFICE

200 EAST BROWARD BOULEVARD

SUITE 1900

FORT LAUDERDALE, FLORIDA 33301

TELEPHONE 954-763-4242

FACSIMILE 954-764-7770

WWW.WSH-LAW.COM

MIAMI-DADE OFFICE

2525 PONCE DE LEON BOULEVARD • SUITE 700

CORAL GABLES, FLORIDA 33134

TELEPHONE 305-854-0800 • FACSIMILE 305-854-2323

\*OF COUNSEL

BROOKE P. DOLARA  
RAQUEL ELEJABARRIETA  
CHAD S. FRIEDMAN  
OLIVER GILBERT\*  
MACADAM J. GLINN  
R. BRIAN JOHNSON  
JOHN J. KENDRICK III  
HARLENE SILVERN KENNEDY\*  
KAREN LIEBERMAN\*  
JOHANNA M. LUNDGREN  
KATHRYN M. MEHAFFEY  
MATTHEW PEARL  
JOHN J. QUICK  
AMY J. SANTIAGO  
DANIEL A. SEIGEL  
GAIL D. SEROTA\*  
JONATHAN C. SHAMRES  
ESTRELLITA S. SIBILA  
ALISON F. SMITH  
ANTHONY C. SOROKA  
EDUARDO M. SOTO  
JOANNA G. THOMSON  
MICHELLE D. VOS  
PETER D. WALDMAN\*  
JAMES E. WHITE  
DEREK R. YOUNG

MITCHELL BIERMAN, P.A.  
NINA L. BONISKE, P.A.  
MITCHELL J. BURNSTEIN, P.A.  
JAMIE ALAN COLE, P.A.  
STEPHEN J. HELFMAN, P.A.  
GILBERTO PASTORIZA, P.A.  
MICHAEL S. POPOK, P.A.  
JOSEPH H. SEROTA, P.A.  
SUSAN L. TREVARTHEN, P.A.  
RICHARD JAY WEISS, P.A.  
DAVID M. WOLPIN, P.A.

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SCOTT A. ROBIN  
BRETT J. SCHNEIDER  
CLIFFORD A. SCHULMAN  
LAURA K. WENDELL

LORI ADELSON\*  
LILLIAN M. ARANGO  
CARLA M. BARROW\*

December 13, 2010

VIA EMAIL AND REGULAR MAIL

[ldannheisser@townofsurfsidefl.gov](mailto:ldannheisser@townofsurfsidefl.gov)

Lynn Dannheisser, Esq.

Town Attorney, Town of Surfside Town Hall

9293 Harding Avenue

Surfside, FL 33154

Re: Young Israel of Bal Harbour, Inc. v Town of Surfside Retainer Letter

Dear Lynn:

Enclosed please find the retainer letter that you requested, to defend the Town from the federal court litigation referenced above. As requested, Joe Serota and I will have principal responsibility for this matter, and this letter explains why we are the best firm to handle it. The combination of our past knowledge and involvement with this issue, our expertise in the field of regulation of religious land uses, and our extensive litigation experience in the Southern District make us uniquely qualified to handle this matter in an efficient and effective manner.

First, we already know about the issues alleged in the litigation. I worked with you on the adoption of the Town's ordinance establishing the new zoning scheme for religious uses, on the ordinance adopting the zoning relief procedures, and on the various applications and issues raised by this plaintiff. As the threat of litigation became more concrete, Joe has worked with us to assist in placing the Town in the best possible posture.

Second, there have only been a handful of RLUIPA decisions in the Southern District of Florida since the statute was enacted in 2000, and the firm and its attorneys have been involved in

Lynn Dannheisser, Esq.  
December 13, 2010  
Page 2

at least three of them: *Chabad of Nova, Inc., v. City of Cooper City*, 2008 WL 2949439 (S.D. Fla. 2008) (the firm was brought in post-summary judgment to revise the regulations to conform to RLUIPA and consult with insurance counsel handling the case); *Williams Island Synagogue, Inc. v. City of Aventura*, 358 F. Supp. 2d 1207 (S.D. Fla. 2005) (the firm handled the approval processes at the City and then the litigation); and *Hollywood Community Synagogue, Inc. v. City of Hollywood*, 430 F. Supp. 2d 1296 (S.D. Fla. 2006) (a firm attorney was the city attorney involved in defending the matter).

Third, Joe is one of the premier federal court litigators in the Southern District, and has extensive experience defending local governments against a wide range of land use and constitutional claims. He also has a good relationship with the judge to which this case has been assigned, and he serves on a committee appointed by Chief Judge Moreno with the Magistrate Judge for this matter.

Finally, I have extensive experience counseling local governments on the issues presented by RLUIPA as well as other land use regulatory issues under the First Amendment, and have spoken and published widely on these matters.

For all of these reasons, we believe that we are the best firm to defend the Town from this litigation, and hope that you and the Town Commission will agree. Thank you for the opportunity to be of service to the Town.

Respectfully submitted,



Susan L. Trevarthen

cc: Joseph Serota

**RESOLUTION NO. 2010- \_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AGREEMENT WITH WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKE P.A. TO REPRESENT THE TOWN IN THE CASE CAPTIONED YOUNG ISRAEL OF BAL HARBOUR, INC. V. TOWN OF SURFSIDE CASE NO: 10-CV-24392 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Town Commission of the Town of Surfside, Florida (“TOWN”) wishes to enter into a retainer agreement with Weiss Serota to represent the Town in the litigation captioned Young Israel of Bal Harbour v. Town of Surfside; and

**WHEREAS**, the Town Commission believes that it is in the best interest of the Town to enter into this agreement attached as Exhibit “A” inasmuch as the firm has assisted in the creation of the RLUIPA Ordinance, is familiar with the entire four year history surrounding this matter, and has been involved in three RLUIPA cases in other municipalities in South Florida;

**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 execution of the retainer agreement attached hereto as Exhibit “A” on the terms contained therein and authorizes the Town Attorney and Town Manager to do all things necessary to effectuate this Agreement.

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

**PASSED and ADOPTED** on this 14<sup>th</sup> day of December, 2010.

Motion by Commissioner \_\_\_\_\_, second by Commissioner \_\_\_\_\_.

FINAL VOTE ON ADOPTION

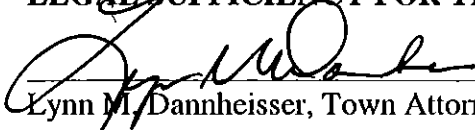
Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Edward Kopelman \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Joseph Graubart \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

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

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

WEISS SEROTA HELFMAN  
PASTORIZA COLE & BONISKE, P.L.

ATTORNEYS AT LAW

MITCHELL BIERMAN, P.A.  
NINA L. BONISKE, P.A.  
MITCHELL J. BURNSTEIN, P.A.  
JAMIE ALAN COLE, P.A.  
STEPHEN J. HELFMAN, P.A.  
GILBERTO PASTORIZA, P.A.  
MICHAEL S. POPOK, P.A.  
JOSEPH H. SEROTA, P.A.  
SUSAN L. TREVARTHEN, P.A.  
RICHARD JAY WEISS, P.A.  
DAVID M. WOLPIN, P.A.

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JAMES E. WHITE  
DEREK R. YOUNG

December 13, 2010

VIA EMAIL AND REGULAR MAIL

[ldannheisser@townofsurfsidefl.gov](mailto:ldannheisser@townofsurfsidefl.gov)

Lynn Dannheisser, Esq.

Town Attorney

Town of Surfside Town Hall

9293 Harding Avenue

Surfside, FL 33154

Re: Young Israel of Bal Harbour, Inc. v Town of Surfside

Dear Lynn:

We are pleased that you wish to engage our Firm to perform legal services for the Town of Surfside. From our experience, we have found that clients appreciate a frank and open discussion and understanding of the services that we will perform and the basis upon which they will be expected to pay for those services.

This letter is intended to set forth our understanding as to the nature and scope of the legal services we have agreed to render for you, the amount of our fees for those services, the manner in which our fees for those services shall be determined and the terms upon which you will make payment.

1. Nature of Legal Services. You have engaged us with regard to the above-referenced pending litigation, and any and all issues related to the subject matter of the litigation.

2. Fees for Services. You will be charged and agree to pay for our services on

the basis of hourly rates established from time to time for the attorneys in our Firm, together with applicable taxes if any. It is contemplated that Joseph Serota and Susan Trevarthen will have primary responsibility for this matter. The discounted, blended hourly rate to be charged for the time of all partners on this matter, to you as a governmental client, is \$250, with \$215 for associates, and \$95 for paralegals. It is our practice to charge for actual time expended on your behalf, but not less than 2/10ths of an hour for each activity.

3. Costs. In addition to the attorneys fees discussed in paragraph 2, the firm will add a 2.5% administrative fee to each bill to cover administrative costs such as delivery charges, long distance telephone charges, photocopies (xerox), postage, faxes, and computer research expenses. Non-incident costs such as court reporter expenses (including cost of transcript and court reporter's fee for attendance), court costs (such as filing fees, service of process, newspaper publication costs, subpoena costs, witness fees, recording fees, etc.), accounting and appraisal fees, expert fees, trial/hearing exhibit costs, investigation costs, and applicable lobbyist registration fees, will continue to be itemized and billed.

4. Payment of Fees and Costs. Our invoices will be submitted to you on a monthly basis and each invoice will be due and payable when rendered. You must understand that if any invoice remains unpaid for more than 30 days after it is rendered, we reserve the right, in our discretion (subject to court approval, if necessary), to cease to provide further legal services to you. You will, however, be liable to us for the payment of any fees earned and any costs incurred by us to that time, together with any applicable taxes. In the event we are ultimately required to bring suit to collect any unpaid fees and costs, you understand that you will be required to pay reasonable attorneys' fees as well as legal interest on the amount of any fees and costs due us. You further understand that we have the right to retain any and all files, papers and other property coming into our possession in connection with our engagement without any liability to you until we have been paid all costs, fees and interest due us under this agreement. You also agree to the imposition of a charging lien for any monies due us on all real and personal property that is preserved, protected or obtained as a result of the representation undertaken herein. Interest at the rate of 12% per annum will be added to any invoice which remains unpaid for more than 30 days after it is rendered.

5. Withdrawal from Representation. We reserve the right to withdraw from representing you if you have misrepresented or failed to disclose material facts to us, or if we disagree about the course of action which should be pursued.

6. Representation of Other Clients. We are bound by rules of legal ethics not to represent any client if the representation of that client will be directly adverse to the interests of another client unless each such client consents to such representation after consultation. If this letter is addressed to more than one person, your signature of this letter will constitute such

Lynn Dannheisser, Esq.  
December 13, 2010  
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consent from each of you with respect to the matter or matters specifically described in the paragraph of this letter entitled "Nature of Legal Services."

7. Fees for Other Services. In the event you ask us to render legal services with respect to other matters, in the absence of a written agreement specifically addressing that representation, the other matters will be handled on an hourly basis, and fees and costs will be payable under the same terms and conditions as provided for in paragraph 2 of this letter.

8. Commencement of Representation. If the foregoing is agreeable to you, please acknowledge your understanding and agreement by signing this letter and delivering it to us, together with payment of the retainer and/or cost deposit set forth above, if any.

We appreciate your confidence in our Firm and we assure you that we will make every effort to perform our services in a prompt and efficient manner.

Very truly yours,

WEISS SEROTA HELFMAN  
PASTORIZA COLE & BONISKE, P.L.

By:   
Susan L. Trevarthen

AGREED AND ACCEPTED on \_\_\_\_\_, 2010.

By: \_\_\_\_\_  
Lynn Dannheisser

WEISS SEROTA HELFMAN  
PASTORIZA COLE & BONISKE, P.L.





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

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

To: Mayor, Vice Mayor and Town Commission  
From: Debra Eastman, MMC Town Clerk *DE*  
Date: December 13, 2010  
Subject: January Town Commission Meeting Date

Tuesday, January 11, 2011 is the date of the regular Town Commission meeting. The agenda for that meeting is currently scheduled to be distributed on Wednesday, January 5, 2011. The preparation of agenda materials will be impacted for many by the holiday closings and surrounding vacation time with family.

Therefore, it is respectfully proposed that the Town Commission consider holding the January, 2011 Town Commission meeting one week later on Tuesday, January 18, 2011. The agenda for the January 18 meeting will be distributed on Wednesday, January 12, 2011.

The change of meeting date can be accomplished by a majority vote of the Town Commission. Thank you for your consideration.